

**UNIFIED DEVELOPMENT ORDINANCE OF
WILSON COUNTY, NORTH CAROLINA**



**Wilson
County**

North Carolina

ADOPTED NOVEMBER 2, 2009

EFFECTIVE JANUARY 1, 2010

ORDINANCE/TEXT AMENDMENTS

Each Amendment is denoted in this Ordinance by the Preceding Parentheses

- (01) Z-2010-01 "Internet Café" - Adopted, May 3, 2010
- (02) OA-2013-01 "Article 14 Flood Damage Prevention" - Adopted, March 5, 2013
- (03) OA-2013-02 "Solar Farms" - Adopted, April 6, 2013
- (04) OA-2015-01 "Security Fences" – Solar Farms - Adopted, June 1, 2015
- (05) OA-2015-02 "Abandonment" – Solar Farms - Adopted, June 1, 2015
- (06) OA-2015-03 "Special Use Permits" - Adopted, November 2, 2015
- (07) OA-2015-04 "Solar Farms" - Adopted, November 2, 2015
- (08) OA-2015-05 "Landscaping Bond" - Adopted, November 2, 2015
- (09) OA-2016-02 "Voting" - Adopted, July 11, 2016 (OA-2016-01 was found to be in violation of NC General Statutes)
- OA-2016-02 "Action by the Board of Adjustment - Adopted July 11, 2016 (OA-2016-01 was found to be in violation of NC General Statutes)
- (10) OA-2017-01 "Game Centers" - Adopted March 5, 2018
- OA-2017-01 "Internet Café" - Adopted March 5, 2018
- (11) OA-2018-01 "Permitted Signs – Table 11.1" - Adopted August 6, 2018
- (12) OA-2018-02 "Landfill C&D, LCID and MSW" - Adopted December 3, 2018
- (13) OA 2019-01 "Internal & External Illumination – Table 11-1" - Adopted May 6, 2019
- (14) OA-2019-02 "Monument Sign" - Adopted, October 7, 2019
- (15) OA-2020-01 "Review and Approval Authority – Table 2-1" - Adopted May 4, 2020
- (16) OA-2019-03 "Accessory-Residential Use/Structure (water/sewer) – Table 7-2" - Adopted July 6, 2020
- (17) OA 2020-02 "Amendments to Conform to the Requirements of New Land Use Law, Chapter 160D of NC General Statutes" – Adopted December 7, 2020
- (18) OA 2023-01 "Direct Access Required" – Adopted October 2, 2023
- (19) 24-UDO-01 "Amendment for water service extension" – Adopted February 5, 2024
- (20) UDO-24-02 "Amendment – Table 7-2 Table of Permitted Accessory Structures and Uses" – Adopted June 3, 2024
- (21) UDO-24-03 "Amendment – Section 11.7 Billboard Regulations" – Adopted June 3, 2024

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Article I. ARTICLE 1 – GENERAL PROVISIONS

1.1 Title

This document shall officially be known as the “Unified Development Ordinance of Wilson County, North Carolina” and may be referred to throughout the document as the “UDO” or the “Ordinance”.

1.2 Authority

This Ordinance consolidates the County’s land use regulatory authority as authorized by the North Carolina General Statutes, and is adopted pursuant to the authority granted to Wilson County by Chapter 160D, Article 2, of the North Carolina General Statutes and any special legislation enacted for the County by the North Carolina General Assembly.

1.3 Effective Date

This Ordinance shall become effective on January 1, 2010.

1.4 Applicability and Jurisdiction

1.4.1 General Applicability

The provisions of this Ordinance shall apply to the use and development of all land within the unincorporated area of Wilson County, North Carolina unless such use or development is expressly exempted by a specific Section or Subsection of this Ordinance.

1.4.2 Application to Government Units

Except as stated herein, the provisions of this Ordinance shall apply to:

- (A)** The development and use of land owned by the County.
- (B)** The development and use of land owned by public colleges and universities.
- (C)** The development and use of buildings owned by the State of North Carolina and its political subdivisions.
- (D)** To the extent permitted by law, the development and use of land owned or held in tenancy by the government of the United States.

1.4.3 Bona-fide Farm Exemption

The provisions of this Ordinance do not apply to bona fide farms, as defined by the North Carolina General Statutes, except for those parts of farm property which are used for nonfarm purposes.

1.5 Purpose and Intent

The purpose of this Ordinance is to protect the health, safety, and general welfare of the citizens of Wilson County. The intent of this Ordinance is more specifically to:

- 1.5.1 Implement the land use goals and objectives of the Wilson County 2025 Comprehensive Plan and ensure consistency with other adopted plans which affect the County.
- 1.5.2 Enhance and complement the County's Voluntary Agricultural District program's goals of ensuring the viability of agricultural uses by protecting them from encroachment by incompatible land uses.
- 1.5.3 Encourage environmentally responsible development practices.
- 1.5.4 Maintain economically vibrant and attractive commercial areas.
- 1.5.5 Protect the character and quality of established residential neighborhoods.
- 1.5.6 Promote economic development and expand the range of employment opportunities for the citizens of Wilson County.
- 1.5.7 Protect life and property from harm by regulating development in areas where natural hazards exist.
- 1.5.8 Provide for a wide range of housing opportunities for the citizens of Wilson County.
- 1.5.9 Ensure that adequate infrastructure is constructed to support future development.
- 1.5.10 Guide the timing and location of more intensive residential and commercial development in accordance with the policies of the Wilson County 2025 Comprehensive Plan.
- 1.5.11 Coordinate land use and development decisions with transportation improvements to reduce congestion and ensure the safety of the roads in Wilson County.

1.6 General Rules of Interpretation

1.6.1 Literal Interpretation

The language of this Ordinance must be read and interpreted literally. Regulations contained within this Ordinance are no more or less strict than stated.

1.6.2 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction apply unless the context clearly indicates otherwise:

(A) Meaning of Words

Words listed in Article 15, Definitions, have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

(B) Tense

Words used in the present tense include the future tense. The reverse is also true.

(C) Singular and Plural

Words used in the singular include the plural. The reverse is also true.

(D) Mandatory Terms

The words “shall”, “will”, “must” and “may not” are mandatory or compulsory in nature, implying an obligation or duty to comply with the particular provision.

(E) Gender

Words used in the male gender include the female gender. The reverse is also true.

(F) Days

Any reference to “days” means calendar days unless otherwise specified.

(G) Reference

Any reference to an Article, Section or Paragraph means an Article, Section or Paragraph of this Ordinance, unless otherwise specified.

(H) Tables, Figures and Illustrations

Tables, figures and illustrations are provided for reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any table, figure or illustration, the text shall govern.

(I) Current Versions and Citations

All references to other County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

(J) Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

(K) Delegation of Authority

Whenever a provision appears requiring a specific officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.

(L) Calculations and Rounding

Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.

1.7 Conflicting Provisions

1.7.1 Conflict with State or Federal Regulations

If any provisions of this Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

1.7.2 Conflict with Local Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

1.7.3 Conflict with Private Agreements and Contracts

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The County has no responsibility for monitoring or enforcing private agreements or contracts.

1.8 Official Maps⁽¹⁷⁾

1.8.1 Generally

(A) The Official Zoning Map designates the location and boundaries of the zoning districts established by this Ordinance. The Official Zoning Map shall be kept on file with the County Clerk, and is available for public inspection during normal business hours. The original official version of the map shall be certified by the

County Clerk, and shall bear the seal of the County. It shall be the final authority as to the status of the current zoning district classification of land within the County's jurisdiction, and shall only be amended in accordance with the provisions of this Ordinance. The Official Zoning Map may be in paper or a digital format approved by the Board of Commissioners.

(B) Incorporation by Reference

Pursuant to NCGS 160D-105, FEMA Flood Insurance Rate Maps, U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps, Watershed Boundary Maps, the Wilson County Zoning Map, or any other maps officially adopted or promulgated by the state and federal agencies are hereby incorporated by reference. Official maps may be in paper or digital format approved by the Board of Commissioners.

1.8.2 Interpretation of District Boundaries

- (A)** A boundary shown on the map as approximately following the centerline of a street, highway or alley is construed as following such centerline.
- (B)** A boundary shown on the map as approximately following a parcel boundary is construed as following the parcel boundary as it actually existed at the time the zoning boundary was established.
- (C)** A boundary shown on the map as approximately following a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.
- (D)** A boundary shown on the map as approximately following a political, administrative, or other jurisdictional boundary is construed as following that boundary.
- (E)** A boundary shown on the map as approximately parallel to, or as an extension of, a feature described above is construed as being actually parallel to, or an extension of, the feature.
- (F)** When a property is split between two or more jurisdictions, all jurisdictions and the property owner must agree in writing to have one jurisdiction's regulation govern the development of the property. The Governing Boards of each jurisdiction must adopt a resolution of agreement and said resolution must be recorded in the office of the Register of Deeds.⁽¹⁷⁾

1.9 Transitional Provisions

1.9.1 Effect on Valid Building Permits and Vested Rights

Unless the property owner consents, this Ordinance does not apply to the completion of the development of buildings or uses for which either:

- (A)** Building permits have been issued pursuant to NCGS 160D-1110 prior to January 1, 2010, so long as the permits remain valid and unexpired pursuant to NCGS 160D-1111 and unrevoked pursuant to NCGS 160D-1115; or

(B) A vested right has been established pursuant to NCGS 160D-108 and such right remains valid and unexpired pursuant to NCGS 160D-108.

1.9.2 Other Approvals Granted Prior to the Effective Date

Variances, special use permits, subdivision plats, site plans and other similar development approvals that are valid on December 31, 2009 will remain valid until their expiration date if applicable. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with the provisions of this Ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of any re-application.

1.9.3 Applications in Process Prior to Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plan approvals and other similar development approvals that were submitted in complete form and are pending approval on January 1, 2010 must be reviewed wholly under the terms of the Ordinance in effect on December 31, 2009. Any reapplication for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.9.4 Violations Continue

Violations of the previous Ordinance which are in violation of this Ordinance will continue to be a violation and will be subject to penalties and enforcement action under Article 4, Enforcement. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous Ordinances.

1.10 Severability

Should any Article, Section, clause, phrase or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or the United States, such decision does not affect, impair or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

Article II. ARTICLE 2 – ADMINISTRATION

2.1 General

2.1.1 Administrative Bodies

The following elected and appointed bodies and County staff members shall have powers and responsibilities in administering this Ordinance and for reviewing and making decisions on applications for development approval, appeals and amendments to the Ordinance:

- (A)** Board of Commissioners
- (B)** Planning Board
- (C)** Board of Adjustment
- (D)** Ordinance Administrator

2.1.2 Organization

With the exception of the Board of Commissioners, each of the Boards provided for by this Ordinance must adopt rules and maintain records in conformance with the following:

(A) Rules of Conduct

A Board must adopt rules necessary to conduct its affairs and to establish Board organization, procedures, and the conduct of its meetings.

(B) Conformance of Rules

The rules adopted by a Board must be in accordance with State law and the provisions of this Ordinance.

(C) Election and Terms of Officers

Each Board shall elect a Chairman and Vice Chairman from its membership. These officers shall serve for a term of one year, or until the expiration of the term of their appointment to the Board on which they serve.

(D) Record of Meetings

Each Board must keep accurate minutes of its proceedings and the actions taken in its meetings. When holding quasi-judicial hearings, the Board of Commissioners and the Board of Adjustment shall keep a full transcript of the meeting and maintain a record of all evidence presented in the course of the hearing.

(E) Temporary Disqualification⁽¹⁷⁾

- (1) Governing Board** (Board of Commissioners). Members of the governing board shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (NCGS 160D-109)
- (2) Appointed Boards.** Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (NCGS 160D-109)
- (3) Administrative staff.** No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. (NCGS 160D-109(c))

2.2 Board of Commissioners

2.2.1 Organization

Unless specifically modified in this Ordinance, the Board of Commissioners must conform to the rules and procedures that it utilizes during the conduct of its regular business.

2.2.2 Powers and Duties

In the application and enforcement of this Ordinance, the Board of Commissioners has the following powers and duties:

(A) Final Approval Authority

The Board of Commissioners is the approving authority for the following:

- (1) Zoning Map Amendments (3.2.1)**
- (2) Unified Development Ordinance Text Amendments (3.2.2)**

- (3) Conditional Zoning District Classifications (3.2.3)
- (4) Preliminary Plat – Major Subdivision (3.2.8(E))
- (5) Establishment of Vested Rights (3.2.15)
- (6) Must be party to any development agreement entered into with a developer⁽¹⁷⁾

2.3 Planning Board

2.3.1 Authority and Establishment

The Wilson County Planning Board is hereby established pursuant to the authority of NCGS 160D-301.

2.3.2 Membership

- (A) The Planning Board shall consist of ten (10) members appointed by the Wilson County Board of Commissioners.
- (B) Each Planning Board Member must take an oath of office before starting his or her duties.⁽¹⁷⁾ (NCGS 160D-309)

2.3.3 Quorum

Six (6) or more members of the Planning Board shall constitute a quorum.

2.3.4 Powers and Duties

In the application and enforcement of this Ordinance, the Planning Board has the following powers and duties:

- (A) The clerk to the Planning Board shall be responsible for keeping the minutes of proceedings of each meeting.⁽¹⁷⁾ (NCGS 160D-308)

(B) Review and Recommendation

The Planning Board has review and recommendation responsibility for the following:

- (1) Zoning Map Amendments (3.2.1)
- (2) Unified Development Ordinance Text Amendments (3.2.2)
- (3) Conditional Zoning District Classifications (3.2.3)
- (4) Preliminary Plat – Major Subdivisions (3.2.8(E))
- (5) Establishment of Vested Rights (3.2.15)

(C) Final Approval Authority

The Planning Board is the approving authority for the following:

- (1) High Density Development Permit (3.2.13)

2.3.5 Voting

(A) Required Vote for Recommendation of Approval

The concurring affirmative vote of a majority of the members present and qualified to vote is required to make a recommendation or any other decision in favor of an applicant. Tie votes must be considered recommendations for disapproval.

(B) Vote of the Chairman

The Chairman of the Planning Board, or Vice Chairman serving in that role in his absence or temporary disqualification, shall vote as any other member of the Board.

2.4 Board of Adjustment

2.4.1 Authority and Establishment

The Wilson County Board of Adjustment is hereby established pursuant to the authority of NCGS 160D-302.

2.4.2 Membership

- (A) The Board of Adjustment shall consist of five (5) regular members and two (2) alternate members appointed by the Wilson County Board of Commissioners.
- (B) Each Board of Adjustment Member must take an oath of office before starting his or her duties.⁽¹⁷⁾ (NCGS 160D-309)

2.4.3 Quorum

Three (3) or more members of the Board of Adjustment shall constitute a quorum.

- (A) In cases where a quorum of the board is not present, the hearing shall be continued until the next regular board meeting without further advertisement.⁽¹⁷⁾ (NCGS 160D-406(b))

2.4.4 Powers and Duties

In the application and enforcement of this Ordinance, the Board of Adjustment has the following powers and duties:

(A) The clerk to the Board of Adjustment shall be responsible for keeping the minutes of proceedings of each meeting.⁽¹⁷⁾ (NCGS 160D-308)

(B) Final Approval Authority

The Board of Adjustment is the final approval authority for the following:

- (1) Variances (3.2.5)
- (2) Watershed Variances (3.2.5(M))
- (3) Floodplain Variances (3.2.5(N))
- (4) Special Use Permits (3.2.4)

(C) Appeals

The Board of Adjustment shall hear and decide on the following appeals:

- (1) Appeals of denials of Site Development Plan approval (3.2.7)
- (2) Appeals of denials of Minor Subdivision approval (3.2.8(G))
- (3) Appeals of denials of Land Development Permit approval (3.2.9)
- (4) Appeals of denials of Floodplain Development Permit approval (3.2.11)
- (5) Appeals of denials of Watershed Protection Permit approval (3.2.12)
- (6) Appeals of administrative decisions (3.2.14)

2.4.5 Voting⁽⁰⁹⁾⁽¹⁷⁾

The concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to grant a Variance from the provisions of the Ordinance.

A simple majority vote by the Board of Adjustment is required to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance.

For the purposes of this Section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter under NCGS 160D-109(d) shall not be considered “members of the board” for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

2.5 Ordinance Administrator

2.5.1 Appointment

The Board of Commissioners shall appoint an Ordinance Administrator who shall be charged with administering and enforcing the provisions of this Ordinance. The Ordinance Administrator may delegate any authority or duties prescribed to him in order to ensure the efficient administration of the Ordinance.

2.5.2 Powers and Duties

In the application and enforcement of this Ordinance, the Ordinance Administrator has the following powers and duties:

(A) Review and Recommendation

The Ordinance Administrator has review and recommendation responsibility for the following:

- (1) Zoning Map Amendments (3.2.1)
- (2) Unified Development Ordinance Text Amendments (3.2.2)
- (3) Conditional Zoning District Classifications (3.2.3)
- (4) Conceptual Site Plan – Site Development Plan (3.2.6(C)(1))
- (5) Conceptual Site Plan - Conditional Zoning District Classification (3.2.6(C)(2))
- (6) Conceptual Site Plan – Special Use Permit (3.2.6(C)(2))
- (7) Subdivision Sketch Plats (3.2.8(D))
- (8) Major Subdivision Preliminary Plats (3.2.8(E))
- (9) High Density Development Permits (3.2.13)
- (10) Establishment of Vested Rights (3.2.15)

(B) Final Approval

The Ordinance Administrator has final approval authority for the following:

- (1) Site Development Plans (3.2.7)
- (2) Minor Subdivision Plats (3.2.8(G))
- (3) Land Development Permits (3.2.9)
- (4) Certificates of Compliance (3.2.10)
- (5) Floodplain Development Permits (3.2.11)

(6) Watershed Protection Permits (3.2.12)

(7) Major Subdivision Final Plat (3.2.8(F))⁽¹⁵⁾

(C) Additional Duties⁽¹⁷⁾

(1) Establish application content requirements and a submission schedule for review of applications and appeals.

(2) Maintain the Official Zoning Map and related materials

(3) Enforce the regulations contained within this Ordinance.

(4) Maintain the official copy of the Unified Development Ordinance and ensure that it is updated upon the approval of a text amendment.

(5) Maintain a record of all permits and approvals.

In carrying out any of the duties specified by Subsections (A) and (B) above, the Ordinance Administrator may convene a Technical Review Committee (TRC) composed of representatives of agencies with expertise on, or regulatory authority over, an aspect of the development proposal. These agency representatives may include but not limited to district highway engineer, county health director or his or her designee and any other agency or official. The composition of the TRC shall be at the discretion of the Ordinance Administrator, and may either be a standing or ad hoc committee based upon the scope or type of review. The TRC shall provide advice and technical information to the Ordinance Administrator regarding development proposals in order to ensure a full and coordinated review of development proposals.

2.6 Summary of Review and Approval Authority

The table on the following page summarizes review and approval authority under this Ordinance.

Table 2-1: Summary of Review and Approval Authority

APPLICATION TYPE	REVIEWING / DECISION-MAKING BODY			
	ORDINANCE ADMINISTRATOR	PLANNING BOARD	BOARD OF ADJUSTMENT	BOARD OF COMMISSIONERS
Unified Development Ordinance Text Amendment	R	R		D
Zoning Map Amendment	R	R		D
Conditional Zoning Classification	R	R		D
Major Subdivision Preliminary Plat	R	R		D
Major Subdivision Final Plat ⁽¹⁵⁾	D			
Minor Subdivision	D		A	
Variance			D	
Watershed Variance			D	
Floodplain Variance			D	
Special Use Permit ⁽⁰⁶⁾			D	
Land Development Permit	D		A	
High Density Development Permit	R	D		
Site Development Plan	D		A	
Sketch Plan – Major Subdivision	R			
Conceptual Site Plan – Site Development Plan	R			
Conceptual Site Plan – Conditional Zoning Class	R			
Conceptual Site Plan – Special Use Permit	R			
Watershed Protection Permit	D		A	
Floodplain Development Permit	D		A	
Administrative Appeal			D	
Establishment of Vested Rights	R	R		D
R – Review / Recommendation D – Decision A – Hears Appeal of Decision				

Article III. ARTICLE 3 – REVIEW AND APPROVAL PROCEDURES

3.1 Common Review Procedures

3.1.1 Authority to File Application

Applications for development approval submitted under this Ordinance in accordance with Section 3.1.5, Application Submission, shall be submitted by the landowner or a person acting on the behalf of the landowner with their authorization and consent.

3.1.2 Application Content

The Ordinance Administrator shall establish the requirements for the general form and content of applications required by this Ordinance. These shall be in addition to any specific application content requirements established by the Ordinance.

3.1.3 Fees

The Board of Commissioners shall establish, and may modify from time to time, a schedule of fees that must be paid in full prior to the review of any submitted application.

3.1.4 Submission and Review Schedule

The Ordinance Administrator shall establish a submission and review schedule (including time frames for review) for development applications. This schedule may be amended and updated as determined necessary.

3.1.5 Application Submission

All applications shall be submitted to the Ordinance Administrator on such forms and in such numbers as have been established for that type of development application. Applications which do not meet the requirements of Section 3.1.6, Determination of Completeness, shall be considered incomplete, and their review deferred until such time that all requirements of that Section have been fulfilled.

3.1.6 Determination of Completeness

(A) Review for Completeness

Upon the receipt of an application, the Ordinance Administrator shall review the application for completeness. A complete application is one that:

- (1)** Contains all information and materials established by the Ordinance Administrator, or set forth elsewhere in the Ordinance, for the particular type of development application;
- (2)** Is in the form established by the Ordinance Administrator for the particular type of development application;

- (3) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate standards of this Ordinance; an
- (4) Is accompanied by the fee established for the particular type of application.

(B) Incomplete Applications

If the application is determined to be incomplete, the Ordinance Administrator shall notify the applicant of the deficiencies within ten (10) business days following submittal. Following notification, the applicant may correct the deficiencies and resubmit the application for review.

3.1.7 Final Approval by the Ordinance Administrator

When an application that is subject to final approval by the Ordinance Administrator is submitted and determined to be complete, he shall review the application and approve or deny it based on the standards set forth in the Ordinance. Following his approval or denial of the application, the Ordinance Administrator shall notify the applicant of his decision within the time period set forth in the submission and review schedule.

3.1.8 Preparation of Staff Report

When an application which will be considered by a reviewing or decision-making body is submitted and determined to be complete, the Ordinance Administrator shall review the application and prepare a written staff report.

- (A) The staff report shall be addressed to the reviewing or decision-making body as appropriate, and shall state whether the application complies with all appropriate standards of this Ordinance and all other applicable policy documents.
- (B) The Ordinance Administrator may include a recommendation for approval or denial of the application in the staff report. Proposed conditions of approval may also be included in the report if the Ordinance Administrator determines that such conditions may be necessary to mitigate any potentially adverse impacts of the proposed development.

3.1.9 Public Hearings

The Ordinance Administrator shall be responsible for scheduling public hearings for all applications for which one is required. The hearing may be scheduled for either a regular meeting or a special called meeting of the decision-making body which is responsible for holding the hearing. Hearings shall be scheduled in a manner that will allow sufficient time for public notice to be given in accordance with statutory requirements. Requirements for public hearings are outlined in Table 3-1.

3.1.10 Public Notification

(A) Content

All public notices required under this Ordinance shall comply with NCGS 160D-601. Additionally, all notices, except for posted notices, shall:

- (1) Identify the date, time, and location of the meeting or public hearing;
- (2) Identify the property involved by the street address (if applicable) or by the legal description and/or parcel identification number (PIN);
- (3) Describe the nature and scope of the proposed action;
- (4) Indicate that interested parties may appear at public hearings and speak on the matter; and
- (5) Indicate how additional information on the matter can be obtained.

(B) When the provisions of this Ordinance require that notice of a public hearing or meeting be published pursuant to NCGS 160D-601, the Ordinance Administrator shall publish a notice of the meeting or public hearing once a week for two successive weeks in a newspaper having general circulation in the County. The first notice shall be published not less than ten (10) days nor more than twenty-five (25) days prior to the date fixed for the hearing or meeting. In computing such period, the day of publication is not included but the day of the hearing or meeting shall be included.

Table 3-1: Public Hearing Requirements

APPLICATION TYPE	DECISION-MAKING BODY	
	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Unified Development Ordinance Text Amendment	✓	
Zoning Map Amendment	✓	
Conditional Zoning District Classification	✓	
Special Use Permit ⁽⁰⁶⁾		✓
Variance		✓
Watershed Variance		✓
Floodplain Variance		✓
Appeal of Administrative Decision		✓
Establishment of Vested Rights	✓	

(C) Mailed Notice

- (1) When the provisions of this Ordinance require that mailed notice be provided pursuant to NCGS 160D-602(a), the Ordinance Administrator shall prepare a notice of the public hearing or meeting and deliver the notice via first class mail to the following persons:

- (i) The applicant;
 - (ii) Listed property owner(s) directly affected by the proposed action if the applicant is not the owner; and
 - (iii) Listed owners of adjacent property.
- (2) Mailed notices shall be deposited in the mail no fewer than ten (10) days and no more than twenty-five (25) days prior to the date of the public hearing or meeting.
 - (3) The Ordinance Administrator shall certify to the Board of Commissioners that the required mailed notice procedures have been followed. This certification shall be conclusive evidence that the terms of this Subsection have been met as set forth in NCGS 160D-602(a).
 - (4) Mailed notice shall not be required when an application to amend the Official Zoning Map qualifies as a large-scale zoning map amendment. For purposes of this ordinance, a large-scale zoning map amendment is defined as a rezoning that includes more than fifty (50) different lots or tracts owned by at least fifty (50) different landowners. The County must however publish a notice (occupying at least one-half of a newspaper page) in a newspaper of general circulation once a week for two consecutive weeks, beginning at least ten (10) but not more than twenty-five (25) days prior to the public hearing date. Affected landowners residing outside of the County's jurisdiction or the newspaper's circulation area shall be notified via first class mail in accordance with the procedures set forth in Subsections (1) and (2) above.⁽¹⁷⁾ (NCGS 160D-602(b))

(D) Posted Notice

- (1) When the provisions of this Ordinance require that notice be posted pursuant to NCGS 160D-602(c), the Ordinance Administrator shall post the notice on the subject property at least ten (10) days prior to the first public hearing or meeting. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. In computing such period, the day of the posting shall not be counted, but the day of the hearing shall be counted. Posted notices shall remain in place until such time that the approving authority has rendered its final decision on the matter.
- (2) If no part of the subject property is visible from a public right-of-way the notice shall be posted along the nearest street in the public right-of-way in such a manner as to ensure consistency with the intent of this Subsection.

(E) Constructive Notice

- (1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements. Minor defects in notices may include, but are not limited to:
 - (i) Errors in legal descriptions; or
 - (ii) Typographical or grammatical errors that do not impede the communication of the notice to the affected parties.
- (2) Failure of an affected party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a public hearing or meeting and the location of the subject property(ies) shall be strictly adhered to.
- (3) If question arises at the hearing or meeting regarding the adequacy of the notice, the reviewing or decision-making body shall direct the Ordinance Administrator to make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance, and such findings shall be made available to the reviewing or decision-making body prior to further action being taken on the request.

(F) Summary of Notification Requirements

The following table summarizes the public notice requirements for development applications.

Table 3-2: Summary of Notification Requirements

APPLICATION TYPE	NOTICE TYPE		
	PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
Unified Development Ordinance Text Amendment	✓		
Zoning Map Amendment	✓	✓	✓
Conditional Zoning District Classification	✓	✓	✓
Special Use Permit	✓	✓	✓
Variance	✓	✓	✓
Watershed Variance	✓	✓	✓
Floodplain Variance	✓	✓	✓
Appeal of Administrative Decision	✓		
Establishment of Vested Rights	✓	✓	✓

3.1.11 Conditions of Approval

(A) General

When a decision-making body may, according to the express terms of this Ordinance, approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with the general goals and policies of this Ordinance, or with particular standards of this Ordinance, in order to prevent or minimize adverse effects from the proposed development on surrounding lands.

(B) Limitations

- (1)** The restrictions and conditions imposed must be directly related, in both type and scope, to the impact that the proposed development would have on the public and surrounding lands.
- (2)** All conditions imposed shall be expressly set forth in the motion by the decision-making body to approve the development application.

3.1.12 Deferral of Application

(A) Request Prior to Publication of Notice

An applicant may request that a decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Ordinance Administrator prior to the publication of notice for the public hearing. The Ordinance Administrator may grant such requests for good cause. The date of the new public hearing at which the application will be heard shall be set at the time the deferral is granted.

(B) Request after Publication of Notice

If a request for deferral of consideration of an application by a decision-making body is submitted subsequent to publication of notice, the request for deferral shall be placed on the public hearing agenda and acted upon by the decision-making body. The decision-making body may grant such requests for good cause. The date of the new public hearing at which the application will be heard shall be set at the time the deferral is granted. If a deferral is granted, the application may be subject to additional application fees to defray the costs of processing the application and advertising the public hearing, if any. Any additional fees must be paid to the County prior to the readvertisement of the public hearing notice.

3.1.13 Changes to Application after Notice of Public Hearing

(A) Clerical Errors

Minor additions, deletions, or corrections to address clerical errors in an application may be made without referral of the application, as amended, back to the Ordinance Administrator for review and preparation of a staff report, or to any review bodies as is required for the original review of the application.

(B) Major Changes

No substantive changes to a development application related to uses, densities, intensities, street layout, access, open space configuration or other major element shall be made after notification of a public hearing. Major changes by the applicant after notification of a public hearing require that the original application be withdrawn and a new application be submitted along with any required fees. The resubmitted application must go through the entire review process as if it were a new application in order to ensure the proper review of all changes.

(C) Conditions of Approval

Proposed changes in conditions of approval may be considered by the Board of Commissioners without referral back to the Ordinance Administrator or other recommending body.

3.1.14 Withdrawal of Application

(A) Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Ordinance Administrator, or shall be made through a verbal request at the public hearing for which the application has been scheduled.

(B) Prior to Notice of Public Hearing

The Ordinance Administrator shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application.

(C) Subsequent to Notice of Public Hearing

- (1)** If the request for withdrawal of an application is submitted subsequent to public notification, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.
- (2)** Whenever an application subject to a requirement for a public hearing before the Board of Commissioners is withdrawn after public notification, but prior to a decision by the Board of Commissioners, no similar application may be submitted for the same property for a period of ninety (90) days following the withdrawal.

(D) Fees

Fees shall not be refunded for withdrawn applications

(E) Waiting Period

No more than two withdrawals of the same type of development application for the same property may be filed within any single twelve (12) month period, and no similar type of application may be filed for the same land within one year following the second withdrawal.

3.1.15 Notification of Decision to Applicant

Within a reasonable period of time after a decision on an application, the Ordinance Administrator shall notify the applicant of the decision in writing. Within a reasonable period of time after the decision, a copy of the decision shall also be made available to the public in the office of the County Clerk.

3.1.16 Lapse of Approval

Lapse of approval (also referred to as “expiration”) shall occur as provided by this Ordinance for the various types of development applications. If no provision for lapse is given by this Ordinance for a particular type of development permit or approval, and if no lapse period is imposed as part of an approval by the decision-making body, lapse shall occur if development is not commenced or a subsequent permit authorized by that approval, or an extension is not obtained within two (2) years.

3.1.17 Examination of Application and Supporting Documents

At any time upon reasonable request, and during normal business hours, any person may examine an application, a finalized staff report and materials submitted in support of or in opposition to an application in the office of the Ordinance Administrator.

3.2 Standards, Procedures, and Requirements for Development Applications

This Section includes the review procedures, standards, and related information for each of the development application procedures as summarized in Table 2-1, Review and Decision Responsibilities.

3.2.1 Zoning Map Amendment

(A) Purpose

The purpose of this Section is to provide a uniform means for amending the Official Zoning Map.

(B) Authority

The Board of Commissioners may adopt an ordinance amending the Official Zoning Map upon compliance with the provisions of this Section.

(C) Initiation

An application to amend the Official Zoning Map may be initiated by the Board of Commissioners, the Planning Board, the Ordinance Administrator, or any resident of Wilson County or other interested party.

- (1) Third-party down-zoning is prohibited.⁽¹⁷⁾ (NCGS 160D-601(d); S.L. 2019-111)

(D) Conditional Zoning District Classification Distinguished

- (1) Applications for an amendment to the Official Zoning Map that are accompanied by applicant sponsored conditions or limitations shall be considered as a Conditional Zoning District Classification, and shall be reviewed in accordance with this Section and Section 3.2.3, Conditional Zoning District Classification.
- (2) In no case shall an application for an amendment to the Official Zoning Map be converted into an application for a Conditional Zoning District Classification, nor shall an application for a Conditional Zoning District Classification be converted into an application for an amendment to the Official Zoning Map. If such a conversion is desired by the applicant, he shall withdraw the original request and resubmit a new application and any required fees for the desired process.

(E) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review by the Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written report which he shall present to the Planning Board during the meeting at which it considers the application.

(3) Review and Recommendation by the Planning Board

Following the review by the Ordinance Administrator, the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant supporting materials, the Ordinance Administrator's report and recommendation (if given), and any comments given by the public on the matter. Within forty-five (45) days of the first meeting on an application, the Planning Board shall make a written recommendation to the Board of Commissioners. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with the Wilson County 2025 Comprehensive Plan and any other relevant

plans having applicability to the proposed amendment in accordance with NCGS 160D-604(d).

(4) Action by the Board of Commissioners⁽¹⁷⁾

Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's report and recommendation (if given), the recommendation of the Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Board of Commissioners shall take one of the following actions:

- (i) Approve the application for amendment to the Official Zoning Map as submitted;
- (ii) Approve the application for amendment to the Official Zoning Map with a reduction in the size of the area requested in the application;
- (iii) Approve the application for amendment to the Official Zoning Map with a more restrictive base zoning district than proposed;
- (iv) Deny the application for amendment to the Official Zoning Map; or
- (v) Remand the application back to the Planning Board for further consideration.

Regardless of the final decision that is made on the application, the Board of Commissioners shall adopt a statement on the proposed amendment's consistency with the Wilson County Comprehensive Plan and any other relevant plans having applicability to the proposed amendment. (NCGS 160D-605(a))

The Board shall also adopt a statement assessing the reasonableness of the action and demonstrating how the action furthers the public interest in accordance with NCGS 160D-605(b). When adopting or rejecting any petition for a zoning map amendment, a brief statement explaining the reasonableness of the proposed rezoning shall be approved by the governing board. In determining reasonableness, the Board of Commissioners may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

The required plan consistency statement and the statement of reasonableness may be combined into a single statement.

(F) Zoning Map Amendment Standards

Amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners. In determining whether to approve or deny a proposed amendment, the Board of Commissioners shall consider and weigh the relevance of the following factors:

- (1)** Whether, and to the extent which, the proposed amendment is consistent with the Wilson County 2025 Comprehensive Plan, and any other relevant plans.
 - (a)** A resolution adopting or rejecting any zoning-map amendment must contain a statement describing whether actions of the Board of Commissioners is consistent or inconsistent with the adopted comprehensive plan.
 - (b)** In cases where a zoning-map amendment is approved that is inconsistent with the adopted Future Land Use Map; the Future Land Use Map is deemed amended to reflect the zoning-map amendment.⁽¹⁷⁾ (G.S. 160D-605(a)).
- (2)** Whether, and to the extent which, the proposed amendment addresses a demonstrated community need.
- (3)** Whether, and to the extent which, the proposed amendment is compatible with existing and proposed uses surrounding the land subject to the amendment.
- (4)** Whether, and to the extent which, the proposed amendment would result in a logical and orderly pattern of development.
- (5)** Whether, and to the extent which, the proposed amendment would encourage premature development in the area subject to the amendment.
- (6)** Whether, and to the extent which, the proposed amendment would result in adverse impacts to property values in the area surrounding the land subject to the amendment.
- (7)** Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.

3.2.2 Unified Development Ordinance Text Amendment

(A) Purpose

The purpose of this Section is to provide a uniform means for amending the text of the Unified Development Ordinance.

(B) Authority

The Board of Commissioners may adopt an ordinance amending the text of the Unified Development Ordinance upon compliance with the provisions of this Section.

(C) Initiation

An application to amend the text of the Unified Development Ordinance may be initiated by the Board of Commissioners, the Planning Board, the Ordinance Administrator, or any resident of Wilson County or other interested party.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review by the Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written report which he shall present to the Planning Board.

(3) Review and Recommendation by the Planning Board

Following the review by the Ordinance Administrator, the application shall be forwarded to the Planning Board for its review and recommendation. During the meeting, the Planning Board shall consider the application, relevant supporting materials, the Ordinance Administrator's report and recommendation (if given) and any comments given by the public on the matter. Within forty-five (45) days of the first meeting on an application, the Planning Board shall make a written recommendation to the Board of Commissioners. In making its recommendation, the Planning Board shall include a written statement summarizing the amendment's consistency with the Wilson County 2025 Comprehensive Plan and any other relevant plans having applicability to the proposed amendment in accordance with NCGS 160D-341.

(4) Action by Board of Commissioners

Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall conduct a public hearing to review and consider the application, the relevant supporting materials, the Ordinance Administrator's report and recommendation (if given), the recommendation of the Planning Board, and the comments given during

the hearing (if any). Following the close of the public hearing, the Board of Commissioners shall take one of the following actions:

- (i) Approve the amendment as proposed
- (ii) Approve a revised amendment;
- (iii) Remand the application back to the Planning Board for further consideration; or
- (iv) Deny the proposed amendment.

Regardless of the final decision on the application, the Board of Commissioners shall adopt a statement on the proposed amendment's consistency with the Wilson County 2025 Comprehensive Plan and any other relevant plans having applicability to the proposed amendment as well as the reasonableness of the action and how the action furthers the public interest in accordance with NCGS 160D-341.

(E) Unified Development Ordinance Text Amendment Standards

Amending the text of the Unified Development Ordinance is a matter committed to the legislative discretion of the Board of Commissioners. In determining whether to approve or deny a proposed amendment, the Board of Commissioners shall consider and weigh the relevance of the following factors:

- (1) Whether, and to the extent which, the proposed amendment is consistent with the Wilson County 2025 Comprehensive Plan, and any other relevant plans.
 - (a) A resolution adopting or rejecting any text amendment must contain a statement describing whether actions of the Board of Commissioners is consistent or inconsistent with the adopted comprehensive plan.⁽¹⁷⁾
- (2) Whether, and to the extent which, the proposed amendment addresses a demonstrated community need.
- (3) Whether, the proposed amendment is in conflict with any other provision of this Ordinance or other related County regulations.
- (4) Whether, and to the extent which, the proposed amendment is consistent with the purpose of the zoning districts in the Ordinance, or will improve compatibility among uses and will ensure efficient development in the County.
- (5) Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.

3.2.3 Conditional Zoning District Classification

(A) Purpose

A Conditional Zoning District Classification allows particular land uses to be established only in accordance with specific standards and conditions adopted as part of the establishment of the district. In cases where the standards of a base zoning district are inadequate to ensure the compatibility of a proposed development with immediately surrounding lands, the landowner may apply for an amendment to the Official Zoning Map to a Conditional Zoning District Classification. Conditional zoning districts are subject to additional conditions or restrictions above and beyond the standards of the parallel base zoning district as a means of ensuring the compatibility of the proposed development with the use and development of neighboring lands.

(B) Initiation

Application for a Conditional Zoning District Classification may only be initiated by the owner(s) or contract purchaser(s), of the property for which the Conditional Zoning District Classification is designated in accordance with Section 3.1.1.

(C) Procedure

Approval of a Conditional Zoning District Classification shall require an amendment to the Official Zoning Map (using the procedures established in 3.2.1, Zoning Map Amendment) accompanied by the submission of applicant sponsored conditions limiting the scope of the development proposal and a Conceptual Site Plan (reviewed in accordance with Section 3.2.6(C)(2)).

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review by the Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and accompanying Conceptual Site Plan and make a written report which he shall present to the Planning Board during the meeting at which it considers the application.

(3) Review and Recommendation by the Planning Board

Following the Ordinance Administrator's review, the application and Conceptual Site Plan shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant supporting materials, the

Conceptual Site Plan, the Staff Report, and the public comments given at the meeting. Within forty-five (45) days of the first meeting on an application, the Planning Board shall make a written recommendation to the Board of Commissioners.

(4) Review and Action by the Board of Commissioners

Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall hold a public hearing on the application. At the public hearing, the Board of Commissioners shall consider the application, the relevant supporting materials, the Conceptual Site Plan, the Staff Report, the recommendation of the Planning Board and comments given at the public hearing (if any). After the close of the public hearing, the Board of Commissioners shall, by a simple majority of all members present and qualified to vote, approve, approve with conditions, or deny the application.

(D) Conditions

- (1)** No use shall be authorized within a conditional zoning district except those uses proposed by the applicant and approved by the Board of Commissioners. In no case shall any use prohibited within a parallel base zoning district be authorized in a corresponding conditional district.
- (2)** No condition shall be less restrictive than the parallel base zoning district or any applicable overlay district standards.
- (3)** No condition shall be included that specifies the ownership status, race, religion, or character of the occupants of dwelling units, the minimum value of improvements or any other exclusionary device.
- (4)** No changes in the Conceptual Site Plan or proposed conditions that are less restrictive than those in the application (e.g. smaller setbacks, more dwelling units, greater height, more access points, new uses, fewer improvements, etc.) shall be proposed by the applicant following public notification. Nothing in this Subsection shall limit the application of new or more restrictive conditions after public notification, provided such conditions are received by the Ordinance Administrator in writing and signed by all owners of the property at least ten (10) business days prior to the final decision on the application by the Board of Commissioners.
- (5)** In addition to any conditions proposed by the applicant, the Board of Commissioners may attach any additional conditions in accordance with Section 3.1.11, Conditions of Approval (e.g. limitations on location, hours of operation, extent of the proposed uses, etc.), but the Board of Commissioners shall not attach a condition that requires a landowner to waive a vested right.

(E) Effect of Approval

Lands subject to a Conditional Zoning District Classification shall also be subject to the approved Conceptual Site Plan and approved conditions, and may only be used or developed in conformance to those approved plans and conditions. The approved Conceptual Site Plan and conditions shall constitute the standards for the approved conditional zoning district, and are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

(F) Designation

A Conditional Zoning District Classification shall bear the same designation as the parallel base zoning district, but shall also include the suffix “CD” along with the ordinance number establishing the Conditional Zoning District Classification.

(G) Minor Deviation

A minor deviation to a Conceptual Site Plan or approved conditions shall not be considered as an amendment, and shall be approved by the Ordinance Administrator. A minor deviation shall be limited to technical considerations which could not be reasonably anticipated during the approval process, or any other change which has no material effect on the character of the approved development or any if its approved conditions. Minor deviations include, but are not limited to, small shifts in the location of structures, parking areas, landscaping, utilities, driveways, and other site features in order to accommodate the existence of circumstances found during construction that could not have been anticipated as the Conceptual Site Plan was developed.

Changes that materially affect the basic configuration or intent of the Conceptual Site Plan or approved conditions are not considered to be minor deviations, and shall be amendments that may only be considered in accordance with the procedure used to establish the conditional zoning district.

3.2.4 Special Use Permit⁽⁰⁶⁾

(A) Purpose

Special uses are uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, density and intensity of use, and may require the imposition of conditions to ensure the appropriateness of the use at a particular location.

(B) Authority

The Board of Adjustment is authorized to review and decide applications for Special Use Permits in accordance with this Section. Only those uses identified as Special Uses in Table 7-1, Table of Permitted Uses, are authorized to be considered as Special Uses under this Section. The designation of a use as a Special Use does not constitute an authorization that such use shall be approved through a Special Use Permit in accordance with this Section.

Rather, each proposed Special Use shall be evaluated by the Board of Adjustment for compliance with the standards set forth in this Section and the applicable standards for the use in Section 7.3, Use Specific Standards (if applicable).

(C) Initiation

Application for a Special Use Permit may only be initiated by the owner(s) or contract purchaser(s), of the property for which the Special Use Permit is designated in accordance with Section 3.1.1.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Conceptual Site Plan Required

A Conceptual Site Plan must be submitted as part of the application for a Special Use Permit. The Conceptual Site Plan shall conform to the requirements set forth in Section 3.2.6(E), Conceptual Site Plan Content Standards.

(3) Review by the Ordinance Administrator

Prior to the submission of the application for the Special Use Permit to the Board of Adjustment, the Ordinance Administrator shall review the application and accompanying Conceptual Site Plan and make a written report which he shall present to the Board of Adjustment during its hearing on the application.

(4) Action by the Board of Adjustment⁽⁰⁹⁾

Following public notification and the scheduling of a public hearing, the Board of Adjustment shall conduct a quasi-judicial public hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant supporting materials, the Conceptual Site Plan, and all other competent and relevant evidence presented at the hearing. Following the close of the hearing, the Board of Adjustment shall, by simple majority vote, approve, approve with conditions, or deny the application based on the standards in Section 3.2.4(E), Special Use Permit Standards. All decisions by the Board of Adjustment regarding Special Use Permits shall be in writing.

(E) Special Use Permit Standards

- (1)** The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of the site.

- (2) The proposed use is in compliance with all standards in Section 7.2, Use Specific Standards.
- (3) The proposed use is compatible with the character of surrounding property and the uses permitted in the zoning district(s) of surrounding property.
- (4) The proposed use is configured in a manner which minimizes any possible adverse effects on surrounding lands.
- (5) The proposed use will not adversely impact traffic circulation in the vicinity of the site.
- (6) The proposed use will not be detrimental to the value of adjacent or nearby property.
- (7) The proposed use will be in full compliance with all other relevant County, State and Federal laws and regulations.

(F) Conditions of Approval

In approving a Special Use Permit, the Board of Adjustment may impose additional conditions on the permit approval in accordance with NCGS 160D-705(C). All additional conditions imposed must be accepted by the applicant.

(G) Effect of Approval

Issuance of a Special Use Permit shall authorize only the particular Special Use that is approved in the permit. All subsequent development and use of the property must be in accordance with the approved Special Use Permit and in conformance with the approved Conceptual Site Plan. Nothing in this Subsection shall prevent the establishment of a different use of land provided such use is established in accordance with the requirements in this Ordinance.

(H) Recordation

The County shall, at the applicant's expense, record the Special Use Permit in the office of the Register of Deeds of Wilson County within thirty (30) days of its issuance.

(I) Subsequent Development

Development authorized by the Special Use Permit shall not be carried out until the applicant has secured all other permits required by this Ordinance. A Special Use Permit does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance are met.

(J) Expiration

(1) General

The Board of Adjustment may prescribe a time limit within which development activity shall begin or be completed under the Special Use Permit, or both. Failure to begin or complete such development activity within the time limit specified shall void the Special Use Permit. Unless specified otherwise by the Board of Adjustment, a Special Use Permit shall automatically expire one (1) year from the date of its issuance if:

- (i) The development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation, or other similar work required by the permit is completed; or
- (ii) Less than ten percent (10%) of the total amount of development approved as part of the permit is completed, when construction, alteration, demolition, excavation, or other similar work is required; or
- (iii) The development approved by the Special Use Permit is discontinued and not resumed for a period of one year.

(2) Extension

Upon written application, submitted at least thirty (30) days prior to the expiration of the permit by the applicant, and upon a showing of good cause, the Ordinance Administrator may grant one extension to the Special Use Permit for a period not to exceed six (6) months. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the Special Use Permit.

(K) Minor Deviation

Minor field alterations or minor revisions to approved Conceptual Site Plans associated with Special Use Permits may be approved by the Ordinance Administrator if the Special Use still meets the intent of the standards established with the original approval. Minor field alterations and revisions include, but are not limited to, small shifts in the location of structures, parking areas, landscaping, utilities, driveways and other site features in order to accommodate the existence of circumstances found during construction that could not have been anticipated as the Conceptual Site Plan was developed. Any other change shall be considered as an amendment.

(L) Amendment

A Special Use Permit may only be amended or modified in accordance with the procedures and standards established for its original approval.

3.2.5 Variance

(A) Purpose

The purpose of a Variance is to allow certain deviations from the standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards), when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances to the standards established in Section 6.4.1, Airport Overlay District, Article 13, Watershed Management and Protection and Article 14, Flood Damage Prevention shall be subject to additional requirements as set forth in Sections 3.2.5(L), 3.2.5.(M) and 3.2.5(N) respectively.

(B) Authority

The Board of Adjustment shall review and decide any applications for variance from the requirements of this Ordinance in accordance with this Section.

(C) Initiation

Application for a Variance may only be initiated by the owner(s) or contract purchaser(s), of the property for which the Variance is designated in accordance with Section 3.1.1.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 3.1, Common Review Procedures.

(2) Review by the Ordinance Administrator

Prior to the submission of the application for the Variance to the Board of Adjustment, the Ordinance Administrator shall review the application and make a written report which he shall present to the Board of Adjustment during its hearing on the application.

(3) Action by the Board of Adjustment

Following public notification and the scheduling of a public hearing, the Board of Adjustment shall conduct a quasi-judicial hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant supporting materials and the sworn testimony given at the public hearing. Within thirty-one (31) days following the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.2.5(E), Required Findings of Fact. In accordance with the standards set

forth in NCGS 160D-406, granting approval or conditional approval of a Variance shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote. All decisions by the Board of Adjustment shall be in writing.

(E) Required Findings of Fact

The Board of Adjustment shall only grant a Variance after having first held a quasi-judicial public hearing on the matter and having made the following findings of fact in accordance with NCGS 160D-406:

- (1) There are practical difficulties or unnecessary hardships caused by the strict application of the Ordinance requirements; and
- (2) Any practical difficulties or unnecessary hardships are not the result of the actions of the applicant; and
- (3) The reasons set forth in the application justify the granting of a Variance, and the Variance is the minimum action that will make possible the reasonable use of the land or structure(s); and
- (4) The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
- (5) In the granting of the Variance, the public health, safety and general welfare have been assured and substantial justice has been done.

(F) Insufficient Justification for a Variance

- (1) The existence of other conforming or nonconforming uses of land or structures in the same or other districts;
- (2) The request for a particular use which is expressly, or by inference, prohibited in the district; or
- (3) Economic hardship, or the fact that property may be utilized more profitably or efficiently with a Variance.

(G) Conditions of Approval

In approving a Variance, the Board of Adjustment may impose additional conditions on the permit approval in accordance with NCGS 160D-345(d). All additional conditions imposed must be accepted by the applicant.

(H) Recordation

The County shall, at the applicant's expense, record the written decision on the Variance in the office of the Register of Deeds of Wilson County within thirty (30) days of its issuance.

(I) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other permits required by this Ordinance. A Variance does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance are met.

(J) Variance Runs With the Land

A Variance is not a personal right, but runs perpetually with the land for which the Variance has been granted. As such, the provisions of an approved Variance shall continue with the transfer of ownership of the land.

(K) Appeals

Any appeal from the decision of the Board of Adjustment shall be to the Superior Court for Wilson County by petition for a writ of certiorari. Any petition to the Superior Court shall be filed with the Clerk of Court within thirty (30) days after the date the decision of the Board of Adjustment is filed with the County Clerk, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

(L) Additional Standards for Variances to the Airport Overlay District Variances

Applications for Variances to the Standards set forth in Section 6.4.1, Airport Overlay District shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace and airport. Such variances shall be allowed where it is duly found will not create a hazard to air navigation. Additionally, no application for variance to the requirements of Section 6.4.1, Airport Overlay District may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager and the Rocky Mount-Wilson Airport Authority for advice as to the aeronautical effects of the variance. If the Airport Manager and/or the Airport Authority does not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

(M) Additional Standards for Watershed Variances

In cases where the Board of Adjustment votes in favor of granting a variance from any regulation contained in Article 13, Watershed Management and Protection, which would:

- (1)** Relax, by a factor of ten percent (10%) or more, any management requirement under the low density development option;

- (2) Relax, by a factor of five percent (5%) or more, any buffer, density or built-upon area requirement under the high density development option; and/or
- (3) Allow a variation in the design, maintenance or operational requirements of a wet detention pond or other structural or nonstructural stormwater management system.

The complete record of such decision shall be submitted within a reasonable timeframe to the NC Environmental Management Commission (EMC) for review. Decisions of the Board of Adjustment which fall into this category shall not be final until the EMC has made its ruling on the matter. Upon receipt of a final decision from the EMC the Board of Adjustment shall make a final ruling, in conformance with the EMC's decision, to approve, conditionally approve or deny the variance.

(N) Additional Standards for Floodplain Variances

(1) Additional Information Required

Applications for a Floodplain Variance shall include a written report evaluating the following factors. The contents of such report shall be considered by the Board of Adjustment as it makes its ruling on the Floodplain Variance.

- (i) The danger that materials may be swept onto other lands to the injury of others;
- (ii) The danger to life and property due to flooding or erosion damage;
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) The importance of the services provided by the proposed facility to the community;
- (v) The necessity of a waterfront location for the facility, where applicable;
- (vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (vii) The compatibility of the proposed use with existing and anticipated development;
- (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (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.

(2) Certain Variances Prohibited

Floodplain Variances within a floodway or non-encroachment area which would have the result of increasing the flood height during base flood discharge shall be prohibited.

(3) Additional Notice Requirements

- (i) Any applicant to whom a Floodplain Variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased flood insurance premiums commensurate with the increased risk. Such notification shall be maintained with a record of all Floodplain Variance actions, including justification for their issuance.
- (ii) The Ordinance Administrator shall report all Floodplain Variance approvals to the Federal Emergency Management Agency and the NC Department of Crime Control and Public Safety.

3.2.6 Conceptual Site Plan

(A) Purpose

The purpose of this Section is to establish a procedure for the review of a Conceptual Site Plan by the Ordinance Administrator prior to the submittal of an application for Site Development Plan approval or as part of an application for a Conditional Zoning District Classification or Special Use Permit. The intent of the Conceptual Site Plan procedure is to allow the County to consider the general design and configuration of a development proposal, and any applicant sponsored conditions, for general compliance with the requirements of this Ordinance prior to the consideration of a Conditional Zoning District Classification or a Special Use Permit by the bodies charged with their review and approval, or the preparation of highly technical and detailed engineered drawings required for a Site Development Plan approval.

(B) Applicability

Submittal of a Conceptual Site Plan shall be required prior to the consideration of approval of a Site Development Plan, Conditional Zoning District Classification or Special Use Permit.

(C) Conceptual Site Plan Types Distinguished

- (1)** Conceptual Site Plans associated with an application for Site Development Plan approval shall be reviewed by the Ordinance Administrator, who shall provide written comments on the Conceptual Site Plan to the applicant. Once an applicant receives comments on a submitted Conceptual Site Plan, they may then proceed with the preparation of the Site Development Plan.
- (2)** Conceptual Site Plans associated with an application for a Conditional Zoning District Classification or Special Use Permit shall be considered as an applicant sponsored condition of approval and are further distinguished by the following:
 - (i)** In the case of a Conditional Zoning District Classification, the Ordinance Administrator shall provide his recommendation on the Conceptual Site Plan to the Planning Board, which shall consider the Conceptual Site Plan in making its own recommendation to the Board of Commissioners. Following a recommendation from the Planning Board, the Board of Commissioners may approve, approve with conditions, or deny approval of a Conceptual Site Plan associated with the application for Conditional Zoning District Classification.
 - (ii)** In the case of a Special Use Permit, the Ordinance Administrator shall review the Conceptual Site Plan for conformance to the Ordinance and forward his comments to the Board of Commissioners, which shall consider the Conceptual Site Plan as it makes its decision on approving, conditionally approving, or denying approval of the Special Use Permit.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of a Conceptual Site Plan are established in Section 3.1, Common Review Procedures.

(2) Conceptual Site Plan – Site Development Plan

(i) Review by the Ordinance Administrator

In the case of a Conceptual Site Plan submitted for review in association with a Site Development Plan, the Ordinance Administrator shall review the Conceptual Site Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Conceptual Site Plan Standards. Following his review, he

shall submit his comments in writing to the applicant, who may then begin the preparation of the Site Development Plan.

(3) Conceptual Site Plan – Conditional Zoning District Classification

(i) Review and Recommendation by the Ordinance Administrator

In the case of a Conceptual Site Plan submitted in association with an application for Conditional Zoning District Classification, the Ordinance Administrator shall review the Conceptual Site Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Conceptual Site Plan Standards, and prepare a Staff report which he will forward to the Planning Board for consideration as it makes its recommendation on the Conditional Zoning District Classification.

(ii) Review and Recommendation by the Planning Board

Following receipt of the Staff report from the Ordinance Administrator, the Planning Board shall review and make a recommendation on the Conceptual Site Plan as part of the Conditional Zoning District Classification process following the procedures in Section 3.2.3(C)(3).

(iii) Review and Action by the Board of Commissioners

Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall review and make its decision on the Conceptual Site Plan as part of the Conditional Zoning District Classification process following the procedures in Section 3.2.3(C)(4).

(4) Conceptual Site Plan – Special Use Permit

(i) Review by the Ordinance Administrator

In the case of a Conceptual Site Plan submitted in association with an application for a Special Use Permit, the Ordinance Administrator shall review the Conceptual Site Plan for compliance with the applicable standards set forth in the Ordinance and Section 3.2.6(E), Conceptual Site Plan Standards, and submit his comments to the Board of Adjustment for consideration as it makes its decision on the Special Use Permit application.

(ii) Review and Action by the Board of Adjustment

Following the receipt of comments from the Ordinance Administrator, the Board of Adjustment shall review the Conceptual Site Plan as part of the Special Use Permit application process following the procedures in Section 3.2.4(D)(4).

(E) Conceptual Site Plan Standards

A Conceptual Site Plan shall be reviewed for compliance with the applicable standards set forth in the Ordinance for the particular type of development and the following:

- (1)** Setbacks and lot coverage;
- (2)** Structure location and orientation for multi-family and nonresidential development;
- (3)** Street layout;
- (4)** Right-of-way width and configuration;
- (5)** Public utility location and sizing;
- (6)** Landscaping
- (7)** Buffering
- (8)** Parking and loading;
- (9)** Open space configuration;
- (10)** Fencing, walls, and screening;
- (11)** Stormwater management;
- (12)** Exterior lighting;
- (13)** Signage
- (14)** Solid waste collection facilities

Conceptual Site Plans associated with an application for a Conditional Zoning District Classification to a Planned Unit Development District shall also include sufficient information to establish the development standards for the PUD as set forth in Article 6, Zoning.

(F) Effect

Following the review of the Conceptual Site Plan by the Ordinance Administrator, the applicant may:

- (1)** Proceed with the preparation of a Site Development Plan in cases where Conceptual Site Plan review is required as part of an application for Site Development Plan approval;

- (2) Proceed with the consideration of the Conceptual Site Plan, Staff Report and conditions of approval by the Planning Board when the Conceptual Site Plan was submitted as part of an application for Conditional Zoning District Classification; or
- (3) Proceed with consideration of the Conceptual Site Plan and conditions of approval by the Board of Commissioners when the Conceptual Site Plan was submitted as part of an application for a Special Use Permit.

(G) Amendment

A Conceptual Site Plan may only be amended or modified in accordance with the procedures set forth for its initial approval.

3.2.7 Site Development Plan

(A) Purpose

The purpose of this Section is to establish the procedures and standards for the review and approval of a Site Plan that depicts site and building related details and engineered drawings.

(B) Applicability

All development, unless exempted in accordance with Section 3.2.7(C), Exemptions, shall be required to have a Site Development Plan approved in accordance with this Section prior to the issuance of a Land Development Permit.

(C) Exemptions

The following development shall be exempted from the requirements of this Section:

- (1) Internal or external construction that does not increase gross floor area, building height, the density or intensity of use, or affect parking requirements;
- (2) The construction of a single-family dwelling or duplex on an individual lot;
- (3) The construction or placement of an accessory structure associated with a single-family dwelling or duplex; and
- (4) Changes in use where there is no associated change in landscaping, buffering, off street parking requirements, lot coverage or other external site characteristics.

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of a Site Development Plan are established in Section 3.1, Common Review Procedures.

(2) Review of Conceptual Site Plan

The review of a Conceptual Site Plan, in accordance with Section 3.2.6 shall be required prior to the consideration of a Site Development Plan.

(3) Review and Decision by the Ordinance Administrator

Following the review and approval of a Conceptual Site Plan, the applicant shall prepare a Site Development Plan that reflects the configuration and composition depicted in the Conceptual Site Plan. Following the submission of a Site Plan by an applicant, the Ordinance Administrator shall review and approve, approve with modifications, or deny approval of the Site Development Plan based on the standards in Section 3.2.7(E), Site Development Plan Standards.

(E) Site Plan Development Standards

A Site Development Plan shall be approved only upon a finding that it adequately depicts the precise design, location and profile of all structures, site features and public facilities proposed for development, as well as all other technical considerations. In addition, the Site Development Plan shall demonstrate that all of the following standards are met:

- (1)** The use is allowed in the zoning district in accordance with Table 7-1, Table of Permitted Uses;
- (2)** The development and uses in the Site Development Plan comply with Section 7.3, Use Specific Standards;
- (3)** The development is consistent with the associated Conceptual Site Plan and applicant sponsored conditions (if applicable).
- (4)** The development proposed in the Site Development Plan and its general layout and design comply with all appropriate standards in this Ordinance; and
- (5)** The development complies with all other applicable County regulations and requirements.

(F) Effect of Approval

The approval of a Site Development Plan allows the applicant to apply for a Land Development Permit to initiate land development activities in accordance with the approved Site Development Plan.

(G) Expiration

Site Development Plan approval shall automatically expire at the end of two (2) years following initial approval if a Building Permit has not been issued and construction pursuant to that permit has not commenced for at least one building in the proposed development. A change in ownership shall not affect this time frame.

(H) Amendments

A Site Development Plan may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. Changes to any approved Site Development Plan following the issuance of a Land Development Permit shall require a re-review of a Site Development Plan, may void the Land Development Permit, and may require additional review fees at the discretion of the Ordinance Administrator.

3.2.8 Subdivisions

(A) Purpose and Intent

The purpose of this Section and Article 12, Subdivision Standards, are to promote the health, safety, and welfare of the residents of the County by:

- (1) Providing for the orderly growth and development of the County;
- (2) Coordinating streets and roads within proposed subdivisions with the State road network and all applicable transportation plans;
- (3) Providing easements and rights-of-way for utilities and future streets;
- (4) Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets and other transportation infrastructure in relation to existing or planned streets;
- (5) Ensuring that there is adequate open space and recreation facilities to serve new development; and
- (6) Ensuring that there is proper recordation of landownership and/or property owner association records where applicable.

(B) Applicability

Unless exempted in accordance with Section 3.2.8(C), Exemptions, the following forms of development shall be required to have land subdivided in accordance with the procedures and standards of this Section prior to the transfer of title or sale of any lots, the issuance of a Land Development Permit or the issuance of a Building Permit for development:

- (1) The division of land into two or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease or development;
- (2) All divisions of land involving the creation of a new street or the change or modification of an existing street;
- (3) Re-subdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
- (4) The combination or consolidation of existing lots of record.

(C) Exemptions

The following actions shall be exempt from the requirements of this Section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, and where the lots are equal to or exceed the standards set forth in this Ordinance. .
- (2) The public acquisition of land for public use by purchase of strips of land for the widening or opening of streets, placement of utilities or establishment of park land or greenway trails.
- (3) The division of land into parcels greater than ten (10) acres in size where no street right-of-way dedication is involved.
- (4) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
- (5) The division of a tract of land into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.⁽¹⁷⁾ (NCGS 160D-802(a)(5))

Plats for subdivisions which are exempt from the requirements of this Section shall be submitted to the Ordinance Administrator who shall sign a Certificate of Exemption (see Appendix C) on the plat. This certificate must be signed prior to recordation of the exempt subdivision plat with the Wilson County Register of Deeds.

(D) Sketch Plat Review

(1) General

The Sketch Plat review process allows applicants for subdivision approval to submit their initial development proposal to the Ordinance Administrator for review and comment prior to making a formal application for subdivision approval. This process is intended to reduce the cost of

land subdivision by allowing the Ordinance Administrator to provide the applicant with comments on the proposed subdivision prior to the applicant undertaking the expense of preparing a formal subdivision application.

(2) Applicability

Sketch Plat review shall be required prior to the submission of a Preliminary Plat (Major Subdivision) or Minor Subdivision Plat.

(3) Sketch Plat Content Standards

The required contents of a Sketch Plat are shown in Appendix B, Subdivision Plat Content Standards.

(4) Review Procedures

(i) Preliminary Procedures

The preliminary procedures for submission and review of a Sketch Plat are established in Section 3.1, Common Review Procedures.

(ii) Review and Comment by the Ordinance Administrator

Following the receipt of a complete application for Sketch Plat review, the Ordinance Administrator shall review the submitted plat for general conformance to the requirements of this Ordinance. Following his review, he shall submit his comments in writing to the applicant, who may then begin preparation of a Preliminary Plat (Major Subdivision) or Minor Subdivision Plat.

(E) Preliminary Plat (Major Subdivision)

(1) General

A Preliminary Plat (Major Subdivision) establishes the general layout and design for the subdivision. Upon the approval of a Preliminary Plat, applicants may begin to install streets, public utilities, and other infrastructure. Following installation and approval of all required infrastructure, applicants may submit an application for a Final Plat. Building Permits may not be issued before approval and recordation of a Final Plat.

(2) Applicability

The Subdivision Preliminary Plat (Major Subdivision) procedures shall be utilized for the subdivision of land where any of the following apply:

(i) New public streets are proposed

- (ii) Changes to existing public rights-of-way are proposed;
- (iii) New public utilities are required to serve the proposed lots;
- (iv) Flag lots are created or modified
- (v) More than three (3) lots are proposed; or
- (vi) The total land area contained in the proposed subdivision is more than ten (10) acres.

(3) Preliminary Plat Content Standards

The required contents of a Preliminary Plat are shown in Appendix B, Subdivision Plat Content Standards.

(4) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures for submission and review of a Preliminary Plat are established in Section 3.1, Common Review Procedures.

(ii) Review of Sketch Plat

No application for Preliminary Plat approval shall be accepted until a Sketch Plat for the proposed subdivision has been reviewed in accordance with the procedures in Section 3.2.8(D).

(iii) Review and Recommendation by the Ordinance Administrator

Following the review of the Sketch Plat, the applicant shall prepare a Preliminary Plat that reflects the configuration depicted in the finalized Sketch Plat along with any other required information. Once the complete application and Preliminary Plat are submitted, the Ordinance Administrator shall review the application and submit his recommendation and comments to the Planning Board prior to the meeting at which they will review the application.

(iv) Review and Recommendation by the Planning Board

Following the receipt of comments and a recommendation from the Ordinance Administrator, the Planning Board shall review the proposed Preliminary Plat for compliance with the provisions of this Ordinance. Within forty-five (45) days following its initial review, the Planning Board shall make a recommendation to the Board of Commissioners to approve, conditionally approve or deny approval of the Preliminary Plat based on the standards in Section 3.2.8(E)(5).

(v) Review and Action by the Board of Commissioners

Following the receipt of comments and a recommendation from the Ordinance Administrator and the Planning Board, the Board of Commissioners shall review the proposed Preliminary Plat for compliance with the provisions of this Ordinance. Within forty-five (45) days following its initial review, the Board shall make its decisions to approve, conditionally approve or deny approval of the Preliminary Plat based on the standards in Section 3.2.8(E)(5).

(5) Standards for Approval

A Preliminary Plat shall only be approved upon finding that the application complies with the standards in Article 12, Subdivision Standards, all other relevant provisions of this Ordinance, and all other relevant County ordinances, plans and regulations.

(6) Effect of Approval

Approval of a Subdivision Preliminary Plat shall constitute approval of the development with the general lot shapes and alignments of streets identified in the phases depicted on the approved Preliminary Plat. Phases not depicted on an approved Preliminary Plat shall not have Preliminary Plat approval. Approval of a Preliminary Plat allows the subdivider to proceed with the installation of the required infrastructure and utilities. Approval of a Subdivision Preliminary Plat does not constitute or guarantee approval of a Final Plat. The approval of a Subdivision Preliminary Plat is not a personal right, but one which runs with the land, and, therefore, changes in ownership of the subject property shall not alter the effect of the approval.

(7) Amendment

A Preliminary Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(8) Installation and Inspection of Required Improvements

Following the construction of all required improvements, or the posting of a Performance Guarantee for required improvements that are not installed or completed, the subdivider shall submit a written request for inspection of those improvements to the Ordinance Administrator. When all required public improvements and/or Performance Guarantees have been approved by the County, the subdivider may apply for Final Plat Approval.

(9) Performance Guarantees

In lieu of meeting the requirement for the completion, installation, and dedication of any and all public infrastructure improvements (e.g., underground utilities, streets, sidewalks, storm drainage, trees, landscaping, buffer plantings, street lights, etc.) prior to Final Plat approval, the County may accept a performance guarantee in accordance with the standards in this Section.

(i) Form of Performance Guarantees

Where required, the subdivider shall furnish a performance guarantee in any form acceptable to the County Attorney. Such forms may include any of the following:

(a) Surety Performance Bonds

The developer shall obtain a performance bond from a surety bonding company authorized to do business in North Carolina, and approved by the County Attorney. The bond shall be payable to Wilson County (or its authorized agent) and shall be in an amount equal to one hundred twenty-five percent (125%) of the entire cost, as certified in an estimate by a licensed design professional and verified by the County Engineer, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are approved by the County. Any expenses associated with the cost verification by the County shall be paid entirely by the subdivider.

(b) Cash or Equivalent Security

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County (or its authorized agent) or in escrow with a financial institution designated as an official depository of the County. The amount of deposit shall be equal to one hundred twenty-five percent (125%) of the entire cost, as certified in an estimate by a licensed design professional and verified by the County Engineer, of installing all required improvements.

(c) Escrow Guarantee

If cash or other instrument is deposited in escrow with a financial institution, then the subdivider shall file with Wilson County (or its authorized agent) an agreement with the financial institution guaranteeing the following:

1. Exclusivity of Funds

That the escrow amount will be held in trust until released by the County and may not be used or pledged by the

subdivider in any other transaction during the term of the escrow; and

2. Immediate Release of Funds

That in case of a failure on the part of the subdivider to complete the guaranteed improvements, the financial institution shall, upon notification by the County of an estimate of the amount needed to complete the improvements, immediately pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

(d) Default

Upon failure on the part of the subdivider to complete the required improvements in the time required by this Ordinance or as spelled out in the performance bond or escrow agreement, the surety, or financial institution holding the escrow account, shall, if required by the County, pay all or any portion of the bond or escrow fund to Wilson County up to the amount required to complete the improvements based on an estimate by the County. Upon payment, the County, in its discretion, may expend such portion of these funds, as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

(e) Release of Security Guarantee

The County may release a portion of any security posted after the improvements are completed and recommended for approval by the Ordinance Administrator. The County shall approve or disapprove the improvements within forty-five (45) days following the receipt of a recommendation from the Ordinance Administrator. When the County approves the improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved by the County, as shown in the detailed cost estimate.

(10) Expiration of Approval

Preliminary Plat approval shall be valid for a period of twelve (12) months from the date of approval of the preliminary plat unless an extension of time is applied for and granted by the Planning Board, or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has expired shall be resubmitted in accordance with the provisions of this Section.

(F) Final Plat (Major Subdivision)

(1) General

After the inspection and approval of the required public improvements or the posting of a Performance Guarantee for improvements that are not installed or completed, the subdivider shall prepare a Final Plat for review in accordance with this Section. Where a subdivision is developed in phases, only that phase which has been completed may be included in the Final Plat. The subdivider shall receive approval of a Final Plat prior to the issuance of Building Permits for structures on newly created lots.

(2) Required Contents of Final Plat

The required contents of a Subdivision Final Plat are shown in Appendix B, Subdivision Plat Content Standards.

(3) Review and Approval Procedures

(i) Preliminary Procedures

The preliminary procedures for submission and review of a Final Plat are established in Section 3.1, Common Review Procedures.

(ii) Review and Action by the Ordinance Administrator

Following the submission of a complete application for Final Plat Approval, the Ordinance Administrator shall review the proposed Final Plat. The Ordinance Administrator shall review the application for consistency with the standards of this Ordinance and with the approved Preliminary Plat. Within forty-five (45) days following the initial review, the Ordinance Administrator shall make the decision to approve, conditionally approve or deny approval of the Final Plat. In those cases where the developer has submitted a performance security in lieu of installing all required improvements, the Ordinance Administrator may only grant approval of the Final Plat if it has received a positive recommendation from the County Attorney with regard to the sufficiency of the posted security.

(4) Standards for Approval

- (i)** The Final Plat complies fully with the standards in Article 12, Subdivision Standards;
- (ii)** The Final Plat is in substantial conformity with the approved Preliminary Plat;
- (iii)** The Final Plat indicates the installation, or financial guarantee of the installation, of all required improvements; and

(iv) The Final Plat contains all required certificates, signed by the appropriate authorities.

(5) Certification

No Final Plat may be recorded unless all relevant certificates, as identified in Appendix C, have been signed by the appropriate officials.

(6) Recordation

The subdivider shall file the approved Subdivision Final Plat with the Wilson County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within thirty (30) days after the date of approval or the Final Plat shall be void.

(G) Minor Subdivision

(1) General

The Minor Subdivision procedure shall be utilized for the subdivision of land into three (3) or fewer lots, provided the proposed subdivision complies with all of the following:

- (i) The total land area included within the subdivision is 10 acres or less;
- (ii) No new streets, alleys or other public rights-of-way are created;
- (iii) No changes are made to the existing streets, alleys or other rights-of-way;
- (iv) No new utilities are required to be installed to serve the subdivided land; and
- (v) No flag lots are created; and
- (vi) No part of the tract or parcel to be divided has been divided in the ten (10) years prior to the proposed subdivision.⁽¹⁷⁾

(2) Required Contents of Minor Subdivision Plats

A Minor Subdivision Plat shall contain the information as shown in Appendix B, Subdivision Plat Content Standards.

(3) Review and Approval Procedures

(i) Preliminary Procedure

The preliminary procedures for submission and review of a Minor Subdivision Plat are established in Section 3.1, Common Review Procedures.

(ii) Review of Sketch Plat

No application for Minor Subdivision approval shall be accepted until a Sketch Plat for the proposed subdivision has been reviewed in accordance with the procedures in Section 3.2.8(D).

(iii) Review and Action by the Ordinance Administrator

Following the review of the Sketch Plat, the applicant shall prepare a Plat that reflects the configuration depicted in the finalized Sketch Plat along with any other required information. Once the complete application and Minor Subdivision Plat are submitted, the Ordinance Administrator shall review the application and make a decision to approve, approve with modification or deny the application in accordance with Section 3.2.8(G)(4), Standards for Approval.

(4) Standards for Approval

A Minor Subdivision shall be approved upon a finding that the application complies with the standards in Article 12, Subdivision Standards, as well as all other relevant provisions of this Ordinance, and all other relevant County ordinances and regulations.

(5) Certification

No Minor Subdivision Plat may be recorded unless all relevant certificates, as identified in Appendix C, have been signed by the appropriate authorities.

(6) Recordation

The subdivider shall file the approved Minor Subdivision Plat with the Wilson County Register of Deeds, and shall provide proof of recordation to the Ordinance Administrator within thirty (30) days after the date of approval or the approved plat shall be void.

3.2.9 Land Development Permit

(A) Purpose

A Land Development Permit shall be required in accordance with the provisions of this Section in order to ensure that proposed development complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the citizens of the County.

(B) Applicability

The provisions of this Section shall be applicable to all development within the County's jurisdiction. No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, any Building Permit be issued, or any other development activity commence until the Ordinance Administrator has issued a Land Development Permit in accordance with this Section.

(C) Procedure

(1) Preliminary Procedures

The preliminary procedures for submission and review of a Land Development Permit application are established in Section 3.1, Common Review Procedures.

(2) Review and Action by the Ordinance Administrator

The Ordinance Administrator shall review and approve or deny an application for a Land Development Permit in accordance with the standards in Section 3.2.9(D), Land Development Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(D) Land Development Permit Standards

A Land Development Permit shall be approved upon a finding by the Ordinance Administrator that the application fully complies with all relevant standards of this Ordinance, as well as all other applicable County requirements and applicable conditions of approval if any were imposed as part of a preceding approval for the proposed development.

(E) Appeals

The appeal of a decision by the Ordinance Administrator on the issuance of a Land Development Permit shall be heard by the Board of Adjustment in accordance with Section 3.2.14, Appeals of Administrative Decisions.

(F) Expiration

- (1)** For development activity that requires a Building Permit, the Land Development Permit issued for that activity shall expire and be void six (6) months after the date of its issuance if a Building Permit has not yet been issued.
- (2)** For development activity that does not require a Building Permit, the Land Development Permit shall expire and be void unless the activity authorized by the Land Development Permit has commenced within six (6) months of the date of its issuance.

3.2.10 Certificate of Compliance

(A) Purpose

Certificates of Compliance are required to ensure that previously authorized development has taken place in conformance with approved plans, permits, conditions and the general provisions of this Ordinance.

(B) Applicability

All land development activity which was authorized by the issuance of a Land Development Permit must receive a Certificate of Compliance prior to receiving a Certificate of Occupancy from the Wilson County Building Inspections Division.

(C) Procedure

Upon the completion of development activity, the developer shall make an application for a Certificate of Compliance. Following the receipt of the application, the Ordinance Administrator shall inspect the development for conformance with the approved plans and permits and for conformance with the provisions of this Ordinance. If the development is found to be in compliance, the Ordinance Administrator shall issue a Certificate of Compliance. If the development is found not to be in compliance, the Ordinance Administrator shall submit the deficiencies to the applicant in writing and deny the issuance of a Certificate of Compliance. The applicant may then correct any deficiencies and reapply for a Certificate of Compliance.

(D) Phased Development

Where development of a site is conducted in phases, Certificates of Compliance may be issued for those specific portions of the development which have been completed to that point, provided that all required infrastructure and all site features, such as parking and landscaping, related to that portion of the development have been installed.

(E) Temporary Certificates Authorized

The Ordinance Administrator is authorized to grant a temporary Certificate of Compliance when he has determined that substantial compliance with all approved plans, permits and conditions exists, but uncontrollable circumstances will prevent the immediate completion of the development, such as weather impacting the installation of landscaping materials. A temporary Certificate of Compliance may be granted for a period not to exceed ninety (90) days. One extension, not to exceed thirty (30) days may be granted upon demonstration by the developer that conditions outside of his control have precluded the completion of the development. In no case shall a temporary Certificate of Compliance be in effect for a period of more than one hundred twenty (120) days.

3.2.11 Floodplain Development Permit

(A) Purpose

The purpose of this Section is to establish the review and approval procedures for Floodplain Development Permits in order to ensure that development occurs in compliance with the requirements of Article 14, Flood Damage Prevention.

(B) Applicability

All land development activities proposed for lands which lie within a Special Flood Hazard Area must obtain a Floodplain Development Permit prior to application for a Land Development Permit.

(C) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of a Floodplain Development Permit application are established in Section 3.1, Common Review Procedures.

(2) Review and Action by the Ordinance Administrator

Following the receipt of a complete application for a Floodplain Development Permit, the Ordinance Administrator shall review the application and either approve, approve with modifications or deny approval of the application based on the standards in 3.2.11(D), Standards for Approval. If the application is denied, the Ordinance Administrator shall state the reasons for denial in writing.

(D) Standards for Approval

The Ordinance Administrator shall only approve an application for a Floodplain Development Permit if he finds that it meets all of the standards set forth in Section 14.6, Provisions for Flood Hazard Reduction.

(E) Required Contents of Floodplain Development Permit Applications

All applications for Floodplain Development Permits shall be accompanied by the following specific information:

- (1)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i)** The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

- (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 14.5.2, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 14.5.2.
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 14.5.2;
 - (v) The Base Flood Elevation (BFE), where provided, as set forth in Section 14.5.2 or 14.6.3 as appropriate.
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- (2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area, including but not limited to:
- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- (3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- (5) Usage details of any enclosed areas below the lowest floor.

- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sections 14.6.2(F) and 14.6.2(G) of this Ordinance are met.
- (9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(F) Floodplain Development Permit Content Standards

Floodplain Development Permits shall include the following information:

- (1) A description of the development to be permitted under the floodplain development permit.
- (2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 14.5.2.
- (3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (4) The regulatory flood protection elevation required for the protection of all public utilities.
- (5) All certification submittal requirements with timelines.
- (6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (7) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(G) Required Certifications

(1) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of the

elevation of the reference level, in relation to mean sea level. The Ordinance Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- (ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Occupancy issuance. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Ordinance Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Occupancy.

(2) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Ordinance Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Ordinance Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Occupancy.
- (ii) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.

(3) Watercourse Alteration Certificate

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation, a professional engineer's certified report on the effects of the proposed project on the floodcarrying capacity of the watercourse and the effects to properties located both upstream

and downstream and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(H) Certification Exemption

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this Subsection:

- (1) Recreational Vehicles meeting requirements of Section 14.6.2(F);
- (2) Temporary Structures meeting requirements of Section 14.6.2(G); and
- (3) Accessory Structures less than 150 square feet meeting requirements of Section 14.6.2(H).

3.2.12 Watershed Protection Permit

(A) Purpose

The purpose of the Watershed Protection Permit is to ensure compliance with the standards of Article 13, Watershed Management and Protection.

(B) Applicability

A Watershed Protection Permit shall be required prior to the issuance of a Land Development Permit for any development activity that will increase the amount of built-upon area within a Watershed Protection Overlay District.

(C) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of a Watershed Protection Permit application are established in Section 3.1, Common Review Procedures.

(2) Review and Action by the Ordinance Administrator

The Ordinance Administrator shall review and approve or deny an application for a Watershed Protection Permit in accordance with the standards in Section 3.2.12(D), Watershed Protection Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

(D) Watershed Protection Permit Standards

A Watershed Protection Permit shall be approved upon a finding by the Ordinance Administrator that the application fully complies with the standards

set forth in Article 13, Watershed Management and Protection, and all other relevant Sections of this Ordinance.

(E) Appeals

The appeal of a decision by the Ordinance Administrator on the issuance of a Watershed Protection Permit shall be heard by the Board of Adjustment in accordance with Section 3.2.14, Appeals of Administrative Decisions.

(F) Expiration

Watershed Protection Permits shall expire twelve (12) months following their issuance if a building permit, or similar permit for development activity which does not require a building permit, has not been issued.

3.2.13 High Density Development Permit

(A) Purpose

The purpose of the High Density Development Permit is to allow development within a Watershed Protection Overlay District which exceeds the density or built-upon area thresholds for low density development as set forth in Article 13, Watershed Management and Protection.

(B) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of a High Density Development Permit application are established in Section 3.1, Common Review Procedures.

(2) Review and Recommendation by the Ordinance Administrator

The Ordinance Administrator shall review and make a recommendation on each application for a High Density Development Permit prior to submitting it to the Planning Board for its review and decision on the application.

(3) Review and Action by the Planning Board

Following the Ordinance Administrator's review, the application shall be referred to the Planning Board for review and final decision. During the meeting, the Planning Board shall consider the application, and relevant supporting materials submitted with the application. Within forty-five (45) days of the first meeting on an application, the Planning Board shall make a final decision to approve, conditionally approve or deny the application in accordance with the standards in 3.2.13(C), Standards for Approval.

(C) Standards for Approval

Applications for High Density Development Permits shall be approved only if the stormwater management measures outlined in the proposed plan meet the standards for high density development as set forth in Article 13, Watershed Management and Protection.

(D) Expiration

High Density Development Permits shall expire if the development authorized by the permit has not commenced within (12) twelve months following the approval of the permit by the Planning Board.

(E) Amendment

High Density Development Permits may only be amended in the same manner set forth for their original approval.

3.2.14 Appeals of Administrative Decisions

(A) Right of Appeal

Any aggrieved party affected by a decision or interpretation of the Ordinance Administrator or other administrative official may appeal such decision or interpretation to the Board of Adjustment in accordance with the provisions of this Section.

(B) Procedure

(1) Initiation

An appeal taken in accordance with this Section may be initiated by filing a written Notice of Appeal within thirty (30) days of the date of the decision or interpretation with the County Clerk.

(2) Contents of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all supporting materials related to the decision.

(3) Record

Upon receipt of the written Notice of Appeal, the County Clerk shall transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the Board of Adjustment. These materials shall constitute the record of the appeal.

(4) Schedule of Notice and Hearing

- (i) Upon receipt of a Notice of Appeal, the County Clerk shall schedule a public hearing, and provide public notification in accordance with the standards in Section 3.1, Common Review Procedures.
- (ii) The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting, based upon established scheduling policy, or as soon as is reasonably possible.

(5) Hearing and Decision by Board of Adjustment

At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The Ordinance Administrator shall be given an opportunity to respond, as well as any other County staff or other person the Board of Adjustment deems necessary. In making its determination, the Board of Adjustment shall consider the application, the relevant support materials and the testimony given at the public hearing. Within thirty (30) days following the close of the public hearing, the Board of Adjustment shall affirm, partly affirm, modify, or reverse the decision or interpretation, based on the record, and the requirements and standards of this Ordinance. Modifying or reversing the decision being appealed shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote as set forth in NCGS 160D-345(e). All decisions by the Board of Adjustment shall be in writing, and shall be filed by the County Clerk within thirty (30) days from the date the decision is made.

(C) Effect of Appeal

A pending appeal stays all proceedings in furtherance of the action appealed, unless the Ordinance Administrator certifies to the Board of Adjustment after the Notice of Appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of competent jurisdiction, on notice to the Ordinance Administrator and on due cause shown.

(D) Appeal of Decision

Any appeal from the decision of the Board of Adjustment shall be to the Superior Court for Wilson County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed with the Clerk of Court no later than thirty (30) days after the date the decision of the Board of Adjustment is filed with the County Clerk, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

3.2.15 Establishment of Vested Rights

(A) Purpose⁽¹⁷⁾

The purpose of this Section is to implement the provisions of NCGS 160D-108 for the establishment of a statutory vested right. Wilson County government recognizes that approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. It is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. These provisions attempt to strike a balance between private expectations and the public interest.

(B) Permit Choice⁽¹⁷⁾

If an application made in accordance with this ordinance is submitted for development approval required pursuant to this ordinance and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development.

(C) Applicability

Vested rights shall only be available to a landowner with a legally established and approved Site-Specific Development Plan. For the purposes of this Subsection, a Site-Specific Development Plan shall include the following:

- (1) Development subject to an approved Special Use Permit
- (2) Development subject to a Subdivision Preliminary Plat
- (3) Development subject to a Site Development Plan
- (4) Land subject to a Conditional Zoning District Classification
- (5) Land Development Permit (Building Permit)⁽¹⁷⁾

(D) Procedures

(1) Preliminary Procedures

The preliminary procedures for submission and review of an application for Establishment of Vested Rights are set forth in Section 3.1, Common Review Procedures.

(2) Review by the Ordinance Administrator

Prior to the submission of the application to the Planning Board, the Ordinance Administrator shall review the application and make a written report which he shall present to the Planning Board.

(3) Review and Recommendation by the Planning Board

Following review by the Ordinance Administrator, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials and any public comments given on the application. Within forty-five (45) days of the first meeting on an application, the Planning Board shall make a written recommendation to the Board of Commissioners. In addition to making a recommendation as to approval or denial of the application and the appropriate period of time to vest a Site-Specific Development Plan, the Planning Board may also recommend the imposition of conditions on the approval in accordance with Section 3.1.11, Conditions of Approval. In no case shall the application proceed to the public hearing before the Board of Commissioners without a recommendation by the Planning Board.

(4) Review and Action by the Board of Commissioners

After the receipt of a recommendation from the Planning Board, public notification, and the scheduling of a public hearing, the Board of Commissioners shall conduct a public hearing on the application. At the public hearing, the Board of Commissioners shall consider the application, the relevant support materials, the recommendation of the Planning Board and the comments given at the public hearing. After the close of the public hearing, the Board of Commissioners shall vote to approve, approve with conditions, or deny the application based on the standards in 3.2.15(D) Vested Rights Standards. In the event the application is approved, the Board of Commissioners shall establish the vesting period, which shall not exceed a maximum of five years from the date of approval of the Establishment of Vested Rights.

(E) Vested Rights Standards

The Board of Commissioners shall only grant vested rights in accordance with this Section after making the following findings:

- (1)** The Site-Specific Development Plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
- (2)** The Site-Specific Development Plan has not expired;
- (3)** All required Variances, if any, included as a condition of the approval of a Site-Specific Development Plan have been obtained; and

- (4) The Site-Specific Development Plan provides sufficient information to establish the types and intensity of proposed development with reasonable certainty.

(F) Duration of Vested Rights⁽¹⁷⁾

- (1) Pursuant to G.S. 160D-1111, a building permit expires six months after issuance unless work under the permit has commenced.

- (a) A right vested as relating to building permits as provided in this subsection 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. Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.

- (2) Pursuant to G.S. 160D-403(c), unless otherwise specified in this ordinance, all other development approvals expire one (1) year after issuance unless work has substantially commenced.

- (3) Two Year – Site-Specific Vesting Plan

- (a) A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by this ordinance. If a plan fails to meet these content stipulations, it may be found not to constitute a site-specific vesting plan.

- (b) For the purposes of this subsection, a “site-specific vesting plan” means a plan submitted to and approved by Wilson County describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as may be used by a local government.

- (i) A site-specific vesting plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height of buildings and other structures; and the approximate location of all and proposed infrastructure on site, including water, sewer, roads, and pedestrian walkways.

- (c) The Ordinance Administrator may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two years, but not exceeding five years, if warranted by the size and phasing of the development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. This determination shall be at the discretion of the Ordinance Administrator and shall be made following the process specified by subsection (d) below for the particular form of a site-specific vesting plan involved.
- (d) If a site-specific vested plan is based on required approval by any appointed or governing board, Wilson County shall provide whatever notice and hearing is required for that underlying approval. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

(4) Multi-phase developments

A multi-phase development shall be vested for the entire development with zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for initial phase of the multi-phase development. This site shall remain vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multi-phase development. For the purposes of this subsection, “multi-phased development” means a development containing 25 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

In approving the Establishment of Vested Rights, the Board of Commissioners may extend the two (2) year vested rights period to a period of up to five (5) years, where warranted in light of all relevant circumstances, including but not limited to, the size and phasing of development, economic cycles, and market conditions.

Article IV. ARTICLE 4 – ENFORCEMENT

4.1 Purpose

This Article establishes the procedures through which the County seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Article are intended to encourage the voluntary correction of violations, where possible.

4.2 Compliance Required

Compliance with all of the procedures, standards and other provisions of this Ordinance is required by all persons owning, developing, managing, using or occupying land or structures within the County's jurisdiction.

4.3 Violations

4.3.1 Violations Generally

(A) Failure to Comply with Ordinance Provision or Term or Condition of Approval Constitute Ordinance Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this Article.

(B) Permits and Development Approvals only Authorize Specific Development

Permits or development approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

4.3.2 Specific Violation

It shall be a violation of this Ordinance to undertake any land development activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

- (A)** Developing land or a structure without first obtaining the appropriate permit or permit approval.
- (B)** Occupying or using land or a structure without first obtaining the appropriate permit or permit approval.
- (C)** Developing land or a structure without complying with the terms or conditions of the permit or permit approval required to engage in development.

- (D) Occupying or using land or a structure in violation of the terms or conditions of the permit or permit approval.
- (E) Subdividing land without first obtaining the appropriate permit or permit approval required to engage in the subdivision.
- (F) Subdividing land without complying with the terms or conditions of the permit or permit approval required to engage in the development.
- (G) Excavate, cut, clear or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions.
- (H) Install, create, erect, alter or maintain any sign without first obtaining the appropriate permit or permit approval.
- (I) Fail to remove any sign installed, created, erected, altered or maintained in violation of this Ordinance, or for which the permit has expired.
- (J) Create, expand, replace or modify any nonconformity except in compliance with this Ordinance.
- (K) Reduce or diminish the requirements for development, design or dimensional standards below the minimum requirements of this Ordinance.
- (L) Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- (M) Through any act or omission, fail to comply with any other provisions, procedures or standards required by this Ordinance.

4.4 Responsible Persons

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this Article.

4.5 Enforcement Generally

4.5.1 Responsibility for Enforcement

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance.

4.5.2 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis therefore, shall be filed with the Ordinance Administrator, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

4.5.3 Enforcement Procedures

(A) Notice of Violation

When the Ordinance Administrator finds that a violation of this Ordinance has occurred, he shall take appropriate action to remedy the violation consistent with Section 4.6, Remedies and Penalties. The Ordinance Administrator shall notify, in writing, the person violating this Ordinance. Such notification shall indicate:

- (1)** The nature of the violation;
- (2)** The necessary action to correct or abate the violation; and
- (3)** The deadline for correcting the violation.

The Notice of Violation shall state what course of action is intended if the violation is not corrected within the time frame specified by the Ordinance Administrator. The Notice of Violation shall also advise the violator of their right to appeal the Notice of Violation to the Board of Adjustment within 30 days of the date the Notice of Violation was issued.

(B) Application of Remedies and Penalties

If the owner, occupant, or person responsible for the violation fails to comply with the Notice of Violation, from which no appeal has been taken within 30 days, as provided in the notification, the Ordinance Administrator shall take appropriate action, as provided in Section 4.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

4.6 Remedies and Penalties

Any of the following remedies and enforcement powers may be used to administer and enforce this Ordinance following a Notice of Violation as described in Section 4.5.3, Enforcement Procedures. While the County may exercise any of the following remedies or penalties at any point following issuance of a Notice of Violation and the required correction period, the following remedies and penalties are listed in their general order or sequence of application.

4.6.1 Civil Penalty

- (A)** In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to NCGS 160D-123, the standards in this Ordinance may be enforced through the issuance of civil penalties by the Ordinance Administrator.
- (B)** Subsequent citations for the same violation may be issued each day by the Ordinance Administrator if the offender does not pay the citation after it has been issued unless the offender has sought an appeal to the actions of the Ordinance Administrator through an Appeal of Administrative Decision (3.2.14) to the Board of Adjustment.

(C) Civil penalties shall be issued in the following amounts:

- (1) First citation – \$50
- (2) Second citation – \$100
- (3) Third and subsequent citations – \$250

(D) If the violator fails to pay the civil penalty within fifteen (15) days after having been cited, the County may recover the penalties in a civil action in the nature of debt.

4.6.2 Stop Work Order

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Ordinance Administrator may order the revocation of the Land Development Permit for such work and request a Stop Work Order be issued by the Wilson County Building Inspections Department. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

4.6.3 Revocation of Permit

The Ordinance Administrator may revoke any Land Development Permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance or a permit has been mistakenly issued in violation of this Ordinance.

4.6.4 Injunction

When a violation occurs, the Ordinance Administrator may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

4.6.5 Order of Abatement

In addition to an injunction, the County may apply for, and the court may enter into, an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- (A) Buildings or other structures on the property be closed, demolished, or removed;
- (B) Fixtures, furniture, or other movable property be moved or removed entirely;
- (C) Improvements, alterations, or repairs be made; or

- (D) Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

4.6.6 Equitable Remedy

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the County's application for equitable relief.

4.6.7 Criminal Penalties

Pursuant to NCGS 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500).

4.6.8 Execution of Court Decisions

As provided in NCGS 160D-123(e), if the Violator fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the Court, he may be cited for contempt, and the County, by and through the County Attorney, may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien.

The violator may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned upon the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

4.6.9 Deny or Withhold Permits

The Ordinance Administrator may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation and associated civil penalty related to such land, use, or development is corrected.

4.7 Cumulative Penalties

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

4.8 Continuing Violations

Each day that a violation continues shall be considered as a separate and distinct offense, and may be enforced as such at the discretion of the Ordinance Administrator.

Article V. ARTICLE 5 – NONCONFORMITIES

5.1 General Applicability

5.1.1 Purpose and Scope

(A) General

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this Article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

(B) Permit, but not Encourage, Nonconformities to Continue

It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their continuance except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities.

5.1.2 Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Article, and are encouraged to receive routine maintenance as a means of preserving safety and appearance.

5.1.3 Determination of Nonconforming Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

5.1.4 Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

(A) Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure, lot of record or sign in a safe condition; and

(B) Maintenance of Land for Safety

Maintenance of land areas to protect against health hazards and promote the safety of surrounding land, structures and uses.

5.2 Nonconforming Uses

5.2.1 General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

5.2.2 Change of Use

A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased operation or has been discontinued for a period of 180 days or longer, it shall only be replaced with a conforming use.

5.2.3 Expansion and Enlargement

Except in accordance with this Subsection, a nonconforming use shall not be enlarged, expanded in area occupied or intensified. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity.

5.2.4 Discontinuance

A nonconforming use shall not be reestablished after discontinuance for a period of one hundred eighty (180) consecutive calendar days or more. An effort to renovate the structure housing the use is not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation is completed within one hundred eighty (180) days from its commencement, and the use is re-established within thirty (30) days from the time the renovation is completed. Failure to complete the renovation within one hundred eighty (180) days or reestablish the use within thirty (30) days following renovation shall constitute discontinuance, and a nonconforming use shall not be reestablished in the structure.

5.2.5 Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operation within thirty (30) days.

5.2.6 Reestablishment after Casualty Damage

If a structure housing a nonconforming use is destroyed or damaged, by any means, to an extent greater than sixty percent (60%) of its current assessed tax value, the nonconforming use may not be reestablished following reconstruction. If the amount of damage is less than sixty percent (60%) of the current assessed tax value, the nonconforming use may be reestablished if a Building Permit is obtained within 180

days following the casualty damage and the restoration of the structure housing the nonconforming use is completed within one year of obtaining the building permit.

5.3 Nonconforming Structures

5.3.1 Continuation

Normal repair and maintenance may be performed to allow the continued use of nonconforming structures.

5.3.2 Enlargement

A nonconforming structure shall not be enlarged or expanded in any way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the Ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

5.3.3 Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location within the County's jurisdiction, on or off the parcel of land on which it is presently located, unless upon relocation it conforms to the requirements of this Ordinance.

5.3.4 Reconstruction After Casualty Damage

(A) Destruction or Damage Beyond 60 Percent of Value

- (1)** In the event a nonconforming structure is damaged or destroyed, by any means, to an extent more than sixty percent (60%) of its assessed tax value at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.
- (2)** New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance

(B) Damage of Sixty Percent (60%) of Value or Less

- (1)** In the event a nonconforming structure is damaged, by any means, to an extent of sixty percent (60%) or less of its assessed tax value at the time of damage or destruction, it may be rebuilt to its previous form if a Building Permit for such repair or restoration is obtained within one hundred eighty (180) days of the casualty damage, and repair or restoration is completed within one year of obtaining the Building Permit.
- (2)** In no event shall the repair or restoration increase the degree of nonconformity.

5.4 Nonconforming Lots of Record

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this Section.

5.4.1 Status of Nonconforming Lots

- (A)** Conforming structures legally established on nonconforming lots of record prior to the effective date of this Ordinance may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance
- (B)** Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, or redeveloped only in accordance with the standards in Section 5.3, Nonconforming Structures.

5.4.2 Development of Unimproved Lots

(A) Residential Districts

In the residential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and customary accessory structures may be developed on any single lot of record existing on January 1, 2010. This provision applies even if the lot of record fails to comply with the standards for area or width in Section 8.2, Dimensional Standards. Development of a single-family detached dwelling on the lot of record shall comply with the other standards in Section 8.2, Dimensional Standards, to the maximum extent practicable.

(B) Nonresidential Districts

In the nonresidential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be developed on any single nonconforming lot of record existing on January 1, 2010, or the date the lot of record became nonconforming, subject to review and approval of a Special Use Permit. This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the zoning district. In considering the application for a Special Use Permit, the Board of Adjustment shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on the lot of record shall comply with the other standards in Section 8.2, Dimensional Standards, to the maximum extent practicable.

(C) Recombination Required

In the event that a vacant nonconforming lot is located adjacent to a lot under common ownership, and the adjacent lot has sufficient size to allow for a lot line adjustment as a means of bringing the vacant lot into greater conformity with the requirements of the zoning district where its located, then such lot line

adjustment shall be required as a condition of approval for development on the vacant nonconforming lot.

5.4.3 Redevelopment of Improved Lots in Residential Districts after Casualty

If a legally established single-family detached dwelling is destroyed by casualty on a nonconforming lot in a residential zoning district that was part of a subdivision or division of land evidenced by plat or deed, or both, recorded prior to January 1, 2010, an identical replacement structure may be reconstructed within the same footprint as the dwelling destroyed by casualty even though the lot does not meet the minimum lot area or lot width requirements.

5.4.4 Government Acquisition of Land

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width and/or lot area below that required in Section 8.2, Dimensional Standards, shall not render the lot nonconforming.

5.4.5 Alteration of Nonconforming Lots

A nonconforming lot may be increased in area, width, or both, through a lot line adjustment in accordance with the requirements of the Minor Subdivision procedures, to make the lot less nonconforming.

5.5 Nonconforming Signs

5.5.1 Continuance

- (A) Any sign that was lawfully erected prior to January 1, 2010, but that does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this Section and other applicable requirements of this Ordinance. No activity that increases the amount of nonconformity shall be permitted.
- (B) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with this Ordinance.

5.5.2 Routine Repairs and Maintenance

- (A) Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided such activities are completed in accordance with the requirements in Article 11, Sign Regulations, and provided that the cost of repairs do not exceed sixty percent (60%) of the replacement value of the sign.
- (B) Nonconforming signs representing a danger to the public health or safety as determined by the Ordinance Administrator shall be immediately replaced or

removed, and replacement signage shall comply with all requirements of this Ordinance.

5.5.3 Replacement Required

(A) Single Tenant Buildings

In the event there is a change in use to an existing single tenant building, and there are one or more on-premise nonconforming signs which advertised the business or use which changed, the owner or new occupant shall replace all existing nonconforming signs with new signs or new sign faces that meet all sign requirements for the district as set forth in Article 11, Sign Regulations.

(B) Multi-Tenant Buildings

In the event there is a change in use to an existing multi-tenant building, and there are one or more on-premise nonconforming signs which advertised the business or use which changed, the owner or new tenant shall replace all nonconforming signs which pertain specifically to the new tenant with new signs or new sign faces that meet all sign requirements for the district as set forth in Article 11, Sign Regulations. Common signage on the property (those signs advertising more than one tenant) may not be changed or altered when a change in use occurs, except in order to bring the sign(s) into conformance with the requirements of Article 11, Sign Regulations.

5.5.4 Casualty Damage

In the event that a nonconforming sign is destroyed or damaged, by any means, to an extent that exceeds sixty percent (60%) of the sign's current replacement value, then the sign shall only be restored, repaired or reconstructed in accordance with the standards of Article 11, Sign Regulations. In no instance shall any remnants of the former nonconforming sign structure remain on the site. In the event a nonconforming sign is damaged to an extent less than sixty percent (60%) of the sign's replacement value, the sign may be repaired in accordance with Section 5.5.2, Routine Repairs and Maintenance.

5.5.5 Abandonment

- (A)** If a nonconforming on-premise sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that has not been operated, conducted or offered for a period of at least one hundred eighty (180) days, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, landowner, or other person having control over the sign within thirty (30) days.
- (B)** If a nonconforming sign remains blank for a continuous period of one hundred eighty (180) days, that sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be brought into compliance with this Ordinance or be removed by the sign owner, owner of the land where the sign is

located, or other person having control over the sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:

- (1)** It advertises a business, commodity, accommodation, attraction service or other enterprise or activity that is no longer operating or being offered or conducted in that location; or
- (2)** The advertising message it displays becomes illegible in whole or substantial part; or
- (3)** It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Building For Rent", "Building For Lease", "Building for Sale", etc. shall not be deemed to be an advertising message).

Article VI. ARTICLE 6 – ZONING DISTRICTS

6.1 General Provisions

6.1.1 Zoning Districts Established

All property within the zoning jurisdiction of Wilson County shall be divided into the base, conditional and overlay zoning districts as outlined in this Article.

6.1.2 Relationships Between Zoning Districts

(A) Generally

All lands within the zoning jurisdiction of Wilson County shall be classified into one of the base zoning districts set forth in Section 6.2. Lands within the County's zoning jurisdiction may also be classified into one or more of the following types of districts:

- (1) A conditional zoning district as set forth in Section 6.3; and
- (2) One or more of the overlay zoning districts set forth in Section 6.4.

(B) Conditional Zoning Districts

Where lands are classified in a conditional zoning district in accordance with Section 3.2.3, Conditional Zoning District Classification, any conditions approved by the Board of Commissioners shall apply in addition to the regulations governing development in the corresponding base zoning district.

(C) Overlay Districts

Where lands are classified within an overlay zoning district in addition to a base or conditional zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying zoning district.

(D) Conflict

In the event of a conflict between the standards set forth for the districts established by this Article, the more restrictive provision shall control, unless otherwise specified.

6.1.3 Compliance with District Standards

No land within the County's zoning jurisdiction shall be developed except in accordance with the standards set forth in this Article, and all other applicable regulations contained in this Ordinance.

6.2 Base Zoning Districts

6.2.1 Purpose and Intent

The purpose of the districts set forth in this section is to ensure the health, safety, and general welfare of the citizens of Wilson County. More specifically, it is the intent of these districts to:

- (A)** Preserve the County's rural and agricultural character while accommodating new development consistent with the County's land used goals and objectives.
- (B)** Ensure that new development does not impair the ability of existing agricultural uses to continue operation.
- (C)** Protect and preserve the natural environment, and ensure the protection of water quality within the County.
- (D)** Provide for residential housing choice and diversity with varying density together with accessory structures, and nonresidential services as may be compatible with such development.
- (E)** Minimize any negative impacts of nonresidential development on residential districts and uses.
- (F)** Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses.

6.2.2 Residential Zoning Districts

(A) AR – Agriculture Residential District

The AR district is established to preserve and protect rural agricultural areas of the County from dense residential development and intensive commercial development that is inconsistent with the character of these rural areas. Public utilities are generally not available within these areas.

(B) R-30 – Rural Residential District

The R-30 district is primarily intended to accommodate low density single-family dwellings on large lots where a public water system is available, with sewage disposal by individual septic system or through connection to a community sewer system.

(C) R-30MH – Rural Manufactured Home District

The R-30MH district is intended to accommodate low density development comprised primarily of manufactured homes on large lots where a public water

system is available, with sewage disposal by individual septic system or through connection to a community sewer system.

(D) R-20 – Low Density Residential District

The R-20 district is created to encourage the development of neighborhoods of low residential density comprised primarily of single-family dwellings where public water and sewer systems are available.

(E) R-20MH – Low Density Manufactured Home District

The R-20MH Residential Manufactured Home District is created to encourage development of neighborhoods with medium population density comprised chiefly of manufactured homes on individually owned lots where public water and sewer systems are available.

(F) R-15 – Moderate Density Residential District

The R-15 district is created to encourage the development of neighborhoods of moderate residential density comprised primarily of single-family and two family dwellings where public water and sewer systems are available.

(G) R-15MH – Moderate Density Residential Manufactured Home District

The R-15MH Residential Manufactured Home District is created to encourage development of neighborhoods with medium population density comprised primarily of single-family and two-family dwellings, including single-family manufactured homes and manufactured home parks where public water and sewer systems are available.

(H) R-10 – High Density Residential District

The intent of this district is to permit the development of higher density single family and multi-family residential neighborhoods in areas that have adequate infrastructure to support such development, including public water and sewage systems.

6.2.3 Nonresidential Zoning Districts

(A) OI – Office and Institutional District

The purpose of this district is to accommodate a wide range of professional office and institutional uses which do not generate large amounts of traffic or create burdensome impacts on adjacent or nearby residential areas. This district is also intended to serve as a transitional district between higher intensity commercial uses and residential areas.

(B) B-1 – Highway Business District

The purpose of this district is to accommodate commercial development that serves regional customers in locations that are served by primary roadways. Typical uses in this district include larger shopping centers, drive through restaurants, destination type retail establishments and other uses that serve regional or transient customers.

(C) B-2 – General Business District

This district is established to accommodate smaller scale retail, office and service uses that serve an adjacent or nearby residential or rural/agricultural area. Development within this district is limited to those uses which directly provide necessary goods and services to local residents.

(D) M-1 – Light Industrial District

This district is established to accommodate low to moderate intensity and small scale industrial, manufacturing, warehousing, wholesaling and transportation uses in areas served by primary roads. A limited number of supporting uses, such as professional and business service uses, offices and some convenience retail are also allowed to support the primary uses in the district and the employees of those uses.

(E) M-2 – Heavy Industrial District

This district is established to accommodate more intensive and larger scale manufacturing and industrial uses in areas that are isolated and sufficiently buffered from residential areas. This district is specifically designed to accommodate those uses which, by their nature, are wholly incompatible with residential land uses and require a great deal of separation from those areas to ensure that the operations taking place do not interfere with the use of adjoining or nearby properties.

6.3 Conditional Zoning Districts

6.3.1 Purpose and Intent

A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations and the adopted Wilson County 2025 Comprehensive Plan.

6.3.2 Designation

Conditional zoning districts shall be established only in accordance with the procedures set forth in Section 3.2.3, Conditional Zoning District Classification, and

may not contain conditions which are less restrictive than this Ordinance, other County requirements or other applicable State or Federal laws.

6.3.3 Allowed Uses

No use shall be permitted within a conditional zoning district except pursuant to the conditions imposed as part of the approval. The permitted uses shall be limited to those permitted in the corresponding base zoning district unless otherwise restricted in the conditions set forth in the approval of the conditional zoning district.

6.3.4 Standards

(A) Base Zoning District Standards Apply

All standards and requirements that apply to the corresponding base zoning district shall also apply to the conditional zoning district.

(B) No Less Restrictive than Base District

Conditions imposed on a conditional zoning district may be no less restrictive than the standards that apply to the corresponding base zoning district.

(C) Stricter Standards Adopted

Existing conditions or limitations associated with an approved Conditional Zoning District Classification shall become null and void if future amendments to this Ordinance require stricter standards than those imposed under the Conditional Zoning District Classification.

(D) Application of Conditions

In cases where the ability to implement an approved conditional zoning district condition is impossible or impractical (e.g. a condition requiring trees to be preserved when the trees have subsequently died due to natural causes), the Ordinance Administrator shall enforce the condition in a way that most closely meets the condition's original intent.

6.3.5 Parallel Conditional Zoning Districts Established

Each base zoning district shall have a corresponding "parallel" conditional zoning district. Conditional zoning district classifications shall be indicated on the Official Zoning Map by the suffix "CD" in front of the associated base zoning district. The Conditional Zoning Districts are:

(A) CD-AR

(B) CD-R-30

(C) CD-R-30MH

- (D) CD-R-20
- (E) CD-R-20MH
- (F) CD-R-15
- (G) CD-R-15MH
- (H) CD-R-10
- (I) CD-OI
- (J) CD-B-1
- (K) CD-B-2
- (L) CD-M-1
- (M) CD-M-2

6.3.6 Planned Unit Development District

(A) General

The Planned Unit Development District (CD-PUD) is a special purpose conditional zoning district that is established in order to accommodate a diverse mix of residential and nonresidential uses and structures that function as a cohesive, integrated and unified development. This district encourages innovative development patterns by allowing flexibility in permitted uses, design and layout requirements in conjunction with a Conceptual Site Plan. This district may only be established through the process set forth in Section 3.2.3, Conditional Zoning District Classification.

(B) Planned Unit Development Standards

(1) Minimum Size

The minimum size for an application for Conditional Zoning District Classification to a CD-PUD district is fifty (50) contiguous acres.

(2) Permitted Uses

Planned Unit Developments may contain any use which is permitted by right or a special use permit in the R-20, R-15, R-10, OI or B-2 district.

(3) Preservation of Environmentally Sensitive Areas

All areas of wetlands, steep slopes (10% or greater), floodways and other environmentally sensitive areas must be preserved as open space.

(4) Residential Density

The overall residential density of the PUD is established by the Conceptual Site Plan as part of the Conditional Zoning District Classification. In no case shall the overall residential density of a PUD exceed four (4) dwelling units per acre

(5) Minimum Lot Size

Minimum lot sizes in each area of the PUD are established by the Conceptual Site Plan as part of the Conditional Zoning District Classification. Where a residential portion of a PUD abuts a platted or developed residential subdivision, the minimum lot size of the adjoining district shall be utilized for all adjoining properties in the PUD.

(6) Minimum Interior Setbacks

Setback requirements within the PUD are established by the Conceptual Site Plan as part of the Conditional Zoning District Classification. While no minimum setback is required, if one is provided it must be at least five (5) feet in width.

(7) Minimum Street Setbacks

Minimum street (front yard) setbacks within the PUD are established by the Conceptual Site Plan as part of the Conditional Zoning District Classification.

(8) Maximum Height

Within single family residential portions of a PUD, the maximum height limit is thirty-five (35) feet. In nonresidential, multi-family or mixed use portions of a PUD, the maximum height limit is determined by the Conceptual Site Plan.

(9) Open Space and Recreation Facilities

A minimum of twenty percent (20%) of the gross area of the PUD must be permanently dedicated as open space. No more than fifty percent (50%) of the dedicated open space may be used for active recreation purposes (i.e. athletic fields). At least fifty percent (50%) of the passive recreation/natural areas must be usable and accessible (i.e. not wetlands, steep slopes or other marginal lands)

(10) Nonresidential Area

Nonresidential areas and adjacent residential areas must be arranged in such a manner that convenient pedestrian access is provided between and within those areas.

(11) Parking and Loading

Off street parking and loading areas must be provided in accordance with Article 10.

(12) Street Design

Streets must be designed according to NCDOT standards. The interior street network shall be integrated into, and provide continuation of, the surrounding street network. A minimum street connectivity index score of 1.5, as outlined in Section 12.3.4(B) shall be maintained throughout the development.

(13) Signage

- (i) A common signage plan must be included as part of the Conceptual Site Plan. This common signage plan shall specify the size, type, height, setback, location, design, illumination and number of signs to be allowed in the PUD. All signs included in the common signage plan shall utilize the same coordinated colors, styles and lettering schemes throughout the development.
- (ii) Signs allowed in residential portions of the PUD may be no less restrictive than the standards set forth for signs in the R-15 district.
- (iii) Signs allowed in nonresidential portions of the PUD may be no less restrictive than the standards set forth for signs in the B-2 district.

(14) Landscaping

Landscaping standards for the PUD are established by the Conceptual Site Plan as part of the Conditional Zoning District Classification.

(15) Buffering

Buffering standards for the PUD are established by the Conceptual Site Plan as part of the Conditional Zoning District Classification.

6.4 Overlay Districts

The overlay districts set forth in this Section are established to fulfill specific goals and objective set forth in this Ordinance and the Wilson County 2025 Comprehensive Plan. To achieve those goals and objectives, the overlay districts impose additional regulations which supersede the requirements of the underlying base or conditional zoning district where the underlying district imposes a less strict or intensive restriction or requirement. In no case shall the requirements of

an overlay district lessen or ease a restriction or requirement of an underlying zoning district or a more restrictive requirement of another overlay district.

6.4.1 Airport Overlay District (AO)

(A) Intent

It is the intent of this Section to restrain influences which are adverse to the property and safe conduct of aircraft operations in the vicinity of the Rocky Mount - Wilson Airport, to prevent creation of conditions hazardous to aircraft operation, to 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 within the intent and purpose of zoning.

(B) Airport Height Limitation Zones

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Rocky Mount Wilson Airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established sub classifications of the Airport Overlay District and defined as follows:

(1) Precision Instrument Runway Approach Zone (AO-A1)

The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2) Nonprecision Instrument Approach Zone (AO-A2)

The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(3) Transitional Zones (AO-T)

The transitional zones are the areas beneath the transitional surfaces.

(4) Horizontal Zone (AO-H)

The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of

each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(5) Conical Zone (AO-C)

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand (4,000) feet.

(C) Airport Environs Height Limitations

Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height herein established for such zones. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) Precision Instrument Runway Approach Zone (AO-A1)

This zone slopes fifty (50) feet outward for each foot upward; beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty-thousand (40,000) feet along the extended runway centerline.

(2) Non Precision Instrument Approach Zone (AO-A2)

This zone slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

(3) Transitional Zones (AO-1)

Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of ISO feet above the airport elevation which is three hundred eight (308) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline from the edge of the approach surface.

(4) Horizontal Zone (AO-H)

Established at a height of one hundred fifty (150) feet above the airport elevation or an elevation of 308 feet above mean sea level.

(5) Conical Zone (AO-C)

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred sixty (160) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation, or an elevation of five hundred eight (508) feet above mean sea level.

(D) Airport Zoning Related To Sanitary Landfill Location

Various studies and observations have resulted in the conclusion that sanitary landfills attract birds, and that birds in the vicinity of airports create potential hazards to aircraft operations (see FAA Order SO 5200.5). Aircraft accidents have resulted when aircraft collided with low-flying birds, particularly during takeoff and landing. In order to prevent such an occurrence in Rocky Mount-Wilson Airport, the following regulations shall apply with regard to location of landfills:

- (1)** No future landfill shall be located within ten thousand (10,000) feet from a runway of any airport.
- (2)** Landfills located farther than ten thousand (10,000) feet from a runway of any airport but, within the conical surface will be reviewed on a case by case basis by the Rocky Mount Wilson Airport Commission, who may in turn consult with the Federal Aviation Administration. If in the opinion of the Airport Authority, the landfill poses a threat to safe aircraft operations, then the landfill shall not be allowed in the proposed location.

(E) Protective Areas Maps

The protective surfaces and zones herein established are shown on the drawings entitled "Approach and Vicinity Plan and Land Use Plan" which are a separate but integral part of this Section and are adopted herewith.

(F) Use Restriction

Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication 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.

(G) Marking And Lighting

Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Rocky Mount-Wilson 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 Rocky Mount-Wilson Airport Authority.

(H) Obstruction Marking And Lighting

Permits for land development activities within the Airport Overlay District may be conditioned upon the installation of obstruction markings and lights at the landowner's expense, which he shall maintain in operational condition at his expense, if such markings and/or lights are deemed necessary to mitigate hazards to aeronautical navigation within the district.

Article VII. ARTICLE 7 – USE STANDARDS

7.1 Table of Permitted Uses

This Section sets forth the allowable uses for the base zoning districts set forth in Article 6.2.

7.1.1 Explanation of the Structure of the Table of Permitted Uses

(A) Organization of Use Table

The Table of Permitted Uses in this Article organizes permitted uses by Use Classes and Use Types.

(1) Use Categories

Use Classification provides a systematic basis for assigning present and future land uses into broad general categories. The Use Classes are: Residential Uses, Institutional and Civic Uses, Professional Office / Business Services, Retail Trade, Wholesale Trade, Manufacturing and Industrial Uses and Transportation, Warehousing and Utilities Uses.

(2) Use Types

The specific Use Types are included in the respective Use Categories. They identify the specific uses that are considered to fall within the characteristics identified in the Use Class. For example, single family detached dwellings, duplexes, townhouses, multi-family dwellings and manufactured homes area Use Types in the Residential Use Category.

(B) Permitted Uses

A “P” in a cell indicates that a Use Type is allowed by right in the respective base zoning district, subject to compliance with any use-specific standards contained in this Article.

(C) Special Uses

An “S” in a cell indicates that a Use Type is allowed in the respective base zoning district only upon the issuance of a Special Use Permit by the Board of Adjustment,

(D) Prohibited Uses

A blank cell indicates that a particular Use Type is not allowed in the base zoning district.

(E) Use Specific Standards

When a particular Use Type is permitted in a base zoning district, there may be additional regulations that are applicable to the specific use. The existence of these use specific standards is noted through a Section reference in the last column in the table titled “Special Requirements.” References refer to Section 7.2, Use Specific Standards. These standards shall apply to a particular use regardless of the base zoning district where it is proposed, unless otherwise specified.

(F) Uses Prohibited by Overlay Zoning

An overlay district may prohibit a particular Use Type despite it being allowed in the base zoning district, or it may require a Special use Permit for a use allowed by right in the base zoning district. In such case, the more restrictive regulation shall apply.

(G) Uses Not Listed

The Ordinance Administrator shall determine whether or not an unlisted use is part of an existing Use Type or is substantially similar to an already defined Use Type, using the standards in Section 7.1.4, Interpretation of Unlisted Uses.

7.1.2 Developments with Multiple Permitted Uses

When all principal uses of a development fall within one Use Classification, the entire development is assigned that Use Classification. For example, a development that contains a coffee shop, bookstore and bakery would be classified in the Retail Trade Use Class because all of the development’s principal uses are in that Use Classification. When the principal uses of a development fall within different Use Classes, each principal use is classified in the applicable Use Classification and each use is subject to applicable regulations within that category. Developments with multiple use types, such as shopping centers, shall incorporate only those Use Types allowed in the base zoning district.

7.1.3 Accessory and Temporary Uses

- (A)** Regulations pertaining to the permissible location of Accessory uses are set forth in Section 7.3, Accessory Uses.
- (B)** Regulations pertaining to the permissible location of Temporary uses are set forth in Section 7.4, Temporary Uses

7.1.4 Interpretation of Unlisted Uses

(A) Procedure for Approving Unlisted Uses

Where a particular Use Type is not specifically listed in the Table of Permitted Uses, the Ordinance Administrator may permit the Use Type upon a finding the standards of Section 7.1.3(B), Standards for Approving Unlisted Uses, are met. The Ordinance Administrator shall give due consideration to the purpose and intent statements in this Ordinance concerning the base zoning district(s)

involved, the character of the uses specifically identified, and the character of the use(s) in question.

(B) Standards for Approving Unlisted Uses

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other Use Types allowed in a specific zoning district, the Ordinance Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (1) The volume and type of sales, retail, wholesale, etc.;
- (2) The size and type of items sold and nature of inventory on the premises;
- (3) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- (4) Any dangerous, hazardous, toxic, or explosive materials used in the processing;
- (5) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building;
- (6) The type, size, and nature of buildings and structures;
- (7) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (8) Transportation requirements, including the demand for people and freight, by volume type and characteristic of traffic generation to and from the site;
- (9) Trip purposes and whether trip purposes can be shared by other Use Types on the site;
- (10) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other Use Types;
- (11) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (12) Any special public utility requirements for serving the proposed Use Type, including but not limited to water supply, wastewater output, pretreatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (13) The impact on adjacent lands created by the proposed Use Type, which should not be greater than that of other Use Types in the zoning district.

(C) Effect of Finding by Ordinance Administrator

(1) Use Found to be Appropriate

When the Ordinance Administrator finds that an unlisted use is appropriate and compatible with the base zoning district for which it is proposed, he shall issue a written opinion allowing such use to be established in the particular district. If the Ordinance Administrator believes that requests for such a use will become common, or that adding the use to the Table of Permitted Uses is beneficial, he shall initiate a Text Amendment to insert the use into the Table of Permitted Uses.

(2) Use Found to be Inappropriate

When the Ordinance Administrator finds that an unlisted use is inappropriate and incongruent with the base zoning district for which it is proposed, he shall issue a written opinion stating that such use is not allowed in the particular district. This finding may be appealed to the Board of Adjustment in accordance with the procedures for appealing an administrative decision.

7.1.5 Permitted Uses⁽¹⁷⁾

Table 7-1 on the following pages outlines the uses which are allowed either by right or with a Special Use Permit in the base zoning districts.

7.2 Use Specific Standards

Use-specific standards are the requirements applied to individual Use Types regardless of the zoning district where they are located, or the review procedure under which they are approved. This Section is intended to list the use-specific standards for all principal uses identified in the use tables. These standards may be modified by other applicable requirements in this Ordinance.

7.2.1 Animal Shelter

(A) Minimum Separation Requirement

Animal Shelters shall not be located within two hundred fifty (250) feet of a structure used for residential purposes, or within two hundred fifty feet of a lot line of an adjoining property which is zoned for residential purposes.

(B) Minimum Lot Area

Where an Animal Shelter provides outdoor boarding of animals, a minimum of three (3) acres of lot area shall be provided for the first twenty (20) animals that the shelter has outdoor capacity for. An additional acre of lot area shall be provided for every ten (10) animals over the minimum lot area.

7.2.2 Bed and Breakfast Inn

The following standards shall apply to Bed and Breakfast Inns

- (A)** Bed and Breakfast Inns may be established only in single family detached dwellings which were originally constructed for residential use.
- (B)** Bed and Breakfast Inns must contain at least two thousand (2,000) square feet of heated floor area.
- (C)** No changes may be made to the exterior appearance of the structure which would alter the residential character of the property.

Section 7.01 Table 7-1 Permitted Uses by District

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
RESIDENTIAL USE CATEGORY														
Dwelling, Single Family	P	P	P	P	P	P	P	P						
Dwelling, Duplex						P	P	P						7.2.6
Dwelling, Manufactured Home	P		P		P		P							7.2.7
Dwelling, Multi-Family (3 or more units)						S		S						7.2.8
Dwelling, Townhouse						S		S						7.2.9
Manufactured Home Park			P		P		P							7.2.14
Boarding / Rooming House	S													7.2.3
Family Care Home	P	P	P	P	P	P	P	P						
INSTITUTIONAL AND CIVIC USE CATEGORY														
Ambulance / EMS Station	S	S	S	S	S	S	S	S	P	P	P	P	P	
Adult Day Care Center	S								P		P			
Animal Shelter	S											P	P	7.2.1
Assisted Living Facility / Nursing Home	S	S	S	S	S	S	S	P	P		P			
Auditorium / Public Assembly									P	P	P			
Campgrounds	S													7.2.4
Cemeteries	P	P	P	P	P	P	P	P	P					
Child Care Center (up to 30 children)	S	S	S	S	S	S	S	S	P		P			7.2.5
Child Care Center (over 30 children)									P		P			7.2.5
Crematorium												P	P	
Civic and Fraternal Organizations	S								P	P	P			
Correctional Facility													S	
Country Club	S	S		S										
Fire Station	S	S	S	S	S	S	S	S	P	P	P	P	P	
Golf Course	P													
Government Offices / Facilities	S	S	S	S	S	S	S	S	P	P	P	P	P	
Group Care Facility (up to 6 residents)	S								P					7.2.11

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Group Care Facility (over 6 residents)									S					7.2.11
Hospital									S	S	S			
Libraries									P	P	P			
Hunting Club	S													
Museums and Art Galleries									P	P	P			
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	
Performing Arts Companies & Artists									P	P	P			
Post Offices	S								P	P	P			
Religious Institutions, up to 200 seats	P	P	P	P	P	P	P	P	P	P	P			
Religious Institutions, over 200 seats	S	S	S	S	S	S	S	S	P	P	P			
School, Elementary	P	P	P	P	P	P	P	P	P					
School, Middle	P	P	P	P	P	P	P	P	P					
School, High	P	S	S	S	S	S	S	S	P					
School, Technical and Trade									P	P	P	P		
School, University or College									P	P	P			
Social Assistance Providers	S								P	P	P			
Sports Clubs	S	S							P	P	P			
PROFESSIONAL OFFICE / BUSINESS SERVICES USE CATEGORY														
Accounting & Tax Services									P	P	P			
Advertising & Related Services									P	P	P			
Architectural Services									P	P	P			
Automobile Repair and Service, Major										P		P		
Automobile Repair and Service, Minor										P	S	P		
Banks, Finance and Insurance Offices									P	P	P			
Broadcasting & Telecommunications									P	P				
Cleaning Services										P	P	P		
Catering Services										P	P			

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Clothing Alterations/Repair										P	P			
Collection Agencies									P	P	P			
Computer Services									P	P	P			
Credit Bureaus									P	P	P			
Data Processing and News Services									P	P	P			
Day Spa										P	P			
Delivery / Courier Service, Local									P	P	P	P		
Dry Cleaning and Laundry Services										P	P			
Electronic and Appliance Repair										P	P	P		
Employment/Personnel Agencies									P	P	P	P		
Engineering Services									P	P	P			
Environmental Consulting Services									P	P	P			
Funeral Home & Services	S									P	S			
Graphic Design Services									P	P	P			
Hair, Nail & Skin Care Services										P	P			
Indoor Recreational Facilities										P	P			
Interior Design Services									P	P	P			
Investigation & Security Services									P	P	P			
Janitorial Services										P	P			
Legal Services									P	P	P			
Management & Marketing Services									P	P	P			
Medical / Health Care Offices									P	P	P			
Motion Picture & Sound Recording										P	S	P		
Offices, Professional (not listed)									P	P	P			
Other Business Support Services									P	P	P			
Personal and Household Goods Repair										P	P			
Pet Boarding Service (Kennel)	S									S		P	7.2.17	
Pest Control Services										P	P			

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Pet Care Services (no Kennels or Vet.)										P	P			
Photocopy / Printing Services										P	P			
Publishing Services										P				
Real Estate & Leasing Offices									P	P	P			
Research & Development Services									P	P	P	P	P	
Sports and Recreation Instruction	S								P	P	P			
Telemarketing / Call Centers									P	P	P			
Travel Agents									P	P	P			
Veterinarian Office / Animal Hospital	S								S	P	S	P		7.2.21
RETAIL TRADE USE CATEGORY														
Amusement Arcade (Indoor only)										P	P			
Art Dealers										P	P			
Art Supply Stores										P	S			
Auction House (General Merchandise)										P	P			
Automotive Parts										P	P			
Automobile Rental & Leasing										P				
Automobile Sales, New & Used										S				
Baked Goods / Snack Shops										P	P			
Bars and Nightclubs										S				
Bed & Breakfast Inns	S	S		S		S		S	P	P	P			7.2.2
Book, Periodical & Music Stores										P	P			
Bowling Centers										P				
Building Material Supply										P		P		
Car Wash (as a principal use)										P				
Cemetery Monument Dealers										P				
Clothing & Clothing Accessories										P	P			
Consignment / Used Merchandise Stores										P	P			

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Convenience Store, no gasoline sales										P	P	P		
Convenience Store, with gasoline sales										P	S	P		
Equestrian Facilities, Commercial	S									P				
Equipment Rental & Leasing										P		P		
Electronics & Appliance Rental										P	P			
Electronics, Camera & Appliance Stores										P	P			
Farmer's Market	P									P	P			
Florist										P	P			
Formal Wear Rental										P	P			
Furniture & Home Furnishings										P				
Game Centers ⁽¹⁰⁾										S	S			7.2.10
Gas Station										P	S	P		
General Merchandise Stores										P	P			
Gift, Novelty & Souvenir Stores										P	P			
Grocery / Food Stores										P	P			
Health Clubs & Fitness Centers										P	P			
Hobby, Toy & Game Stores										P	P			
Hotels and Motels										S				
Internet Café ⁽⁰¹⁾										S				7.2.12
Jewelry, Luggage and Leather Goods										P	P			
Lawn & Garden Supply										P				
Liquor Sales (ABC stores)										S				
LP Gas & Heating Oil Dealers										P		P	P	
Manufactured Home Sales										S		P		7.2.15
Motion Picture Theaters										P				
Motorcycle, Boat & RV Dealers										P				
Movie / Electronic Game Rental Store										P	P			
Musical Instrument & Supplies										P	P			
Nurseries, Retail	S									P				

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Office Supplies & Stationery Stores										P	P			
Pawnshops										P				
Pet & Pet Supply Stores										P	P			
Pharmacies										P	P			
Photography Studios									P	P	P			
Pool or Billiard Hall										P				
Reception Facilities										P	P			
Restaurant (no drive-thru)										P	S	S		
Restaurant (with drive-thru)										S				
Sewing & Needlework Stores										P	P			
Sewer / Septic Cleaning Services										P		P		
Sexually-Oriented Businesses												S	S	7.2.18
Shoe Stores										P	P			
Shooting Range, Indoor												S	S	
Shooting Range, Outdoor	S												S	7.2.19
Sign Printing and Lettering										P	P	P		
Sporting Goods Stores										P	P			
Swimming Pool & Hot Tub Supplies										P				
Tanning Salons										P	P			
Tattoo Parlors, Body Piercing										P				
Tobacco Stores										P	P			
Trophy Shops										P	P			
Truck Stop, Travel Plaza										S		S		
WHOLESALE TRADE USE CATEGORY														
Alcoholic Beverage Supply										P		P		
Audio / Video Sales										P		P		
Book, Periodical, & Newspaper Sales										P		P		
Chemical, Plastics & Allied Products												P	P	

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Clothing, Piece Goods & Shoe Supply										P		P		
Commercial Equipment Supply										P		P	P	
Electronic Equipment and Parts Supply										P		P		
Florist & Nursery Supply										P		P		
Furniture & Home Furnishing Sales										P		P		
Grocery / Food Sales										P		P		
Hardware, Plumbing & Heating Supply										P		P	P	
Jewelry Supply										P		P		
Lumber & Construction Materials										P		P	P	
Metal & Pipe Supply										P		P	P	
Motor Vehicle Parts												P	P	
Music & Musical Instrument Supply										P		P		
Paint Supplies										P		P	P	
Paper / Paper Product Supply										P		P		
Pharmaceutical and Drug Supply										P		P	P	
Petroleum Products												P	P	
MANUFACTURING AND INDUSTRIAL USE CATEGORY														
Abrasive Products Manufacturing												P	P	
Automobile / Parts Manufacturing												P	P	
Beverage & Tobacco Manufacturing												P	P	
Cement / Concrete Manufacturing													P	
Chemical Manufacturing													P	
Clay & Brick Product Manufacturing													P	
Electronics & Appliance Manuf.												P	P	
Contractor's Office										P		P	P	
Equipment Manufacturing (all types)												P	P	
Fabricated Metal Product Manufacturing												P	P	
Food Manufacturing												P	P	

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R20-MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Furniture Manufacturing												P	P	
Glass / Glass Product Manufacturing												P	P	
Industrial Launderers												P	P	
Jewelry & Silverware Manufacturing												P	P	
Mining/Extractive Industries	S											S	S	7.2.16
Musical Instrument Manufacturing												P	P	
Office Supply Manufacturing												P	P	
Paper / Paper Product Manufacturing													P	
Petroleum & Asphalt Manufacturing													S	
Plastics & Rubber Manufacturing													P	
Primary Metal Processing													P	
Printing and Related Support Activities												P	P	
Recycling / Material Recovery Center												P	P	
Sign Manufacturing												P	P	
Sporting Goods Manufacturing												P	P	
Stone Product Manufacturing												P	P	
Textile Mills & Apparel Manufacturing												P	P	
Toy, Doll & Game Manufacturing												P	P	
Transportation Equip. Manufacturing												P	P	
Wood Products Manufacturing												P	P	
TRANSPORTATION, WAREHOUSING AND UTILITIES USE CATEGORY														
Charter Bus Services										P		P		
Electric Power Generation, Major													S	
Electric Power Generation, Minor	S											P	P	
Electric Power Transmission	P	P	P	P	P	P	P	P	P	P	P	P	P	
Land Application of Sludge	S													
Landfill, Construction and Demolition	S											S	S	7.2.13
Landfill, Land Clearing and Inert Debris	S											S	S	7.2.13

Use Type	Zoning District													Special Requirements
	AR	R-30	R-30MH	R-20	R20-MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Landfill, Municipal Solid Waste	S											S	S	7.2.13
Mini-warehousing / Self-storage										P	P	P		
Motor Vehicle Racing Facility	S												S	
Petroleum and Natural Gas Bulk Storage												P	P	
Petroleum and Natural Gas Pipelines	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rail Transportation Support Facilities												P	P	
Solar Farm ⁽⁰³⁾	S								S	S	S	S	S	7.2.20
Solid Waste Convenience Center	S											S	S	
Solid Waste Transfer Station	S											S	S	
Taxi Service										P	P			
Truck Transportation Terminal												P	P	
Warehousing and Storage (general)												P	P	
Wastewater Treatment Plants	S	S	S	S	S	S	S	S	S	S	S	P	P	
Water Towers and Storage Tanks	S	S	S	S	S	S	S	S	S	S	S	P	P	
Water Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	P	P	
Wireless Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	7.2.22
AGRICULTURAL SUPPORT USE CATEGORY														
Agricultural Commodity Grading Station	P									P		P	P	
Agricultural Equipment Sales and Service	P									P		P	P	
Agricultural Supply Sales	P									P		P	P	
Agricultural Support Services	P									P		P	P	
Agricultural Warehousing and Shipping	P									P		P	P	

- (D) Guest stays are limited to fourteen (14) consecutive days.
- (E) The operator of the Bed and Breakfast Inn may be the owner of the dwelling or a resident manager, but must occupy the dwelling as a principal residence.
- (F) Meals may be provided to overnight guests only, and no kitchen facilities may be provided in guest rooms.

7.2.3 Boarding/Rooming House

A Boarding/Rooming House shall comply with the following standards:

- (A) No more than five (5) renters/boarders shall be permitted at any one time;
- (B) The owner shall maintain the house as their primary residence;
- (C) Sleeping rooms in a rooming house shall:
 - (1) Not include individual kitchen facilities; and
 - (2) Be accessed via a common room or hallway, and shall not have individual access to the outside (except for emergency exits)

7.2.4 Campground

(A) Minimum Size

Campgrounds shall have a minimum size of ten (10) acres.

(B) Limitation on Residential Occupancy

Campgrounds may be permanently occupied for residential purposes by the owner and his or her immediate family or a resident manager and his or her family. Permanent Occupancy shall only be allowed within a residential structure constructed to the standards of the North Carolina Building Code.

(C) Limitation on Temporary Occupancy

Occupancy of the campground shall be limited to ninety (90) days per calendar year.

(D) Minimum Size for Camp Sites

Camp sites shall be a minimum of one thousand two hundred fifty (1,250) square feet in area and at least twenty-five feet in width.

(E) Spacing Requirements

Camp sites shall be spaced so that there is at least ten (10) feet between sites, eight (8) feet from interior roadways, fifty (50) feet from exterior roadways and one hundred (100) feet from exterior property lines.

(F) Wastewater Disposal

Wastewater disposal facilities, if provided, shall be connected to a public or community wastewater collection system.

(G) Underground Utilities Required

All electric, telecommunication, cable television and similar lines shall be installed underground within the Campground.

(H) Solid Waste Collection

All communal solid waste collection facilities shall be sited in a manner as to have the least impact on the spaces within the campground and shall be screened in accordance with the standards in Article 8.

(I) Internal Roadways

All internal roadways shall be paved with a hard surfaced material or graded and treated to prevent excessive dust and erosion.

(J) Access

No camp site shall be accessed from an external street. All campsites shall abut directly upon an internal roadway.

7.2.5 Child Care Center

(A) Minimum Lot Size

When established in a residential zoning district, child care centers shall be required to provide twice the minimum lot area for that district.

(B) Fencing

All outdoor play areas shall be surrounded by a fence with a minimum height of four feet.

(C) Provisions of Play Space

Each child care center shall provide a minimum of two hundred (200) square feet of outdoor play space per child.

(D) Separation

Outdoor play areas shall be located at least fifty (50) feet from adjoining residential structures.

(E) Loading and Unloading

Off street loading and unloading areas shall be provided in such a manner that patrons dropping off children at the center are not required to back directly out of the driveway of the establishment.

7.2.6 Dwelling, Duplex

The following additional requirements shall apply to duplexes:

- (A)** No more than one duplex dwelling may be established on a single lot.
- (B)** All mechanical equipment must be located at the side or rear of the structure and screened from public view.
- (C)** Each unit in a duplex must be served by an individual driveway with a minimum separation of at least thirty (30) feet between the interior edges of the driveways.
- (D)** Any parking area exceeding the width of a standard residential driveway must be located at the rear of the structure.

7.2.7 Dwelling, Manufactured Home

All manufactured homes must comply with the following standards:

- (A)** The manufactured home must meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of its construction.⁽¹⁷⁾
- (B)** The manufactured home contains at least nine hundred (900) square feet of enclosed living area;
- (C)** The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (D)** The manufactured home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
- (E)** The front entrance to the manufactured home has stairs and a porch, the porch being at least four (4) feet by six (6) feet in size. Stairs, porches, and entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code;

- (F) All manufactured homes shall comply with the Federal Housing Administration requirements relative to tie downs; and
- (G) The moving hitch, wheels and axles and the transporting lights shall be removed.
- (H) The pitch of the roof of the manufactured home shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
- (I) The roof eaves and gable overhangs shall be six (6) inches minimum (rain gutters may be included in the minimum dimensions); and.
- (J) A permanent masonry foundation or curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

7.2.8 Dwelling, Multi-family

(A) Maximum Density

Within the R-15 district, the maximum density shall be limited to five (5) dwelling units per acre. Within the R-10 district, the maximum density shall be limited to seven (7) dwelling units per gross acre of land.

(B) Maximum Impervious Surface

Multi-family developments shall not exceed fifty percent (50%) impervious surface coverage.

(C) Maximum Number of Units per Structure

No more than six (6) dwelling units are allowed per single story structure, and no more than (12) dwelling units are allowed per multi-story structure.

(D) Internal Structure Separation

Structures, other than accessory structures, must be separated by a minimum of twenty (20) feet.

(E) Internal Setbacks

A minimum ten (10) foot setback is required from all vehicle parking areas, and a fifteen (15) foot setback is required from internal driveways.

(F) Access

Multi-family developments must have direct access to an arterial or collector street. Developments with more than fifty (50) units shall provide at least two connections to the public street network.

(G) Parking Areas

Parking areas may not be located within any required setback.

7.2.9 Dwelling, Townhouse

(A) Maximum Density

Within the R-15 district, the maximum density shall be limited to five (5) dwelling units per acre. Within the R-10 district, the maximum density shall be limited to seven (7) dwelling units per gross acre of land.

(B) Maximum Impervious Surface

Townhouse developments shall not exceed fifty percent (50%) impervious surface.

(C) Maximum Number of Units per Structure

No more than six (6) dwelling units are allowed per individual structure.

(D) Internal Separation

Structures must be separated by a minimum of twenty (20) feet.

(E) Internal Setbacks

Where individual driveways are not used, a minimum ten (10) foot setback is required from all vehicle parking areas. Townhouses located on private driveways must maintain a fifteen (15) foot setback from the edge of pavement. Where townhouses are established along a public street, they must meet the front setback requirement for the district in which they are located.

(F) Access

Multi-family developments must have direct access to an arterial or collector street. Townhouses along public streets may not have individual access points and shall be served by alleys or rear loaded parking areas.

(G) Parking Areas

Parking areas may not be located within any required setback.

(H) Garages

Where provided, front loaded garages must be even with, or recessed from, the front façade of the structure.

7.2.10 Game Centers⁽¹⁰⁾

- (A)** All Game Centers, where permitted as a principal use or accessory use, require a Special Use Permit.
- (B)** Selling and/or consumption of alcoholic beverages are prohibited in Game Centers.
- (C)** All game center establishments shall be located at least two thousand (2,000) feet from the property lines of any school, child or day care center, church, or residential use. The measurement shall be made from the development area of the proposed game center, which includes the parking area to the nearest property line of the above uses.
- (D)** In issuing a Special Use Permit for this use, the Board may consider the adjacent uses and or zoning districts and restrict the hours of operation of the business if they deem it warranted.
- (E)** A permit issued under this section shall in no way authorize any illegal activities.

(F) Screening

In addition to the required screening specified in Table 9-3 of the Wilson County UDO, a minimum 6-foot high opaque fence shall be erected along the applicant's property line.

- (G)** Developer must submit a "to scale" drawing depicting the interior layout of the proposed establishment. The drawing must include all pertinent information including but not limited to tables, chairs and monitors/terminals.
- (H)** No game center establishment shall be located within a one-half mile (2,640 feet) radius of an existing game center.

7.2.11 Group Care Facility

Group Care Facilities may only be established in locations that are at separated by a distance of at least 2,600 feet (approximately ½ mile) from any other group care facility.

7.2.12 Internet Café⁽⁰¹⁾

- (A)** All internet cafés, where permitted as a principal use, require a Special Use Permit
- (B)** Selling and/or consumption of alcoholic beverages are prohibited in internet cafés.

- (C) All internet cafés as a principal use shall be located at least two thousand (2,000) feet from any school, church, or residential use.
- (D) In issuing a Special Use Permit for this use, the Board may consider the adjacent uses and or zoning districts and restrict the hours of operation of the business if they deem it warranted.
- (E) A permit issued under this section shall in no way authorize any illegal activities.

7.2.13 Landfill, C&D, LCID and MSW⁽¹²⁾

(A) Separation and Setbacks

Separation and setbacks requirements will be determined by the most recent N.C. Solid Waste Rules and are hereby adopted by reference.

(B) Traffic and Access

Landfills must be located where roads which will provide access to such operations are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be using the operation. The additional truck traffic to the site may not cause roads providing access to the site to drop to a level of service below "D" as defined by NCDOT. Ingress to and egress from the site must be along a road or driveway that intersects directly with a State maintained road. Traffic routed to and from such intersection may not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.

(C) Buffering

A Type C buffer shall be established around the entire external boundary of the landfill. Existing vegetation may be utilized to fulfill this requirement provided that the Ordinance Administrator certifies that the existing vegetation provides visual separation equal to a Type C buffer.

7.2.14 Manufactured Home Park

(A) Minimum Size

Manufactured Home Parks shall have a minimum size of ten (10) acres.

(B) Minimum Manufactured Home Space Size

Spaces within Manufactured Home Parks shall have a minimum size of six thousand (6,000) square feet.

(C) Minimum Manufactured Home Space Width

Spaces within Manufactured Home Parks shall have a minimum width of fifty (50) feet.

(D) Minimum Separation Between Structures

All structures within a Manufactured Home Park shall maintain a minimum separation of twenty (20) feet.

(E) One Manufactured Home Per Space

Only one (1) manufactured home may be established on any individual space at a time.

(F) Density

The maximum density of a Manufactured Home Park is limited to five (5) dwelling units per gross acre of land contained within the Park.

(G) Recreational Facilities

Manufactured Home Parks shall provide recreation areas based on the number of dwelling units contained within the Park. For each ten (10) dwelling units contained within the Park, a minimum of five thousand (5,000) square feet of recreation area must be provided. Parks with fewer than one hundred (100) dwelling units shall combine all recreation space into one centralized area. Parks containing one hundred (100) or more spaces shall provide multiple recreation areas separated by at least three hundred (300) linear feet. Separate recreation areas shall be at least fifteen thousand (15,000) square feet in size.

(H) Internal Access Streets

- (1) All access streets within a Manufactured Home Park must be designed in accordance with the NCDOT Minimum Design Standards for Subdivision Roads.
- (2) Each manufactured home space shall directly abut a street within the Manufactured Home Park. In no case shall an individual space within the Park be accessed from an external public street.

(I) External Access

Manufactured Home Parks with more than fifty (50) spaces shall provide at least two connections with the external public street network.

(J) Solid Waste Collection and Disposal

Manufactured Home Parks shall utilize communal solid waste collection facilities, which shall be sited in a manner which minimizes their impact on

homes within the Park, and shall be screened in accordance with the standards set forth in Article 8.

(K) Utilities

(1) Water Supply

Each space within a Manufactured Home Park shall be connected to a public water supply system.

(2) Wastewater Disposal

Each space within a Manufactured Home Park shall be connected to a public wastewater collection system.

(3) Underground Utilities Required

All electric, telecommunication, cable television and similar lines shall be installed underground within the Manufactured Home Park.

(4) Street Lights

Street lights shall be installed along all internal streets in accordance with a lighting plan prepared by the electric utility supplying the Manufactured Home Park.

(5) Fire Protection Equipment

Fire protection equipment shall be installed at locations determined by the fire service agency which will have primary response responsibility within the proposed Manufactured Home Park.

(L) Compliance With All Other Standards Required

Manufactured Home Parks shall comply with all other regulations set forth in this Ordinance, including stormwater, signage, landscaping, buffering and off-street parking requirements.

7.2.15 Manufactured Home Sales

Manufactured homes which are stored on a Manufactured Home Sales lot shall maintain the minimum setbacks and building separation requirements for the underlying zoning district.

7.2.16 Mining/Extractive Industries

(A) General Requirements

- (1) No mining may be commenced in the County's zoning jurisdictions until a Special Use Permit has been issued by the Board of Adjustment.
- (2) When considering the granting of a Special Use Permit for a mining or extractive industry use, the Board of Adjustment shall utilize the following criteria to ascertain whether or not the proposed operation is in harmony with surrounding lands:
 - (i) Whether, and the extent which, the operation will constitute a substantial physical hazard to a neighboring residence, school, church, hospital, commercial, or industrial building, public road, or public property;
 - (ii) Whether, and the extent which, the operation will have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area; and
 - (iii) Whether, and the extent which, the operation will have an adverse effect on public, community, or private water supplies, surface or ground waters, including but not limited to water supply watershed areas.

(B) Traffic and Access

Mining operations must be located where roads which will provide access to such operations are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be using the operation. The additional truck traffic to the site may not cause roads providing access to the site to drop to a level of service below "D" as defined by NCDOT. Ingress to and egress from the site must be along a road or driveway that intersects directly with a State maintained road. Traffic routed to and from such intersection may not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.

(C) Screening Standards

A visual screen of at least fifty percent (50%) opacity must be established and maintained around that portion of the mining site that is being excavated or being used for the storage of minerals. Such screening is required only when such areas are visible at eye level at ground elevation, at the time of permit issuance, from State maintained roads, publicly owned areas which have been maintained essentially in their natural state of vegetation, residences, and other buildings, but not including accessory buildings on properties adjacent to the mining site. When excavated areas have been reclaimed in accordance with the North Carolina Mining Act of 1971, as amended, and Chapter 5 of the North Carolina Administrative Code, Title 15, as amended, required artificial screening may be removed.

(D) Vibration Standards

All mining activities in the county must conform to the vibration policy adopted by the Land Quality Section of North Carolina Department of Environment and Natural Resources, or successor agency.

(E) Setbacks

In the AR District, mining operations must be set back at least two hundred (200) feet from adjoining property lines. In all districts, mining operations must be set back a minimum of three hundred (300) feet from residentially used structures.

(F) Limitation on Hours of Operation

Mining activities which create offsite noise impacts, such as blasting or drilling, may only be conducted on weekdays between the hours of 7:00 am and 6:00 pm.

(G) Control of Dust

Mining operations shall take sufficient measures to ensure that dust from their operations does not create an offsite nuisance.

7.2.17 Pet Boarding Services (Kennel)

(A) Minimum Separation Requirements

Pet Boarding Services shall not be located within two hundred fifty (250) feet of a structure used for residential purposes, or within two hundred fifty feet of a lot line of an adjoining property which is zoned for residential purposes.

(B) Lot Area Requirements

Where outdoor boarding services are provided, a minimum of three (3) acres of lot area shall be provided for the first twenty (20) animals that the shelter has outdoor capacity for. An additional acre of lot area shall be provided for every ten (10) animals over the minimum lot area.

(C) Maximum Number of Animals

In no case shall a Pet Boarding Service have a capacity to board more than fifty (50) animals at one time.

7.2.18 Sexually Oriented Business

Sexually oriented businesses, as defined in the North Carolina General Statutes Section 160D-902, are recognized as having certain serious objectionable operational characteristics upon adjacent residential neighborhoods, religious institutions, or educational facilities. Special regulation of these uses is necessary to ensure that their adverse effects do not contribute to degradation or decline of surrounding areas. Such uses shall be subject to the following separation distances:

(A) Minimum Separation Required

- (1) No sexually oriented business shall be established within two thousand (2,000) linear feet of any structure used for residential purpose.
- (2) No sexually oriented business shall be established within two thousand (2,000) linear feet of any religious institution, any public or private elementary school, middle school, high school, or daycare.
- (3) No sexually oriented business may be established within two thousand (2,000) feet of any other adult entertainment establishment,

(B) Additional Standards

- (1) No adult establishment shall front on an arterial road.
- (2) Free standing signage shall be limited to one monument sign. The monument shall not exceed six (6) feet in height with a maximum copy area not to exceed twenty (20) square feet.
- (3) Wall signage shall be limited to five percent (5%) of the front façade.
- (4) Sign copy shall be limited to the name of the establishment only.
- (5) All signage, if lighted, shall be internally lighted.
- (6) Neon colors and lights shall be prohibited on the exterior of the building, on the monument, and all exteriors doors and windows.
- (7) All parking shall be on the side or rear of the building.
- (8) A Type C buffer strip shall be established along all side and rear property lines.

7.2.19 Shooting Range, Outdoor

(A) Setback

All shooting stations shall be at least one thousand (1,000) feet from any adjacent property line. The minimum required distance of one thousand (1,000) feet may be reduced if firing tests conducted by the applicant demonstrate that a lesser distance will be adequate to protect the public safety and reduce noise at the property lines. The results of such tests and the request to reduce the required distance shall be submitted in writing along with the application for a permit.

(B) Buffer

A three hundred (300) foot wide wooded buffer, consisting primarily of evergreen trees and shrubs shall exist or be planted and maintained between the firing area and all adjacent property.

(C) Security

Adequate fencing, warning signs, or other safety measures shall be provided and maintained around all impact areas.

(D) Design

Firing ranges shall be designed and constructed under the supervision of a registered engineer or certified by the National Rifle Association following construction and before the range is used.

7.2.20 Solar Farm⁽⁰³⁾

(A) Special Use Required

- (1)** Solar facilities dedicated solely to the production of electricity for another facility located on the site, shall not be subject to the special use permit requirements.
- (2)** Solar farms must be developed in accordance with an approved site plan that meets the standards of Section 3.2.7 (Site Development Plan) of this ordinance.
- (3)** Height⁽⁰⁷⁾. Except for the lighting, all systems, equipment, and structures shall be ground mounted and shall not exceed 15 feet as measured from grade at the base of the structure to the apex of the structure.
- (4)** Setbacks. Solar Farms and their appurtenant components shall conform to the minimum building setbacks of the underlying zoning district which they are located.
- (5)** Distribution lines. To the extent practical, all new distribution lines to any building, structure or utility connection shall be located underground (trenched).
- (6)** Approved solar components. Electric solar system components must have a UL listing or equivalent.
- (7)** Compliance with building code. All active solar systems shall meet all requirements of the North Carolina State Building Code as well as all State and local environmental codes and shall be inspected by a county building inspector.
- (8)** Compliance with National Electric Code. All photovoltaic systems shall comply with the National Electrical Code, current edition.

- (9) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the planning and development department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- (10) Abandonment⁽⁰⁵⁾. The system owner and the owner of the land on which the solar facilities are located shall be responsible and liable, jointly and severally, to remove all obsolete or unused systems, facilities, and equipment with 180 days of cessation of operation. All components are to be recycled whenever feasible. Reasonable extensions of that time may be granted from time to time by the Planning Director upon timely application and a showing that (a) the system owner and/or landowner are actively seeking sale or lease of the solar facilities for future operation, or (b) the system owner or landowner have continuously maintained the land and facilities in good condition. This provision shall be enforced under Article 4 of this Ordinance.
- (11) Security Fences⁽⁰⁴⁾. A security fence a minimum of six feet in height shall surround the perimeter of the solar farm footprint. When the solar panel array does not exceed a “Height of 8 feet”, a slatted or solid “Security Fence” may be a substitute for the required: “Canopy and Understory Trees” in the (14) Buffer Yard and (15) Level “4” Street Yard Landscaping. Notwithstanding the foregoing, (a) each solar farm landscaping and buffering plan shall comply with the requirements of the Landscaping and Buffering Point System required under Section 9.1.3(E) and (b) all security fences shall be located on the interior side of the Buffer Yard and Street Yard nearest to the solar panel array.
- (12) Reasonable accessibility for emergency services vehicles shall be required.
- (13) No signage is allowed on the solar farm fencing except for a sign not to exceed 32 square feet displaying the facility name, address, and emergency contact information
- (14) Buffer yard must be installed to meet the required standards of Table 9-3 of this Ordinance.
- (15) Level “4” street yard landscaping shall be installed along property lines adjacent to public right of ways as required in Table 9-5 of this Ordinance.
- (16) All outdoor lighting shall be shielded to direct light and glare onto the system’s premises.
- (17) Inverter noise shall; not exceed 40 dbA, measured at the property line.

7.2.21 Veterinarian Office / Animal Hospital

(A) Separation Requirements

(1) In the AR District

Veterinarians Offices and Animal Hospitals must maintain a minimum separation of at least two hundred fifty (250) feet from property lines of adjoining residentially used property.

(2) All Other Districts

Veterinarians Offices and Animal Hospitals must maintain a minimum separation of at least two hundred fifty (250) feet from the property lines of adjacent property which is either zoned or used for residential purposes.

7.2.22 Wireless Telecommunications Towers

New freestanding Wireless Telecommunications Towers shall comply with the standards in this Subsection. These regulations shall not apply to noncommercial amateur/ham radio towers.

(A) Special Use Permit Required

- (1)** All new freestanding Telecommunications Towers shall obtain a Special Use Permit.
- (2)** Applicants for a new freestanding Telecommunications Towers shall clearly demonstrate that a stealth facility is not a viable option.
- (3)** Any improvement or replacement of an existing freestanding Telecommunications Towers\ shall require approval of a Special Use Permit in accordance with the standards in this Section. Routine maintenance shall be exempted from this requirement.

(B) Collocation Required

It is the intent of the County to encourage providers to collocate facilities in an effort to reduce the number of telecommunication towers in the County's zoning jurisdiction. New freestanding Telecommunications Facilities shall be subject to the following requirements:

- (1)** No new freestanding Telecommunications Tower may be located within three thousand (3,000) linear feet (as measured using the shortest straight line distance) of an existing water tower, power transmission tower, or similar feature unless the applicant can demonstrate that collocation was pursued but rejected by the owner of the existing water tower, power transmission tower, or similar feature.
- (2)** No freestanding Telecommunications Tower may be located within one thousand five hundred (1,500) linear feet of an existing freestanding

Telecommunications Tower unless the applicant can demonstrate that collocation is not a viable option

- (3) The County may require, as a condition of approval, telecommunication service providers to notify other telecommunication service providers of the fact that space on a new freestanding Telecommunications Tower is available on a lease basis, and to negotiate in good faith with other providers to provide space on existing freestanding Telecommunication Towers at a reasonable lease cost.

(C) Design

- (1) All telecommunication towers shall be of a monopole design and construction.
- (2) The County may require the freestanding Telecommunications Tower be camouflaged to blend with its surroundings through creative placement, painting, or other approaches.

(D) Maximum Height

The maximum height of all wireless communication towers shall be two hundred (200) feet.

(E) Location and Setbacks

- (1) New freestanding Telecommunications Towers shall be set back from all lot lines a distance equal to their height plus fifty (50) feet in order to prevent encroachment onto adjoining properties in the event of a collapse or structural failure.
- (2) When located on a lot within a residential base zoning district, the new freestanding Telecommunications Tower may only be located to the rear of the principal structure(s).
- (3) When located on a lot within a nonresidential district, the new freestanding Telecommunications Tower shall be located to the side or rear of the principal structure.
- (4) When the new freestanding Telecommunications Tower is the principal use on a lot, it shall be located to minimize the visibility of the groundbased equipment from residential uses and street rights-of-way.

(F) Federal Radio Frequency Emission Standards Compliance

Applicants for a new freestanding Telecommunications Towers shall provide documentation that the proposed facility will comply with all Federal Radio Frequency Emission Standards.

(G) Design of Accessory Structures

All ground-based accessory structures shall use the same materials and architectural components of the principal use on the site and shall be designed to resemble the basic architecture of surrounding structures to the maximum extent practicable. In cases where the facility is not the sole use of land, the equipment shall be located within an existing structure to the maximum extent practicable.

(H) Screening Required

- (1) In addition to any required landscaping buffering required by the Ordinance, a minimum eight (8) foot high fence is required around the base of the facility (and any equipment buildings(s), with any required landscape screening to be located on the outside of the fenced area. It shall be the responsibility of the land owner to keep all landscape material free from disease and properly maintained. Any vegetation that constitutes part of the screening shall be replaced if it dies.

(I) Evidence of No Negative Impact Required

Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to demonstrate the impact on adjacent property owners will be significant. Decision makers must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

(J) Lighting of Freestanding Telecommunications Towers

- (1) Applicants for new freestanding Telecommunications Towers intended to include obstruction lighting shall provide documentation from the Federal Aviation Administration or other appropriate agency that obstruction lighting is required.
- (2) Exterior lighting of accessory structures or equipment areas shall be equipped with motion detectors or other appropriate devices intended to prevent the area from being illuminated for long periods of time while not being serviced or maintained. Such exterior lighting shall be shielded and directed away from residential uses and street rights-of-way.

(K) Removal Due to Abandonment

Freestanding Telecommunications Facilities and related equipment shall be removed if abandoned or no longer used for its original intent for a period greater than three hundred sixty-five (365) consecutive days.

(L) Signage⁽¹⁷⁾

Freestanding or attached signs are prohibited. Wall signs limited to identification are allowed on equipment structures of fences surrounding the facility provided each individual sign does not exceed nine square feet in size.

Any signage must be specifically addressed during the Special Use Permit review process.

(M) No Outdoor Storage

Outdoor storage is prohibited.

(N) Application Content

All applications for a new freestanding Telecommunications Tower shall include all the following information in addition to any other required information:

- (1) Identification of intended providers(s);
- (2) Documentation by a registered engineer that the facility has sufficient structural integrity to accommodate more than one user, if applicable;
- (3) A statement from the owner indicating intent to allow shared use of the facility and how others will be accommodated, if applicable;
- (4) Evidence that the owners of residentially-zoned land within three hundred (300) feet of the site have been notified regarding the proposed facility height and design; and
- (5) Documentation of an intended facility structural failure collapse area, if applicable.

7.3 Accessory Uses and Structures

7.3.1 Purpose

This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The County's intent in adopting this Section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this Section in order to reduce potentially adverse impacts on surrounding lands.

7.3.2 General Standards and Limitations

(A) Compliance with Ordinance Requirements

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance. The provisions of this Section establish additional standards and restrictions for particular accessory uses and structures.

(B) General Standards

All accessory uses and accessory structures shall meet the following standards:

- (1) Directly serve the principal use or structure;
- (2) Be customarily accessory and clearly incidental and subordinate to principal use or structure;
- (3) Be subordinate in area, extent, and purpose to the principal use or structure;
- (4) Be owned or operated by the same person as the principal use or structure;
- (5) Be located on the same lot as the principal use or structure;
- (6) Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance;
- (7) Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (8) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

(C) Approval of Accessory Uses and Structures

Unless otherwise specified in this Section, any accessory use or accessory structure shall be treated as a permitted use in the base zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.

(D) Table of Permitted Accessory Uses

(1) Table as Guide

Table 7-2, Table of Permitted Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

(2) Listed Accessory Uses

Table 7-2, Table of Permitted Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts. If a specific accessory use is allowed in a base zoning district, the column underneath the zoning district is marked with a "P." If the use is allowed in the district with a special use permit, the column underneath the zoning district is marked with an "S". If the accessory use or structure is not allowed in a zoning district, the column is blank. If there

is a reference contained in the column entitled "Additional Requirements," refer to the cited Section(s) for additional standards that apply to the specific accessory use.

(3) Interpretation of Unidentified Accessory Uses

The Ordinance Administrator shall evaluate potential accessory uses that are not identified in Table 7-2, Table of Permitted Accessory Uses, on a case-by-case basis. In making the interpretation, the Ordinance Administrator shall apply the following standards:

- (i)** The definition of "accessory use" and the general accessory use standards established in Section 7.3.2, General Standards and Limitations.
- (ii)** The additional regulations for specific accessory uses established in Section 7.3.3, Specific Standards for Certain Accessory Uses.
- (iii)** The purpose and intent of the zoning district in which the accessory use is located.
- (iv)** Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
- (v)** The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

(4) Table of Permitted Accessory Uses

Table 7-2, Table of Permitted Accessory Uses, on the following page, specifies the zoning district where accessory uses may be permitted.

7.3.3 Specific Standards for Certain Accessory Uses

(A) Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

- (1)** Not more than one accessory dwelling unit per lot shall be permitted.
- (2)** Accessory dwelling units shall be located within the principal dwelling or behind the principal dwelling as a freestanding building or above a detached outbuilding or garage.
- (3)** The use of travel trailers, campers or similar vehicles as an accessory dwelling unit shall be prohibited.

- (4) Manufactured homes may be used as accessory dwelling units if they are allowed as a permitted use in the base zoning district upon which the principal dwelling is located.
- (5) The accessory dwelling unit shall be at least three hundred (300) square feet in size, but shall not exceed fifty percent (50%) of the gross habitable floor area of the principal structure. Accessory dwelling units located within principal dwellings shall not occupy more than twenty-five percent (25%) of the gross floor area of the principal structure.
- (6) Alterations to principal dwelling units to accommodate accessory dwelling units shall not cause the principal structure to appear to be a multi-family structure from any public or private street or adjoining property.
- (7) Accessory dwelling units shall be served by at least one off-street parking space (in addition to the required off-street parking serving the principal use) and shall be served by the same driveway as the principal dwelling.
- (8) Accessory dwelling units shall not be sold apart from the principal structure.
- (9) Accessory dwelling units shall not include home occupations.

(B) Amateur Ham Radio & Television Antennas

- (1) Towers associated with a ham radio operator or private television antenna shall not exceed ninety (90) feet above grade.
- (2) Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
- (3) Freestanding towers or antennas shall be located behind the principal structure.

(C) Canopies

- (1) Canopies shall have a maximum height of fifteen (15) feet measured from the finished grade to the underside of the canopy.
- (2) The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.
- (3) Canopies covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising.
- (4) In addition to meeting the standards in Section 8.8, Outdoor Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

Table 7-2 Table of s and Uses

P = PERMITTED USE	ZONING DISTRICT													S = SPECIAL USE
	AR	R-30	R-30MH	R-20	R-20MH	R-15	R-15MH	R-10	OI	B-1	B-2	M-1	M-2	
Accessory Use/Structure (Customary)	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory-Residential Use/Structure (water/sewer) ⁽¹⁶⁾	P	P	P	P	P	P	P	P						7.3.3(P)
Accessory Dwelling Unit	P	P		P										7.3.3(A)
Amateur Ham Radio / TV Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	7.3.3(B)
Canopies										P	P	P		7.3.3(C)
Caretaker Dwelling										P	P	P	P	7.3.3(D)
Child Care, Home (6 or fewer children)	P	P	P	P	P	P	P	P						7.3.3(E)
Drive Through Facilities										S	S			7.3.3(F)
Fences and Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	
Garages	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupations	P	P	P	P	P	P	P	P	P					7.3.3(G)
Internet Café ⁽⁰¹⁾										P	P			7.3.3(H)
Outdoor Display / Sales										S	S	S		7.3.3(I)
Outdoor Storage										S	S	S	S	7.3.3(J)
Produce Stand	P									P	P			7.3.3(K)
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	7.3.3(L)
Stable (Accessory to a Residential Use)	P	S												7.3.3(M)
Swimming Pool	P	P	P	P	P	P	P	P	P	P				7.3.3(N)
Wind Turbine	P	P	P	P	P	P	P	P	P	P	P	P	P	7.3.3(O)

(D) Caretaker Dwelling

- (1) Only one (1) caretaker dwelling may be established as an accessory to a nonresidential use.
- (2) Lot area and setbacks equivalent to the R-15 district shall be provided for the dwelling.

(E) Child Care, Home

Child care homes shall be required to meet all of the standards set forth in Section 7.2.5, with the exception of the minimum lot size requirement. Additionally, Child Care Homes may only be established in existing residential structures that are currently used for residential purposes.

(F) Drive-Through Facilities

- (1) Drive-through facilities shall be located at least one hundred (100) linear feet from any residential district or lot used for residential purposes.
- (2) Vehicle stacking spaces for drive-through window uses shall be located outside of, and physically separated from, the right-of-way of any street.
- (3) Vehicle stacking spaces shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
- (4) Drive-through facilities shall be located to the side or rear of the principal structure they serve.
- (5) Menu Boards shall not be visible from the road the building is fronting.
- (6) Drive-through facilities may be subject to County-imposed conditions relating to the location, configuration, and operational aspects of the drive-through window to ensure its compatibility with surrounding uses and its compliance with the building codes and all relevant state laws and regulations.

(G) Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that:

- (1) The business or service is located within the dwelling or an associated accessory building (but not an accessory dwelling unit) and does not exceed twenty-five percent (25%) of the heated floor area of the principal structure or six hundred (600) square feet, whichever is less.

- (2) The principal person or persons providing the business or service resides in the dwelling on the premises.
- (3) The home occupation employs no more than one person on the premises who does not reside on the premises, and no more than one on-site client is served at any one time.
- (4) The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- (5) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation.
- (6) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
- (7) The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
- (8) Wholesale or retail sales of goods do not occur on the premises.
- (9) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

(H) Internet Café⁽⁰¹⁾

No more than four monitors shall be dedicated for customer use.

(I) Outdoor Display/Sales

Outdoor display or sales may be allowed as an accessory use for all Retail Sales and Service Uses and Wholesale Sales Uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic or creates an unsafe condition. The outdoor display of goods shall meet all of the following standards:

- (1) Outdoor display/sales areas shall be depicted upon a Site Development Plan.
- (2) All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.

- (3) Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
- (4) In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the inline tenants combined shall not exceed fifty percent (50%) of the aggregate store front of the total shopping center.
- (5) The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten (10) feet, there shall be at least a ten (10) foot clearance from the doors as projected straight out and away from the facility.)
- (6) No goods shall be attached to a building’s wall surface.
- (7) The height of the outdoor display shall not exceed six (6) feet.
- (8) The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- (9) At least five (5) feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- (10) Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items.

(J) Outdoor Storage

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

- (1) Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be located at the side or rear of the principal structure.
- (2) Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.
- (3) Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall which is six (6) feet tall inside yard areas and eight (8) feet tall in rear yard areas. Materials may not be stored higher than the height of the primary structure. A landscaped earth berm may be used instead of or in combination with a fence or wall.

- (4) No materials may be stored in areas intended for vehicular or pedestrian circulation.

(K) Produce Stand

A produce stand shall:

- (1) Be limited to the retail sale of agriculture and horticulture products;
- (2) Be located to minimize the visual impact of the structure from adjacent public streets;
- (3) Not exceed five hundred (500) square feet in area;
- (4) Provide adequate ingress, egress, and off-street parking areas; and
- (5) Be setback at least ten (10) feet from the right-of-way.

(L) Satellite Dishes

- (1) Satellite dishes less than twenty-four (24) inches in diameter may be located anywhere on a lot.
- (2) Satellite dishes larger than twenty-four (24) inches in diameter shall:
 - (i) Be located to the side or rear of the principal use they serve; and
 - (ii) Be limited to a maximum height of fifteen (15) feet above grade unless the applicant can demonstrate that a lower mounting height will cause significant disruption in signal.

(M) Stable

A stable for the keeping of horses or ponies in association with a principal residential use shall be permitted provided:

- (1) One (1) acre of pasture or grazing land shall be provided for each horse or pony maintained in the stable; and
- (2) The stable is located at least three hundred (300) linear feet away from any residential dwelling on a lot under separate ownership.

(N) Swimming Pool/Hot Tub

Swimming pools and hot tubs shall comply with the following standards:

- (1) Swimming pools having a depth greater than two (2) feet, and hot tubs and spas shall be enclosed by fencing of a type that is not readily

accessible by children and that contains no openings larger than four inches.

- (2) Fencing shall be at least four (4) feet in height and, if equipped with a gate, shall have a latch.
- (3) In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of one hundred and fifty (150) pounds, and such cover shall be locked in place when the spa or hot tub is not in use.
- (4) Swimming pools and decks shall adhere to the same setback requirements as accessory structures; however, swimming pools shall not exceed fifty percent (50%) of the yard (side or rear) in which it is located.

(O) Wind Turbine

Wind turbines with a rated capacity of less than one hundred kilowatts (100kW) are permitted as an accessory use subject to the following regulations.

(1) Minimum Lot Size

The minimum lot size for the installation of an accessory wind turbine is one (1) acre. A maximum of three (3) wind turbines may be installed as an accessory use provided that two (2) additional acres are provided for each wind turbine over one (1).

(2) Tower Height

Within the residential base zoning districts, with the exception of the AR district, accessory wind turbines shall be limited to a height of eighty (80) feet. Within the nonresidential zoning districts and the AR district, accessory wind turbines shall be limited to a maximum height of one hundred (100) feet.

(3) Minimum Setback

No part of the wind turbine structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site.

(4) Noise

Accessory wind turbines shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

(5) Compliance with FAA Regulations

Small wind energy systems must comply with applicable FAA regulations including any necessary approvals for installations close to airports.

(6) Utility Notification:

No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(P) Accessory-Residential Use/Structure (water/sewer)⁽¹⁶⁾

A residential accessory structure may have both electrical and water/sewer connections within the following guidelines:

- (1)** Must meet all applicable requirements of Section 7.3.2(B) as well as Section 8.3 of the Wilson County UDO.
- (2)** Only two residential accessory structures on a lot may have electrical and water/sewer connections.
- (3)** Electrical and water/sewer connections are allowed to provide for one full bath, consisting of a toilet, sink and shower/bathtub, for each of the two accessory structures.
- (4)** HVAC systems are allowed in each of the two residential accessory structures where electrical and water/sewer connections are permitted.
- (5)** Residential accessory structures (water/sewer) shall not be used as a dwelling unit.
- (6)** Residential accessory structures (water/sewer) shall not be allowed as an accessory to individual mobile home spaces within a mobile home park.

7.4 Temporary Uses and Structures

7.4.1 Purpose

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

7.4.2 General Standards for Temporary Uses and Structures

Temporary uses, structures, or events shall:

- (A) Obtain the appropriate permit from the County (if required);
- (B) Only four (4) temporary uses and/or structures per lot in a calendar year;
- (C) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (D) Be compatible with the principal uses taking place on the site;
- (E) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- (F) Not include permanent alterations to the site;
- (G) Meet all the setbacks of the underlying base and overlay zoning districts;
- (H) Comply with the maximum signage size for temporary signs.
- (I) Not maintain temporary signs associated with the use or structure after the activity ends;
- (J) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (K) Not interfere with the normal operations of any permanent use located on the property; and
- (L) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

7.4.3 Specific Regulations for Certain Temporary Uses and Structures

(A) Carnival or Fair

- (1) The total amount of required off-street parking spaces shall be determined by the Ordinance Administrator. If collocated on the same parcel with an established use, the carnival or circus's designated parking shall not exceed fifteen percent (15%) of the required parking for the establishment or use where the carnival/circus is located.
- (2) If located on an undeveloped or vacant lot, the lot shall be a minimum of two (2) acres and at least one-third (1/3) of the area shall be designated for parking.
- (3) All activities shall be located a minimum of one hundred (100) feet from all adjoining property lines.

- (4) Carnivals and fairs shall obtain an operating permit from the Board of Commissioners.

(B) Temporary Storage in Portable Shipping Containers

- (1) Temporary storage in a portable shipping container shall be permitted to serve an existing residential use, subject to the following standards:
- (2) Containers shall not be located in the front yard setback;
- (3) Containers shall not be located within ten (10) feet of any lot line; and
- (4) Containers shall not be located on an individual parcel or site for more than thirty (30) consecutive days per site per calendar year.

(C) Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(1) Location

- (i) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- (ii) The sale of goods shall not occur within the public right-of-way, or within two hundred (200) feet of a dwelling.
- (iii) A minimum pedestrian walkway of at least five (5) feet in width along the front of the display shall be maintained.

(2) Range of Goods Limited

The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; beekeeping products; seafood; and dairy products. For the purposes of this Subsection, processed or prepared food products of any kind shall not be considered to be agricultural products.

(3) Sales from a Vehicle

The itinerant sale of products from a vehicle that involves the display or short-term storage of products on site for a period of two (2) days or

longer, shall not be considered to be seasonal agricultural sales and is prohibited.

(4) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from no earlier than 6:00 a.m. to no later than 10:00 p.m.

(5) Duration

Seasonal sales shall be allowed on an individual lot for no more than one hundred eighty (180) days per calendar year.

(D) Temporary Construction Trailers

- (1) All temporary construction trailers shall meet the minimum setbacks of the zoning district where located.
- (2) Temporary construction trailers may remain on site as long as there is a valid Building Permit in place but shall be removed prior to the issuance of the Certificate of Occupancy.

(E) Temporary Outdoor Sales

The temporary sale of commercial goods may be conducted on a lot with a legally established principal use provided the following criteria are met:

- (1) A permit is issued in accordance with this Ordinance prior to the sale;
- (2) The outdoor sales area is located in an area outside the normal flow of traffic or areas of ingress and egress;
- (3) The outdoor sales area is located on an improved surface such as asphalt, gravel, or other improved surface and not within areas devoted to required landscaping, tree protection, or open space;
- (4) The outdoor sales area is located in such a way as to ensure the minimum number of required parking spaces for the principal use are maintained over the duration of the tent sale;
- (5) The outdoor sales area does not include any signage other than that allowable as temporary signage;
- (6) Outdoor sales areas may not be illuminated past the hour of 10:00 p.m.; and
- (7) The total number of temporary outdoor sales per site is limited to a maximum of five (5) days per calendar year.

Article VIII. ARTICLE 8 – GENERAL DEVELOPMENT STANDARDS

8.1 General Lot Requirements

8.1.1 Compliance with this Ordinance Required

No building or portion of a building shall be erected, used, moved, or altered except in conformity with the standards in this Ordinance.

8.1.2 Preexisting Lots

Lots legally established as buildable lots prior to January 1, 2010 shall only be required to meet the minimum setback provisions for the base zoning district in which they are located and shall be exempt from the other minimum lot size or lot width requirements.

8.1.3 Reduction Prohibited

Except as required through the establishment of new public rights-of-way (such as roadway widening) or approved as a Variance, no yard or lot existing on January 1, 2010 shall be reduced in size or area below the minimum requirements of the base and overlay zoning district in which it is located unless such reduction is made in conjunction with the approval of a Cluster Subdivision as set forth in Section 12.6.

8.1.4 Direct Access Required

All lots shall have direct access to a public or private street/road. For the purposes of this Section, direct access can be achieved through private road/right-of-way/easement serving three (3) or fewer lots, or a combination of the same, and shall meet the following standards: *

- A.** Right-of-way must be a minimum of 30' in width.
- B.** The surface must be constructed to support emergency vehicles.
- C.** Shall be recorded with the lots and dedicated for use by lot owners.
- D.** A copy of the road maintenance requirements shall be provided to the County and recorded with the plat.
- E.** Street Sign (Sign maintenance will be required as part of the road maintenance agreement).

***Note that lots created by previous exceptions are included when determining the standard of road needed for further subdivision.**

8.1.5 Setback Determination on Irregular Lots

The location of required front, side, and rear setbacks on irregularly shaped lots shall be determined by the Ordinance Administrator. Such determination shall be based on the spirit and intent of this Ordinance in order to achieve an appropriate spacing and location of buildings and structures on individual lots.

8.1.6 Allowable Yard Encroachments for Residential Use

Building features and architectural elements may encroach into required yards or setbacks only in accordance with the following standards:

- (A) Balconies, stoops, open porches, bay windows, steps, mechanical units, raised doorways and similar architectural features are permitted to encroach into a required building setback a maximum of three (3) feet.
- (B) First floor encroachments shall not extend into the right-of-way.
- (C) Side yard encroachments shall not be closer than five (5) feet to a lot line.

8.1.7 Height Limitation Exceptions

The height limitations of this Ordinance shall not apply to spires, belfries, cupolas and domes not intended for residential purposes, nor to monuments, water towers, observation towers, power transmission towers, chimneys, elevator shaft enclosures, flag poles and similar structures, provided such structures meet the required provisions of the North Carolina Building Code. Height limitations shall apply to all wireless communication towers and accessory wind turbines as regulated herein.

8.2 Dimensional Standards

8.2.1 Purpose

The purpose of this Section is to present the dimensional standards for all principal and structures and uses allowed in this Ordinance. These standards may be further modified by other requirements found in other Articles or Sections where applicable.

8.2.2 Dimensional Standards Tables

Unless otherwise specified, all principal structures in the base zoning districts are subject to the dimensional standards set forth in the following tables.

Section 8.01 Table 8-1 Dimensional Standards for the Residential Base Zoning Districts

Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Front Setback (ft.)	Interior Side Setback (ft.)	Corner Side Setback (ft.)	Rear Setback (ft.)	Maximum Height (ft.)
Single Family Dwellings and Manufactured Homes on Individual Lots							
AR	40,000	100	40	12	20	30	35
R-30	30,000	100	40	12	20	30	35
R-30MH	30,000	100	40	12	20	30	35
R-20	20,000	100	40	12	20	30	35
R-20MH	20,000	100	40	12	20	30	35
R-15	15,000	75	40	12	20	30	35
R-15MH	15,000	75	40	12	20	30	35
R-10	10,000	75	30	12	20	20	35

Duplex Dwellings							
R-15	20,000	100	40	20	20	30	35
R-15MH	20,000	100	40	20	20	30	35
R-10	15,000	100	30	10	20	20	35
Townhouses and Multi-Family Dwellings							
R-15	25,000 ¹	150	40	12	20	20	35
R-10	20,000 ¹	150	30	12	20	20	35
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Front Setback (ft.)	Interior Side Setback (ft.)	Corner Side Setback (ft.)	Rear Setback (ft.)	Maximum Height (ft.)
Nonresidential Structures and Uses							
AR	40,000	150	35	15	20	30	35
R-30	30,000	125	35	15	20	30	35
R-30MH	30,000	125	35	15	20	30	35
R-20	20,000	100	35	15	20	30	35
R-20MH	20,000	100	35	15	20	30	35
R-15	15,000	100	35	25	20	30	35
R-15MH	15,000	100	35	15	20	30	35
R-10	10,000	100	35	15	20	30	35

1 – For the first three (3) dwelling units. Five thousand (5,000) square feet of additional lot area is required for each dwelling unit over three (3).

Section 8.02 Table 8-2 Dimensional Standards for the Nonresidential Base Zoning Districts

Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Front Setback (ft.)	Interior Side Setback (ft.)	Corner Side Setback (ft.)	Rear Setback (ft.)	Maximum Height (ft.)
OI	10,000	75	30	10	20	20	35
B-1	10,000	75	30	N/A	20	20	35
B-2	10,000	75	30	N/A	20	20	35
M-1	20,000	100	35	25	40	40	N/A
M-2	20,000	100	35	25	40	40	N/A

8.3 Accessory Structures

8.3.1 Location of Accessory Structures

- (A) No accessory structure, except for permitted fences, walls and ornamental structures, shall occupy a required front setback.
- (B) Accessory structures smaller than two hundred fifty (250) square feet may be erected in a required side or rear setback, provided that the structure does not encroach within five (5) feet of the side or rear property line.

- (C) Accessory structures larger than two hundred fifty (250) square feet may be erected in a required side or rear setback, provided that the structure does not encroach within ten (10) feet of the side or rear property line.
- (D) Enclosed residential accessory structures shall not project beyond the front building line of the principal structure.
- (E) Except for fences, walls and unenclosed carports, no detached accessory structures shall be located within ten (10) feet of a principal structure or any other accessory structure.
- (F) No accessory structure shall be located within any platted or recorded easement or over any known public utility line.

8.3.2 Maximum Height

- (A) In residential zoning districts, accessory structures located within ten (10) feet of a lot line may not exceed fifteen (15) feet in height.
- (B) In all other zoning districts, accessory structures located within ten (10) feet of a lot line may not exceed fifteen (15) feet in height if the lot line is adjacent to a residentially zoned or used property.

8.3.3 Maximum Size

- (A) The aggregate square footage of accessory structures associated with a residential principal use shall not exceed five percent (5%) of the lot area.
- (B) The aggregate square footage of accessory structures associated with a nonresidential use shall not exceed thirty percent (30%) of the square footage of the principal use on the lot.

8.3.4 Maximum Number of Accessory Structures

No more than three (3) accessory structures may be established on a residentially used lot.

8.4 Access Management

8.4.1 Limitations on the Number of Access Points

The number of access points to individual lots are subject to the following limitations:

- (A) One (1) access point is allowed per road frontage for lots with less than three hundred (300) feet of lot width along that road frontage.
- (B) Two (2) access points are allowed per road frontage for lots with between three hundred (300) and five hundred (500) feet of lot width along that road frontage.

- (C) Three (3) access points are allowed per road frontage for lots with greater than five hundred (500) feet of lot width along that road frontage.
- (D) In no case shall more than three (3) individual access points be provided to any individual lot. The number of allowable access points shall include points of access to all road frontages combined.

The development or redevelopment of an existing lot with more than the allowed number of access points shall be subject to the requirements of this Section, and no Site Development Plan or other development approval shall be granted unless it contains provisions for complying with these standards.

8.4.2 Minimum Driveway Separation

The following minimum separation requirements shall apply to all new access points. The minimum separation requirements set forth in this Section shall be maintained between new and existing points of access on all lots, including driveways serving the subject property and driveways located on adjacent lots. Where new access points are planned, provisions for cross-access or shared driveways may be required to serve adjacent undeveloped lots in order to ensure the maintenance of the required driveway separation distances set forth herein.

- (A) Driveways serving lots located on arterial roads or other roadways with higher functional classifications shall be separated by a minimum distance of one hundred fifty (150) feet, as measured from centerline to centerline of each driveway.
- (B) Driveways serving lots located on collector streets shall be separated by a minimum distance of one hundred (100) feet, as measured from centerline to centerline of each driveway.
- (C) Driveways serving lots on all other roadways shall be separated by a minimum of twenty (20) feet, as measured from centerline to centerline of each driveway.

The development or redevelopment of an existing lot with existing driveways or curb cuts that do not meet these minimum standards shall be subject to the provisions of this Section, and no Site Development Plan or other development approval shall be granted unless it contains provisions for complying with these standards.

8.4.3 Minimum Driveway Distance from Intersections

The following minimum separation standards shall apply to all new access points. Distances are measured from the outer edge of the proposed driveway which is closest to the intersecting road.

- (A) Driveways serving lots located on roads functionally classified as an arterial or higher classification shall not be located within one hundred fifty (150) feet of an intersection of that road and any intersecting road.

- (B)** Driveways serving lots located on roads functionally classified as a collector street shall not be located within one hundred (100) feet of an intersection of that road and any intersecting road.
- (C)** All other driveways shall be located a minimum distance of seventy-five (75) from road intersections.

The development or redevelopment of an existing lot with existing driveways or curb cuts that do not meet these minimum standards shall be subject to the provisions of this Section, and no Site Development Plan or other development approval shall be granted unless it contains provisions for complying with these standards.

8.4.4 Cross Access Requirements

- (A)** All development, with the exception of detached single-family residential development and attached residential development with fewer than four (4) dwelling units, shall be designed to allow for cross-access to adjacent compatibly zoned or developed land in accordance with the following standards:

(1) General

(i) Limited to Two Parcels

Cross-access ways shall be designed and located based on the standards of this Section, but in no case shall a development be required to provide cross-access to more than two (2) adjacent parcels.

(ii) Future Stubs Required

A stub for future cross-access shall be provided to all adjacent vacant land within the B-1 Highway Business District.

(iii) Placement and Width

Cross-access ways shall be located and configured in a manner to provide the most convenient access between adjacent parcels. No part of a cross access way shall be located within a road right of way. The minimum width of the cross-access way shall be twenty-two (22) feet.

(B) Waiver

The cross-access standard shall be waived by the Ordinance Administrator if the applicant demonstrates it is impractical to provide cross-access due to:

- (1)** Topography, or natural features;
- (2)** The size and configuration of the site;

- (3) Vehicular safety factors;
- (4) The presence of incompatible uses; or
- (5) Existing development patterns on adjacent developed sites that make cross access impractical.

(C) Recording Required

Where provided, cross access easements must be recorded by the owner/developer of the property prior to the issuance of a Certificate of Compliance.

8.5 Site Distance Standards for Driveways

8.5.1 Clear Sight Distance Required

No obstructions to vision shall be allowed within the applicable sight triangle(s). Any object shall be deemed as an obstruction if it is located within any applicable sight triangle and the object is between two and one-half (2.5) feet and ten (10) feet above the edge of the roadway.

8.5.2 Required Sight Distances

- (A) Driveways which intersect with roads functionally classified as arterials or higher shall maintain a clear sight distance triangle of twenty-five (25) feet by twenty-five (25) feet.
- (B) Driveways intersecting all other roads shall maintain a clear sight distance triangle of ten (10) feet by ten (10) feet.

8.5.3 Measurement of Sight Triangles

Sight triangles shall be determined by connecting points measured at the required distance along the centerline of the outbound lane of the driveway backwards from its intersection with the road and along the edge of pavement of the intersecting road from the centerline of the outbound lane of the driveway.

8.6 Fences and Walls

8.6.1 Applicability

The provisions of this Section shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this Section and any screening standard in Section 8.7, Screening, the latter shall govern.

8.6.2 General Requirements for Fences and Walls

(A) Location

Fences are permitted on, or at any location inward from, the property line between two or more parcels of land held in private ownership.

(B) Temporary Fences

Temporary fences for construction sites or a similar purpose shall comply with all requirements in this Ordinance.

(C) Fences in Easements

Fences shall be prohibited within public and private utility easements. The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities if the owner desires.

(D) Blocking Natural Drainage Flow

No fence shall be installed so as to block or divert a natural drainage flow on to, or off of, any other land.

(E) Fences on Retaining Walls or Berms

If a fence is constructed on top of a retaining wall or berm, the combined height of the fence or wall and the berm shall not exceed the maximum height that would apply to a fence or wall alone.

(F) Fences and Walls within Required Buffers and Landscaping Areas

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material. The perimeter fencing or wall for a subdivision or other development shall be of a uniform, approved style that meets the standards of this Section.

8.6.3 Height Requirements for Fences and Walls

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

(A) Residential

In the residential districts, fences and walls shall not exceed a height of four (4) feet in front yards. Fences and walls located behind the front building line shall not exceed six (6) feet in height. If a fence is constructed on top of a retaining wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to a fence or wall alone.

(B) Nonresidential

In the nonresidential districts, fences and walls, except for retaining walls, shall not be permitted in front setback areas, and shall not exceed a height of six (6) feet when located in front yards or within twenty (20) linear feet of a public right-of-way in a side or rear yards. Fences and walls shall not exceed eight (8) feet in height in all other areas. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(C) Exemption for Required Screening

Fencing provided to meet the standards of Section 8.7, Screening, shall be exempted from the height standards of this Subsection, but in no case shall any fence exceed the maximum height limits of Section 8.7, Screening, by more than two (2) feet.

(D) Exemption for Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this Subsection.

(E) Exemption for Safety

Major utilities, government facilities and other public uses shall be exempted from these standards as needed to ensure safety and security.

8.6.4 Perimeter Fences and Walls Abutting Public Rights-of-Way

Perimeter fences or walls abutting a public or private right-of-way shall:

- (A)** Be of a uniform style;
- (B)** Be located entirely outside of the right-of-way; and
- (C)** Be located outside of any required landscaping area.

8.6.5 Visibility Clearance

Fences and walls may not be placed in any location that would obstruct the vision of motorists or pedestrians, or otherwise create a safety hazard.

8.6.6 Appearance of Fences and Walls

(A) Customary Materials

Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, wrought iron, decorative metal materials, or products designed to resemble these materials. Where specific materials are

required for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

(B) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (i.e. one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.

(C) Uniformity of Materials on a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.

(D) Maintenance Required

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including, but not limited to, the replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and the weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct the condition and restore the fence to an upright, vertical position.

8.7 Screening

Screening shall be required in order to conceal specific areas of high visual impact from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

8.7.1 Items to be Screened

- (A)** Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);
- (B)** Loading and service areas;
- (C)** Outdoor storage areas (including storage tanks); and
- (D)** Ground level mechanical equipment and utility meters.

8.7.2 Screening Methods

The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.

(A) Vegetative Material

Planting materials meeting the standards for a Type C buffer.

(B) Berms

Earthen berms shall measure at least two (2) feet in height. Berms shall be covered with live groundcover and shall be planted with other landscaping materials consistent with the requirements for a Type B buffer.

(C) Fencing

An opaque wooden fence, or a plastic or vinyl designed fence that is configured to appear as an opaque wooden fence, measuring at least six (6) feet in height, but not exceeding eight (8) feet in height, that is consistent with the standards in Section 8.6, Fences and Walls. When wood is utilized, only treated wood or rot-resistant wood, such as cypress or redwood, shall be used. Chain link, barbed wire, stock wire, hog wire, chicken wire, and similar type fences are not permitted.

8.8 Outdoor Lighting

8.8.1 Purpose

The purpose of this Section is to control light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses on adjacent properties. More specifically, this Section is intended to:

- (A)** Control lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
- (B)** Ensure that all site lighting shall be designed and installed to maintain adequate lighting levels on site; and
- (C)** Provide security for persons and land.

8.8.2 Applicability

Unless exempted in accordance with Section 8.8.3, Exemptions, the provisions of this Section shall apply to attached residential, institutional, commercial, and industrial uses.

8.8.3 Exemptions

The standards of this Section shall not apply to government-owned, operated, or maintained street lights located within a street right-of-way or other easement granted to the public.

8.8.4 Design Standards for Exterior Lighting

All exterior lighting shall conform to the following standards:

(A) Maximum Lighting Height

Except for outdoor sports fields or performance areas, outdoor lighting heights shall be no greater than:

- (1) Eighteen (18) feet above grade for pedestrian lighting; and
- (2) Twenty-five (25) feet above grade for parking lot lighting.

(B) Direction of Illumination

- (1) In all districts, lighting of nonresidential development shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.
- (2) Outdoor lighting shall not shine directly into the yard or windows of adjacent residential uses.

(C) Location

All lighting shall be located at least ten (10) feet from side lot lines, rear lot lines, and required perimeter buffers.

(D) Shielding

- (1) Light fixtures in excess of sixty (60) watts or one hundred (100) lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the property onto adjacent property and streets.
- (2) No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.
- (3) Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e. from underneath or behind the awning).

8.8.5 Wall-mounted Lights

- (A) Wall-mounted lights shall be fully shielded luminaries (such as shoebox or can style fixtures) to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this Subsection shall prevent the use of decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes.
- (B) Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully

shielded (true cut-off type bulb or light source not visible from off-site) to direct the light downward and be of low wattage (preferably one hundred (100) watts or lower). Other accent lighting projected onto buildings may be allowed provided that it is approved through the Site Development Plan process.

8.8.6 Floodlights and Spotlights

Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the right-of-way. On-site lighting may be used to accent architectural elements but shall not be used to illuminate entire portions of building(s). Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield, and the main beam from the light source is not visible from adjacent lands or the adjacent right-of-way. Floodlights attached to light poles that are used to illuminate large portions of buildings or sites are prohibited.

8.8.7 Illumination of Outdoor Sports Fields and Performance Areas

All lighting fixtures serving outdoor sports fields and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area.

8.8.8 Sign Lighting

Lighting fixtures illuminating signs shall comply with the standards of this Section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

Article IX. ARTICLE 9 – LANDSCAPING AND BUFFERING STANDARDS

9.1 General Standards for Landscaping and Buffering

9.1.1 Purpose and Intent

The purpose of the landscaping and buffer requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve and enhance the natural environment. Planting yard regulations are established to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment and building expansion projects, including streetscaping of new and existing rights-of-ways. Required landscaping must be installed, inspected and approved prior to the issuance of a Certificate of Occupancy accompanied by a bond may be granted to permit installation of required landscaping subsequent to occupancy of the building under the following circumstances.

⁽⁰⁸⁾If the season or weather conditions prohibit planting, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125% of the cost of installing the required landscaping to guarantee the completion of the required planting. The financial surety shall be canceled and/or returned upon completion of the required landscaping.

- (A) Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
- (B) Mitigate air, dust, noise, and heat pollution;
- (C) Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
- (D) Preserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
- (E) Provide visual and physical separation between incompatible land uses;
- (F) Promote an attractive streetscape in commercial areas and along the County’s primary roadways;

9.1.2 General Standards

(A) Retention of Existing Vegetation

Existing trees, shrubs and ground cover shall be retained and incorporated into the landscaping plan to the maximum extent possible.

(B) Landscaping Plan Required.

Landscaping plans shall accompany any application for Site Development Plan approval.

9.1.3 Planting Yards

(A) Purpose

Planting yards are intended to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to improve the appearance of individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas. Planting yards shall include the following:

- (1) Buffer Yards (9.2)
- (2) Building Yards (9.3)
- (3) Parking Lot Yards (9.4)
- (4) Street Yards (9.5)

(B) Applicability

Planting yards shall be required for all uses except:

- (1) Single-family detached homes;
- (2) Duplex dwellings (two-family homes);
- (3) Any use, building or structure for which only a change of use is requested, and which requires no structural modifications which would increase its gross floor area or intensity.

(C) Expansion of Uses

The expansion of an existing use, structure or parking lot shall be required to comply with this Section only for the expansion area. Applicants are encouraged, but not required, to landscape existing areas in conformance with this Section.

(D) Use of Required Landscaping

Landscaping which is required within a planting yard shall be counted only for that planting yard and shall not be used in calculating the minimum quantity for any other planting yard.

(E) Landscaping and Buffering Point System

- (1) The point system, as illustrated in Table 9-1, is established to ensure that a minimum level of landscaping is achieved during development. It sets forth the points attributable to the five (5) different plant types that are required in the three planting yards subject to the point system. Table 9-1 is to be used in conjunction with the other tables in this Article to determine total landscaping required.
- (2) When calculating points, or quantities of plants, fractions shall be rounded upward to the higher whole number for decimals of .5 and higher. Decimals below .5 shall be rounded downward to the lower whole number.

Section 9.01

Table 9-1 Points for Individual Plant Types

Type of Plant	Points
Canopy Tree	12
Understory Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

- (3) The total amount of landscaping required for planting yards is determined by multiplying the length of the respective planting yard by the minimum required points per linear foot shown in the landscaping requirements tables for each of the three planting yards subject to the point system. The resultant total point figure determines the total amount of landscaping required for the respective planting yard. In some cases, the tables which set forth the planting yard landscaping requirements include a minimum required number of individual plant types, such as canopy trees, or large shrubs. In those instances, the minimum number of individual plants types required shall be considered included as part of the total landscaping required.

9.2 Landscaping and Buffer Yard Design Standards

9.2.1 Overhead Power Lines

The presence of overhead power lines requires street yard trees to be understory trees. Larger canopy tree varieties are encouraged where overhead power lines are not present.

9.2.2 Site Triangles

Corner lots, and locations where driveways intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist

or pedestrian. The triangular area (sight triangle) of corner lots, driveways and alley areas abutting rights-of-way shall conform to all applicable sight distance provisions of this Ordinance, or any higher standards set forth by the NCDOT.

9.2.3 Size Standards

The minimum allowable plant size for new installations shall be as set forth herein. Due to the variation between genus and species, the caliper or height necessary for newly installed plant materials may vary. As a general rule, the caliper, or diameter, of trees shall be measured six (6) inches from the ground level up to a four (4) inch caliper and at twelve (12) inches for (4) inch caliper or greater. The height of shrubs shall be a minimum of twelve (12) inches as measured at ground level to the top of the densest portion of the top of the shrub or hedge.

(A) Canopy Trees

Canopy trees shall measure a minimum of three (3) inches in caliper, and ten (10) feet in height at the time of planting.

(B) Understory Trees

Understory trees shall measure a minimum of two (2) inches in caliper, and six (6) feet in height at the time of planting.

(C) Large Shrubs

Large shrubs shall measure a minimum of three (3) feet in height at the time of planting.

(D) Medium Shrubs

Medium shrubs shall measure a minimum of two (2) feet in height at the time of planting.

(E) Small Shrubs

Small shrubs shall measure a minimum of twelve (12) inches in height at the time of planting.

9.2.4 Ground Cover Standards

(A) Ground Cover (Organic)

Organic ground covers shall provide one hundred percent (100%) coverage of the required landscaping area within three (3) years of installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds.

(B) Ground Cover (Inorganic)

Inorganic ground covers consisting of rock, brick chips or similar materials may be used provided they do not exceed twenty percent (20%) coverage of the required landscaping area.

9.2.5 Selection of Plant Materials

When selecting plant materials, consideration shall be given to the environmental conditions of the site, such as soil, topography, climate, microclimate, pattern of sun movement, prevailing winds and precipitation, and air movement to ensure that plant materials will be established successfully. Tree selection for street yards, or other locations within utility rights-of-way, shall consider the presence of overhead utility lines. Such trees shall be small and medium trees that are pest- and disease resistant and are slow growing.

(A) Substitution of Plant Materials

The Ordinance Administrator shall have the authority to approve the installation of comparable substitution plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than twenty-five percent (25%) of the plant materials shall require a new landscape plan and approval through the plan review process.

(B) Mix of Genus and Species Encouraged

Except for Street Yard trees, a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard trees should retain a reasonably uniform pattern along both sides of a street within the same block or corridor.

9.2.6 Maintenance of Landscaping

(A) Responsibility for Maintenance

The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

(B) Perpetual Maintenance Required

Required landscaping shall be maintained in perpetuity. Following initial installation, it shall be the responsibility of the owner and/or tenant of the property upon which the landscaping is installed to maintain all required plantings in a healthy, vigorous and attractive state, or replace dead, diseased or deteriorated plants. Within residential subdivisions, the maintenance of street trees in planting strips which are within the street right-of-way or dedicated planting easement shall be the responsibility of the respective homeowners' association, or the abutting homeowner, in the absence of a homeowners' association.

(C) Replacement Required

All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other nonliving landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.

9.3 Buffer Yards

9.3.1 Purpose

The purpose of buffer yards is to:

- (A)** Provide a transitional buffer between uses that differ in development intensity and density.
- (B)** Provide a minimum buffer between uses of similar intensity and density.

These planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses. Buffer yards shall be of different types, based upon the relationship between the two adjacent land uses between which the buffer yard is to be located. The width of the buffer yard and the density of plantings shall increase as the difference between adjacent land uses increases. Minimum dimensions shall apply and shall be measured horizontally. Widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in Section 9.3.5(F). Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

9.3.2 Buffer Yard Types

There shall be five (5) different classes of land uses for purposes of determining the buffer yard type. Land use classes shall be based upon the specific land use to be developed, which is permitted either by right or conditionally, in the following groupings of zoning districts or land use categories as listed in the Table of Permitted Uses:

(A) Class 1

- (1) AR – Agriculture Residential District
- (2) R-30 – Rural Residential District
- (3) R-20 – Low Density Residential District
- (4) R-15 – Moderate Density Residential District
- (5) Residential Uses – Single-family and duplex dwellings.

(B) Class 2

- (1) R-30MH – Rural Manufactured Home District
- (2) R-20MH – Low Density Manufactured Home District
- (3) R-15MH – Moderate Density Residential Manufactured Home District
- (4) R-10 – High Density Residential District
- (5) Residential Uses – Other than single family and duplex dwellings.

(C) Class 3

- (1) OI – Office and Institutional District
- (2) B-2 – General Business District
- (3) Institutional and Civic uses
- (4) Professional Office/Business Services uses

(D) Class 4

- (1) B-1 – Highway Business District
- (2) Retail Trade uses
- (3) Wholesale Trade uses

(E) Class 5

- (1) M-1 – Light Industrial District
- (2) M-2 – Heavy Industrial District
- (3) Manufacturing and Industrial uses

(4) Transportation, Warehousing and Utilities uses

9.3.3 Buffer Yard Matrix

Table 9-2 identifies the buffer yard type required for a given development based on the relationship between the adjacent land uses. If an adjoining parcel is undeveloped, the minimum buffer shall be determined based on the zoning of the adjoining property. Table 9-3 contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases. Where a lower land use classification (for example a Class 2 land use) is developed next to an existing higher land use classification (for example a Class 4 land use) and the existing land use does not have the required buffer, the lower land use class must provide the required buffer (in this case, a Type C Buffer).

Section 9.02

Table 9-2 Buffer Yard Matrix

		EXISTING ADJACENT LAND USE CLASS				
		1	2	3	4	5
PROPOSED LAND USE CLASS	1		A ₁	B ₁	C ₁	D ₁
	2	A	A	B ₁	C ₁	D ₁
	3	B	B		B ₁	C ₁
	4	C	C	B		C ₁
	5	D	D	D	C	

1 – Required to be installed when existing adjacent developed land use does not meet buffer standard.

Section 9.03

Table 9-3 Buffer Yard Landscaping Requirements

Buffer Yard Type	Minimum Width	Minimum Required Canopy Trees	Minimum Required Understory Trees	Minimum Required Large Evergreen Shrubs	Minimum Required Points per Linear Foot
A	8'	1/100'	Optional	Optional	0.3
B	15'	1/75'	1/100'	Optional	0.7
C	20'	1/50'	1/75'	Optional	1.0
D	50' or 25' w/ 6' high berm	1/50'	1/50'	Optional	1.2 or 0.9 w/ 6' high berm

9.3.4 Exemptions

In addition to the exemptions as set forth in Section 9.1.3.(B), certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:

- (A) Lots or parcels under common ownership on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines;
- (B) Lots or parcels separated by a public street right-of-way greater than thirty (30) feet in width;
- (C) Lots or parcels separated by a railroad right-of-way.

9.3.5 Standards for Buffer Yard Development

(A) Prohibited Uses

The construction of any building or the placement of any mechanical equipment within a required buffer yard is not permitted except for equipment necessary for the provision of public utilities. Signs may be placed within the buffer yard consistent with the Sign Regulations of this Ordinance. Active recreational uses, such as play fields, swimming pools, tennis courts or other active, structured recreational uses, or circulation drives and parking lots, shall not be permitted in the buffer yard.

(B) Permitted Uses

The following other uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:

- (1) Passive recreation areas, including greenway trails and bike paths.
- (2) Stormwater retention and control facilities.

(C) Existing Vegetation

Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this Ordinance shall be required to be listed.

(D) Application Toward Setback Requirement

Buffer yard areas shall be counted towards required building setbacks.

(E) Designation of Buffer Yard as Landscaped Area

Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

(F) Buffer Yard on Property Line

When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

(G) Visual Separation

Where complete visual separation is required, that may be accomplished through the use of landscaping which provides year-round opaque screening, earth berms, masonry walls, or a combination of two or more of these techniques that provides complete visual separation within three (3) years of planting.

9.4 Building Yards

9.4.1 Purpose

The purpose of the building yard standards is to visually enhance the appearance of buildings by softening the transition from the building wall to the ground.

9.4.2 Applicability

Building yards shall be provided along those portion(s) of buildings which are adjacent to off street parking areas, with the exception of designated loading areas and rear parking areas which contain fewer than ten percent (10%) of the total number of parking spaces provided for the structure.

9.4.3 Measurement

- (A)** Minimum dimensions shall apply and shall be measured horizontally from the applicable building wall.
- (B)** Where building yards turn at corners, the length measurements determining plant quantities shall not be required to overlap.
- (C)** The width of entrance walkway(s) shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for entrance walkway(s) shall not exceed the width of the entrance to the building.

9.4.4 Yard Types

There shall be four different categories of building size for purposes of determining the building yard type:

(A) Category 1

Less than 2,500 Square Feet GFA (Gross Floor Area)

(B) Category 2

2,500 Square Feet to 9,999 Square Feet GFA

(C) Category 3

10,000 Square Feet to 99,999 Square Feet GFA

(D) Category 4

100,000 Square Feet GFA and over

9.4.5 Building Yard Matrix

Table 9-4 identifies the building yard required for a given development, based on the size of the structure around which the building yard is to be located, and specifies the required plantings and dimensions of the respective building yard.

Section 9.04 Table 9-4 Building Yard Landscaping Requirements

Building Yard Category	Minimum Width	Minimum Required Canopy Trees	Minimum Required Understory Trees	Minimum Required Small or Medium Evergreen Shrubs	Minimum Required Points per Linear Foot
1	6 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet	0.4
2	8 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet	0.5
3	10 feet	1 per 50 lin. feet	1 per 50 lin. feet	12 per 30 lin. feet	0.8
4	12 feet	1 per 50 lin. feet	1 per 50 lin. feet	16 per 30 lin. feet	1.0

9.5 Parking Lot Yards

9.5.1 Purpose

The purpose of parking lot yards is to aesthetically enhance the appearance of parking lots and associated motor vehicle use areas.

9.5.2 Applicability

- (A) The requirements of this section shall apply to all new and expanded (ten (10) or more added spaces) parking lots and parking lots of land uses that have substantially changed.
- (B) If an existing parking lot (paved or unpaved) is expanded or improved to add ten (10) or more spaces, it shall comply with the parking lot landscaping requirements within the expanded or improved portion.
- (C) If a parking lot is expanded or developed, then street yard, buffer yard and parking lot yard landscaping requirements shall be applicable.

9.5.3 Design Criteria

(A) Minimum Area

A minimum of ten percent (10%) of the area of parking lots shall be landscaped in accordance with this Section.

(B) Minimum Number of Plantings

The following number of plantings shall be required per ten (10) parking spaces:

- (1) One (1) canopy tree or two (2) understory trees; and
- (2) Four (4) medium shrubs or eight (8) small shrubs.

(C) Distribution of Landscaped Area and Plantings

Where fifty (50) or more parking spaces are provided, a minimum of fifty percent (50%) of the required landscaped area and required plantings shall be established within the interior of the parking lot.

(D) Minimum Planting Area Dimensional Requirements

- (1) Planting areas and islands shall be not less than nine (9) feet in width and shall include a minimum of one hundred fifty (150) square feet of open planting area for understory trees and three hundred (300) square feet for canopy trees.
- (2) Shrubs or ground cover may be planted within the required open planting area for trees without increasing the area.
- (3) Planting areas and islands shall have a minimum prepared depth of eighteen (18) inches.
- (4) All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter.

- (5) Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

(E) Location of Trees

Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than sixty (60) feet from a required parking lot tree.

9.6 Street Yards

9.6.1 Purpose

The purpose of the street yard requirements is to maintain and/or establish a transition between rights-of-way and the built environment by providing varying degrees of screening, depending on land use class, through the preservation or provision of landscaped planting areas along the edge of the roadway.

9.6.2 Applicability

All new development shall be required to establish a street yard in accordance with the standards of this Section. New single-family residential subdivisions shall be required to establish street yards, provided, however, that the street yard shall be located in the right-of-way or within a dedicated landscaping easement adjacent to the right-of-way.

9.6.3 Measurement

Required widths shall be measured horizontally from the right-of-way/property line. Where street yards turn at corners, the length measurements determining plant quantities shall not be required to overlap.

9.6.4 Yard Type

There shall be four (4) different classes of land use for purposes of determining the street yard type. Land use classes shall be based upon the specific land use to be developed, which is permitted either by right or conditionally, in the following groupings of zoning districts or land use categories as listed in the Table 7-1 of this Ordinance:

(A) Class 1

- (1) AR – Agriculture Residential District
- (2) R-30 – Rural Residential District
- (3) R-30MH – Rural Manufactured Home District
- (4) R-20 – Low Density Residential District

- (5) R-20MH – Low Density Manufactured Home District
- (6) R-15 – Moderate Density Residential District
- (7) R-15MH – Moderate Density Residential Manufactured Home District
- (8) R-10 – High Density Residential District
- (9) Residential Uses

(B) Class 2

- (1) OI – Office and Institutional District
- (2) B-2 – General Business District
- (3) Institutional and Civic uses
- (4) Professional Office/Business Services uses

(C) Class 3

- (1) B-1 – Highway Business District
- (2) Retail Trade uses
- (3) Wholesale Trade uses

(D) Class 4

- (1) M-1 – Light Industrial District
- (2) M-2 – Heavy Industrial District
- (3) Manufacturing and Industrial uses
- (4) Transportation, Warehousing and Utilities uses

9.6.5 Street Yard Matrix

Table 9-5 contains the required plantings and dimensions of the respective street yard types.

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Table 9-5 Street Yard Landscaping Requirements

Street Yard Level	Minimum Width	Minimum Required Canopy or Understory Trees	Minimum Required Points per Linear Foot
1*	6'	1 per 100' or 2 per 100'	-
2	8'	1 per 75' or 2 per 75'	0.4
3	8'	1 per 50' or 2 per 50'	0.5
4	12'	1 per 50' or 2 per 50'	0.6

* This standard shall only apply to new subdivision roads and along existing roads with curb and gutter that provide access to the subdivision.

Article X. ARTICLE 10 – OFF STREET PARKING STANDARDS

10.1 Purpose

It is the purpose of this Article to relieve traffic congestion, to minimize any detrimental effects of off-street parking areas on adjacent lands and to ensure the proper and uniform development of automobile parking areas throughout the County's jurisdiction.

10.2 Applicability

These regulations shall apply to all land development activities within Wilson County. This includes the expansion, enlargement, change of use or other action which alters the parking demand for a structure or use.

10.3 General Requirements for Off-Street Parking, Loading and Stacking Areas

10.3.1 Use of Parking Area, Stacking Area or Loading Space

All vehicular parking areas, stacking areas, and loading spaces required by this Article shall be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate use of the space.

10.3.2 Identification and Marking of Parking Spaces Required

Off-street parking and loading areas shall be identified and delineated by painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from drive aisles, driveway and pedestrian areas.

10.3.3 Arrangement

- (A)** All off-street parking and loading areas shall be arranged for convenient access and the safety of pedestrians and vehicles.
- (B)** Except for detached single family residential uses, off-street parking areas with three (3) or more spaces shall be arranged so that no parking, or maneuvering incidental to parking, shall be on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile.
- (C)** All off-street parking and loading areas, except on lots used for detached single family residential uses and townhouses, shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets.

10.3.4 Curbs and Vehicle Stops

All off-street parking and loading areas shall provide curbs, wheel stops, or similar devices so as to prevent vehicles from overhanging onto or into the public right-of-way, sidewalks, walkways, adjacent land, or landscaped areas.

10.3.5 Maintenance

All off-street parking and loading areas shall be maintained in good repair, and in safe condition at all times, so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land. All off-street parking and loading areas shall be periodically re-striped or otherwise restored to maintain a clear identification of separate parking stalls.

10.3.6 Responsibility for Provision

The responsibility for providing the off-street parking and loading areas required by this Article shall be that of whomever develops the land that requires parking and loading areas.

10.3.7 Construction of Off-Street Parking and Loading Areas

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Compliance for the use or uses they serve.

10.4 Off-Street Parking Standards

10.4.1 Minimum Number of Spaces Required

Unless otherwise expressly stated in this Section, off-street parking spaces shall be provided in accordance with Table 10-1, Minimum Off-Street Parking Requirements. Unlisted uses shall conform to the requirements of the most similar use.

Section 10.01 Table 10-1 Minimum Off-Street Parking Requirements

USE TYPE	PARKING REQUIREMENT
RESIDENTIAL USES	
Dwelling, Single Family	2 per dwelling unit
Dwelling, Duplex	
Dwelling, Multi-Family	1 per efficiency, 1.5 per 1-2 bedroom unit, 2 per 3-bedroom unit
Dwelling, Manufactured Home	2 per dwelling unit
Dwelling, Townhouse	
INSTITUTIONAL AND CIVIC USES	
Auditorium/Public Assembly	1 per 6 seats or 1 per 50 sf GFA if no seats are provided
Child Care Center	1 per 375 sf GFA
Civic, Social and Fraternal Organizations	1 per 250 sf GFA
Game Center ⁽¹⁰⁾	1 space per monitor/terminal plus 1 per employee or 1 space per 100 GFA whichever is greater.
Golf Course	4 per hole
Governments Buildings	1 per 300 sf GFA

USE TYPE	PARKING REQUIREMENT
Hospital	1 per 400 sf GFA
Museums and Art Galleries	1 per 1,000 sf GFA
Religious Institutions	1 per 6 seats in main assembly room
Group Care Facilities	0.3 per room
Schools, Trade and/or other Vocational	1 per 200 sf GFA
Schools, Elementary, Middle and Secondary	1 per classroom
Schools, University or College	1 per 4 students
All other Institutional Uses	1 per 300 sf GFA
PROFESSIONAL OFFICE / BUSINESS SERVICES	
Banks (with drive-through)	1 per 200 sf GFA
Banks (without drive-through facilities)	1 per 250 sf GFA
Funeral Homes	1 per 4 seats
Personal Services (Dry Cleaners, etc.)	1 per 500 sf GFA
Personal Care Services (Hair, skin, etc.)	1 per 300 sf GFA
All other Professional Office/Business Service uses	1 per 300 sf GFA
RETAIL TRADE	
Amusement Arcade	1 per 250 sf GFA
Automobile Sales, New and Used	1 per 375 sf GFA + 1 per employee
Automobile Repair/Body Shop	1 per 500 sf GFA + 1 per employee
Bed and Breakfast Inns	2 + 1 per rental room
Bowling Centers	2 per lane
Building Material / Lawn & Garden Supply	1 per 500 sf GFA
Convenience Store	6 per 1,000 sf GFA
General Merchandise Stores	1 per 300 sf GFA
Grocery/Food Stores	
Health Clubs and Fitness Centers	1.5 per 1,000 sf GFA
Hotels, Motels and Extended Stay Facilities	1 per room + 1 per 800 sf of meeting / restaurant space
Internet Café ⁽⁰¹⁾	One (1) space for each computer monitor on the premises
Motion Picture Theater	1 per 5 seats
Restaurants	1 per 4 seats
All other Retail uses	1 per 350 sf GFA

USE TYPE	PARKING REQUIREMENT
WHOLESALE TRADE, MANUFACTURING, AND INDUSTRIAL USES	
Contractors Office	1 per 600 sf GFA
All other Industrial and Manufacturing Uses	2 per 3 employees at peak shift
Mining and Extractive Industries	1 per employee at peak shift
Wholesale Sales	1 per 400 sf GFA of sales and office area
TRANSPORTATION, WAREHOUSING AND UTILITIES USES	
Mini-warehouse / Self-storage	1 per 200 rental units
Truck Terminal	1 per employee at peak shift
Warehouse and Storage	2 per 3 employees at peak shift
Utility Uses	1 per employee at peak shift

10.4.2 Maximum Number of Spaces Permitted

In no case shall parking spaces in excess of one hundred fifty percent (150%) of the minimum number required be allowed. This requirement may be waived by the Ordinance Administrator if the applicant demonstrates, through a traffic demand study, that a larger number of parking spaces are required to adequately serve the proposed use.

10.4.3 Minimum Separation

All parking areas shall be separated at least ten (10) feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for loading and unloading materials.

10.4.4 Dimensional Standards for Parking Spaces and Drive Aisles

The minimum dimensions for standard car parking spaces and parking lot aisles shall comply with Table 10-2, Dimensional Standards for Parking Spaces and Aisles:

Table 10-2 Dimensional Standards for Parking Spaces and Aisles

Stall Type	Stall Width (feet)	Stall Depth (feet)	Minimum Aisle Width for Two Way Traffic ¹
Parallel	8	22	22
30 Degrees	9	19	22
45 Degrees	9	19	22
60 Degrees	9	18	24
90 Degrees	9	18	24

¹ The aisle width may be reduced by one-half for one-way traffic.

10.4.5 Accessible Parking for Disabled Persons

Off-street parking for disabled persons shall be provided in accordance with Federal ADA (Americans with Disabilities Act) standards.

10.5 Loading Area Standards

10.5.1 Minimum Number of Spaces Required

Unless otherwise expressly stated in this Section, loading areas shall be provided in accordance with Table 10-3, Loading Area Standards:

10.5.2 Design Standards

(A) Minimum Dimensions

- (1)** Each loading berth or space required by this Section shall be at least ten (10) feet wide by 60 feet long (or deep), with at least fifteen (15) feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed paths for the ingress and egress of vehicles.
- (2)** Uses or structures with fewer than five thousand (5,000) square feet of floor area which are required to provide an off-street loading space may provide a space which is ten (10) feet wide by thirty (30) feet long (or deep), with at least fifteen (15) feet of overhead clearance.

(B) Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(C) Delineation of Loading Spaces

All loading spaces shall be delineated by signage, striping and labeling of the pavement.

(D) Access to a Street

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

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Table 10-3 Loading Area Standards

Use Category	Gross Floor Area (sq. ft.)	Minimum Number of
Institutional / Professional Office	10,000 or more	1
Retail Trade	3,000-14,999	1
	15,000-49,999	2
	50,000-99,999	3
	100,000 or more	4 + 1 per every additional 100,000 sq. ft.
Wholesale Trade and Transportation, Warehousing and Utilities	Up to 15,000	1
	15,000-49,999	2
	50,000 or more	3 + 1 per every additional 50,000 sq. ft.
Manufacturing and Industrial	Up to 15,000	1
	15,000-49,999	2
	50,000-124,999	3
	125,000-249,999	4
	250,000 or more	5 + 1 per every additional 125,000 sq. ft.

10.6 Stacking Space Standards

10.6.1 Minimum Number of Spaces Required

In addition to meeting the off-street parking standards in Table 10-1, Minimum Off-street Parking Requirements, uses with drive-through facilities or similar auto orientation shall comply with the minimum stacking space standards in Table 10-4, Required Stacking/Standing Spaces:

Table 10-4 Required Stacking/Standing Spaces

Type of Use/ Activity	Minimum Stacking	Measured From
Automated Teller Machine	3	Teller Machine
Automobile Repair and Service	3 per service bay	Bay Entrance
Car Wash (Automatic)	3	Bay Entrance
Car Wash (Full Service)	10	Bay Entrance
Day Care Center	6	Building Entrance
Financial Institution	5 per lane	Teller Window
Gasoline Sales	30 feet from each end of the outermost island	
Nursing Home	3	Building Entrance
Restaurant Drive-through	8	Pick-up Window
Retail Trade and Service (general)	5 per lane	Agent Window
Unlisted Uses	Determined by the Ordinance Administrator based on the size and type of use.	

10.6.2 Dimensional Standards

Stacking spaces shall be a minimum of twelve (12) feet wide and twenty (20) feet deep.

10.7 Pedestrian Circulation in Parking Lots

10.7.1 Minimum Pedestrian Circulation Standards

Off-street parking lots with twenty-five (25) or more spaces shall include pedestrian corridors through parking areas and sidewalks along building facades to accommodate safe pedestrian travel. Pedestrian corridors shall be demarcated by painting, material changes, or differing heights where they cross vehicular travel ways.

10.7.2 Additional Requirements for Large Parking Lots

In addition to the standards above, off-street parking lots containing one hundred fifty (150) or more parking spaces shall provide fully separated pedestrian pathways within the parking lot. These pathways shall:

- (A)** Be located within planted landscaping strips located a minimum of every one-hundred thirty (130) feet, or every four (4) parking rows;
- (B)** Be paved with asphalt, cement, or other comparable material;
- (C)** Be of contrasting color or materials when crossing drive aisles;
- (D)** Be at least three (3) feet in width when located within planting strips, and ten (10) feet in width when crossing drive aisles; and
- (E)** Be positively drained

Article XI. ARTICLE 11 – SIGN REGULATIONS

11.1 Purpose and Intent

The purpose of this Article is to support and complement the various land uses allowed in the County's jurisdiction through the regulation of signs. More specifically, the intent of this Article is to:

11.1.1 Encourage Effective Use

Encourage the effective use of signs as a means of communication in the County;

11.1.2 Maintain and Enhance Character

To maintain and enhance the beauty and unique character and enhance the aesthetic environment of the County by eliminating visual blight;

11.1.3 Enhance Economic Growth

To enhance County's ability to attract sources of economic growth and development;

11.1.4 Maintain Safe Conditions

To protect motorists from damage or injury caused or partially attributed to the distractions and obstructions caused by improper size and location of signs;

11.1.5 Minimize Adverse Effects

To minimize the possible adverse effect of signs on public and private property; and

11.1.6 Promote Public Health, Safety and Welfare

To promote public safety, health, welfare, convenience, enjoyment of travel and the free and safe flow of traffic within the County's jurisdiction.

11.2 Applicability

Unless exempted in accordance with Section 11.3, Exempt Signs, no sign allowed by this Article shall be constructed, erected, moved, enlarged, illuminated, altered, maintained, or displayed without first being issued a Land Development Permit.

11.3 Exempt Signs

The following types of signs shall be exempt from the requirement to obtain a Land Development Permit and may be located on a lot within any base zoning district provided the sign is located outside the right-of-way and complies with all applicable requirements in this Section.

11.3.1 Commercial Signs

- (A) Drive-through service menu boards which are not visible from a public right-of-way and do not exceed thirty-two (32) square feet in area.
- (B) Internally-directed signage, including banners, placards, and scoreboards, located within athletic fields and stadiums.
- (C) Signs denoting a product being sold out of a vending machine or self-service container that distributes product(s) following deposition of money into the machine, provided that the sign does not exceed six (6) square feet in area and is not legible from a public right-of-way.

11.3.2 Motor Vehicle Service-Related Signs

- (A) Gasoline price or self-service signs of two (2) square feet or less associated with a Retail Trade Use selling gasoline, provided the signs are secured to a gasoline pump.
- (B) One (1) freestanding gasoline price sign less than twelve (12) square feet in area associated with a retail establishment selling gasoline, provided the sign is located outside of the street right-of-way.
- (C) One State of North Carolina Vehicle Inspection Station sign located outside of the street right-of-way.

11.3.3 Public Interest Signs

- (A) Public interest and incidental signs less than two (2) square feet in size, including “Warning” and “No Trespassing” signs.
- (B) Historical plaques mounted in accordance with the United States Secretary of the Interior’s Standards for Rehabilitation.
- (C) Temporary displays as part of a holiday or civic event.
- (D) Flags, pennants, insignia, or religious symbols of any government, non-profit, or not-for-profit organization provided:
 - (1) Such signs are not associated with commercial promotion; or used as an advertising device;
 - (2) No pole displaying such signage exceeds thirty-five (35) feet in height;
 - (3) Flags, except those representing United States government bodies, do not exceed sixty (60) square feet in size; and
 - (4) Signs are limited to a maximum of three (3) per site.

11.3.4 Political Campaign Signs

Campaign and election signs provided:

- (A) No sign exceeds thirty-two (32) square feet in area;
- (B) No sign is erected more than thirty (60) days prior the election for which they are intended;
- (C) Signs are removed within seven (7) days following the election for which they are intended; and
- (D) All signs are placed outside of the right-of-way in locations which do not obstruct the vision of motorists.

Nothing in this Section is intended to preempt any other relevant State or Federal law regarding political campaign signs.

11.3.5 Produce Stand Signs

Produce stand signs provided:

- (A) Signs are limited to a maximum of one (1) per stand, and shall be located on the same site as where the products for sale are produced;
- (B) The sign is located outside of the right-of-way and at least ten (10) feet from any side lot line;
- (C) The sign area shall not exceed (12) square feet; and
- (D) The sign shall not be illuminated.

11.3.6 Real Estate Signs

Temporary real estate signs advertising a specific property for sale, lease, rent, or temporary construction signs provided:

- (A) There is no more than one sign per street frontage;
- (B) Signs do not exceed a maximum of ten (10) square feet in area per sign on a lot in a residential base zoning district and thirty-two (32) square feet per sign on a lot in any other base zoning district;
- (C) Signs on corner lots are located at least one hundred (100) linear feet apart as measured by the shortest straight line between them;
- (D) Signs are removed within seven (7) days after the property is sold, rented, leased, or construction has been completed; and
- (E) No sign is illuminated.

11.3.7 Regulatory and Informational Signs

- (A)** Regulatory signs, such as traffic control signage, and NCDOT signs.
- (B)** Memorial signs or grave markers that are noncommercial in nature.
- (C)** Integral decorative or architectural features of buildings or works of art, provided such features or works do not contain trademarks or advertising messages.
- (D)** Up to two (2) wall-mounted incidental signs including tenant identification, historical markers, or bulletin boards not exceeding six square feet in area.
- (E)** On-premise directional and instructional signs not exceeding six (6) square feet in area.
- (F)** One subdivision identification sign located at each entrance to the subdivision provided the sign has a maximum height of six (6) feet and does not exceed thirty-six (36) square feet in area per face.
- (G)** Single-family dwelling identification signs depicting an address or resident's name, provided the sign does not:
 - (1)** Advertise a home occupation use;
 - (2)** Exceed three (3) square feet in area; or
 - (3)** Exceed one (1) per single family dwelling.

11.3.8 Temporary Signs

- (A)** Temporary on-premise special event signs and banners for religious, charitable, civic, fraternal, or similar non-profit or not-for-profit organizations provided:
 - (1)** Signs are erected no sooner than seven (7) days prior and removed no later than two (2) days after the event;
 - (2)** No sign exceeds thirty-two (32) square feet in area;
 - (3)** Signs are not illuminated; and
 - (4)** Signs are placed at least five (5) feet behind the right-of-way and out of any sight triangles.
- (B)** On-premise pennants, flags, and streamers for special events and grand openings associated with nonresidential uses may be permitted for one consecutive thirty (30) day period per establishment per calendar year.

(C) Temporary banners associated with nonresidential use, provided they are:

- (1) Limited to a maximum of seventy-five (75) square feet in area;
- (2) Attached to the primary facade of a principal structure or set back fifty (50) feet from the right-of-way;
- (3) Not attached to a roof structure or an existing sign face;
- (4) Not located above the second-floor level;
- (5) Limited to a maximum of two (2) special events per establishment per calendar year, for periods not to exceed fifteen (15) consecutive days;
- (6) Removed within two (2) days of the event's conclusion.

11.3.9 Window Signs

Window signs on the ground floor of a commercial use provided the window sign(s) occupies less than ten percent (10%) of the total window area on the building side where it is located.

11.3.10 Yard Sale Signs

Yard sale signs, provided they are:

- (A) Limited to one (1) on-premise sign per yard sale;
- (B) No larger than four (4) square feet in area;
- (C) Not located within a right-of-way
- (D) Removed following end of the yard sale.

11.4 Prohibited Signs

The following signs shall be prohibited:

11.4.1 Signs Interfering with Traffic Safety

Any sign that obstructs the view of pedestrians, bicyclists or motorists using any street, the approach to any street intersection, or which interferes with the effectiveness of, or obscures, any traffic sign, device, or signal as determined by the Ordinance Administrator.

11.4.2 Signs Misconstrued as Regulatory

Signs which contain lights, rotating disks, words and other devices not erected by a public authority, which may be erroneously construed as regulatory signs or

emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop" or "Yield".

11.4.3 Signs Within the Right-of-Way

Any sign (other than a regulatory sign), banner, or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any street or right-of-way, or any banner placed on stakes on a property, unless otherwise permitted.

11.4.4 Signs Blocking Existing Signs

Any sign located in such a way as to intentionally deny visual access to another existing sign.

11.4.5 Flashing Signs

Signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except regulatory signs).

11.4.6 Signs on Stakes

Temporary pole signs or signs on metal or wood stakes which are not affixed to a permanent foundation (excluding regulatory signs and temporary election signs).

11.4.7 Portable Signs

Portable signs, including marquee signs with wheels and axles that have been removed and placed on permanent foundations.

11.4.8 Moving or Rotating Signs

Signs which rotate or have any mechanical or wind driven components that cause the sign to move or transform.

11.4.9 Roof Signs

Roof signs that extend above the soffit of a pitched roof, or above the highest point of a mansard roof or parapet wall.

11.4.10 Off-premise Commercial Signs

Signs containing a commercial message which are not located on the same parcel as the business, product or service being advertised. This shall not apply to outdoor advertising signs (billboards) which comply fully with the requirements of this Article and all other applicable State and Federal regulations.

11.4.11 Inflatable Signs

Inflatable signs (including inflated balloons with a diameter of greater than two (2) feet) except as allowed as part of a temporary display as part of a holiday or civic event.

11.5 General Sign Provisions

11.5.1 General Standards

All permitted signs shall comply with the following general standards.

- (A) The scale of a sign shall be appropriate for the building on which it is located.
- (B) Signs shall be integrated with the design of the building and shall not obscure architectural features.
- (C) Any structurally-unsafe sign that endangers the public safety shall be immediately removed or repaired and made compliant with the requirements of this Ordinance.
- (D) No sign shall be located so as to impair traffic visibility.

11.5.2 Computation of Sign Area

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest polygon that will encompass the limits of the writing, emblem or other display, together with 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, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this Ordinance and is clearly incidental to the display itself. Street address numbers are not included within the sign copy area.

For a single wall, all pieces of information or other graphic representations within a grouping on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles, and the aggregate copy of each

11.5.3 Authority to Remove Signs from Right-of-Way

Except where authorized, signs within a public right-of-way shall be prohibited. The County may remove and dispose of any sign located in the public right-of-way without providing prior notice to the sign's owner.

11.6 Signs Permitted with a Land Development Permit

This Section sets forth the standards for the types of signs that are required to obtain a Land Development Permit prior to their construction, erection, enlargement, display, alteration, or illumination

11.6.1 Permitted Signs by Base Zoning District

Table 11-1, Permitted Signs by Base Zoning District, prescribes the allowable types, numbers, dimensions, locations, and configurations of permitted signs within the base zoning districts.

Table 11-1 Permitted Signs⁽¹¹⁾ by Base Zoning District

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
All Residential Base Zoning Districts						
Monument Sign	Single Family Residential Subdivision	36	6	1	At least 5 feet behind ROW and at least 10 feet from any property line.	External Or Internal
	Attached Residential (min. 10 units)					
	Nonresidential	60	12 ⁽¹⁴⁾			External Or Internal ⁽¹³⁾
Wall Sign (Front)	Nonresidential	1 per linear foot of building or suite facing the street, up to 50 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows.	1	N/A	Internal
Wall Sign (Side) Interior Lot		10% of wall area, up to 25 sq. ft. per sign		1 per façade		
Wall Sign (Side) Corner Lot/Double Fronted Lot		1 per linear foot of building or suite facing the street, up to 50 sq. ft. per sign		1 per façade facing public R/W		
Office and Institutional District (OI)						
Awning Sign	All Uses	20% of awning area.	Limited to awnings associated with the 1 st floor.	1 per Awning	N/A	None
Monument Sign	All Uses (Single Tenant)	36	12 ⁽¹⁴⁾	1 per street frontage, with a minimum separation of 200 feet between signs	At least 5 feet behind ROW and at least 10 feet from any property line.	External Or Internal ⁽¹³⁾
	All Uses (Multiple Tenants)	36 Plus 12 Per Additional Tenant up to 72 Sq. Ft, Maximum				
Wall Sign (Front)	All Uses (Single Tenant)	1 per linear foot of building or suite facing the street, up to 50 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows.	1	N/A	Internal
	All Uses (Multi-Tenant)			1 Per Tenant		

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
Wall Sign (Side)	All Uses	10% of wall area, up to 25 sq. ft. per sign		1 per facade		
Highway Business District (B-1)						
Awning Sign	All Uses	30% of awning area.	Limited to awnings associated with the 1 st floor.	1 per Awning	N/A	None
Canopy Sign	Commercial Use with Fuel Sales	20% of canopy face.	N/A	1 per street frontage	N/A	None
Monument Sign	All Uses (except multi-tenant buildings)	60	12 ⁽¹⁴⁾	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
	Multi-tenant Buildings	100				
Pole Sign	All Uses	100	30 (max height is 100 ft. within 500 ft. of a limited access highway)			Internal
Projecting Sign	All Uses	24	10 feet above grade (minimum)	2 per structure	Signs shall be located in such a manner that the top of the sign does not extend past the roofline.	Internal
Wall Sign (Front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 100 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	3	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (Side)	All Uses	10% of wall area, up to 75 sq. ft. per sign		1 per facade		
Window Sign	All Uses	50% of total window area on first floor façade.			First floor primary façade.	None
General Business District (B-2)						
Awning Sign	All Uses	25% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	None

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
Canopy Sign	Commercial Use with Fuel Sales	10% of canopy face.	N/A	1 per street frontage	N/A	None
Monument Sign	All Uses (except multi-tenant buildings)	40	12 ⁽¹⁴⁾	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
	Multi-tenant Buildings	40 plus 10 per tenant up to 100 sq. ft.				
Pole Sign	All Uses	80	20			Internal
Projecting Sign	All Uses	12	10 feet above grade (minimum)	1 per structure	Signs shall be located in such a manner that the top of the sign does not extend past the roofline.	Internal
Wall Sign (Front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 75 sq. ft. per sign	1 story building: below roof. 2+ story building: below sill of 2 nd floor windows	2	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (Side)	All Uses	10% of wall area, up to 50 sq. ft. per sign		1 per façade		
Window Sign	All Uses	25% of total window area on first floor façade.			First floor primary façade.	None
Light Industrial District (M-1)						
Awning Sign	All Uses	25% of awning area.	Limited to awnings associated with the 1 st floor.	N/A	N/A	None
Canopy Sign	Commercial Use with Fuel Sales	20% of canopy face.	N/A	1 per street frontage	N/A	None
Monument Sign	All Uses	80	12 ⁽¹⁴⁾	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
Pole Sign	All Uses	80	25			Internal

SIGN TYPE	USE TYPE	MAXIMUM AREA (sq. ft. per face)	MAXIMUM HEIGHT (feet)	MAXIMUM NUMBER	LOCATION	ILLUMINATION
Wall Sign (front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 100 sq. ft. per sign	Below roof line.	2	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (side)	All Uses	10% of wall area, up to 75 sq. ft. per sign	Below roof line.	1 per facade	N/A	Internal
Heavy Industrial District (M-2)						
Monument Sign	All Uses	120	12 ⁽¹⁴⁾	1 per street frontage with minimum 200 feet of separation between signs.	At least 5 feet behind ROW and at least 10 feet from any property line.	Internal or External
Pole Sign			30			Internal
Wall Sign (front)	All Uses (except multi-tenant buildings)	1 per linear foot of building or suite facing the street, up to 150 sq. ft. per sign	Below roof line.	3	N/A	Internal
	Multi-tenant Buildings			1 per tenant		
Wall Sign (side)	All Uses	10% of wall area, up to 100 sq. ft. per sign		1 per façade		

11.6.2 Additional Sign Standards

The following standards shall apply in addition to those set forth in Table 11-1.

(A) Attached Signage

- (1) Projecting signs and wall signs may not be located on the same façade of a structure.
- (2) Wall signs shall not project more than eighteen (18) inches from the wall to which they are attached.
- (3) Projecting signs may not project more than four (4) feet from the wall to which they are attached.

- (4) Projecting signs must provide at least nine (9) feet of clearance from grade.
- (5) No attached sign or its supporting structure shall cover any window or part of a window.
- (6) No portion of an attached sign may extend above the roofline of the building to which it is attached.

(B) Freestanding Signage

- (1) No more than one type of freestanding sign (monument sign or pole sign) may be erected on a single parcel.
- (2) Monument signs may only be erected along a street frontage where the principal structure is set back at least fifteen (15) feet from the right-of-way.
- (3) Pole signs may only be erected along a street frontage where the principal structure is set back at least thirty (30) feet from the right-of-way.

(C) Electronic Message Boards

- (1) Electronic message boards may only be included as a feature on monument or pole signs.
- (2) Electronic message boards shall not comprise more than twenty-five (25%) of the permitted area of the sign on which they are included.
- (3) The display on an electronic message board may not change more frequently than once per minute. Animated message transitions are not allowed.

11.7 Billboard Regulations

The following standards shall govern outdoor advertising signs:

11.7.1 Restrictions on Location

(A) Prohibited Locations

No billboard shall be established within five hundred (500) feet of the right-of-way of Interstate 95, Interstate 795 or US Highway 264 Bypass.

(B) Permitted Locations

Billboards may be established, upon the property of the use which they advertise, along State maintained highways which are not under the control of the Outdoor Advertising Control Act (NCGS 136-126 et. seq. as amended) within the B-1 (Highway Business) zoning districts.

11.7.2 Minimum Separation Standards

The following minimum separation standards shall apply to all billboards.

- (A) No sign shall be located within a two thousand (2,000) foot radius of any other outdoor advertising sign. The distance shall be measured radially.
- (B) No sign shall be located within three thousand (3,000) feet of an interchange or intersection at grade along the Interstate system or other freeways. (Measured from the nearest point of the intersection of the main traveled way and the entrance or exit traveled way). The distance shall be measured radially.
- (C) No sign shall be located within one thousand (1,000) feet of any non-interstate intersection at grade. The distance shall be measured radially.
- (D) Such signs shall be a minimum of one thousand feet (1,000) from any residential zoning district or residentially developed property, whether within the jurisdiction limits of the County or not. The distance shall be measured radially from the proposed sign location to the nearest point of the residential district or property.

11.7.3 Maximum Sign Area

The maximum area for the face of any outdoor advertising sign shall be three hundred (300) square feet including the border trim.

11.7.4 Maximum Height

The maximum height of a billboard shall be thirty (30) feet and shall be measured as the vertical distance from the natural ground below the sign to the highest part of the sign.

11.7.5 Sign Face Dimensional Standards

- (A) The maximum vertical height of the billboard face shall be twenty (20) feet.
- (B) The maximum horizontal length of the billboard face shall be thirty (30) feet.

11.7.6 Minimum Sign Setback

All billboards shall be set back at least fifty (50) feet from the nearest edge of the right-of-way.

11.7.7 Other Standards

(A) Illumination

Billboards may only be illuminated in accordance with the following requirements:

- (1) Lighting shall be directed to the face of the sign and shall be shielded so that the source of the light is not visible and does not create a hazard or nuisance for motorists or nearby residents.
- (2) No flashing, rotating, or intermittent illumination shall be permitted.
- (3) All illuminated signs shall meet the requirements of the North Carolina Building Code (Volume 4).

(B) Arrangement of Signs

Outdoor advertising signs may be of single face, back-to-back, or v-type design.

(C) Obstructions and Hazards

No billboard shall obscure or interfere with official traffic signs, signals, or devices or create a traffic hazard.

(D) Structural Requirements

All billboards shall meet the structural requirements of the North Carolina Building Code.

Article XII. ARTICLE 12 – SUBDIVISION STANDARDS

12.1 General

12.1.1. Purpose⁽¹⁷⁾

The purpose of this Article is to provide for the orderly growth and development of Wilson County; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare. (NCGS 160D-804(a))

12.1.2 Design

- (A)** All proposed subdivisions shall comply with the design standards in this Article and bear a reasonable relationship to all relevant adopted plans affecting the area in and around the proposed subdivision.
- (B)** All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

12.1.3 Off-Site Connections

When in the opinion of the approving body, it is necessary to connect streets and/or utilities off-site to adjoining streets and/or utilities, said improvements may be required in accordance the policies of the County or utility provider.

12.1.4 Land Suitability

Land which has been determined, on the basis of an engineering assessment or other expert survey, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Wilson County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

12.1.5 Placement of Monuments

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing permanent monuments.

12.1.6 Sites for Public Use

In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for schools and other public uses in accordance with NCGS 160D-331.

12.1.7 Property Owners' Associations

(A) Creation

An Owners' Association shall be established to fulfill requirements of the NC Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The Owners' Association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

(B) Conveyance

Where developments have common elements serving more than one (1) dwelling unit, these areas shall be conveyed to the property owners' association simultaneously with the recordation of the approved final plat for the subdivision or phase of subdivision with which they are associated.

- (1) All areas other than public street rights-of-way, areas dedicated to public use, and building lots shall be designated as common elements.
- (2) In a condominium development, the common elements shall be platted in accordance with the NC Condominium Act.

(C) Subdivision or Conveyance of Common Elements

Common elements shall not subsequently be subdivided or conveyed by the Owners' Association unless a revised Preliminary Plat and a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

(D) Minimize Number of Associations

Developments, whether including different land uses, different types of housing, or simply different sections, shall hold the number of Owners' Associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted when necessary.

(E) Exemption from Owners' Association Requirement

A development involving only two units attached by a party wall (or two separate walls back-to-back) shall not be required to have common elements or an Owners' Association. Such developments without an Owners'

Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

12.2 Lot Design Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

12.2.1 Conformance with Other Regulations

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance.

12.2.2 Minimum Building Area

Every lot shall have at least two thousand (2,000) square feet of contiguous buildable area with sufficient dimensions to accommodate a principal structure.

12.2.3 Side Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines.

12.2.4 Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

12.2.5 Access

All lots shall comply with the access requirements in Section 8.1.4.

12.2.6 Lots on Thoroughfares

Major subdivisions shall not be approved that permit individual residential lots to directly access roads which are designated as minor collectors, major collectors, minor arterials or principal arterials on the most recent version of the Wilson County Roadway Functional Classification Map. Lots created in nonresidential districts or through the Minor Subdivision process which will access a road designated above, shall have a minimum lot width of two hundred (200) feet, or shall access the thoroughfare through a shared driveway or an unclassified intersecting road. Lots not meeting the minimum width standard shall have access restrictions and shared driveway requirements noted on the final plat and as a restriction in the deed.

12.2.7 Flag Lots

One or more flag lots may be allowed in a major subdivision only if the following requirements are met:

- (A) No more than one (1) flag lot shall be allowed per twenty-five (25) lots.
- (B) A flag lot shall contain only one (1) single family dwelling and its uninhabited accessory structures.
- (C) The maximum flagpole length shall be three hundred (300) feet.
- (D) The minimum flagpole width shall be thirty (30) feet.
- (E) The maximum lot size in areas with public sewer shall be one (1) acre.
- (F) The maximum lot size without public sewer shall be three (3) acres. (Note: The flagpole portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking).
- (G) Where public water is available, any principal building on the flag lot must be within five hundred (500) feet of a fire hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location.
- (H) Use of a single driveway to serve adjoining flag lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

12.3 Blocks

12.3.1 Design

Blocks shall be designed with consideration given to the type of land use proposed for the block.

12.3.2 Length

Block lengths shall be between four hundred (400) and one thousand two hundred (1,200) feet in length along their primary axis.

12.3.3 Width

Blocks shall be designed with sufficient width to accommodate two tiers of lots of appropriate depth given the requirements of the underlying zoning district.

12.4 Streets

12.4.1 Private Streets Prohibited

No private street shall be permitted to be established within the jurisdiction of this Ordinance. All streets shall be public, and upon qualification shall be petitioned for acceptance onto the State road system for maintenance.

12.4.2 Dedication of Right-of-Way

Right-of-way for public streets shall be dedicated pursuant to applicable State laws and policies of the NC Department of Transportation.

12.4.3 Conformance with Thoroughfare Plans and Collector Street Plans

- (A) The location and design of streets shall be in conformance with applicable thoroughfare plans and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required to ensure conformance with these plans.
- (B) Where the dedication of excess right of way for future streets is not required, any future street right-of-way indicated on adopted thoroughfare plans or collector street plans shall be shown on the final plat.

12.4.4 Conformance with Adjoining Street Systems

The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

12.4.5 Internal Street Network Connectivity

- (A) A minimum street connectivity index score, as determined by the method outlined in 12.4.5(B) shall be established for all major residential subdivisions.
 - (1) Within the AR, R-30 and R-30MH districts, the minimum index score shall be 1.2.
 - (2) Within all other residential zoning districts, the minimum index score shall be 1.4.
 - (3) Planned Unit Developments shall have a minimum index score of 1.5 for the entire street network serving the development.
- (B) The street connectivity index shall be calculated by dividing the number of “links” contained in the network by the number of “nodes” contained in the network. For the purpose of this calculation, a “node” is the intersection of two streets or the head of a cul-de-sac within the development. “Links” are lengths of street that connect the nodes. Street stubs shall be considered to be links, but alleys and temporary dead-end streets within the development are not counted as links. One link beyond each node that connects the internal street network to the external street network shall be included in this calculation.
- (C) The minimum connectivity index score may be reduced if the subdivider demonstrates that it is impossible or impractical to achieve the required score due to topography, environmental conditions, natural features or adjacent existing development patterns.

12.4.6 Access to Adjoining Property

Where the approving body finds that it is necessary and in the public interest to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.

12.4.7 Minimum Number of Access Points to External Street Network

The minimum number of points of external street access shall be based on the number of dwelling units in the proposed development as set forth below.

- (A) Residential developments with fifty (50) or more lots or dwelling units shall have at least two (2) separate points of access to the external road network.
- (B) Residential developments with one hundred (100) or more lots or dwelling units shall have at least (3) separate points of access to the external road network.

12.4.8 Reserve Strips

Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

12.4.9 Street Design Criteria

- (A) All streets shall be constructed in accordance with the standards contained in the most recent version of the NCDOT Roadway Design Manual or NCDOT Subdivision Roads Minimum Construction Standards as appropriate.
- (B) All street designs shall be approved by the NCDOT prior to Preliminary Plat approval.
- (C) All constructed streets shall be approved by the NCDOT prior to Final Plat approval unless the required street improvements have been guaranteed in accordance with the provisions of this Ordinance.

12.4.10 Street Intersections

- (A) Streets shall be designed to intersect each other at angles as close to ninety (90) degrees as possible, and in no case shall an intersection with an angle of less than sixty (60) degrees be permitted.
- (B) Property lines at street intersections shall be a tangent connecting points on each right-of-way line, which are located a minimum distance of twenty (20) feet back from the intersection of the two (2) right-of-way lines in residentially zoned areas and fifty (50) feet in non-residentially zoned areas.

12.4.11 Streets Crossing Natural Areas

All streets crossing natural areas, such as wetlands or streams, shall cross at or as near to ninety (90) degrees as possible within topographic limits.

12.4.12 Spacing Between Intersections

- (A) A minimum spacing of two hundred (200) feet between street intersections shall be maintained.
- (B) No street intersection shall be permitted within eight hundred (800) feet of an existing intersection of a street classified as a minor or principal arterial roadway as designated on the Wilson County Roadway Functional Classification Map.

12.4.13 Cul-de-sac Streets

Cul-de-sac streets shall not be permitted where it is practical to connect the proposed street to a nearby existing or proposed street. Where permitted, the maximum distance from an intersecting through street to the end of a cul-de-sac shall be one thousand two hundred (1,200) feet. Where extreme topography, environmental conditions or existing development patterns prevent the connection of a cul-de-sac to an adjacent street or property, this maximum distance may be waived by the approving body.

12.4.14 Grades at Intersections

The grade on a minor street approaching an intersection shall not exceed five percent (5%) for a distance of one hundred (100) feet from the centerline of the intersection.

12.4.15 Temporary Turnarounds

Streets stubbed to adjoining property or to phase lines shall be required to have temporary turnarounds at the end of the street which are of a sufficient size to permit sanitation and emergency vehicles to turn around.

12.4.16 Street Names

Street names, prefixes, suffixes and addresses shall conform to the guidelines and policies set forth by the Wilson County E-911 street naming and addressing standards.

12.4.17 Street and Traffic Control Signs

(A) Street Signs

At each intersection, the developer shall be required to install street name signage in accordance with County standards for the design of such signage.

(B) Traffic Control Signs

The developer shall provide traffic control signs that meet the Manual on Uniform Traffic Control Devices (MUTCD) standards in locations designated by the County or NCDOT.

12.5 Utilities

12.5.1 Water Extension Requirements

The connection of each lot to public water shall be required if the closest point of the proposed subdivision is within the nearest adequate line of a public system, provided that no topographic factors would make such connection infeasible. Where public water is not available, lots shall meet applicable Wilson County Health Department regulations.

Table 12-1 Connection to Public Water

Standards		Maximum Number of Dwellings		
Standards	Up to 5 Units	6 to 19 Units	20 or more Units	
Distance from System				
Distance (ft)	200	1,700	2,500	

*Lots shall be counted as cumulatively

12.5.2 Onsite Wastewater Disposal

(A) Prior to the submittal of a Final Plat the subdivider shall either:

- (1)** Apply to and receive the results from the Wilson County Environmental Health Division for individual lot evaluations for the entire subdivision or a phase of the subdivision, if necessary, to allow utilization of onsite wastewater disposal systems, or
- (2)** Submit a soils report from a soil scientist licensed by the North Carolina Board for Licensing Soil Scientists for the corresponding lots shown on the plan. The proposed wastewater disposal system areas and 100% repair areas must be field staked by the consulting soil scientist prior to lot evaluations being conducted by the Wilson County Environmental Health Division. The report must include the following:
 - (i)** A soils map of adequate scale delineating the suitability for various ground absorption systems with the proposed lot lines, building envelope for primary structure, proposed driveway(s) and other impervious surfaces, and the primary and 100% repair septic system areas;
 - (ii)** A description of the type of wastewater disposal system for all of the proposed primary and 100% repair septic system areas, as well as the dimensional requirements for each area;
 - (iii)** A statement indicating the soil scientist has developed the report and certifies, to the best of his/her knowledge, that all of the proposed lots shown are capable of supporting individual septic systems and 100% repair areas based on 15A NCAC 18A.1900. Otherwise, the proposed lot(s) must be labeled as “non-buildable”. The licensed soil scientist shall provide his/her signature on the report, as well as an

impression of his/her seal provided by the North Carolina Board for Licensing Soil Scientists; and

(iv) A signed and notarized hold harmless agreement, signed by the subdivider and notarized, releasing Wilson County from any liability from discrepancies between the soils data and the Environmental Health Division lot evaluation results.

(B) Lots which fail to receive a permit from the Environmental Health Division or are determined to be “non-buildable” in the soil scientist’s report shall prior to the submission of the Final Plat be either:

(1) Combined with permitted lots or reconfigured in a manner which allows their use with an onsite wastewater disposal system; or

(2) Clearly noted on the Final Plat and any subsequent deed as “non-buildable” lots.

12.5.3 Public Water and Sewer Construction Requirements

(A) Where a proposed subdivision will be served by a public water and/or wastewater utility provider, water and sewer lines, connections, and equipment shall be constructed in accordance with the standard specifications for utility line construction as set forth by the utility provider for the proposed subdivision.

(B) The construction plans for the public utility infrastructure shall be approved by the utility provider prior to Preliminary Plat approval.

(C) All required line installations shall be completed and accepted by the utility provider prior to Final Plat approval unless such improvements have been guaranteed in accordance with the standards of this Ordinance.

12.5.4 Underground Utilities

Electrical, telecommunication, cable television and other utility lines shall be installed underground unless a study certified by a Professional Engineer determines that such an installation would be infeasible.

12.5.5 Utility Easements

(A) Widths

To provide for electric, telecommunication, cable television and gas service conduits, and water and sewer lines within a subdivision, adequately sized utility easements, as designated by the utility supplier, shall be provided. The location of such easements shall be reviewed and approved by the approving body, with advice from utility providers, before Final Plat approval.

(B) Restrictions on Improvements

Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The County shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

12.5.6 Drainage Easements

Where natural or manmade watercourses traverse a proposed subdivision, drainage easements, measuring a minimum of fifteen (15) feet in width from the top of each bank, shall be established along the watercourse. Such easements shall remain free of any structures or obstructions which would prevent the flow of water or maintenance of the easement.

12.5.7 Fire Protection Equipment

Fire protection equipment shall be installed at locations determined by the Wilson County Fire Marshall in consultation with the fire service agency which will have primary response responsibility within the proposed subdivision.

12.6 Cluster Subdivision Provisions

12.6.1 Purpose

The purpose of this section is to provide developers with greater flexibility in the design and creation of residential subdivisions while preserving significant amounts of open space and environmentally sensitive areas. This is achieved by allowing the clustering of residential lots, with reduced area, frontage and setback standards in relation to the underlying district, on areas of the proposed site which are best suited for development and leaving the remaining land as permanently protected open space.

12.6.2 Minimum Area for a Cluster Subdivision

The minimum area for a cluster subdivision is twenty-five (25) contiguous acres.

12.6.3 Minimum Open Space Dedication

The minimum amount of open space that must be dedicated and permanently protected within a cluster subdivision is twenty percent (20%) of the gross acreage of the proposed subdivision. In exchange for the dedication of additional land for open space preservation, further reductions in lot frontage and setback standards shall be granted in accordance with Section 12.6.6 below.

12.6.4 Maximum Number of Lots

The maximum number of lots that may be created in a cluster subdivision shall be computed from the gross area of land to be developed, minus twenty percent (20%) that represents the approximate area needed for roadways, drainage and other improvements.

Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district where the development is located.

The result is the maximum number of lots that may be created in the development. Where fractions of lots remain, the result will be rounded to the nearest whole number of lots. The twenty percent (20%) factor shall be constant regardless of the actual amount of land proposed for the street system.

Example: The maximum number of lots allowed in a proposed cluster subdivision consisting of one hundred (100) gross acres of land which is zoned R-20 would be calculated as follows:

$$100 \text{ acres} - 20\% = 80 \text{ acres}$$

$$80 \text{ acres} \times 43,560 \text{ sq. ft.} = 3,484,800 \text{ sq. ft.}$$

$$\frac{3,484,800 \text{ sq. ft.}}{20,000 \text{ sq. ft.}} = 174 \text{ lots}$$

12.6.5 Minimum Lot Area

At the discretion of the developer, the minimum residential lot area requirements of the underlying zoning district may be reduced by up to twenty-five (25%) within a cluster subdivision. The reduction in lot area shall not be offset by an increase in the number of allowed lots.

12.6.6 Minimum Lot Frontage and Building Setbacks

- (A) The minimum lot frontage and building setback requirements of the underlying zoning district may be reduced by up to twenty-five (25%) within a cluster subdivision.
- (B) In exchange for the dedication of additional land for open space preservation, the lot width and building setback requirements may be reduced by an additional one percent (1%) for each additional two percent (2%) of the gross acreage of the project that is dedicated for open space preservation.
- (C) In no case shall the lot width or building setback requirements be reduced below fifty percent (50%) of the requirements of the underlying zoning district.

12.6.7 Peripheral Lot Standards

Lots located on the periphery of a cluster subdivision which is adjacent to property that is zoned or used for residential purposes shall conform to the minimum standards of the underlying zoning district as set forth in Article 8 of this Ordinance. For the purpose of this section peripheral lots shall be defined as any lot that contains a point which lies within thirty (30) feet of the external boundary of the subdivision.

12.6.8 Open Space Standards

- (A) All open space dedicated to satisfy the requirements of this section shall be deeded to the County or another government entity, a homeowner's association, or a nonprofit land trust or conservation organization. In consideration of the purposes served by a cluster subdivision, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purposes.
- (B) To the greatest extent possible, the parcels containing open space dedicated to satisfy the requirements of this section should be contiguous and compact. The Board of County Commissioners shall approve the design of all required open space areas prior to approving the preliminary plat for a cluster subdivision.
- (C) At least fifty percent (50%) of the dedicated open space must be usable and accessible for passive recreation purposes (i.e. not wetlands, steep slopes, floodplains or other marginal lands).
- (D) Improvements upon land dedicated as open space shall be limited to those which contribute to the passive enjoyment of the open space. Examples of allowed improvements include multi-use paths, hiking trails, boardwalks, picnic shelters, viewing platforms, kayak or canoe launching areas and similar improvements. If provided within the dedicated open space, motor vehicle parking areas shall utilize pervious pavement technology over one hundred (100%) of the parking area. Under no circumstances shall improvements cover more than ten percent (10%) of the dedicated open space.

12.6.9 Access to Open Space

All lots created with the development shall have direct access to all parks or open space as provided by means of public streets, dedicated walkways, other public lands, or lands in common ownership by all residents.

12.6.10 Phased Developments

A cluster subdivision may be developed in phases provided that all required open space for the entire project be recorded and deeded to the designated receiving entity with to the development of the first phase.

Article XIII. ARTICLE 13 – WATERSHED MANAGEMENT AND PROTECTION

13.1 General

13.1.1 Purpose

The purpose of these regulations is to establish standards for the use and development of land within areas which have been identified by the NC Department of Environment and Natural Resources or Wilson County as environmentally sensitive due to their proximity to public drinking water supply sources.

13.1.2 Authority

The Legislature of the State of North Carolina has, in chapter 160D, Article 6 Section 121; and in the Watershed Protection Rules, Chapter 143, Article 21, delegated the responsibility and directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

13.1.3 Scope

The regulations contained in this Article shall apply to all lands identified on the County's adopted Watershed Protection Map, which is incorporated herein by reference.

13.1.4 Permit Required

An approved Watershed Protection Permit, as set forth in Section 3.2.12, shall be required prior to the commencement of any land development activity within a regulated watershed.

13.2 Development Regulations

13.2.1 Establishment of Watershed Areas.

For purposes of this Article Wilson County is hereby divided into the following areas:

- (A)** Toisnot WS – III PA (Protected Area)
- (B)** Contentnea WS - IV CA (Critical Area); and
- (C)** Contentnea WS - IV PA (Protected Area)
- (D)** Public Water Supply Watershed Area (Buckhorn Reservoir)

13.2.2 Regulations for Specific Watersheds

- (A) WS- III Watershed Protected Area (WS-III-PA)**

In order to maintain a low to moderate land use intensity, single family detached uses shall develop at a maximum of two (2) dwelling units per acre (2 du/ac). All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.

(1) Allowed Uses:

- (i) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- (ii) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).
- (iii) Residential development.
- (iv) Non-residential development excluding discharging landfills.

(2) Density and Built-upon Limits (Low Density Option)

- (i) Single family residential development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.
- (ii) All other residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(B) WS-IV Watershed - Critical Area (WS-IV-CA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area. New residuals application sites and landfills are specifically prohibited.

(1) Allowed Uses

- (i) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation

Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than one hundred (100) animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

(ii) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).

(iii) Residential development.

(iv) Non-residential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils.

(2) Density and Built-upon Limits (Low Density Option)

(i) Single family residential development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.

(ii) All other residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) WS-IV Watershed - Protected Area (WS-IV-PA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to accommodate moderate to high land use intensity, single family residential uses shall develop at a maximum of two (2) dwelling units per acre (2 du/ac). All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.

(1) Allowed Uses

(i) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.

(ii) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).

(iii) Residential development.

(iv) Non-residential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils.

(2) Density and Built-upon Limits (Low Density Option)

(i) Single family residential development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.

(ii) All other residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(D) Public Water Supply Watershed

(1) Minimum Lot Size

The minimum lot size within the Public Water Supply Watershed shall be forty-thousand (40,000) square feet. Cluster subdivisions are not permitted within the Public Water Supply Watershed.

(2) Impervious Surface Limitations

New development shall not exceed twenty-four percent (24%) impervious surface coverage unless engineered stormwater controls are provided in accordance with the standards set forth in Section 13.2.3 of this Ordinance.

13.2.3 High Density Development

Applications for industrial development projects and uses which exceed the built upon area thresholds set forth in Section 13.2.2 may be approved subject to the limitations and regulations set forth in this Section. Such applications must be made in conformance with the High Density Development Permit standards set forth in Section 3.2.13.

(A) High Density Development Regulations

(1) Toisnot WS - III PA (Protected Area)

Where new development exceeds twenty four percent (24%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed fifty percent (50%) built-upon area.

(2) Contentnea WS - IV CA (Critical Area);

Where new development exceeds twenty four percent (24%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed fifty percent (50%) built-upon area.

(3) Contentnea WS - IV PA (Protected Area)

Where new development requires a Sedimentation/Erosion Plan and exceeds twenty four percent (24%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed seventy percent (70%) built upon area.

(4) Public Water Supply Watershed (Buckhorn Reservoir)

Where new development exceeds twenty four percent (24%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed fifty percent (50%) built-upon area.

(B) Engineered Stormwater Control Structures

- (1)** All stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architect, to the extent that the design represents are defined as professional engineers, landscape architect, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89 (C)3(7).
- (2)** All stormwater controls shall use wet detention as a primary treatment system unless alternative stormwater management measures, as outlined in Section 13.2.3.(B)(3), are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with following design criteria:

 - (i)** Wet detention ponds shall be designed to remove eighty-five percent (85%) of total suspended solids in the permanent pool and storage runoff from a one-inch rainfall from the site above the permanent pool;
 - (ii)** The designed runoff storage volume shall be above the permanent pool;

is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon are for any other site or area.

- (7) Wet and dry stormwater detention and retention facilities shall be completely enclosed by a four-foot tall fence. Locking access gates are required in fences to allow for maintenance.

(C) Maintenance and Upkeep of Stormwater Control Structures

- (1) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are . The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- (2) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.
- (3) Except for general landscaping and grounds management, the owning entity shall notify the Ordinance Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approval plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Ordinance Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Ordinance Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Planning Board.
- (4) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Planning Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Ordinance Administrator prior by the Planning Board.

13.2.4 Buffer Requirements

- (A) A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

Artificial stream bank or shoreline stabilization is permitted within the buffer area when the project will achieve improved water quality or prevent damage to property.

- (B) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

13.2.5 Cluster Development

Cluster development is allowed within all water supply watersheds, with the exception of the Public Water Supply Watershed, under the following conditions:

- (A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached development. Density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.
- (B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- (C) Areas of concentrated density development shall be located in upland area and away, to the maximum extent practicable, from surface waters and drainageways.
- (D) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners' association for management; to Wilson County for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
- (E) Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

Article XIV. ARTICLE 14 – WILSON COUNTY FLOOD DAMAGE PREVENTION ORDINANCE⁽⁰²⁾

14.1 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 160D; and Part 121, Article 6 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the County Commissioners of Wilson County, North Carolina, does ordain as follows:

14.2 Findings of Fact

14.2.1 The flood prone areas within the jurisdiction of Wilson County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

14.2.2 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

14.3 Statement of Purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

14.3.1 Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

14.3.2 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

14.3.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

14.3.4 Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

14.3.5 Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

14.4 Objectives

The objectives of this ordinance are to:

- 14.4.1 Protect human life, safety, and health;
- 14.4.2 Minimize expenditure of public money for costly flood control projects;
- 14.4.3 Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 14.4.4 Minimize prolonged business losses and interruptions;
- 14.4.5 Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- 14.4.6 Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- 14.4.7 Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

14.5 General Provisions

14.5.1 Applicability

This Article shall apply to all Special Flood Hazard Areas within the jurisdiction, of Wilson County.

14.5.2 Basis for Establishing the Special Flood Hazard Area

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) for Wilson County, dated April 16, 2013 and its accompanying Flood Insurance Rate Map Panels listed on Map Index, April 16, 2013, including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of Wilson County are also adopted by reference and declared to be part of this ordinance. Subsequent revisions to the FIRM should be adopted within 6 months.

The initial Flood Insurance Rate Map for Wilson County, dated January 6, 1983

14.5.3 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 14, 14.5.2 of this ordinance.

14.5.4 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Wilson County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

14.5.5 Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

14.5.6 Abrogation and Greater Restrictions

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

14.5.7 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

14.5.7.1 Considered as minimum requirements;

14.5.7.2 Liberally construed in favor of the governing body; and

14.5.7.3 Deemed neither to limit nor repeal any other powers granted under State statutes.

14.5.8 Penalties for Violations

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Wilson County from taking such other lawful action as is necessary to prevent or remedy any violation.

14.5.9 Floodplain Development Application

Application Requirements Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
- (i)** the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii)** the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 14, 14.5.2, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii)** flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 14, 14.5.2;
 - (iv)** the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 14, 14.5.2;
 - (v)** the Base Flood Elevation (BFE) where provided as set forth in Article 14, 14.5.2; 14.5.13.1(11); or 14.6.3;
 - (vi)** the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii)** the certification of the plot plan by a registered land surveyor or professional engineer
- (b)** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i)** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii)** Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - (iii)** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- (c)** If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d)** A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 14, 14.6.2(4) when solid foundation perimeter walls are used in Zones A, AO, AE, or A1-30.
- (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 14, 14.6.2 (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the floodcarrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

14.5.10 Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 14, 14.5.2.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.

- (h) Limitations of below BFE enclosure uses (if applicable). (I.e., parking, building access and limited storage only).

14.5.11 Certification Requirements

(a) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- (ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (iii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 14,14.6.2(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

- (i) Recreational Vehicles meeting requirements of Article 14, 14.6.2(6)(a);
- (ii) Temporary Structures meeting requirements of Article 14, 14.6.2(7); and
- (iii) Accessory Structures less than 150 square feet meeting requirements of Article 14,14.6.2(8).

14.5.12 Determinations for Existing Buildings and Structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

14.5.13 Designation of Floodplain Administrator

The Planning Director, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

14.5.13.1 Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways or non-encroachment areas unless the certification and flood hazard reduction provisions of Article 14, 14.6.5 are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 14, 14.5.11.
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 14, 14.5.11.

- (8)** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 14, 14.5.11.
- (9)** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 14, 14.5.11 and 14.6.2(2).
- (10)** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11)** When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article 14, 14.5.2, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 14, 14.6.3(2)(b), in order to administer the provisions of this ordinance.
- (12)** When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 14, 14.5.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13)** When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14)** Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15)** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16)** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this

ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 14, 14.6.3.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 14, 14.5.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

14.5.14 Corrective Procedures

- (1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than forty-five (45) calendar days, nor more than ninety (90) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

14.5.15 Variance Procedures

- (1) The Board of Adjustment as Established by Wilson County in its Unified Development Ordinance Article 2 "Administration", 2.4 Board of Adjustment, hereinafter referred to as the Board of Adjustment, shall hear and decide request for variance from the requirements of this ordinance as found in Article 3 "Review & Approval procedures.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is Wilson County minimum necessary to preserve the historic character and design of the structure;

- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall 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 not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) 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, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.

- (b) No feasible location exists for the use outside the Special Flood Hazard Area.
- (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
- (d) The use complies with all other applicable Federal, State and local laws.
- (e) Wilson County has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

14.6 PROVISIONS FOR FLOOD HAZARD REDUCTION

14.6.1 General Standards

In all Special Flood Hazard Areas, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (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 to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters 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 ordinance.

- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 14, 14.5.15(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 14, 14.5.11.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

14.6.2 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 14, 14.5.2, or 14.6.3, the following provisions, in addition to the provisions of Article 14, 14.6.1, are required:

- (1) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 14, 14.7 of this ordinance.

(2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zone A, AE, AO, or A1-30 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 14, 14.5.11, along with the operational plan and the inspection and maintenance plan.

(3) **Manufactured Homes.**

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 14, 14.7 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 14, 14.6.2(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) **Elevated Buildings**

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed

area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- (b)** shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (c)** shall include, in Zones A, AO, AE, or A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i)** A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii)** The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii)** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv)** The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (v)** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi)** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements

- (a)** Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i)** not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

- (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (b) Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five (5) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the five (5) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (6) Recreational Vehicles**
- (a) Temporary placement. Recreational vehicles placed temporarily in flood hazard areas shall:
 - (i) be on site for fewer than 180 consecutive days; or
 - (ii) be fully licensed and ready for highway use (a recreational vehicle or is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and

security devices has no permanent attachments such as additions, rooms stairs, decks, and porches).

- (b) Permanent placement. Recreational vehicles that do not meet the limitations of Temporary placement shall meet all the requirements for new construction.

(7) Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 14, 14.6.1(1);

- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 14, 14.6.1(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 14, 14.6.2(4)(c).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$ 10,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 14, 14.6.2(2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 14, 14.5.11.

(9) Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 14, 14.6.2(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in a regulated floodway or non-encroachment area that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall require a floodway encroachment analysis and meet the limitations of Article 14, 14.6.5 of this ordinance.
- (b) Retaining walls, sidewalks, or driveways in a regulated floodway or non-encroachment area. Retaining walls, sidewalks, or driveways that involve the placement of fill in a regulated floodway or non-encroachment area shall require a floodway encroachment analysis and meet the limitations of Article 14, 14.6.5 of this ordinance.
- (c) Roads or watercourse crossings in a regulated floodway or non-encroachment area. Roads or watercourse crossings, including roads, bridges, culverts, low-water crossings or similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into a regulated floodway or non-encroachment area shall require a floodway encroachment analysis and meet the limitations of Article 14, 14.6.5 of this ordinance.

14.6.3 Standards for Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 14, 14.5.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 14, 14.6.1, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction, substantial improvements, or other development within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 14, 14.6.1 and 14.6.2.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction, substantial improvements, or other development within floodway or non-encroachment areas shall also comply with the requirements of Article 14, 14.6.2 and 14.6.5.
 - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites.

Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.

- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 14, 14.7. All other applicable provisions of Article 14, 14.6.2 shall also apply.

14.6.4 Standards for Riverine Floodplains with Base Flood Elevations but Without Established Floodways or Non-Encroachment Areas

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 14, 14.6.1 and 14.6.2; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

14.6.5 Floodways or Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 14, 14.5.2. The floodways or non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 14, 14.6.1 and 14.6.2, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- (2) If Article 14, 14.6.5(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 14, 14.6.2(3); and
 - (b) the no encroachment standard of Article 14, 14.6.5(1).

14.6.6 Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article 14, 14.5.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 14, 14.6.1 and 14.6.2, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 14, 14.6.6(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 14, 14.5.11 and 14.6.2(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

14.7 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“**Appeal**” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“**Area of Shallow Flooding**” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“**Area of Special Flood Hazard**” see “Special Flood Hazard Area (SFHA)”.

“**Base Flood**” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“**Base Flood Elevation (BFE)**” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“**Basement**” means any area of the building having its floor subgrade (below ground level) on all sides.

“**Building**” see “Structure”.

“**Chemical Storage Facility**” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“**Development**” means 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.

“**Development Activity**” means above activity which will necessitate a Floodplain Development Permit.

“**Disposal**” means, 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.

“**Elevated Building**” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“**Encroachment**” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“**Existing Manufactured Home Park or Manufactured Home Subdivision**” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means 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” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other

applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means 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” means 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 (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway or non-encroachment boundaries and base flood elevations; the evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means 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.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means 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 (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solar Farm”⁽⁰³⁾ means an electric generating facility, whose main purpose is to supply utility scale electricity, consisting of one or more series of solar collectors, for off-site use, public or private.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, 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)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“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.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

14.8 LEGAL STATUS PROVISIONS

14.8.1 Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted December 6, 1982 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Wilson County enacted on December 6, 1982, as amended, which are not reenacted herein are repealed.

14.8.2 Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

14.8.3 Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

APPENDIX A - DEFINITIONS

ACCESSORY STRUCTURE

Any detached minor building in the rear of the main building consisting of masonry, metal or frame walls and roof, one (1) or two (2) stories in height used as an adjunct to the use of a principal building.

ACCESSORY USE

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADDITION

An extension or increase in the floor area or height of a building or structure.

AIRPORT ELEVATION

The highest point of landing areas, measured in feet above mean sea level - 158.0'.

ALTERATIONS

The word "alteration" shall include any of the following:

- A. Any addition to the height or depth of a building;
- B. Any change in the location of any of the exterior walls of a building; or
- C. Any increase in the interior accommodations of a building.

ANIMAL SHELTER

A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit or government organization devoted to the welfare, protection and humane treatment of animals.

APPEAL

A request from a review of the Ordinance Administrator's interpretation of any provision of this ordinance.

APPROACH SURFACE

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

BASEMENT

A story of a building or structure having one-half or more of its clear height below grade.

BASE FLOOD

The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BOARD OF ADJUSTMENT

A quasi-judicial body, appointed by the County Board of Commissioners.

BOARDING HOUSE

A dwelling, or portion thereof, which contains rooms, provided by the owner or operator, which are designed to be used or intended to be used, let or hired out for occupancy to more than three (3)

persons, whether compensation is paid directly or indirectly. By definition boarding house includes guest house or rooming house.

BUILDING

Any structure having a roof supported by columns or by walls and intended for shelter, housing, or the enclosure of animals.

BUILDING HEIGHT

The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories does not include basements, except as may be specifically provided for in this Ordinance.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which said building is situated.

BUILDING SETBACK LINE

A line establishing the minimum required distance between a structure or activity and the property line or street right-of-way line.

CALIPER

A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

CERTIFICATE OF OCCUPANCY

A statement, signed by an administrative officer of the County, setting forth that the building, structure, or use complies with this Ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF COMPLIANCE

A statement, signed by the Ordinance Administrator, setting forth either that a building or structure complies with the provisions of this Ordinance, or that a building, structure, or parcel of land may lawfully be utilized for specified uses, or both.

CHEMICAL STORAGE FACILITY

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CONICAL SURFACE

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

DBH

Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DISPOSAL

Defined as in NCGS 130A-290(a)(6).

DWELLING UNIT

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

DWELLING, ACCESSORY

A dwelling, either detached or attached, located on the same lot as the principal single-family dwelling unit, and is secondary and incidental to the use of the property as single-family residential.

DWELLING, SINGLE-FAMILY

A building arranged or designed to be occupied by one (1) family.

DWELLING, DUPLEX

A building arranged or designed to be occupied by two (2) families living independently of each other.

DWELLING, MULTI-FAMILY

A building or portion thereof used or designed as a dwelling for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, including apartments and condominiums.

ELEVATED BUILDING

A non-basement building which has its reference level raised above ground elevation by foundation walls, shear walls, posts, piers, pilings, or columns.

EQUESTRIAN FACILITIES, COMMERCIAL

A commercial establishment which provides horse boarding, training, riding lessons, and other equestrian services. Such facilities may include competition arenas and medical treatment services.

FAMILY

One or more persons occupying a dwelling unit and living as a single household.

FAMILY CARE HOME

A home meeting the North Carolina Uniform Residential Building Code, as amended, with support and supervisory personnel that provides room and board, personal care, and habilitation services for adults in a family environment for six or fewer resident persons with disabilities. Person with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11).

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.

FRONTAGE

All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

FUNCTIONALLY DEPENDENT FACILITY

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

GAME CENTER⁽¹⁰⁾

A business enterprise, whether principal or accessory, where persons utilize electronic machines or devices, including but not limited to computers and gaming terminals or other amusement devices, 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.

For purposes of this definition, the term “amusement devices” shall include electronic games and similar machines, and any other game table or device.

This does not include any lottery approved by the State of North Carolina.

Bingo parlors operating as business enterprises shall be considered as “game centers” regardless of the number of participants.

GROSS FLOOR AREA

The interior floor area of a building exclusive of stairways, storage closets, and elevator shafts.

GROUP CARE FACILITY

A facility licensed by the State of North Carolina (by whatever name it is called, other than 'Family Care Home' as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for more than six individuals of whom one or more are unrelated.

HAZARD TO AIR NAVIGATION

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS WASTE MANAGEMENT FACILITY

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

HIGHEST ADJACENT GRADE (HAG)

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

HOME OCCUPATION

An accessory use of a dwelling unit for gainful employment or supplemental income purposes which is clearly incidental and subordinate to the use of the dwelling as a residence and which does not alter or change the exterior residential character or appearance of the premises except for compliance with appropriate provisions of the North Carolina State Building Code and the Americans with Disabilities Act as they relate to building accessibility for the handicapped.

HORIZONTAL SURFACE

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

INTERNET CAFÉ⁽⁰¹⁾⁽¹⁰⁾ An “internet café”, or “cyber café”, or by what other terminology such establishment might be known, is a place where one can use utilize computers or any other video machines or other electronic machines or devices used in conjunction with software for internet access, usually for a fee on a per hour or per minute basis and sometimes including unmetered access with a pass for a day, month, etc., to include “game centers”.

JUNK/SALVAGE YARD

The use of more than six hundred (600) square feet of any lot for the storage, keeping or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

LANDFILL, DEMOLITION

A sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes as approved by the NC Division of Solid Waste Management.

LANDFILL, LAND CLEARING AND INERT DEBRIS

A facility for the land disposal of solid waste that is generated primarily from land clearing activities including stumps, trees, limbs, brush, grass and other naturally occurring vegetative material wastes.

LANDFILL, MUNICIPAL SOLID WASTE (SANITARY)

A facility for disposal of household and commercial solid waste on land in a sanitary manner in accordance with NC GS 130A-290.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller driven or jet powered aircraft of greater than 12,500 pounds maximum gross weight, and jet powered aircraft.

LOT

A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, for development, or both. The word lot includes plot, parcel, or tract.

LOT AREA

The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public road or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the road right-of-way line, or if the road right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the road.

LOT DEPTH

The mean horizontal distance between front and rear lot lines. Lot Line, Front. The boundary line of a lot running along a road right-of-way. If a lot has two property lines which are also road right-of-way lines abutting different roads, then the shorter of those two lines shall constitute the front lot line; if both lines are equal, the front lot line shall be determined by the property owner if the front property line has not been designated on a final plat (minimum building lines are construed to designate the front lot line).

LOT LINES

The property lines bounding a lot.

LOT OF RECORD

A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wilson County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH

The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURED HOME

A manufactured home is a dwelling unit that:

- A. is not constructed in accordance with the standards set forth in the North Carolina State Building Code;
- B. is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the dwelling site on its own chassis; and
- C. exceeds forty (40) feet in length and eight (8) feet in width.

MANUFACTURED HOME PARK

A residential use in which two or more manufactured homes are located on a single lot or tract of land.

MANUFACTURED HOME SPACE

A designated area of land within a manufactured home park designed for the accommodation of a single manufactured home in accordance with the requirements of this Ordinance.

MINING and EXTRACTIVE INDUSTRIES

The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use; but shall not include those aspects of deep mining not having significant effect on the surfaces, and shall not include excavation or grading when conducted solely in aid of onsite farming or construction. This definition shall not apply to mining operations on one acre or less.

MODULAR HOME

A dwelling unit constructed with one or more components which are prefabricated and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

NEW CONSTRUCTION

Structures for which the "start of construction" commenced on or after the effective date of the original version of this Ordinance and includes any subsequent improvements to such structures.

NONCONFORMING STRUCTURE

Any legally existing structure which fails to comply with the current provisions of this Ordinance.

NONCONFORMING USE

A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance, or as a result of subsequent amendments to this Ordinance.

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 (1) foot as designated in the Flood Insurance Study report.

NONPRECISION INSTRUMENT RUNWAY

A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NUISANCE

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PERSON

An individual, firm, partnership, corporation, company, association, joint stock association or government entity; Includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PET & PET SUPPLY STORES

An establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals and pet supplies to the general public at retail.

PET BOARDING SERVICE (KENNEL)

A commercial establishment for the boarding of domestic animals for which a fee is charged. Such establishments may include incidental grooming services or sale of pet supplies.

PET CARE SERVICES (NO KENNELS OR VET.)

A commercial establishment which provides grooming and/or training services for domestic animals with no provisions for overnight boarding or medical services.

PRECISION INSTRUMENT RUNWAY

A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 1,000 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PUBLIC SEWAGE DISPOSAL SYSTEM

An approved sewage disposal system serving ten (10) or more connections including municipal and sanitary district sewage systems located and constructed according to the specifications of the NC Department of Environment and Natural Resources.

PUBLIC WATER SUPPLY SYSTEM

An approved water supply system serving ten (10) or more connections including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications of the NC Department of Environment and Natural Resources.

REAR SETBACK

A setback from an interior property line lying on the opposite side of the lot from the front street setback.

RECREATIONAL VEHICLE

A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

REFERENCE LEVEL

Is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within all Special Flood Hazard Areas, the reference level is the top of the lowest floor or bottom of the lowest horizontal structural member or bottom of lowest attendant utility including ductwork, whichever is lower.

REPETITIVE LOSS

Flood-related damages sustained by a structure on two (2) separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

RIVERINE

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

RUNWAY

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCREEN

Vegetation, fence, wall, berm, or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

SHRUB, LARGE

An upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

SHRUB, MEDIUM

An upright plant growing to a mature height of 4 to 8 feet.

SHRUB, SMALL

An upright plant growing to a mature height of less than 4 feet.

SIDE SETBACK

Any interior property line setback other than a rear setback.

SIGN

Any object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

SIGN AREA

Sign area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural members. In computing area, only one (1) side of a double-faced sign shall be considered.

SIGN FACE

The surface of a sign where copy, messages, or advertisements are attached for display to the public, including any parts of the sign structure upon which such information is located. The surface area of the sign shall include the sign's trim and border.

SIGN, FREESTANDING

A sign supported by a sign structure placed in or upon the ground which is independent of any other object for support.

SIGN, NONCONFORMING

A sign which was legally erected prior to the effective date of this Ordinance, but which does not conform to these regulations.

SIGN, OUTDOOR ADVERTISING (BILLBOARD)

A sign, whether freestanding or painted on or attached to a building, which directs attention to a business, product, accommodation, service, event, or other activity which is conducted, sold, offered, or provided at a location other than the premises where the sign is located. Such signs are also known as billboards or off-premise signs. On-premise business identification signs, temporary political signs, directional signs twenty (20) square feet or less in size, official signs, or highway and historic markers shall not be considered outdoor advertising signs.

SIGN, PROJECTING

An outdoor advertising display sign which is affixed to any building wall or structure that extends beyond the building wall, structure, building line or property line more than twelve (12) inches.

SIGN, WALL

An outdoor advertising display sign that shall be affixed to the wall of any building, when such sign shall project not more than twelve (12) inches from the building.

SIGN STRUCTURE

The supporting poles, braces, struts, building or structure to which an outdoor advertising sign or principal use sign is attached.

SOLAR FARMS⁽⁰³⁾

For the Purpose of this section, a solar farm means an electric generating facility, whose main purpose is to supply utility scale electricity, consisting of one or more series of solar collectors, for offsite use, public and private.

SOLID WASTE DISPOSAL FACILITY

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE

As defined as in NCGS 130A-290(a)(36).

SPECIAL USE PERMIT

A quasi-judicial permit issued by the Board of Commissioners that authorizes the property owner to make use of their property in accordance with the requirements of this Ordinance as well as any reasonable requirements imposed by the Board of Commissioners.

START OF CONSTRUCTION

Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

An object, constructed or installed by man, including but without limited to buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure during anyone year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. See definition of substantial improvement.

SUBSTANTIAL IMPROVEMENT

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during anyone year period whereby the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- B. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TRANSITIONAL SURFACES

These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

TREE, UNDERSTORY

A small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark, or brilliant fall foliage.

TREE, CANOPY

A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover and shade.

USE

The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

USE, PRINCIPAL

A use which is permitted by right in a district.

VARIANCE

A modification of the requirements of the Ordinance by the Board of Adjustment when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted

VETERINARIAN OFFICES/ANIMAL HOSPITALS

A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery. Crematory facilities shall not be allowed in a veterinarian establishment.

VIOLATION

The failure of a structure, site feature or use to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures

WATERCOURSE

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

YARD

An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

YARD, FRONT

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. Where a lot abuts more than one (1) street, the Ordinance Administrator shall determine the front yard for purposes of this Ordinance.

YARD, REAR

An open, unoccupied space on the same lot with a principal building extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side line of the lot.

YARD, SIDE

An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

APPENDIX B – SUBDIVISION PLAT CONTENT STANDARDS

Sketch	Preliminary	Final	Minor	Information
A TITLE BLOCK CONTAINING				
X	X	X	X	Property designation
X	X	X	X	Name of property owner(s)
X	X	X	X	Location
X	X	X	X	Date or dates survey was conducted and plat prepared
X	X	X	X	Scale in feet per inch in words or figures and a bar graph
	X	X	X	Name, address, registration number and seal of the registered land surveyor and/or engineer who prepared the plat
THE FOLLOWING DATA CONCERNING LOCATION AND LAND USE				
X	X	X	X	Sketch vicinity map showing the relationship between the proposed subdivision and surrounding area
X	X	X	X	County and Municipal Boundaries
X	X	X	X	North arrow and orientation
X	X			The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown
		X	X	The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands
	X	X	X	The names of owners of adjoining properties
	X	X	X	The name of any adjoining subdivision of record
	X	X	X	Minimum building setback lines
X	X			The zoning classifications of the tract to be subdivided and adjoining properties if applicable
X	X	X	X	Existing property lines on the tract to be subdivided
	X	X	X	Existing buildings or other structures, watercourses, railroads, bridges, etc.
X	X	X	X	Proposed lot lines, lot and block numbers and approximate dimensions
	X	X	X	The lots numbered consecutively throughout the subdivision
X	X	X	X	Ponds or lakes, streams or stream beds and other natural features affecting the site

Sketch	Preliminary	Final	Minor	Information
X	X	X	X	The exact location of the flood hazard areas from the City's adopted FIRMs or other FEMA maps
	X	X	X	Base flood elevations
X	X	X	X	Water Supply Watershed Information
	X	X	X	404 Wetland boundaries
X	X			Natural buffers
	X	X	X	Greenways, sidewalks or bicycle paths
X	X	X		Parks and recreation areas with specific type indicated
X	X	X	X	Areas to be dedicated to or reserved for public use
X	X	X	X	Areas to be used for purpose other than residential with the purpose of each stated
	X	X	X	The future ownership (dedication or reservation for public use to government body, for owners to duly constituted homeowner's association or for tenants remaining in sub divider's ownership) of recreation and open space lands
THE FOLLOWING DATA CONCERNING ROADS				
X	X			Proposed roads
X	X	X	X	Existing and platted roads on adjoining properties and in the proposed subdivision
	X	X	X	Right-of-way, locations and dimensions
	X			Pavement widths
	X			Approximate grades
	X	X		Design engineering data for all corners and curves
	X			Typical road cross sections
	X	X		Road names & evidence that names have been approved by E-911
		X		Road maintenance agreement
	X			Evidence that the subdivider has obtained approval on road design and driveway permits
	X	X	X	Utility and other easements
PLANS FOR UTILITY LAYOUTS INCLUDING				
	X		X	Sanitary sewers

Sketch	Preliminary	Final	Minor	Information
	X		X	Storm sewers
	X		X	Other drainage facilities, if any
	X		X	Water distribution lines
	X		X	Natural gas lines
	X		X	Communications lines
	X		X	Electric lines
			X	Plans for individual water supply systems, if any.
	X		X	Plans for individual on-site wastewater disposal systems, if any.
	X			Profiles based upon mean sea level datum for sanitary sewers and storm sewers.
	X		X	Illustration of connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves
SITE CALCULATIONS INCLUDING				
	X	X	X	Acreage in total tract to be subdivided
	X	X	X	Acreage in parks and recreation areas and other nonresidential uses
	X	X	X	Total number of parcels created
	X			Size of the smallest lot in the subdivision
	X	X	X	Linear feet in streets
		X	X	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, right-of-way, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one one-hundredth of a foot and all angles to a minimum angular accuracy of the nearest minute.
		X	X	The accurate locations and descriptions of all monuments, markers and control points
ADDITIONAL INFORMATION				
		X	X	A copy of any proposed deed restrictions is mandatory when common areas are established
	X			Evidence of erosion control plan approval
	X			Topographic map with contour intervals as determined by the Ordinance Administrator

APPENDIX C – REQUIRED CERTIFICATES

Certificate of Ownership and Dedication

The undersigned hereby certifies that the land shown hereon is owned by the undersigned, and hereby freely dedicates all rights-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

Owner(s)

Date

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 ratio of precision is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____; that this plat was prepared in accordance with NCGS 47-30, as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D. 20__.

Surveyor

Seal or Stamp

Registration Number

Certificate of Review Officer

I, _____, Review Officer of Wilson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

Certificate of Land Use Regulation and Purpose of Plat

I, _____, certify to one (1) of the following:

- a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one (1) of the following:
 - 1) That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2) That this survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 - 3) That this survey is a control survey.
- d. That this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision;
- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in a) through d) above.

Surveyor

Seal or Stamp

Registration Number

Certificate of Approval for Proposed State Roads

I hereby certify that these streets as installed, or as designed and guaranteed, are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways, for the acceptance of streets onto the State system for maintenance

District Engineer
North Carolina Department of Transportation

Date

Certificate of Approval of On-site Sewage Disposal Systems

I hereby certify that the lots on this Final Plat have been evaluated under the current provisions of the Title 15A NCAC 18A .1900 et. seq., and found that they contain acceptable soils for an on-site, subsurface sewage treatment and disposal system, limited to the proposed facility and wastewater characteristics as described on applications and site plans or plats submitted to, approved, and permitted by the Wilson County Environmental Health Section. Any change in the intended use, building location, soil or site alteration or other design or rule change will subject the permit to revocation.

Wilson County Health Department

Date

Certificate of Lots Served by Public Water and/or Sewer Systems

I hereby certify that the construction plans for the water system and/or sewer system have been approved for _____ (Name of Subdivision). The utilities have been constructed, or secured via a financial guarantee, to _____ (insert utility name) standards.

Director
Agency Providing Utilities

Date

Certificate of Approval for Recordation

I hereby certify that the subdivision plat shown hereon has been found to comply with the Wilson County Subdivision Regulations and is approved for recordation.

Ordinance Administrator
County

Date Wilson

Certificate of Exemption

I hereby certify that the division of land shown and described hereon is not division of land subject to the Wilson County Subdivision Regulations. No approval of this plat is required.

Ordinance Administrator

Date Wilson County