

# UNIFIED DEVELOPMENT ORDINANCE

## TABLE OF CONENTS

### ARTICLE I. GENERAL PROVISIONS

17-100	Short title
17-101	Authority
17-102	Purpose and Intent
17-103	Jurisdiction
17-104	Effective Date
17-105	Relationship to Existing Zoning, Subdivision and Flood Control Ordinances
17-106	Relationship to Land Development Plan
17-107	No Use or Sale of Land or Buildings Except in Conformity with Ordinance
17-108	Fees
17-109	Severability
17-110	Computation of Time
17-111	Repeal of Existing Ordinances
17-112	Conflict with Other Laws
17-113	Miscellaneous
17-114 through 17-199	Reserved

### ARTICLE II. DEFINITIONS

17-200	Definitions
17-201	Lots Divided by District Lines
17-202 through 17-299	Reserved

### ARTICLE III. ZONING DISTRICTS

#### Part 1. Zoning Districts

17-300	Establishment and Intent of Zoning Districts
17-301	Residential-Agriculture District Established
17-302	Low Density Residential District Established
17-303	Medium Density Residential District Established
17-304	High Density Residential District Established
17-305	Transitional Residential District Established
17-306	Mobile Home Park Residential District Established
17-307	Commercial Districts Established

17-308	Planned Unit Development District Established
17-309	Industrial Districts Established
17-310	Conditional Zoning Districts Established
17-311	Overlay Districts Established
17-312 through 17-349	Reserved

**Part 2. Zoning Map**

17-350	Official Zoning Map
17-351	Amendments to Official Zoning Map
17-352 through 17-399	Reserved

**ARTICLE IV. ZONING DISTRICT REGULATIONS**

**Part 1. General Zoning Districts Permissible Uses**

17-400	Intent
17-401	Table of Permissible Uses
17-402	Use of Designations P OR SUP in Table of Permitted Uses
17-403	Town Council Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit
17-404	Permissible Uses and Specific Exclusions
17-405	Accessory Uses
17-406	Permissible Uses Not Requiring Permits
17-407	Change in Use
17-408	Combination Uses
17-409	More Specific Use Controls
17-410	Table of Permitted Uses
17-411 through 17-419	Reserved

**Part 2. Overlay Districts**

17-420	Historic District
17-421	Reserved
17-422	Water Supply Watershed Protection District
17-423 through 17-429	Reserved

**Part 3. Density and Dimensional Regulations**

17-430	Table of Density and Dimensional Regulations
17-431	Principal Buildings and Accessory Buildings
17-432	Minimum Lot Area
17-433	Maximum Impervious Surface Ratio Per Lot or Property

17-434	Minimum Lot widths
17-435	Building Setback Requirements
17-436	Accessory Building Setback Requirements
17-437	Swimming Pool Setback Requirements
17-438	Building Height Limitations
17-439	Reserved
17-440	Reserved
17-441	Density on Lots Where Portion is Dedicated to Town
17-442 through 17-449	Reserved

**Part 4. Temporary Uses**

17-450	Purpose
17-451	Approval Criteria
17-452	Real Estate Development and Construction-Related Temporary Uses
17-453	No Recreational Vehicles
17-454	Amusement Enterprises
17-455	Religious Events
17-456	Special Events and Activities
17-457	Similar and Compatible Uses Not Specified
17-458 through 17-499	Reserved

**ARTICLE V. STANDARDS AND SUPPLEMENTARY USE REGULATIONS**

**Part 1. Design Standards**

17-500	Intent
17-501	Applicability
17-502	Appendices
17-503	General Site Arrangement
17-504	Access and Circulation
17-505	Off-street Parking and Loading
17-506	Drainage and stormwater management
17-507	Electricity, Water and Sewer
17-508	Collection of Solid Waste
17-509	Landscape Areas
17-510	Outdoor Lighting and Signage
17-511	Accessibility for the Handicapped
17-512 through 17-519	Reserved

**Part 2. Supplementary Use Regulations**

17-520	Adult Daycare
17-521	Amateur Radio Antennas (Ham Radios)
17-522	Bars, Taverns and Nightclubs
17-523	Bed and Breakfast
17-524	Building Design, Exterior Standards
17-525	Bulk Petroleum Plants, LP Gas and Storage Farms
17-526	Cemeteries Accessory to Churches
17-527	Cemeteries, Columbariums and Crematoriums
17-528	Central Business District (CB) Design Standards
17-529	Child Care Centers
17-530	Convenience Store and Gas Station
17-531	Dish Antennas
17-532	Dwelling Over a Business
17-533	Electronic Gaming Operations.
17-534	Explosives Use and Storage of
17-535	Family Care Homes (Group Homes)
17-536	Family Child Care Homes (Home Daycares)
17-537	Flea Market, Permanent
17-538	Forestry Activities
17-539	Golf Courses
17-540	Housing Facility for Older Persons ("HFOP")
17-541	Kennels, Animal Boarding
17-542	Land Clearing and Inert Debris Landfills and Construction and Demolition Landfills
17-543	Livestock
17-544	Manufactured Homes, Single lot
17-545	Manufactured Home Parks
17-546	Metal Buildings
17-547	Micro-Brewery, Distillery, Winery
17-548	Mobile Food Vendors (Food Trucks)
17-549	Motor Vehicle Repair and Service
17-550	Multi-Family Development.
17-551	Outdoor Shooting Range
17-552	Planned Unit Development-Residential
17-553	Planned Unit Development-Business and Industrial.
17-554	Retail Centers, Shopping Centers and Shopping Malls.
17-555	Roadside Stands
17-556	Sexually Oriented Businesses
17-557	Sidewalk Dining
17-558	Solar Energy Generating Facility, Accessory
17-559	Solar Farm
17-560	Storing or Maintaining of Merchandise for Sale, Lease or Trade on Property in Commercial Zoning Districts

17-561	Swimming Pool
17-562	Temporary Emergency, Construction or Repair Residences.
17-563	Temporary Health Care Structures (Granny Pods)
17-564	Temporary Storage Facility (Portable Storage Unit)
17-565	Tiny Houses
17-566	Traffic Impact Analysis
17-567	Wireless Telecommunications Facilities
17-568	Wind Energy Generating Facility
17-569	Wrecking, Recycling Operations
17-570 through 17-579	Reserved

### **Part 3. Manufacturing/Processing Performance Standards.**

17-580	Noise
17-581	Vibration
17-582	Odor
17-583	Air Pollution
17-584	Disposal of Liquid Wastes
17-585	Electrical Disturbance or Interference
17-586 through 17-589	Reserved

### **Part 4. Long Term Maintenance Requirements**

17-590	Long Term Maintenance Requirements
17-591	Property Owners' Association Maintenance
17-592	of Common Areas and Facilities Description
17-593	of Property Blight
17-594 through 17-599	Reserved

## **ART VI. PERMITS AND SUBDIVISION PLATS**

### **Part 1. Certificates of Zoning Compliance and Special Use Permits**

17-600	Permits Required
17-601	No Occupancy, Use or Sale of Lots Until Requirements Fulfilled
17-602	Who May Submit Permit Applications
17-603	Applications to Be Complete
17-604	Staff Consultation Before Formal Application
17-605	Staff Consultation After Application
17-606	Zoning Permit Applications
17-607	Landscape Plan Procedures
17-608	Certificates of Zoning Compliance

17-609	Authorizing Use or Occupancy Before Completion of Development Under a Certificate of Zoning Compliance
17-610	Special Use Permits
17-611	Burden of Presenting Evidence; Burden of Persuasion
17-612	Recommendations on Special Use Permit Applications
17-613	Town Council Action on Special Use Permits
17-614	Additional Requirements on Special Use Permits
17-615	Authorizing Use, Occupancy, or Sale Before Completion of Development Under a Special Use Permit
17-616	Completing Development in Phases
17-617	Expiration of Permits
17-618	Effect of Permit on Successors and Assigns
17-619	Amendment to and Modification of Permits
17-620	Reconsideration of Town Council action
17-621	Applications to be processed expeditiously
17-622 through 17-649	Reserved

## **Part 2. Major and Minor Subdivisions**

17-650	Regulation of Subdivisions
17-651	No Subdivision Without Plat Approval
17-652	Special Purpose Subdivisions
17-653	Minor Subdivision Approval Process
17-654	Major Subdivision Approval Process
17-655	Endorsements on Major Subdivision Plats
17-656	Plat Approval Not Acceptance of Dedication Offers
17-657	Protection Against Defects
17-658	Maintenance of Dedicated Areas Until Acceptance
17-659	Other Subdivision Requirements
17-660 through 17-670	Reserved

## **Part 3. Vested Rights**

17-680	Vested Rights
17-681 through 17-699	Reserved

## **ARTICLE VII. RESERVED**

## **ARTICLE VIII. RESERVED**

## **ARTICLE IX. RESERVED**

## **ARTICLE X. FLOOD DAMAGE PREVENTION**

17-1000	Statutory Authorization, Findings of Fact, Purpose and
17-1001	Objectives Definitions
17-1002	General Provisions
17-1003	Administration
17-1004	Provisions for Flood Hazard Reduction
17-1005	Legal Status Provisions
17-1006 through 17-1099	Reserved

## **ARTICLE XI. SIGNS**

17-1100	Purpose
17-1101	Permit Required, Permitting Procedures
17-1102	Definitions
17-1103	Substitution Clause
17-1105	Prohibited Signs
17-1106	Government Signs
17-1107	Calculations and Measurements Necessary to Determine Sign Dimensions
17-1108	Temporary Sign Regulations by District
17-1109	Permanent Signs
17-1110	Outdoor Advertising Sign Overlay District
17-1111	Illumination
17-1112	Signs Regulated by Other Agencies
17-1113	Election or Political Signs in the Rights-of-Way
17-1114	Discontinuation of Use
17-1115 through 17-1199	Reserved

## **ARTICLE XII. OPEN SPACE**

17-1200	Purpose
17-1201	General Requirements
17-1202	Usable Open Space
17-1203	Payment in Lieu Fees
17-1204	Flexibility in Administration Authorized
17-1205 through 17-1299	Reserved

## **ARTICLE XIII. NONCONFORMING SITUATIONS**

17-1300	Intent
17-1301	Definitions
17-1302	Continuation of Nonconforming Situations and Completion of Nonconforming Projects
17-1303	Nonconforming Lots
17-1304	Extension or Enlargement of Nonconforming Situations
17-1305	Repair, Maintenance and Reconstruction
17-1306	Change in Use in Property Where a Nonconforming Situation Exists
17-1307	Abandonment and Discontinuance of Nonconforming Situations
17-1308	Completion of Nonconforming Projects
17-1309 through 17-1399	Reserved

## **ARTICLE XIV. APPEALS, VARIANCES, REASONABLE ACCOMMODATIONS, SPECIAL EXCEPTIONS AND INTERPRETATIONS AND HEARING PROCEDURES**

### **Part 1. Appeals, Variances, Special Exceptions and Interpretations**

17-1400	Appeals
17-1401	Variances
17-1402	Reasonable Accommodations
17-1403	Special Exceptions
17-1404	Interpretations
17-1405	Requests to be Heard Expeditiously.
17-1406	Burden of Proof in Appeals and Variances.
17-1407	Board Action on Appeals and Variances.
17-1408	Fees for Appeals and Variance Requests
17-1409 through 17-1449	Reserved

### **Part 2. Hearing Procedures for Appeals and Applications**

17-1450	Hearing Required on Appeals and Applications
17-1451	Notice of Hearing
17-1452	Evidence
17-1453	Modification of Application at Hearing
17-1454	Record
17-1455	Written Decision
17-1456	Appeals of Quasi-Judicial Decisions

17-1457 through 17-1499 Reserved

## **ART XV. ENFORCEMENT AND REVIEW**

17-1500	Complaints Regarding Violations
17-1501	Persons Liable
17-1502	Procedures Upon Discovery of Violations
17-1503	Stop Work Orders
17-1504	Penalties and Remedies for Violations
17-1505	Permit Revocation and Denial
17-1506	Judicial Review
17-1507 through 17-1599	Reserved

## **ART. XVI. ADMINISTRATIVE MECHANISMS**

### **Part 1. Town Council**

17-1600	Town Council
17-1601 through 17-1609	Reserved

### **Part 2. Planning Board**

17-1610	Appointment and Terms of Planning Board Members
17-1611	Meetings of the Planning Board
17-1612	Quorum and Voting
17-1613	Planning Board Officers
17-1614	Powers and Duties of Planning Board
17-1615	Advisory Committees
17-1616 through 17-1619	Reserved

### **Part 3. Board of Adjustment**

17-1620	Board of Adjustment
17-1621	Composition
17-1622	Powers and Duties
17-1623 through 17-1629	Reserved

### **Part 4. Appearance Commission**

17-1630	Composition
17-1631	Powers and Duties

17-1632 Meetings  
17-1633 through 17-1639 Reserved

### **Part 5. Historic Properties Commission**

17-1640 The Historic Properties Commission  
17-1641 Composition  
17-1642 Powers and Duties  
17-1643 Rules of Procedure  
17-1644 Meetings, Notice  
17-1645 through 17-1649 Reserved

### **Part 6. Staff**

17-1650 Land Use Administrator  
17-1651 Planning & Economic Development Director  
17-1652 Technical Review Committee  
17-1653 through 17-1699 Reserved

## **ART XVII. AMENDMENTS**

### **Part 1. General Use District Rezoning and Text Amendments**

17-1700 Amendments in General; Non-Substantive Errors.  
17-1701 Initiation of Amendments.  
17-1702 Planning Board Consideration of Proposed Amendments  
17-1703 Hearing Required; Notice  
17-1704 Town Council Action on Amendments  
17-1705 Ultimate Issue Before Council on Amendments  
17-1706 Reconsideration of Zoning Map Amendments  
17-1707 Public Comments  
17-1708 through 17-1749 Reserved

### **Part 2. Conditional Zoning District Rezoning**

17-1750 Plans and Other Information to Accompany Petition  
17-1751 Approval of Conditional Zoning District  
17-1752 Conditions on Approval of Petition  
17-1753 Effect of Approval  
17-1754 Modification of Approval  
17-1755 through 17-1799 Reserved

## APPENDICES

- A Information Required with Applications Streets,
- B Driveways, Sidewalks, Access
- C Landscaping
- D Water, Sewer & Electric Utilities and Easements
- E Lighting



**ARTICLE I - GENERAL PROVISIONS**

Sec. 17-100. Short Title..... 2

Sec. 17-101. Authority. .... 2

Sec. 17-102. Purpose and Intent. .... 2

Sec. 17-103. Jurisdiction..... 2

Sec. 17-104. Effective Date..... 3

Sec. 17-105. Relationship to Existing Zoning, Subdivision and Flood Control Ordinances. .... 3

Sec. 17-106. Relationship to Land Development Plan..... 3

Sec. 17-107. No Use or Sale of Land or Buildings Except in Conformity with Ordinance Provisions..... 3

Sec. 17-108. Fees. .... 3

Sec. 17-109. Severability..... 4

Sec. 17-110. Computation of Time. .... 4

Sec. 17-111. Repeal of Existing Ordinances..... 4

Sec. 17-112. Conflict With Other Laws. .... 4

Sec. 17-113. Miscellaneous. .... 5

Secs. 17-114 through 17-199. Reserved..... 5

**Sec. 17-100. Short Title.**

This chapter shall be known and may be cited as the Selma Unified Development Ordinance.

**Sec. 17-101. Authority.**

- A. Unless otherwise stated herein, this chapter is adopted pursuant to N.C. Gen. Stat. Chapter 160A, Art. 19.
- B. Whenever any provision of this chapter refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

**Sec. 17-102. Purpose and Intent.**

The purpose of this chapter is to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air to prevent the overcrowding of land; to avoid undue concentration of populations; and to facilitate the adequate provision of transportation, water, sewage facilities, schools, parks, open space and other public requirements. This chapter has been made with reasonable consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community and the Town's planning jurisdiction. It is also the intent of this chapter to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this article's intent to ensure the subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the town's jurisdiction and community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

**Sec. 17-103. Jurisdiction.**

- A. This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area within the corporate boundaries of the town as well as the area within the ordinances adopted by the Town Council up to and including July 14, 2015 which ordinance is recorded in the Johnston County Registry at Ordinance Book 4737, Page 268. Such planning jurisdiction may be modified from time to time in accordance with G.S. § 160A-360.
- B. In addition to other locations required by law, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the Planning and

Economic Development Department.

**Sec. 17-104. Effective Date.**

Except as otherwise provided herein, the provisions in this chapter were originally adopted and became effective on April 13, 2004. This chapter was amended as the Unified Development Ordinance on February 14, 2017.

**Sec. 17-105. Relationship to Existing Zoning, Subdivision and Flood Control Ordinances.**

To the extent that the provisions of this chapter are the same in substance as the previously adopted provisions that they replace in the town's zoning, subdivision, appearance, storm water, water supply watershed or flood control ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided.

A situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the zoning ordinance.

**Sec. 17-106. Relationship to Land Development Plan.**

It is the intention of the Town Council that this chapter implement the planning policies adopted by the Town Council for the town and its extraterritorial planning area, as reflected in the Future Land Use Plan and other planning documents. While the Town Council reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Town Council hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

**Sec. 17-107. No Use or Sale of Land or Buildings Except in Conformity with Ordinance Provisions.**

- A. Subject to article VIII, "Nonconforming Situations," of this chapter, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his or her control except in accordance with all the applicable provisions of this chapter.
- B. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

**Sec. 17-108. Fees.**

- A. Reasonable fees sufficient to cover the cost of administration, inspection, publication of

notice and similar matters may be charged to applicants for certificates of zoning compliance, sign permits, special use permits, subdivision plat approval, zoning amendments, site plan review and approval, variances and other administrative relief, and so on. The amount of the fees charged shall be as set forth in the town's budget or as established by resolution of the Town Council filed in the office of the Town Clerk.

- B. Fees established in accordance with subsection (A) shall be paid upon submission of a signed application or notice of appeal.

**Sec. 17-109. Severability.**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionally or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this chapter since the same would have been enacted without the incorporation into this chapter of such unconstitutional or invalid section, paragraph sentence clause or phrase.

**Sec. 17-110. Computation of Time.**

- A. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, the day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- B. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period. This sub-section shall apply to notices sent pursuant to Art. XV, Code Enforcement, unless the grounds stated in Art. XV for a shorter period apply.

**Sec. 17-111. Repeal of Existing Ordinances.**

The existing zoning and subdivision ordinances contained within the Town of Selma Municipal Code, Chapter 17 are hereby repealed. The adoption of this chapter, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of said violation.

**Sec. 17-112. Conflict With Other Laws.**

When provisions of this chapter impose higher standards that are required in any other statute or local ordinance or regulation, provisions of this chapter shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards that are

required by provisions of this chapter, the provisions of that statute or local ordinance or regulation shall govern.

**Sec. 17-113. Miscellaneous.**

- A. As used in this chapter, words in the masculine gender include the feminine and neuter.
- B. Words used in the singular in this chapter include the plural and words used in the plural include the singular.
- C. All calculations that result in a part or fraction of a whole number (except for density calculations) shall be rounded up to the next highest whole number.
- D. Density
  - 1. Rounding. In calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.
  - 2. Dwelling unit equivalence for congregate care facilities and private dormitories: For the purpose of calculating density for congregate care facilities and private dormitories, two (2) bedrooms shall be equivalent to one (1) dwelling unit.
- E. Illustrations or Figures. If any illustration or figure appears to conflict with the text of this chapter, the text shall govern.

**Secs. 17-114 through 17-199. Reserved.**



**ARTICLE II. – DEFINITIONS**

Sec. 17-200. Definitions..... 1  
Sec. 17-201. Lots Divided by District Lines..... 33  
Secs. 17-202 through 17-299. Reserved. .... 33

**Sec. 17-200. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Individual sections of this chapter may contain definitions specific to that section.

**Access Easement:** An easement, which grants the right to cross property.

**Accessory Building/Structure:** A minor building that is located on the same lot as a principle building and that is used incidentally to a principle building or that houses an accessory use.

**Accessory Apartment:** A dwelling unit that exists either as part of a principal dwelling, or as an accessory building, and is secondary and incidental to the use of the property as a single-family residence.

**Adult Care Home:** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. Adult care homes include halfway houses and drug rehab facilities.

**Alley:** A roadway, which affords only a secondary means of access to abutting property.

**Amateur Radio Antenna:** Any tower and/or antenna owned and operated by an amateur radio operator for "amateur service," as that term is defined by 47 C.F.R. § 97.3(a)(4). Said towers and antennas must be used only for noncommercial purposes and must be fifty

## Article II. Definitions

(50) feet tall or less. For the purposes of this chapter, any antenna not meeting this definition shall be deemed a "Wireless Telecommunications Facility." This use does not include towers and antennas owned or operated by a government agency.

**Animal Boarding Facility:** A facility where animals are boarded overnight, but which does not include any animal breeding or training. This term does not include "doggie day cares" or similar facilities that keep animals only during the day. See also, "Kennel" and "Specialized Dog Training Facility."

**Animal Grooming Services:** A facility for the grooming of animals, but which does not include any animal boarding, breeding or training services.

**Articulation:** An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; modulation of building facades, massing and detail to create variety.

**Assisted Living Residence:** See "Housing Facility for Older Persons".

**Auction Hall:** A business or nonprofit organization that sells retail or wholesale items through regularly occurring auctions at a fixed location. This definition does not include the following:

- A. Businesses that conduct auctions solely online;
- B. Estate sales, going-out-of-business sales, and similar sales, the primary purpose of which is to divest an estate, business or other operation of unwanted goods; and
- C. Auctions used to support religious and nonprofit organizations, provided that such auctions may not occur more than three times per year.

**Auto Wrecking:** A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

**Bar:** A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic beverages.

**Basement:** A story of a building or structure having one-half (½) or more of its clear height below grade.

**Bed and Breakfast:** An establishment providing short-term lodging in a private home or small building(s) converted for this purpose, and characterized by a highly personalized service and inclusion of a full breakfast in the room rate. Meals may also be offered for compensation.

## Article II. Definitions

**Board of Adjustment:** A quasi-judicial body, appointed by the Town Council that is given certain powers under this chapter, such as deciding whether to grant variances.

**Boarding House:** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is synonymous with "rooming house" and is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests in a bed and breakfast or hotel.

**Boat:** A water craft of any kind, whether self-propelled or propelled by any other means, including sailing vessels and all other structures adapted to be navigated on water from place to place for recreational purposes or for the transportation of merchandise or persons.

**Buffer:** An area of land planted or constructed to separate uses.

**Buildable or Zone Lot:** One (1) or more lots of record in one (1) undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient total dimensions; and access to permit construction thereon of a principal building together with its required parking and buffers.

**Building:** Any structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes.

**Building Footprint:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls, The term "building footprint" shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines. "Building Footprint" is also referred to as the gross floor area.

**Building Height:** The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof, not including chimneys, cupolas, etc.

**Building, Principal:** The primary building on a lot or a building that houses a principle use.

**Building Separation:** The minimum required horizontal distance between buildings.

**Building Related Equipment:** Includes heating and air conditioning equipment, chimneys and vents, signs, antennas, down spouts and gutters, steps, shutters, lights, garages, sheds, birdhouses, dog houses and other typical accessories.

## Article II. Definitions

**Building Setback:** The required distance any building or substantial structure must be separated from another building, property line, buffer or body of water.

**Caliper:** A measurement of the diameter of a tree or nursery stock as defined in the latest edition of the American Standard for Nursery Stock published by the American Horticulture Industry Assoc., ANSI Z60.1-2014.

**Camper Shell:** A vehicle accessory designed to be mounted upon a motor vehicle and to provide facilities for human habitation, camping purposes or storage.

**Canopy Tree:** See "Tree, Canopy".

**Cemetery:** Any one or a combination of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A. A burial park, for earth interment;
- B. A mausoleum; or
- C. A columbarium.

A cemetery does not include a crematorium.

**Certificate of Appropriateness:** A permit issued by the Town stating that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

**Certificate of Compliance:** A written permit, signed by the Administrator, setting forth either that a building or structure complies with the provisions of this chapter, or that a building, structure, or parcel of land may lawfully be employed for specified uses, or both.

**Certify:** Whenever this chapter article requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.

**Child Care Facility:** Any facility that qualifies as a "child care facility" under G.S. § 110-86 (3) and must be licensed by the State of North Carolina pursuant to G.S. § 110-93.

**Child Care Institution:** An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

## Article II. Definitions

**Circulation Area:** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

**Clubs and Lodges, Social or Fraternal:** A nonprofit association of persons, who are bona fide members paying dues, and which owns or leases premises, the use of which is restricted to members and their guests for engaging in social activities typical of such associations, and which can reasonably be accommodated on the premises. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this chapter, and shall not be construed to include "private clubs," "nightclubs," "bars," "taverns," or other like use.

**Common Area(s):** All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development; or an area provided for the use of residents or in a residential development.

**Community Center:** A government or nonprofit facility used for recreational, social, educational, or cultural services and activities. The services and activities offered may target specific groups, but are otherwise nonexclusive in nature. This use does not include schools, places of worship, banquet facilities, social or service club or lodge, or counseling services.

**Community Sewage Treatment System:** A sewage treatment system designed to treat waste water from three (3) or more dwelling units, more than one (1) principal nonresidential use, or a group development. A community sewage treatment system is not public sewer or a utility under the terms of this chapter.

**Community Well System:** A system that supplies groundwater to twenty-five (25) or more persons or has fifteen (15) or more connections. A community well system is not public water or a utility under the terms of this chapter.

**Combination Use:** A use consisting of a combination on one lot of two or more principal uses separately listed in section 17-410 (the Table of Permissible Uses). See also section 17-408 "Combination Uses." (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See section 17-405 "Accessory Uses." In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a principal use.)

**Comprehensive Plan:** The Town of Selma 2009 Comprehensive Land Development Plan (or other plans and documents) which identifies and analyzes land use, development, and other issues facing the community. The plan typically is based on substantial data collection and analysis, extensive public participation, and considers the interrelationship between land uses, transportation, utilities, and other public services and needs.

## Article II. Definitions

**Completion of Construction or Development:** No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent groundcover.

**Condominium:** Portions of real estate which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For purposes of this chapter, condominiums are multi-family development.

**Convenience Store.** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare," "7-11," and "Pantry" chains.

**Corner Lot:** A lot abutting two (2) or more streets at their intersection.

**Columbarium:** A structure or building of vaults lined with recesses for cinerary urns. "Cinerary" means a place to receive the ashes of the cremated dead.

**Crematorium (Crematory):** A facility where the bodies of dead people, pets or animals are cremated.

**Developer:** A person engaging in land and/or building development that requires a zoning permit, special use permit, subdivision plat approval, sign permit, or zoning map amendment (rezoning).

**Development:** Any manmade 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 pursuant to a zoning permit, special use permit, subdivision plat approval, sign permit, or zoning map amendment (rezoning).

**Development, Density of:** The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

**Development, Net Buildable Density of:** For the purposes of determining the allowable residential density in a planned unit development, the area upon which residential housing units may be developed is that area remaining after subtracting the areas of non-residential development, open space dedicated to a government, home owners association or other

## Article II. Definitions

person, the amount of required developed recreation spaces and the rights-of-way of collector (and larger) streets and/or roads.

**Development, Existing:** Those projects that are built and those projects that, at a minimum, have established a vested right, or based on at least one (1) of the following criteria:

- A. Substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- B. Having a valid outstanding building permit; or
- C. Having expended substantial resources (time, labor, money) and having approved site specific development plan in compliance with G.S. Section 160A-385.1.

**Dish Antenna:** A dish antenna, which is also referred to as a satellite dish antenna, is defined as an accessory structure that includes the following:

- A. An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- B. A low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify the transfer signals; and
- C. A coaxial cable whose purpose is to carry the signals into the interior of a building.

**Disposal (of hazardous or toxic substance(s)):** The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

**Disposal Facility:** A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

**Domestic Fowl:** Any domesticated bird, such as a chicken, duck, goose or turkey raised for food or eggs, often a member of the genus Gallus.

**Duplex:** See Residence, two-family.

**Dwelling Unit:** One (1) 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.

## Article II. Definitions

**Easement:** A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

**Electronic Gaming Operation:** Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).

**Entertainment Restaurant:** See "Restaurant, Entertainment."

**Establishment, Adult Oriented:** See "Sexually Oriented Business."

**Expenditure:** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding commercial commitments to make future expenditures, as well as any other substantial changes in position.

**Explosive:** Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. For the purposes of this ordinance, "explosive" shall be defined in the same manner as set forth in 27 C.F.R. § SSS.11 and 13 N.C.A.C. 7F .0702(n).

**Expressway:** A divided multi-lane arterial street designed to carry large volumes of traffic at relatively high speeds. Access to expressways is at least partially controlled and generally with grade separations at major intersections. See also Appendix B, H., "Street Classification."

**Extraterritorial Planning Area:** That portion of the town's planning jurisdiction that lies outside the corporate limits of the town. The Area may also be known as the "Extraterritorial Planning Jurisdiction" or ETJ.

**Family:** One (1) or more persons occupying a dwelling unit and living as a single household or a group of not more than four (4) unrelated persons. A family may also include a family foster home or a family care group home, both as licensed by the State of North Carolina.

## Article II. Definitions

**Family Care Home, Class A:** All group homes for minor children other than Class B group homes. This definition specifically includes but is not limited to group homes for minor children who need such a residential arrangement because they are orphaned, abused, neglected, or dependent, or who have a "handicap" as defined in the Fair Housing Act (42 U.S.C. § 3602), or are "handicapped" as that term is defined in G.S. § 168-21.

**Family Care Home, Class B:** A group home for minor children that serves primarily the needs of those who:

- A. Are "dangerous to others" as those terms are defined in G.S. § 122C- 3{11} and {21};
- B. Are currently using or are addicted to controlled substances; or
- C. Have been assigned to a group home as a condition of probation, parole, or "intermediate punishment" as defined in G.S. § 15A-1340.11{6}.

**Family Health Care Structure (Granny Pod):** A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that:

- A. Is primarily assembled at a location other than its site of installation;
- B. Is limited to one occupant who shall be the mentally or physically impaired person;
- C. Has no more than 300 gross square feet; and
- D. Complies with applicable provisions of the State Building Code and Gen. Stat. § 143-139.1(b). Placing the temporary family health care structure on a permanent foundation is not required or permitted.

**Farm, Bona Fide:** The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For purposes of this definition, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the Town and any other farm owned or leased to or from others by the bona fide farm operator. For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A. A farm sales tax exemption certificate issued by the Department of Revenue.

## Article II. Definitions

- B. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- C. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- D. A forest management plan.
- E. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency

**Fence:** A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, or a hedge, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

**Firearm:** In accordance with G.S. § 14-409.39, a firearm is a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

**Flag Lot:** A lot, created by a subdivision, with less street frontage than is required by Section 17-430 and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be the front lot line for setback purposes.

**Flea Market (Permanent) or Open Air Market:** A commercial operation conducted outside of a building on a regular, periodic basis in which individual entrepreneurs are offered space and invited to bring various types of merchandise to a common site to be displayed and sold to the public. This use includes flea markets, farm and craft markets, produce markets and similar uses.

**Floor:** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

**Freeway:** A divided multi-lane arterial street designed to carry large volumes of traffic at relatively high speeds. Freeways have no direct access to abutting properties, streets or roads and access is provided at selected crossroads via connecting ramps. See also Appendix B and "Expressway".

**Grade, Finished:** The final elevation of the ground surface after development.

**Grading:** Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or manmade, is removed, or any buildings or other structures

## Article II. Definitions

are removed, or any water course or body of water, either natural or manmade, is relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity".

**Graffiti:** An unauthorized inscription, word, figure, mark, design or other inscribed material that is written, marked, etched, scratched, drawn, or painted on a surface.

**Granny Pod:** See Family Health Care Structure.

**Group care facility:** A facility licensed by the State of North Carolina for the provision of resident services. See Family Care (Group) Home.

**GrossFloorArea:** See Building Footprint.

**Handicapped Person:** A person with a temporary or permanent physical, emotional, or mental disability, but not including persons who are "dangerous to others," as that term is defined in G.S. § 122C-3(11).

**Historic Structure:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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 state inventory of historic places;
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified.

**Home Daycare.** A child care facility located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive child care. See Family Child Care Home. See G.S. § 1.10-86(3)(b).

**Home Occupations:** A profession or occupation:

- A. Conducted entirely within a dwelling and carried on by the resident(s) thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof;
- B. Is not so insubstantial or incidental or is not so commonly associated with the

## Article II. Definitions

residential use as to be regarded as an accessory use (see section 17-405, Accessory Uses), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if:

- A. Goods, stock-in-trade, or other commodities are displayed;
- B. Any on premise retail sales occur;
- C. More than one person not a resident on the premises is employed in connection with the purported home occupation;
- D. It creates objectionable noise, fumes, odor, dust or electrical interference; or
- E. More than twenty- five (25) percent of the total building footprint of residential buildings plus other buildings housing the purported home occupation or more than 500 square feet of the building footprint (whichever is less) is used for home occupation purposes or
- F. Such activities shall not depend upon the shipment or delivery of bulk materials

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria:

- A. The office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional;
- B. Workshops, greenhouses, or kilns; or
- C. Dressmaking or hairdressing studios. See also Section 17-405, "Accessory Uses."

**Homeless Shelter:** An establishment providing food and shelter to homeless persons.

**Household Item:** Any item, including any part of the item, typically used in the interior of a dwelling. By way of example and not limitation, the term "household item" includes washing machines, sinks, stoves, heaters, boilers, tanks, mattresses, sofas, couches or futons, upholstered chairs, and indoor carpets.

**Household Pet:** Any animal kept as a pet rather than for productive purposes, including but not limited to dogs and cats. For the purposes of this ordinance, a working dog, such as a hunting dog or sheep herding dog, shall be considered a pet and not livestock. All domestic

## Article II. Definitions

fowl, including, but not limited to chickens, shall be considered livestock regardless of whether said animals are kept primarily as pets or for productive purposes.

**Housing Facility for Older Persons:** Any apartment that complies with the provisions of 24 CFR Part 100, Subpart E, "Housing for Older Persons."

**Indoor Recreation Facility:** Any recreational land use conducted entirely within the interior of a permanent structure properly equipped to accommodate recreational activities, where fees are collected in exchange for use of the facility.

**Institutionalized Persons:** Persons who are committed through some legal process (jail or hospital ward for the dangerously mentally ill), or persons committed to an institution, such as a half-way house, on a time-of-day basis.

**Internet Café:** See "Electronic Gaming."

**Junk Yard:** See "Salvage Yard."

**Kennel:** A facility where animals are boarded overnight and bred or trained. A large kennel is a facility that boards, trains twenty or more animals at any time. This term includes "doggie day cares" or similar facilities that keep animals only during the day and kennels accessory to veterinary clinics or offices. A small kennel boards or trains 19 or fewer animals at any time.

**Landfill, Construction or Demolition Debris (C-D):** A disposal site for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, and which complies with all sanitary landfill requirements of Chapter 20, Articles 31—70 (G.S. §§ 153A-291—153A-294) of the Johnston County Code and with all zoning and special use permit requirements of this Chapter.

**Landfill, Land Clearing and Inert Debris (LCID):** A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. The state division of solid waste management must approve disposal of any other types of wastes.

**Landfill, Sanitary/Solid Waste:** A site for solid waste disposal from residential, industrial, or commercial activities.

**Land Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied.

**Livestock.** Animals raised to produce meat, milk, eggs, fiber or used for draft or equestrian purposes, including but not limited to horses, mules, cows, pigs, goats, llamas, ostriches, sheep, domestic fowl (such as chickens, ducks, turkeys, etc.), rabbits, and all other animals that typically are kept primarily for productive or useful purposes rather than

## Article II. Definitions

as pets. All domestic fowl, including but not limited to chickens, shall be considered livestock, regardless of whether said animals are kept primarily as pets or for productive purposes. See also "Household Pet."

**Lot:** A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word "lot" includes "plot", "parcel," or "tract." If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to, or a lesser interest in, a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot for the purposes of this Chapter.

**Lot Line:** The line bounding a lot, as follows:

- A. Lot line, front: The line separating such a lot from that street right-of-way which is designated as the front street on the building permit, certificate of occupancy, or subdivision plat.
- B. Lot line, rear: The lot boundary opposite and most distant from the front lot line, in the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- C. Lot line, side: Any lot boundary line not a front line or rear lot line.

**Manufactured Home or Dwelling:** A dwelling that:

- A. Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;
- B. Exceeds forty (40) feet in length and eight (8) feet in width;
- C. Is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and
- D. Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings.

**Class AA:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:

## Article II. Definitions

- A. Is occupied only as a single-family dwelling;
- B. Has a minimum width of sixteen (16) feet;
- C. Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part; Length and width measurements shall not include towing apparatus, wheels, axles, and transporting lights;
- D. Has a minimum of seven hundred (700) square feet of enclosed and heated living area;

**Class A:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria for A., C. and D. for Class AA manufactured dwellings above.

**Class B:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

**Manufactured Home Park:** A group development site with required improvements and utilities for the long-term location of manufactured dwellings that may include services and facilities for the residents.

**Manufactured Home Space:** A designated area of land within a manufactured home park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this chapter.

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Maternity Home.** A group home licensed as a maternity home by the N.C. Department of Health and Human Services pursuant to G.S. § 131D-1.

**Microbrewery:** A small brewery that makes beer in small amounts, typically less than 15,000 gallons per year.

**Mixed Use Development:** A mixture of residential and permitted office and/or commercial uses.

## Article II. Definitions

**Mobile Food Vendor:** Any person or entity who sells, displays, solicits, distributes (with or without payment) or accepts orders for fruits, vegetables, or foodstuffs from a vehicle (such as a food truck), tent, temporary roadside stand, temporary display, lunch wagon or eating cart.

**Mobile Home:** See "Manufactured Home."

**Modular Dwelling.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular dwelling or home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

**Motor Vehicle:** A passenger vehicle, truck, recreational vehicle, motorcycle, motor scooter, golf cart, or other similar self-propelled vehicle. "Motor vehicle" does not mean a motorized wheelchair, bicycle, tricycle or quadricycle.

**Motor Vehicle, Junked:** A motor vehicle that does not display a current license plate and is one (1) or more of the following:

- A. Is partially dismantled or wrecked; or
- B. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- C. Is more than five (5) years old and appears to be worth less than \$500; or
- D. Does not display a current license plate.

**Motor Vehicle Repair Services:** An establishment primarily engaged in one (1) or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair or exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

**Multi-Family Apartments:** See "Residence, Multi-Family."

**Multi-Family Conversions:** See "Residence, Multi-Family Conversions."

**Multi-Family Development.** One or more tracts of land under single, individual, corporate, firm, partnership, or association ownership, or under common control evidenced by duly recorded contracts or agreements, planned and developed as an integral unit in a single development operation or in a definitively programmed series of development

## Article II. Definitions

operations on/in which multi-family dwelling units are constructed. Multifamily development includes townhouses and condominiums.

**Multi-Family Dwelling:** Any multi-family residence defined in this Article.

**Multi-Family Townhome:** See "Residence Multi-Family Townhouses.

**Nursing Care Home:** A group home licensed as a nursing home under the Nursing Home Licensure Act, G.S. § 131E-100, *et. seq.* Such home typically provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, due to advanced age, chronic illness or infirmity, are unable to care for themselves.

**Nursing Care Institution:** An institutional facility maintained for providing skilled nursing care and medical supervision to more than nine persons at a lower level than that available in a hospital.

**Office:** A room, suite of rooms, or building in which a person or persons transact the affairs of a business, profession, service, industry, or government. When listed as a permitted or special use, an office shall serve as the primary use of the property. For example, a construction company could locate its main business office in any district where "office" is a permitted or special use, but it could not store equipment and materials at that site unless such storage were also a permitted or special use in that zoning district. The same construction company, however, could operate its business office as an accessory use on a site used for the lawful storage of equipment and materials, irrespective of whether offices were permitted in that zoning district.

Unless otherwise stated herein, professional services offices are considered "retail services" and are not included in this use.

**Official Maps of Plans:** Any maps or plans officially adopted by the Town Council.

**Open Space:** Land and/or water areas within a site which is designed and intended for the common use or enjoyment of the residents of the development or dedicated to the public use.

**Outparcel:** A parcel, adjacent to or partially surrounded by a retail center or shopping center tract, which was either part of the original retail center or shopping center tract or which functions as an integral part of the retail center or shopping center. Such parcels have separate deeds or have been sectioned off by the developer for purposes of leasing to one or more businesses.

**Outdoor Recreation Facility:** Any recreational land use conducted partially or entirely outside of a permanent structure, where fees are collected in exchange for access to the

## Article II. Definitions

facility, and which is further characterized by potentially substantial impacts to traffic, the natural environment, and surrounding properties.

**Owner:** A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

**Parking Area Aisles:** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

**Parking Space:** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

**Parkstrip:** The area between the curb of a street and the sidewalk.

**Parkway.** An arterial street for primarily noncommercial traffic, with full or partial control of access, and usually located within a park or ribbon of park-like development. See also Appendix B. Section H., "Street Classification."

**Passenger Vehicle:** Any motor vehicle designed, used and maintained primarily for the transportation of persons for noncommercial purposes. A passenger vehicle does not include a motor vehicle designed and equipped for human habitation.

**Pedestrian Way:** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

**Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

**Person With Disabilities:** 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 G.S. 122C-3(11) b.

**Permitted Use:** A land use which is authorized by right, and which does not require special use permit approval.

**Planned Unit Development:** An area of land under unified ownership or control to be developed and improved as a single entity under a unified development plan in accordance with and subject to the requirements of this Chapter.

**Planning Department:** The Planning and Economic Development Department of the Town of Selma.

## Article II. Definitions

**Planning Director:** The head of the Department of Planning and Economic Development, also referred to in this Chapter as the "Administrator".

**Planning Jurisdiction:** The area within the town limits as well as the area beyond the town limits within which the town is authorized to plan for and regulate development, as set forth in Section 17-103, "Jurisdiction." See also "Extraterritorial Planning Area".

**Plant Nursery:** An establishment engaged in the raising of plants for sale to wholesale and retail customers. Accessory items such as pots and fertilizer may also be sold. Greenhouses are permitted as part of this use.

**Plat:** A map or plan of a tract of land that depicts how the land has been or will be subdivided.

**Principal Building:** See "Building, Principal."

**Principal Dwelling:** Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

**Private Drive or Street:** A vehicular travel way not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing or group nonresidential development.

**Public Street:** A dedicated public right-of-way for vehicular traffic which (1) has been accepted by the town or NCDOT for maintenance; or (2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic.

**Public Water System:** Any water supply system furnishing water for human consumption that meets the criteria of G.S. § 130A-313.

**Polluted Water:** Water that contains any bacterial growth, including algae, remains of rubbish, fecal matter, untreated sewage, refuse, debris, papers, or any other foreign matter or material that, because of its nature or location, constitutes an unhealthy or unsafe condition.

**Recreational Vehicle:** A vehicle that 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.

## Article II. Definitions

**Recreational Vehicle Park:** Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy per the requirements set forth in this chapter.

**Recreational Vehicle Space:** A plot of land within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle in accordance with the requirements set forth in this Chapter.

**Recycling Operation.** Any facility used as a drop-off point for household and consumer recyclables, including but not limited to household plastics, glass, mixed paper and cardboard. Recycling collection centers do not include salvage yards or any other kind of facility that accepts commercial waste, construction and demolition debris, wood debris and other materials suitable for a land clearing and inert debris landfill, hazardous waste, appliances, tires or yard waste.

**Reservation:** An obligation to keep property free from development for a stated period. A reservation does not involve the transfer of property rights.

**Residence, Multi-Family:** Three or more dwelling units placed on top of another or side-by-side and sharing common walls, floors and/or ceilings. The units are generally developed in a unified manner and located on one lot, unless the individual dwelling units are under condominium or townhome ownership. See also "Multi-Family Development."

**Residence, Multi-Family Conversion:** A multi-family residence containing not more than four (4) dwelling units and results from the conversion of a single building containing at least 2,000 square feet of the building footprint that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

**Residence, Multi-Family Townhouses:** A principal structure containing three (3) or more single-family attached dwelling units with each unit on its own individual lot. No dwelling unit may be located over another unit. All townhouse developments shall be subject to multi-family dwelling provisions of the zoning ordinance. For the purposes of this chapter, townhouses are multi-family development.

**Residence, Primary with Accessory Apartment:** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five (25) percent of the building footprint.

**Residence, Single-Family Detached, More Than One Dwelling Per Lot:** A residential use consisting of two or more single-family detached dwelling units on a single lot.

## Article II. Definitions

**Residence, Single-Family Detached, One Dwelling Unit Per Lot:** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**Residence, Two-Family (Duplex):** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be in one building.

**Residence, Two-Family Apartment:** A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

**Residence, Two-Family Conversion:** A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of the building footprint that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

**Residential Support Facility:** An ancillary use integral to a residential development, such as a pool, clubhouse, etc.

**Restaurant:** An establishment whose primary purpose is serving meals to patrons. When properly permitted, restaurants may serve alcoholic beverages in quantities regulated by the N. C. Alcoholic Beverage Control Commission. This definition does not include sexually oriented businesses.

**Restaurant, Entertainment:** An establishment where food and drink are prepared, served, and consumed within a structure that includes, as an integral component of the facility, dancing, musicals, theater, comedy acts, or other live performances. This use does not include sexually oriented businesses.

**Retail Sales or Rental:** A business principally engaged in offering a category of similar goods or products, as opposed to services, for sale or rental to the public for personal use and not for resale. Examples include but are not limited to grocery stores, hardware stores, pharmacies, clothing shops, toy stores, home furnishings stores, and office supplies stores. This use includes stores that sell a single type of retail item and stores that sell a combination of retail items. This use also includes businesses engaged in the rental of small consumer goods such as videos and DVDs, but it does not include the rental of large equipment or moving trucks and equipment. This use does not include department stores, the sale of large items such as automobiles or farm equipment, or other uses that are listed separately in this Chapter.

**Retail Services:** A business principally engaged in providing a service as opposed to products, to the public. Examples include but are not limited to banks and other financial services; real estate offices; insurance offices; barber shops; beauty shops and salons; shops that repair items such as appliances, shoes, radios, and televisions; dance studios;

## Article II. Definitions

educational tutoring services; food catering services; photography studios; printing shops; travel agencies; and professional offices such as dental, law, medical, optician's and engineer's offices. This use does not include funeral homes, crematoriums, dry cleaners, laundries, vehicle repair shops, or other uses that are listed separately in this code.

**Roadside Stand:** A direct marketing operation conducted by a "Mobile Food Vendor" without a permanent structure, comprised of a vehicle, a structure (i.e. a "produce stand") or a combination of both, but in no case, shall a roadside stand be a permanent structure for which a certificate of occupancy is required. Roadside stands shall only offer outdoor shopping and are seasonal in nature.

**Roof Line:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Rooming or Boarding House:** See "Boarding House."

**Rooming Unit:** A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

**Routine Maintenance:** Work activities not already listed under minor or major work and which include ordinary repair and replacement when there is no change in the design, materials, or general exterior appearance of a structure, its grounds or a site when viewed from the street right-of-way.

**Salvage Yard:** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment or scrap or discarded material, including but not limited to vehicles, appliances, and related machinery. This definition does not include recycling operations conducted entirely within an enclosed building and recycling operations that are accessory to a principal use. This definition includes junkyards and any recycling operation that does not fit into another existing category of use set forth in this Chapter.

**School:** A facility offering a curriculum of instruction which is recognized by a national or regional accrediting agency.

**Screening.** A fence, wall, hedge, landscaping earthen berm, buffer area or any combination of these provided to create a visual and/or physical separation between land uses; also referred to as buffering. See "Buffer".

**Seating Capacity:** The actual seating capacity of an area based upon the number of seats, or one (1) seat per eighteen (18) inches of bench or pew length, or required by the N.C. Building Code.

## Article II. Definitions

**Setback:** A line parallel to or concentric with the street right-of-way or lot line(s), establishing the minimum allowable distance between such right-of-way or line and the nearest portion of any building.

**Seventy-two (72) hours:** For purposes of this Chapter, an item is unlawfully parked, kept or stored on a piece of property more than seventy-two (72) hours if that item has not been removed from the front or side yard of the property or the street immediately adjacent to that front or side yard during a seventy-two (72) consecutive hour period.

**Sexually Oriented Business:** Any business or establishment characterized by an emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas. Sexually oriented businesses include an adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination, or any combination of the foregoing and are regulated by Section 17-554 "Sexually Oriented Businesses."

**Shooting Range, Outdoor:** A facility, including its component shooting ranges, safety fans or shot fall zones, parking areas, all structures for classrooms, administrative offices, ammunition storage areas and other associated improvements, designed for providing a place for the discharge of various types of firearms or the practice of archery.

**Shooting Range, Indoor.** An area within a building designated and operated for the use of rifles, shotguns, silhouettes, or any other firearm discharge. Skeet shooting, trap shooting and black powder rifle use are not permitted in an indoor shooting range.

**Shopping Center:** A building or group of buildings housing retail sales businesses on a unified tract under single or multiple ownerships with a combined building footprint of more than 40,000 square feet, the purpose of which is retail sales.

**Shopping Mall:** A shopping center in which seventy-five (75) percent or more of the building footprint is accessed from enclosed promenades, walkways, concourses or courtyards.

**Sign:** Any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the following objectives:

- A. The device is designed to attract the attention of persons not located on the lot; or
- B. The device is designed to communicate information to persons not located on the lot.

**Sight Distance Easement:** An easement that grants to the Town the right to maintain unobstructed view across property located at a street or lane intersection.

Article II. Definitions

**Single-Family Detached Dwelling:** See “Residence, Single Family Detached.”

**Site or Tract:** All contiguous land and bodies of water subject to the regulations of this Chapter.

**Site Plan.** A plan of development submitted to the town to obtain one of the following zoning or land use permits or approvals:

- A. Preliminary or final subdivision plat approval;
- B. Certificate of Zoning Compliance;
- C. Special Use Permit;
- D. Planned Unit Development Plan approval.

Site plans are also required with applications for conditional zoning. Notwithstanding the foregoing, a document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall not constitute a site-specific development plan or a site plan.

**Site-Specific Development Plan:** A plan of land development submitted to the Town for the purpose of obtaining a statutory vested right.

**Solid Waste:** Garbage, refuse, and other discarded solid materials.

**Special Events:** Circuses, fairs, carnivals, festivals, or other types of special events that :

- A. Run for longer than one day but not longer than two weeks;
- B. Are intended to or likely to attract substantial crowds;
- C. Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Special Mobile Equipment:** Any of the following:

- A. A vehicle that has a permanently attached crane, mill, well-boring apparatus, ditch-digging apparatus, air compressor, electric welder, feed mixer, grinder, or other similar apparatus is driven on the highway only to get to and from a nonhighway job and is not designed or used primarily for the transportation of persons or property. THE TERM SPECIFICALLY INCLUDES VEHICLES COMMONLY KNOWN AS BUCKET TRUCKS AND DERRICK DIGGER TRUCKS.

## Article II. Definitions

- B. A vehicle that has permanently attached special equipment and is used only for parade purposes.
- C. A vehicle that is privately owned, has permanently attached fire-fighting equipment, and is used only for fire-fighting purposes.
- D. A vehicle that has permanently attached playground equipment and is used only for playground purposes.

See G. S. § 105-164.3

**Special Use:** A land use that, because of its inherent nature, extent, and external effects, require special care in the control of their location, design, and methods of operation to ensure protection of the public safety and welfare. Special uses require the issuance of a special use permit as defined in this Chapter.

**Start of Construction:** Includes initial site improvement or construction activity pursuant to an issued permit by the Town.

### **Stormwater Definitions:**

- A. **Best Management Practice (BMP) (AKA Stormwater Control Structure or (SCM)):** A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
- B. **Buffer:** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for filtration of the runoff pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of the bank of each side of streams, ponds or rivers.
- C. **Built-Upon Area:** Areas that include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, graveled parking lots and parking areas, recreation facilities (e.g. tennis courts), etc. Note: Wooden slatted decks and the water area of swimming pools are considered pervious.
- D. **Composting Facility:** A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from yard clearing or landscaping operations is deposited.
- E. **Critical Area:** The area adjacent to the water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The

## Article II. Definitions

critical area shall extend one (1) mile from the water supply intake or to a ridge line of the watershed, whichever comes first.

- F. **Discharging Landfill:** A facility with liners, monitoring equipment and other measures to detect and prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.
- G. **Engineered Stormwater Control Structure:** A device, building or series of devices or structures designed by a NC registered professional engineer, landscape architect to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals. (See BMPs above.)
- H. **Hazardous Material:** Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CECLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
- I. **Protected Area:** The remaining portion of a WS-IV watershed exclusive of the critical area.
- J. **Toxic Substance:** Any substance or combination of substances (including disease causing agents) which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or physical deformation in such organisms of their off spring or other adverse health effects.
- K. **Variance (major):** A variance that results in either of the following (1) The complete waiver of a management requirement; or (2) The relaxation, by a factor more than ten (10) percent of any requirement that takes the form of a numerical standard.
- L. **Variance (minor):** A variance that does not qualify as a major variance.
- M. **Water Dependent Structure:** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.
- N. **Watershed:** The entire land area within the Town of Selma's planning jurisdiction which contributes surface drainage to the water supply intake of any water treatment plant. See the map of zoning districts.

**Street:** A public street or a street with respect to which an offer of dedication has been made. See also section Appendix B under "Street Classification."

## Article II. Definitions

**Street, Half:** A street whose centerline coincides with a subdivision plat boundary, with one half (1/2) or less of the street right-of-way width being contained within the subdivision plat.

**Street Right-of-Way:** A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the Town or NCDOT, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication facilities.

**Structure:** Anything constructed, erected, or placed which requires location on the ground or attachment to something having a fixed location on the ground, including, but not limited to, principal and accessory buildings, signs, fences, walls, monuments, bridges, and towers. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

- A. Gas pumps and overhead canopies or roofs; and
- B. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque.

**Subdivision:** The division of a tract of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future, residential or commercial) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter;
- B. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for widening or opening of streets or for public transportation system corridors; or
- D. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter

## Article II. Definitions

**Temporary Building or Structure:** Any building of an impermanent nature, or which is designed for use for a limited time, including any tent or canopy.

**Temporary Emergency, Construction, or Repair of Residence:** A residence (which may be a manufactured home) that is:

- A. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster;
- B. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or
- C. Located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

**Temporary Event:** An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization that is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events and other similar activities.

**Temporary Storage Facility (portable storage facility):** A portable container for the temporary storage of personal property, often moved by truck.

**Tenant:** Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

**Thoroughfare Plan:** The official plan adopted by the Town for the development of existing and proposed streets.

**Tiny House:** A single family detached home that is 200 to 600 square feet in size (not including any loft space) and complies with the N.C. State Building Code(s). A tiny house on wheels for permanent or temporary occupancy is considered a Recreational Vehicle.

**Tourist Home:** A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee, not including boarding houses.

**Town:** The Town of Selma.

**Town Council:** The Town of Selma Council.

**Tower:** Any structure whose principal function is to support an antenna.

Article II. Definitions

**Townhouse Dwelling:** See "Residence, Multi-Family Townhouses."

**Townhouse Lot:** A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse.

**Tract:** See, "lot." The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

**Trees, Canopy.** Canopy trees shall be of a species having minimum height of eight feet at planting and a minimum mature height of at least thirty (30) feet and a crown spread of at least twenty (20) feet. At the time of planting, the tree shall have a minimum caliper of one (1) inch measured at four (4) feet above ground.

**Trees, Understory.** Understory trees shall be of a species having a minimum height of four (4) feet at planting and a minimum mature crown spread of twelve (12) feet. At the time of planting, the tree shall have a minimum caliper of one-half (1/2) inch measured at two (2) feet above ground. At maturity, understory trees shall be thirty (30) feet or less in height.

**Uncover:** The removal of groundcover from, on, or above the soil surface

**Usable Open Space:** See section 17-1202, "Usable Open Space."

**Use:** The purpose or activity for which land or structures is designed, arranged, or intended, or for which land or structures are occupied or maintained.

**Use(s), Accessory:** A structure or use that:

- A. Is clearly incidental to and customarily found in connection with a principal building or use;
- B. Is subordinate to and serves a principal building or a principal use;
- C. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- D. Contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and
- E. Is located on the same zone lot as the principal building or use served.

**Use, Mixed:** See "Mixed Use."

**Use(s), Principal:** The primary purpose or function that a lot or structure serves or is proposed to serve.

## Article II. Definitions

**Utility Easement:** An easement which grants to a governing body or other utility providers the right to install and thereafter maintain all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and communication systems.

**Utility Facilities:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by G.S. § 62.3 and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in Section 17-406.

**Variance:** A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he or she could not otherwise legally do.

**Vehicle Accommodation Area:** That portion of a lot that is used by vehicles for access, circulation, parking and loading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

**Waiver:** Official permission from any designated body, other than the board of adjustment, to depart from the requirements of this chapter.

**Wall, Retaining:** A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

**Warehouse:** Storage of goods and materials for either commercial or industrial activity.

**Wholesale Sales:** On premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Waste:** Surplus materials resulting from on-site construction and disposed of at other locations.

### **Wireless Definitions:**

- A. Antenna:** Communication equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communication services.

## Article II. Definitions

- B. Base Station:** A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.
- C. Collocation:** The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.
- D. Eligible Facilities Request:** A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.
- E. Equipment Compound:** An area surrounding or near the base of a wireless support structure within which a wireless facility is located.
- F. Fall Zone:** The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
- G. Search Ring:** The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.
- H. Substantial Modification:** The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below at 1) through 3). The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.
- 1) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
  - 2) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

## Article II. Definitions

- 3) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
- I. **Utility Pole:** A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.
- J. **Verifiable Technical Evidence:** Such proof includes but is not limited to independently verifiable propagation studies including modeling data, drive tests and field tests.
- K. **Water Tower:** A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.
- L. **Wireless Facility:** The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic facility. This use and definition does not include amateur radio antennas and towers and antennas owned and operated by a government agency. See "Amateur Radio Antenna".
- M. **Wireless Support Structure:** A new or existing structure, such as a monopole, lattice tower or guyed tower, that is designed to support or capable of supporting wireless telecommunication facilities. A utility pole is not a wireless support structure.

**Yard:** A required open space other than an interior courtyard, and including space created by any required setbacks, which is unoccupied and unobstructed by any structure or portion of a structure, if fences and other customary yard accessories may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility or any other requirement of this Chapter.

**Yarding.** The practice of proving chickens or other domestic fowl with a fenced yard in which animals can freely roam outside of their coop.

**Zoning District:** An area defined by this chapter and delineated on the official zoning map, in which the requirements for the use of land, and building, and development standards are prescribed.

**Zoning Vested Right:** A right pursuant to G.S. 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

**Note—** Individual sections of this chapter may contain definitions specific to that section.

## Article II. Definitions

### **Sec. 17-201. Lots Divided by District Lines.**

Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within the larger portion of the lot lines shall apply to the entire lot.

Whenever a single lot greater than two acres in size is located within two or more zoning districts, then:

- A. If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.
- B. If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

This section applies only to lots created on or before the effective date of this chapter unless the Board of Adjustment, in a proceeding under section 17-1404, "Interpretations," to determine district boundaries, concludes that a lot established after the effective date of this section was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this section.

**Secs. 17-202 through 17-299. Reserved.**



## ARTICLE III - ZONING DISTRICTS AND ZONING MAP

PART 1 – ZONING DISTRICTS.....	2
Sec. 17-300. Establishment and Intent of Zoning Districts. ....	2
Sec. 17-301. Residential – Agriculture District Established. ....	2
Sec. 17-302. Low Density Residential District Established.....	2
Sec. 17-303. Medium Density Residential District Established.....	2
Sec. 17-304. High Density Residential District Established. ....	2
Sec. 17-305. Transitional Residential District Established. ....	3
Sec. 17-306. Mobile Home Park Residential District Established. ....	3
Sec. 17-307. Commercial Districts Established. ....	3
Sec. 17-308. Planned Unit Development District Established. ....	4
Sec. 17-309. Industrial Districts Established. ....	4
Sec. 17-310. Conditional Zoning Districts Established .....	5
Sec. 17-311. Overlay Districts Established. ....	6
Sec. 17-312 through 17-349. Reserved.....	6
PART 2 - ZONING MAP .....	6
Sec. 17-350. Official Zoning Map. ....	6
Sec. 17-351. Amendments to Official Zoning Map. ....	7
Sec. 17-352 through 17-399. Reserved.....	7

**ARTICLE III - ZONING DISTRICTS AND ZONING MAP**

**PART 1 – ZONING DISTRICTS**

**Sec. 17-300. Establishment and Intent of Zoning Districts.**

The town and its extraterritorial planning jurisdiction are hereby divided into zoning districts as enumerated in this Article. These are sometimes referred to as the “general use” districts. The use regulations and intensity regulations applicable for such zoning districts are designated in Article IV of this Chapter.

**Sec. 17-301. Residential – Agriculture District Established.**

The Residential-Agriculture (RA) District is hereby established primarily for agricultural and forest related purposes as well as to insure residential development of appropriate intestates that is compatible with agriculture. The regulations of this district are intended to help maintain the uses of the property in a relative open and minimally developed state.

**Sec. 17-302. Low Density Residential District Established.**

The Low Density Residential R20 District is established to allow primarily single family residential development at low intensities that are consonant with the suitability of land, accessibility to major activity centers, and transportation systems, and are compatible with surrounding development.

**Sec. 17-303. Medium Density Residential District Established.**

The Medium Density Residential R10 District (RMD) is established to allow a mixture of single family, duplex, triplex and townhouse residential development at intensities between those of the R-10 and R-8 zoning districts that are consonant with the suitability of land, accessibility to major activity centers, and transportation systems, and are compatible with surrounding development.

**Sec. 17-304. High Density Residential District Established.**

The High Density Residential R8 District (RHD) is established to allow primarily multi-family residential developments (including apartments, mobile home parks and town houses at high intensities that are consonant with the suitability of land, accessibility to major activity centers, and transportation systems, and are compatible with surrounding development. Further, this

district is intended to allow for the development of a compatible combination of residential dwellings in areas that have public services and are suitable for high-density development.

**Sec. 17-305. Transitional Residential District Established.**

The Transitional Residential District (TR) is established to allow mixed residential and commercial establishments to co-exist while maintaining the scale and density of the original residential neighborhoods. This district is intended to allow for the conversion of older homes from residential to office and appropriate commercial uses in order to encourage historic preservation and orderly transition of uses in areas whose character is gradually changing from residential use to mixed residential and commercial uses.

**Sec. 17-306. Mobile Home Park Residential District Established.**

The Mobile Home Park Residential District (MHP) is established as a district in which the principal use of the land is for manufactured homes and manufactured home parks.

**Sec. 17-307. Commercial Districts Established.**

The following commercial districts are hereby established: **IN, NB, CB, GB AND IB.**

- A. The **IN (Institutional and Office) District** office and public and private institutional uses no offensive noises, odors, smoke, fumes or other objectionable conditions. As residences are permitted in this district and as this district is usually adjacent to residential districts, provisions are made for yards, off-street parking, off-street loading areas, and safe pedestrian access and connectivity.
- B. The **NB (Neighborhood Business) District** is established primarily for those businesses that will serve the local community or neighborhood commercial needs. The NB District accommodates business uses accessible to and harmonious with adjacent residential uses.
- C. The **CB District (the Central Business District)** is established to provide for the continued existence and enhancement of compact, pedestrian-oriented development that will result in the most intensive, vital and attractive use of the town's central business district. This district also allows for a limited number of dwelling units as accessory uses to principal commercial uses.

## Article III - Zoning

- D. The **GB District (the General Business District)** is established primarily for those commercial centers town-wide or regional commercial needs, require large areas for display of goods and are not oriented to the pedestrian shopper. Because this district is generally located adjacent to main thoroughfares where it is subject to public view, uses within the district should provide an appropriate appearance, ample parking, suitable landscaping, and safe pedestrian access and connectivity.
- E. The **IB (Interstate Business District)** is established to provide for the orderly development of land for appropriate commercial and lodging areas that serve the needs of the traveling public on the Interstate Highway 95, particularly at interchanges with major arteries leading to the Town.

### **Sec. 17-308. Planned Unit Development District Established.**

Two Planned Unit Development Districts (PUD Districts) are hereby established. The purpose of the PUD Residential District is to provide opportunities for larger scale integrated developments and for the opportunity to undertake mixed-use development. See Sec. 17-552, "Planned Unit Development-Residential," for the detailed requirements. The purpose of the PUD Business and Industrial District is to provide opportunities for larger scale, integrated non-residential developments and for the opportunity to undertake primarily non-residential mixed-use development. See Sec. 17-553 "Planned Unit Development-Business and Industrial" for the detailed requirements. The Planned Unit Development districts are conditional zoning districts. See Sec. 17-310, "Conditional Zoning Districts Established."

### **Sec. 17-309. Industrial Districts Established.**

The following industrial districts are hereby established: I-1 and I-2.

- A. The **Industrial-1 District (the I-1 District)** is established as a district in which the principal use of land is for industries that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. The regulations of this district are designed to prohibit the use of land by heavy industry, which should be properly separated, and to prohibit any other use that would substantially interfere with the development of industrial establishments in the District.
- B. The **I-2 District (the Industrial-2 District)** is established as a district in which the principal use of the land is for heavy industries that, by their nature, may create some nuisance and which are not properly associated with or compatible with residential and commercial establishments.

Article III - Zoning

- C. Performance standards for both the I-1 and I-2 districts are set forth in Article V, Part 3, "Manufacturing/Processing Performance Standards," of this Chapter.

**Sec. 17-310. Conditional Zoning Districts Established**

Conditional zoning districts are hereby established. Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. Instead, these districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. The process for approval of a Conditional Zoning District is provided in Article XVII, Part 2, "Conditional Zoning District Rezoning." The following zoning district categories are conditional zoning districts:

- A. Parallel conditional zoning districts. A parallel conditional zoning district is a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general district having a parallel designation or name. These zones are designated on the zoning map with a "C" after the general zoning designation. For example, the parallel conditional zoning district for Mobile Home Park Residential (MHP) district is MHP-C. The following parallel conditional use zoning districts are established:

NAME	SYMBOL
Residential-Agriculture	RA-C
Low Density Residential R-20	R-20-C
Medium Density Residential R-10	R-10-C
High Density Residential R-8	R-8-C
Transitional Residential	TR-C
Mobile Home Park Residential	MHP-C
Institutional and Office	IN-C
Neighborhood Business	NB-C
Central Business	CB-C
General Business	CB-C
Interstate Business	IB-C
Industrial 1	I-1-C
Industrial 2	I-2-C

Article III - Zoning

Planned Unit Development – Residential	PUD-R
“ “ “ - Business	PUD-B
“ “ “ - Industrial	PUD-I

- B. The PUD District may only be applied and used as a parallel conditional use district. The PUD districts are overlay districts. The PUD districts area “floating” zoning district that only applies to a geographic area upon approval of a rezoning. See sections 17-552 and 17-553.

**Sec. 17-311. Overlay Districts Established.**

The districts in this section overlay the districts enumerated in sections 17-300 through 17-310 are hereby established and shall provide for additional standards and/or review of development in accordance with the standards of this Chapter. Overlay Districts include:

- A. Historic Districts (HD).
- B. Water Supply Watershed Protection District (WPD). The Water Supply Watershed Protection Overlay District is hereby established as an overlay district. The regulations for the district are provided in section 17-422 "Water Supply Watershed Protection District Regulations."

**Sec. 17-312 through 17-349. Reserved.**

**PART 2 - ZONING MAP**

**Sec. 17-350. Official Zoning Map.**

- A. There shall be a map known and designated as the official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map may be either (i) drawn on acetate or other durable material from which prints can be made, or (ii) produced on a software program containing data created or verified by the Planning Director.
- B. The official zoning atlas shall be authenticated by the planning director and shall be retained in the office of planning and zoning and the Johnston County Geographical Information System Office.
- C. Amendments to this map shall be made and posted in accordance with Art. XVII

Article III - Zoning

Amendments.

- D. The official Zoning Map shall be interpreted in accordance with Art XIV, Part 1. Interpretations, Appeals, Variances.

**Sec. 17-351. Amendments to Official Zoning Map.**

- A. Amendments to the official Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article XVII, "Amendments."
- B. The Administrator shall update the official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering such amendment on the map, the Administrator shall change the date of the map to indicate its latest revisions. New prints of the updated map may then be issued.
- C. No unauthorized person may alter or modify the official Zoning Map.
- D. The Planning Department may keep superseded versions of the official Zoning Map for historical reference.

**Sec. 17-352 through 17-399. Reserved.**



ARTICLE IV – PERMISSIBLE USES

ARTICLE IV – PERMISSIBLE USES..... 1

Part 1. – GENERAL ZONING DISTRICT PERMISSIBLE USES ..... 3

Sec. 17-400. Intent..... 3

Sec. 17-401. Table of Permissible Uses. .... 3

Sec. 17-402. Use of the Designations P or SUP in Table of Permissible Uses. .... 3

Sec. 17-403. Town Council Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit. ... 3

Sec. 17-404. Permissible Uses and Specific Exclusions. .... 4

Sec. 17-405. Accessory Uses. .... 6

Sec. 17-406. Permissible Uses Not Requiring Permits..... 8

Sec. 17-407. Change in Use..... 8

Sec. 17-408. Combination Uses..... 9

Sec. 17-409. More Specific Use Controls..... 10

Sec. 17-410 Table of Permitted Uses..... 11

Sec. 17-411 through 17-419. Reserved. .... 30

Part 2 - OVERLAY DISTRICTS ..... 30

Sec. 17-420. Historic Districts. .... 30

Sec.17-421. Reserved. .... 44

Sec. 17-422. Water Supply Watershed Protection District ..... 44

Sec. 17-423. through 17-429. Reserved. .... 59

Part 3. - DENSITY AND DIMENSIONAL REGULATIONS ..... 60

Sec. 17-430. Table of Density and Dimensional Regulations. .... 60

Sec. 17-431. Principal Buildings and Accessory Buildings. .... 68

Sec. 17-432. Minimum Lot Area. .... 68

Sec. 17-433. Maximum Impervious Surface Ratio Per Lot or Property..... 68

Sec. 17-434. Minimum Lot Widths. .... 68

Sec. 17-435. Building Setback Requirements. .... 69

Sec. 17-436. Accessory Building Setback Requirements. .... 70

Sec. 17-437. Swimming Pool Setback Requirements. .... 71

Sec. 17-438. Building Height Limitations. .... 71

Sec. 17-439 through 17-440. Reserved. .... 72

Sec. 17-441. Density on Lots Where Portion Dedicated to Town. .... 72

Article IV. Permissible Uses

Sec. 17-442. through 17-449. Reserved ..... 73

Part 4. TEMPORARY USES ..... 74

Sec. 17-450. Purpose. .... 73

Sec. 17-451. Approval Criteria. .... 73

Sec. 17-452. Real Estate Development and Construction-Related Temporary Uses. .... 74

Sec. 17-453. No Recreational Vehicles. .... 75

Sec. 17-454. Amusement Enterprises. .... 75

Sec. 17-455. Religious Events. .... 75

Sec. 17-456. Special Events and Activities. .... 75

Sec. 17-457. Similar and Compatible Uses Not Specified. .... 75

Sec. 17-458 through 17-499 Reserved. .... 76

**Part 1. – GENERAL ZONING DISTRICT PERMISSIBLE USES**

**Sec. 17-400. Intent.**

It is the intent of this article to provide standards for land uses in accordance with the comprehensive plan and other development policies of the Town Council, and to promote the organization of land uses to minimize conflicts between different types of land use activities while recognizing the Town's need for diverse activities.

**Sec. 17-401. Table of Permissible Uses.**

- A. The Table of Permissible Uses is hereby established. For convenience, this Table is set forth at the end of this Part 1.
- B. The Table of Permissible Uses should be read in close conjunction with the definitions set forth in Article II and the other interpretive provisions set forth in this Article.
- C. If the Table of Permissible Uses and any provision of Article IV, Part 2. "Overlay Districts and Supplementary Use Regulations," conflict, the Table of Permissible Uses shall control.

**Sec. 17-402. Use of the Designations P or SUP in Table of Permissible Uses.**

- A. Subject to Section 17-403 when used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a certificate of zoning compliance issued by the Land Use Administrator; the letters "SUP" means a special use permit must be obtained from the Town Council. A section number listed in the column labelled "SUPP STANDARD" means that the use is permitted if the conditions in the corresponding section are met, and the letters "PC" means a means that a proposed use meets the conditions of this Article, and particularly those conditions specific to individual uses listed in each row in the Table of Permitted Uses. (For example, use number 1.330. "Multi-family apartments" must meet the use listed in Section 17-548).
- B. Use of the designation "SUP" for combination uses (use 30.000) is explained in Section 17-408, "Combination Uses."

**Sec. 17-403. Town Council Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit.**

Notwithstanding any other provisions of this Article, whenever the Table of Permissible Uses (interpreted in the light of section 17-402 and the other provisions of this Article) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the Administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the public. In making this determination, the Administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

**Sec. 17-404. Permissible Uses and Specific Exclusions.**

- A. The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one zoning district in the Town's planning jurisdiction. Therefore, because the list of permissible uses set forth in section 17-410 (the Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
- B. Notwithstanding subsection (A), all uses that are not listed in section 17-410 (the Table of Permissible Uses), even given the most liberal interpretation, the Planning Director shall follow the procedure below at C) "Unlisted Uses".
- C. Unlisted Uses:
  - 1. Procedure for Approving Unlisted Uses. Where a particular use category or use type is not specifically allowed under this Ordinance and is also not prohibited or restricted by this Ordinance, the Planning Director may permit the use category or type if the criteria of subsection (2) below are met. The Planning Director shall give due consideration to the intent of this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
  - 2. Criteria for Approving Unlisted Uses. In order to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- a) The volume and type of sales(retail and wholesale), size and type of items sold and nature of inventory on the premises;
  - b) Any processing done on the premises (including assembly, manufacturing, warehousing, shipping, distribution), any dangerous, hazardous, toxic, or explosive materials used in the processing;
  - c) The nature and location of storage and outdoor display of merchandise (enclosed, open, inside or outside the principal building) and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
  - d) The type, size and nature of buildings and structures;
  - e) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
  - f) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site;
  - g) 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 uses;
  - h) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
  - i) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
  - j) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.
3. Determination by the Planning Director; Effects. All determinations by the Planning Director made pursuant to subsection (2) above shall be in writing. In making the determination described in subsection (2) above, the Planning Director shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion and reference to this Ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on

such proposed amendment, the determination of the Planning Director shall be binding on all officers and departments of the Town. If no amendment is initiated, the Planning Director's determination shall thereafter be binding on all officers and departments of the Town, without further action or amendment of this Ordinance.

4. Appeal of Determination of the Planning Director. The determination of the Planning Director may be appealed to the Zoning Board of Adjustment pursuant to the procedures set forth in Section 17-1400 of this Ordinance.
5. Prohibited Uses. Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
  - a) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the Town's fire prevention code or this Chapter. See Section 17-534 "Explosives Use and Storage of";
  - b) Except as provided by this ordinance, salvage yards, junk yards and all other types of recycling facilities;
  - c) Use of a recreational vehicle as a temporary or permanent residence. (Situations that do not comply with this subsection on the effective date of this ordinance (April 13, 2004) are required to conform within one year of the effective date of this ordinance); and
  - d) Except for roadside stands which are permitted subject to sections 17-548 Mobile Food Vendor (food trucks) and 17- 555 Roadside Stands, use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. Situations that do not comply with this subsection on the effective date of this ordinance are required to conform within thirty (30) days.

#### **Sec. 17-405. Accessory Uses.**

- A. Section 17-410 (the Table of Permissible Uses) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in the table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi- family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a permit.

B. For purposes of interpreting subsection A.:

1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
2. To be “commonly associated” with a principal use, it is not necessary for an accessory use to relate to such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. Without limiting the generality of subsections A. and B., the following activities, so long as they satisfy the general criteria set forth above and any supplementary standards listed in Article IV, Part 1 are specifically regarded as accessory to residential principal uses:
  - a) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
  - b) Hobbies or recreational activities of a noncommercial nature;
  - c) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling;
  - d) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any ninety (90) day period;
  - e) Swimming pools (See supplemental standards at Section 17-563;
  - f) Retaining walls and fences;
  - g) Temporary health care structures (See supplemental standards at section 17- 563;
  - h) Family child care home (N.C. regulations apply; (See supplemental standards at section 17-535;
  - i) Solar-energy or wind-energy generating facilities meeting the standards of N.C. Gen. Stat. Sec. 160A
  - j) Temporary storage facilities (See supplemental standards at section 17-564; and
  - k) Temporary health care structures (granny pods) (See supplemental standards at section 17-563.

C. Without limiting the generality of subsections (A) and (B), the following activities shall not be regarded

as accessory to a residential principal use and are prohibited in residential districts and on properties that are used primarily for residential purposes (i.e. a single-family detached dwelling in the GB zoning district):

1. The raising or keeping of four (4) or more dogs and/or four (4) cats six (6) months or older.
2. The raising and keeping of six (6) or more bee hives.

**Sec. 17-406. Permissible Uses Not Requiring Permits.**

Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

- A. Streets;
- B. Electric power, telephone, telegraph, cable television, gas, water, sewer and other utility lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
- C. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (State or Town) of the right-of-way; and
- D. Household Pets. Household pets are permitted in all zoning districts where residences are permitted and within residences that are lawful nonconforming uses. Household pets include, but are not limited to, dogs, cats, rabbits, gerbils, hamsters, parakeets, parrots, and cockatiels, provided they are not raised for commercial purposes. Household pets do not include chickens or domestic fowl. A maximum of five (5) household pets or five (5) bee hives are allowed per residence.

**Sec. 17-407. Change in Use.**

- A. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
  1. The change involves a change from one principal use category to another;
  2. If the original use is a combination use or planned development, the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned development changes to such an extent that the parking requirements for the overall use are altered;
  3. If the original use is a combination use or planned development use, the mixture of types of individual principal uses that comprise the combination use or planned development use changes;

4. If the original use is a planned residential development, the relative proportions of different types of dwelling units change; or
  5. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store that does not constitute a change in use because both tenants fall within principal use classification 2.120. For a second example, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (i.e. a shopping center, which is a combination use) has not changed.
- B. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned. In the case of nonresidential uses, if the property has been unoccupied for more than 180 consecutive days or abandoned, a new zoning, special use permit must be obtained before property may be occupied again.
- C. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.
- D. A change in use as defined by the N.C. Building Code.

**Sec. 17-408. Combination Uses.**

- A. When a combination use comprises two or more principal uses that require different types of permits (zoning or special use permit), then the permit authorizing the combination use shall be:
1. A special use permit if any of the principal uses combined requires a special use permit.
  2. A zoning permit in all other cases.

This is indicated in the Table of Permissible Uses by the designation "P / SUP" in each of the columns adjacent to the 30.000 classification.

- B. Unless otherwise provided elsewhere in this ordinance, when a combination use consists of a single-family detached residential subdivision where a portion is dedicated to the owners and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the

developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

- C. For uses only in section 17-422 "Water Supply Watershed Protection District" the total density permissible on the entire tract when a single-family detached cluster subdivision is combined with two-family or multi-family uses is determined by dividing the area of the tract by the minimum square footage per dwelling unit in Sections 17-430 "Table of Density and Dimensional Regulations" and 17-432, "Minimum Lot Area"

**Sec. 17-409. More Specific Use Controls.**

Whenever a development could fall within more than one use classification in section 17- 410 (the Table of Permissible Uses), the classification that most closely and most specifically describes the development shall control. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130 (offices or clinics of physicians or dentists with not more than a 10,000-square foot building footprint) more specifically covers this use and is, therefore, controlling.

Sec. 17-410 Table of Permitted Uses.

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	NB	CB	GB	IB	I 1	I 2	SUPP STANDARD
<b>1.000 DWELLINGS AND TEMPORARY RESIDENCES</b>															
1.110 Single-family detached, one dwelling unit per lot															
1.112 Site-built dwelling	P	P	P	P	P				P	P					
1.113 Modular dwelling	P	P	P	P	P				P	P					
1.114 Class A manufactured home	P	P													17-544
1.115 Class B manufactured home															17-544
1.116 Tiny Houses				P											17-565
1.120 Manufactured Home Park (includes Class AA, A and B manufactured homes)						SUP									17-544
<b>1.200 Two-family residences</b>															
1.210 Primary residence with accessory dwelling unit	P	P	P	P	P				P	P					
1.210 Duplex		P	P	P	P				P	P					
<b>1.300 Multi-family residences</b>															
1.310 Multi-family conversion			SUP	P					P	P					17-590 (1)
1.320 Multi-family townhomes			SUP	P					P	P					17-550
1.330 Multi-family apartments			SUP	P	P			P	P	P					17-550
1.340 Dwelling over business									P	P	P				17-532
<b>1.400 Congregate Living Homes</b>															
1.410 Family Care (Group) Home	P	P	P	P	P	P	P	P	P	P	P				17-535
1.430 Maternity home		P	P	P		P		P	P	P					
1.440 Nursing care home up to 8 people (see 7.200 for larger nursing homes)		P	P	P	P			P	P		P				

(1) Long-term maintenance standards beginning at 17-590 apply to industrial, commercial and multi-family residential.

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
1.450 Housing Facility for Older Persons				SUP				P		SUP	P				17-540
1.500 Temporary residences and boarding houses															
1.510 Hotel/Motel								P		P	P	P			
1.520 Tourist home								P		P	P	P			
1.530 Bed and breakfast			SUP	P	P			P		P	P	P			17-523
1.540 Boarding house			SUP	SUP	SUP			SUP			P	SUP			
1.550 Health Care Structure (Temp) / Granny Pod	P	P	P	P	P	P			P	P	P				17-563
1.600 Homes emphasizing services, treatment or supervision															
1.610 Temporary homes for the homeless				SUP	SUP			SUP			SUP				
1.620 Overnight shelters for the homeless				SUP	SUP			SUP			SUP				
1.700 Home occupations	P	P	P	P	P	P	P	P	P	P	P				
1.800 Residential dwelling unit accessory to a commercial use													P	P	17-532
2.000 RETAIL AND WHOLESALE SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT															
2.100 No storage or display of goods outside fully enclosed building															
2.110 Retail sales or rentals with high-volume traffic generation										P	P	P			17-554
2.111 ABC stores									P	P	P	P			

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
2.112 Convenience stores (no gasoline sales)					P				P	P	P	P			17-530
2.113 Convenience stores (including gasoline sales)									P	P	P	P			17-530
2.114 Operations designed to attract and serve customers or clients on the premises, such as banks, or the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings,					P		P	P	P	P	P				
2.115 Banks with drive-thru								P	P	P	P	P			
2.116 Taxi Stands									P	P	P	P			
2.120 Retail sales or rentals with low-volume traffic generation					P				P	P	P	P			17-554
2.130 Wholesale sales (does not include bulk petroleum stations)											P	P		P	
2.140 Bulk petroleum stations														SUP	17-525
2.150 Drive-through windows									P	P	P	P			
2.160 Retail sales with subordinate manufacturing and processing											SUP	SUP	P		17-554
2.170 Auction hall									P	P	P	P			
2.180 Farm equipment sales and service										P	P			P	
2.200 Display of goods outside fully enclosed building (2)															17-554, 17-560
2.210 Retail sales or rentals with high-volume traffic generation									SUP		P	P			17-554, 17-560
2.220 Retail sales or rentals with low-volume traffic generation									P	P	SUP	P			17-554, 17-560
2.230 Wholesale sales (does not include bulk petroleum stations)											P	P			17-554, 17-560

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
2.240 Bulk petroleum stations														SUP	17-525, 17-554
2.250 Drive-through windows									P	P	P	P	P		
2.260 Farm equipment sales and service											P	P	P	P	17-554, 17-560
2.300 Storage of goods outside fully enclosed building [Storage as a principal use is 10.300]															
2.310 Retail sales or rentals with high-volume traffic											P	P	P		17-554, 17-560
2.320 Retail sales or rentals with low-volume traffic											P	P	P		17-554, 17-560
2.330 Wholesale sales (does not include bulk petroleum stations)											P	P	P		17-554, 17-560
2.340 Bulk petroleum stations														SUP	17-525, 17-560
2.350 Drive-through windows									P	P	P	P			
2.360 Farm equipment sales and service									P	P	P	P			17-554, 17-560
<b>3.000 OFFICE USES</b>															
3.100 All operations conducted entirely within a fully enclosed building, or partially within a fully enclosed building															
3.110 Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.	SUP							P	P	P	P	P	SUP	SUP	

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	SUP							P	SUP	P	P	P	SUP	SUP	
3.130 Offices or clinics of physicians or dentists with not more than a 10,000 square foot building footprint								P	P	P	P	P			
3.140 Government uses (except utilities) for or by local, state or U.S. (includes USPS)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
3.150 Governmental facilities, not listed elsewhere	SUP							SUP							

4.000 MANUFACTURING OR ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT; FREIGHT TERMINALS															See Part 3, Sec 17-580, etc. for standards applying to all 4.000 uses
4.100 Manufacturing, processing, creating or assembling of goods, merchandise and equipment															
4.110 All operations conducted entirely within a fully enclosed building(s)													P	P	
4.120 Operations conducted within or outside a fully enclosed building(s)													P	P	

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
4.200 Stone, clay and glass products manufacturing,													SUP	P	
4.300 Textile manufacturing, nonwoven (excludes dyeing plants)													P	P	
4.400 Fabricated metal products manufacturing													SUP	P	
4.500 Bottling or Canning Plants													P	P	
4.600 Electronic Equipment Manufacturing													P	P	
4.700 Freight terminals															
4.710 Trucking terminals													SUP	SUP	
4.720 Railroad freight yards, terminals classification yards													P	P	
4.800 Micro-brewery, Winery, Distillery										SUP	SUP	P			17-547
5.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC-SOCIAL, AND FRATERNAL USES															
5.100 Schools															
5.100 Elementary and secondary (including associated grounds and athletic and other facilities)	SUP	SUP	SUP	SUP	P			P	P	P	P	SUP	SUP		
5.120 Trade or vocational schools								P			P	SUP	SUP		
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)								P			P	SUP			

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	NB	CB	GB	IB	I1	I2	SUPP STANDARD
5.200 Churches, synagogues, mosques, temples and other religious buildings (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)	P	P	P	P	P			P	P	P	P	P			
5.300 Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)															

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
5.310 Located within a building designed and previously occupied as a residence or within a building having a building footprint not exceeding 3,500 square feet		SUP	SUP	SUP				P	P	P	P	P			
5.320 Located within new building designed for this use				SUP				P	P	P	P	P			
5.400 Social or fraternal clubs and lodges, union halls, and similar uses		SUP	SUP	SUP				P	P	P	P	P			
6.000 RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100 Activity conducted entirely within a building(s) or substantial structure(s)															
6.110 Bowling alleys, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities, boxing gyms and similar uses									SUP	P	P	P			
6.120 Game rooms, billiard halls and pool halls									SUP	SUP	P	P			
6.130 Movie theaters															
6.131 Seating capacity for 300 or less									P	P	P	P			
6.132 Seating capacity of more than 300										SUP	P	P			

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
6.140 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 500 people								SUP		SUP	SUP	SUP			
6.150 Community Center - stand alone indoor facility providing for one or several of various types of recreational uses, including but not limited to gymnasiums, swimming pools, indoor court areas, meeting and activity rooms, and other similar uses								P	P	P	P	P	P	P	17-561
6.160 Shooting Range, Indoor															
6.170 Electronic Gaming Operations--contact Planning Department															17-533
6.180 Other Entertainment Establishments									SUP	SUP	P	P			
6.200 Activity conducted primarily outside enclosed buildings or structures															
6.210 Golf courses, not constructed pursuant to a permit authorizing the construction of some residential development (does not include miniature golf courses, par 3 golf courses or golf driving ranges as accessory uses)	P	P													17-539

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
6.220 Outdoor recreational facilities such as swimming pools, tennis courts, athletic fields, parks, etc. not constructed pursuant to a permit authorizing the construction of some residential development or a public use such as a school		SUP	SUP	SUP				SUP		SUP	SUP	SUP			17-561
6.221 Town of Selma owned and operated facilities	P	P	P	P		P		P		P	P	P	P	P	
6.222 Facilities owned and operated by public entities other than Town of Selma.		P	P	P				P		P	P	P			
6.230 Golf driving range not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, or other similar uses	P	P						P		P	P	P			
6.250 Horseback riding stables (not constructed pursuant to permit authorizing residential development)	P	P													
6.270 Shooting Range, Outdoor	SUP	SUP								SUP	SUP	SUP	SUP	P	17-551
6.280 Other Outdoor Entertainment Establishments-															
7.000 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES															

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities								P			P	SUP			
7.200 Institutions Other (not group homes); no mentally ill patients, i.e. orphanages, nursing care institutions; more than 9 people (includes child care institutions)								SUP			P	SUP			
7.300 Institutions (other than group homes) where mentally ill persons are confined								SUP			SUP	SUP			
8.000 RESTAURANTS, BARS, NIGHT CLUBS															
8.100 Restaurants															
8.110 No substantial take-out or delivery service, no drive-in service, no service or consumption outside a fully enclosed structure									P	P	P	P			
8.120 No substantial take-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure allowed										P	P	P			
8.130 Take-out and delivery service, consumption outside fully enclosed structure allowed									P	P	P	P			

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
8.140 Take-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed									P	P	P	P			
8.150 Entertainment Restaurant									P	P	P	P			
8.160 Micro-brewery, craft winery or craft distillery w/food service										SUP	SUP	P			17-547
8.200 Bars, Clubs											SUP	P			17-522
9.000 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS															
9.100 Motor vehicle sales or rental; manufactured home sales or rental															
9.110 Motor vehicle sales or rental											P	P			
9.120 Manufactured home sales or rental											P	P			
9.200 Sales and installation of motor vehicle parts or accessories (e.g. tires, mufflers, etc.), but no significant repair work									P		P	P	P		17-549
9.300 Motor vehicle repair and maintenance, not including substantial body work									P		P	P	P		17-549
9.400 Motor vehicle painting and body work											P	P	P		17-549
9.500 Gas sales									P		P	P	P		17-525

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
9,600 Car wash											P	P	P		
10,000 STORAGE AND PARKING	See 2,200--this is storage as a principal use														
10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related								P	P	P	P	P	P	P	
10.200 Parking lots not located on a lot on which there is another principal use to which the parking is related								P	P	P	P	P			
10.300 Storage of goods on a lot other than where they are sold or used															
10.310 All storage within completely enclosed structures									SUP		P	P	P	P	
10.320 Storage inside or outside enclosed structures											SUP	P	P	P	
10.330 Outside rental storage space(s) and/or under-shelter rental storage space for boats, campers, motorized recreation vehicles (such as ATVs) and recreational vehicles (i.e. motor homes, travel trailers, etc.)											P	P	P	P	

17-560 applies to all 10,000 uses

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
10.400 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot													P	P	
10.500 Recreational Vehicle Park	P	P										P			
11.000 SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTO-MOBILE GRAVEYARDS													SUP	SUP	17-569
12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS															
12.100 Veterinary Hospital or Clinic										P	P	P	P		17-541
12.200 Animal Boarding Facility											P	P	P		17-541
12.300 Kennel															
12.310 Kennel, large	P												SUP	SUP	17-541
12.320 Kennel, small	P												SUP	SUP	17-541
12.400 Animal Grooming Service											P	P	P		17-541
12.500 Other Animal Related Services Not Elsewhere Defined	P												SUP	SUP	17-541
13.000 Reserved.															
14.000 AGRICULTURAL, COMMERCIAL GREENHOUSE, FORESTRY, MINING AND QUARRYING OPERATIONS															

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
14.100 Agricultural operations															
14.110 Excluding livestock	P	P											SUP		
14.120 Including livestock	P	SUP											SUP		17-543
14.200 Commercial greenhouse operations; plant nurseries															
14.210 No on-premises sales	P										P	P	P		
14.220 On-premises sales permitted	P										P	P	SUP		
14.300 Forestry, including pine straw harvesting	P	P										P	P		17-538
14.400 Mining or quarrying operation, including on-site sales of products															
14.410 Sandpit	SUP												SUP	SUP	
14.420 All other	SUP												SUP	SUP	
14.500 Green Energy Generation															
14.510 Solar Farm	SUP												SUP	SUP	17-559
14.520 Wind Farm	SUP												SUP	SUP	17-568
15.000 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES															
15.100 Airport													SUP	SUP	
15.200 Military Reserve, National Guard centers											P	P	P		
15.300 Landfills and recycling centers															

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
15.310 Sanitary landfills (not including C&D and LCID landfills)														SUP	
15.320 Land clearing and inert debris (LCID) and Construction and Demolition (C&D) landfills	SUP												SUP	SUP	17-542
15.330 Recycling operations conducted wholly within an enclosed building											SUP		P	P	17-569
15.340 Recycling operations accessory to a principal use								P	P	P	P	P	P	P	17-569
15.351 Recycling collection centers	SUP												SUP	P	17-569
16,000 DRY CLEANER, LAUNDROMAT									P	P	P	P			
17,000 UTILITY FACILITIES (other than wireless telecommunications facilities)															
17.100 Neighborhood	P	P	P	P		P		P	P	P	P	P	P	P	
17.200 Community or regional	SUP												SUP	SUP	
18,000 TOWERS, DISH ANTENNAS AND RELATED STRUCTURES															
18.100 Towers and antennas 50 feet tall or less															17-567
18.110 Amateur Radio Antenna	P	P	P	P		P		P	P	P	P	P	P	P	17-521
18.120 Wireless telecommunications facility	SUP							SUP	SUP		SUP	SUP	SUP	SUP	17-567

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
18.130 Towers and antennas owned and/or operated by a government agency, for a governmental purpose	P	P	P	P		P		P	P	P	P	P	P	P	17-567
18.200 Towers and antennas more than 50 feet tall															
18.210 Wireless telecommunications facility	SUP												SUP	SUP	17-567
18.220 Towers and antennas owned and/or operated by a government agency	P / SUP	P / SUP	P / SUP	P / SUP		P / SUP		P / SUP	17-567						
18.300 Wireless telecommunications facilities not located on a tower	P / SUP	P / SUP	P / SUP	P / SUP		P / SUP		P / SUP	17-567						
19.000 OPEN AIR MARKETS AND HORTICULTURAL SALES															
19.100 Open air markets (farm and craft markets, flea markets, produce markets, etc.)															17-560/17-537
19.200 Horticultural sales with outdoor display. Produce stand.	P								P	P	P	P			17-560/17-537
19.300 Roadside stands	P								P	P	P	P			17-555
20.000 FUNERAL HOME								P							
21.000 CEMETERY AND CREMATORIUM															
21.000 Cemetery	P	P						P							17-527
21.100 Cemetery accessory to a church	P	P						P							17-526

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	NB	CB	GB	IB	I1	I2	SUPP STANDARD
21.200 Crematorium													P	P	17-527
21.300 Columbarium	P	P	P				P								
22.000 DAY CARE FACILITY															
22.100 Child Day Care Facility (Child Care Center)			SUP	SUP	P		P		SUP	SUP					17-529
22.200 Family Child Care Home (Home Daycare)	P	P	P	P	P	P			P	P					17-536
22.300 Adult Day Care Center		SUP	SUP	SUP			P		SUP	P					17-520
23.000 TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILDING OR FOR SOME NON-RECURRING PURPOSE															
24.000 BUS STATION, TRAIN STATION									SUP	SUP		SUP	SUP		
25.000 SPECIAL EVENTS	P								P	P	P	P	P		
26.000 RESERVED															
27.000 SUBDIVISIONS															
27.100 Major	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
27.200 Minor	P	P	P	P	P	P		P	P	P	P	P	P	P	
28.000 PLANNED UNIT DEVELOPMENT															

DESCRIPTION	RA	R20 RLD	R10 RMD	R8 RHD	TR	MHP	PUD	IN	N B	C B	G B	IB	I 1	I 2	SUPP STANDARD
28.100 Residential Planned Unit Development	P	P	P	P			P	P	P	P	P	P	P	P	17-552
28.200 Business Planned Unit Development	P	P	P	P			P	P	P	P	P	P	P	P	17-553
28.300 Industrial Planned Unit Development							P								17-553
29.000 Reserved															
30.000 COMBINATION USES	P/SUP	P/SUP	P/SUP	P/SUP		P/SUP		P/SUP							
31.000 SEXUALLY ORIENTED BUSINESSES														SUP	17-556

**Sec. 17-411 through 17-419. Reserved.**

**Part 2 - OVERLAY DISTRICTS**

**Sec. 17-420. Historic Districts.**

- A. Intent. The Historic Districts are intended to protect and conserve the heritage and character of the Selma community by providing for the preservation of designated areas within the planning jurisdiction, including individual properties therein, to embody important elements of social, economic, political, or architectural history, and promote the stabilization and enhancement of property values throughout such areas.

It is intended that these regulations ensure, insofar as possible, that building or structures in the Historic Districts shall be in harmony with other buildings or structures located therein.

- B. Establishment of Historic Districts. Historic Districts are hereby established as districts which overlay other zoning districts as established in Article III. The boundaries of the various Historic Districts shall comply with use and intensity regulations, or other regulations applicable to the underlying zoning district. Three Historic Districts have been and are established in the Town. The three Historic Overlay Districts are the:
1. Uptown Selma Historic Overlay District;
  2. West Selma Historic Overlay District; and
  3. Harrison Campus Historic Overlay District (See section 17-420 (M) below)
- C. The standard of review for consideration of Certificates of Appropriateness are the United States Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings".
- D. Creation, Amendment or Dissolution of Historic Districts. Historic Districts may from time to time be designated, amended or repealed, provided, however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural or cultural importance. Such district must also possess integrity of design, setting, workmanship, materials, feeling and/or association. No district shall be designated, amended or repealed until the following procedures have been carried out:
1. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared;
  2. The North Carolina Department of Cultural Resources, acting through the State

Article IV. Permissible Uses

Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Town of Selma Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Town Council of any responsibility for awaiting such analysis, and the Town Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance; and

3. The Town Council or Historic Properties Commission may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to acting to amend the zoning ordinance.

With respect to any changes in the boundaries of such district after its initial establishment, or the creation of additional districts within the Town's jurisdiction, the investigative studies and reports required by subsection 17- 420 (C)(1) shall be prepared by the Commission and shall be referred to the Planning Board for its review and comment according to the procedures set forth in this ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the North Carolina Department of Cultural Resources in accordance with the provisions of subsection 17-420 (C), above. Upon receipt of these reports and recommendations, the Town Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions.

E. Historic Landmarks.

1. Upon complying with the required landmark designation procedures set forth herein, the Town Council may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.
2. The ordinance designating a landmark shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated and any other information the Town Council deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property with the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.
3. No property shall be designated as a landmark until the following steps have been

taken:

- a) As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical, architectural, prehistorical and cultural significance within the Town of Selma and its extraterritorial jurisdiction;
- b) The Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources;
- c) The North Carolina Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within thirty (30) days following receipt by the Department of the report, the Commission and the Town Council shall be relieved of any responsibility to consider such comments;
- d) The Commission and the Town Council shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given;
- e) Following the public hearing(s), the Town Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary or reject the proposed ordinance;
- f) Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be recorded by the Council (or their designee) in the Johnston County Registry. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Johnston County Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Town of Selma Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector. The fact that a building, structure, site area or object has been designated a landmark shall be

clearly indicated on all tax maps maintained by Johnston County for such period as the designation remains in effect; and

- g) Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Commission to give notice thereof to the tax supervisor of Johnston County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

F. Certificate of appropriateness required.

- 1. From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement or other appurtenant features), or any above ground utility structure, or any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within the Historic Districts until after an application for a certificate of appropriateness as to exterior architectural features has been approved.

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

- 2. Such a certificate of appropriateness shall be issued prior to the issuance of a zoning permit and building permit or any other permit granted for purposes of constructing altering or demolishing buildings or structures. A certificate of appropriateness shall be required whether a land use permit is required. Any land use permit or other permit not issued in conformity with this section shall be invalid.
- 3. The State of North Carolina (including its agencies, political subdivisions and instrumentalities), the Town of Selma and all public utilities shall be required to obtain a certificate of appropriateness for construction, alteration, moving or demolition within the historic district or on designated landmarks.

G. Procedures for approval of certificates of appropriateness.

- 1. Application submittal requirements. Applications for certificates of appropriateness shall be filed with the planning director.
- 2. The planning director shall prescribe the form(s) on which applications are made.

#### Article IV. Permissible Uses

The application shall be filed not less than 21 calendar days prior to the next regularly scheduled meeting of the Historic Properties Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of property within 100 feet on all sides of the property which is the subject of the application must also be filed. The Commission shall adopt, through its rules of procedure, appropriate procedures for pre-application meetings.

3. No application shall be accepted by the planning director unless it complies with the requirements in the preceding sub-section.
4. The historic district commission may specify criteria for situations in which the planning director may waive any of the application material requirements.

#### H. Notification of affected property owners.

1. Prior to any hearing on an application for a certificate of appropriateness, the secretary of the commission (or Planning Director, if no secretary has been named) shall, by a mailing that is sent not less than seven (7) days prior to the meeting at which the matter is to be heard, provide notification of the application to the owners of property within 100 feet on all sides of the subject property.
2. As part of the review procedures, the Historic Properties Commission may view the premises and seek the advice of the North Carolina Department of Cultural Resources or other such expert advice as it may deem necessary under the circumstances.

#### I. Public hearing. The Historic Properties Commission will hold a public hearing concerning the application at which the applicants and all other interested parties may be heard. The hearing will follow the quasi-judicial procedures found in Art. XIV. Part 2: Hearing Procedure. All meetings of the Commission shall be open to the public in accordance with the North Carolina Open Meetings Law, G.S. Chpt. 143, Article 33C.

#### J. Action on the application. The action on an application shall be approval or approval with conditions or denial, and the decision of the Historic Properties Commission must be supported by specific findings of fact indicating the extent to which the application is or is not congruous with the special character of the historic district or landmark. Such action shall be based upon the review criteria established in subsections H) and I) of this section, the United States Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and any other review criteria as established by the Historic Districts Commission in its rules of procedure. The action shall be one (1) of the following:

1. Approval.

Article IV. Permissible Uses

2. Approval subject to conditions. The commission may impose such reasonable conditions on the approval of an application as will ensure that the spirit and intent of this article are achieved.

3. Denial.

Failure to take final action on an application within one hundred eighty (180) days after the receipt of a completed application by the Planning Director, or extensions thereof approved in writing by the applicant and Commission, shall result in approval of the application as submitted.

Once issued, a certificate of appropriateness is valid for one (1) year. If after commencement of work authorized by the certificate, the work is not completed within the one (1) year, the certificate shall expire.

K. Actions after decision. The Planning Director shall notify the applicant of a decision in writing, and shall file a copy of it in the Town's Planning Department. If the application is denied, the notice shall include the reasons for such action. The Planning Director will record a copy in the Johnston County Registry.

L. Appeal of decision. A decision by the commission on an application for a certificate of appropriateness may be appealed to the Board of Adjustment on accord with the provisions of Article XIV. Written notice of the intent to appeal must be sent to the Commission via the Town Clerk and Planning Director, postmarked within thirty (30) days following the decision.

The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision within thirty (30) days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

M. Review criteria. No certificate of appropriateness shall be granted unless the Historic Properties Commission finds that the application complies with the United States Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings". It is the intent of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features in the district or of landmarks shall be congruous with the special character of the district or landmark. Notwithstanding the foregoing, the Commission may apply the above-mentioned principles and guidelines in a manner that is consistent with their spirit, rather than literally, when it concludes that the benefit derived from strict adherence to the principles and guidelines is outweighed by the practical or financial hardships imposed on an applicant by such literal application on non-contributing structures.

Article IV. Permissible Uses

N. In addition to the principles and guidelines, the following features or elements of design shall be considered in reviewing applications for certificates of appropriateness:

1. Lot coverage, defined as the percentage of the lot area covered by primary structures;
2. Setback, defined as the distance from the lot lines to the building;
3. Building height.
4. Spacing of buildings, defined as the distance between adjacent buildings;
5. Proportion, shape, positioning, location, pattern, sizes and style of all elements of fenestration and entry doors;
6. Surface materials and textures;
7. Roof shapes, forms and materials;
8. Use of regional or local architectural traditions;
9. General form and proportion of buildings and structures and the relationship of additions to the main structure;
10. Expression of architectural traditions;
11. Orientation of the building to the street;
12. Scale, determined by the size of the units of construction and architectural details in relation to the human scale and by the relationship of the building mass to adjoining open space and nearby buildings and structures, and maintenance of pedestrian scale;
13. Proportion of width to height of the total building façade;
14. Archaeological sites and resources associated with standing structures;
15. Effect of trees and other landscape elements;
16. Major landscaping which would impact known archaeological sites;
17. Style, material, size and location of all outdoor advertising signs;

Article IV. Permissible Uses

18. Appurtenant features and fixtures, such as lighting;
  19. Structural condition and soundness;
  20. Walls – physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses;
  21. Ground cover or paving; and
  22. Significant landscape, archaeological and natural features.
- O. The review criteria do not include and the review shall not consider interior arrangements or use.
- P. Administrative Approval of Minor Works.
1. Notwithstanding subsection 17-420 (G), above, upon receipt of a completed application, the Planning Director (also referred to as the Zoning Administrator) may issue a certificate of appropriateness for minor works that are consistent with the provisions of subsection 17-420(H), above, and the Design Principles and Guidelines adopted by the Commission. If the Zoning Administrator determines that an applicant seeks a certificate of appropriateness for a minor work as defined herein, he may waive the requirement that the application be submitted twenty-one (21) days prior to the next Commission meeting and the requirement that the application contain the names and addresses of nearby property owners.
  2. Minor works are defined as those exterior changes that do not involve a change to the visual character of the property and do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or district as a whole. The Zoning Administrator shall make the determination as to whether the application involves a minor work as defined herein.
  3. The Zoning Administrator may approve but may not deny an application for a certificate of appropriateness for minor works. If the Zoning Administrator decides not to issue a certificate of appropriateness for a minor work, the application shall be referred to the Commission for action.
  4. A decision by the Zoning Administrator to issue a certificate of appropriateness for minor works may be appealed to the Board of Adjustment in the same manner as other decisions by the Zoning Administrator.
- Q. Certain changes not prohibited. Nothing in this article shall be construed to prevent the

Article IV. Permissible Uses

ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a change in design, material, or other outer appearance thereof, or to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature that the building inspector or similar town official shall certify is required by the public safety because of unsafe or dangerous condition.

R. Delay in Demolition of Landmarks and Buildings Within Historic Districts.

1. An application for a certificate of appropriateness authorizing the demolition, removal or destruction of a designated landmark or a building, structure or site within a historic district may not be denied except as provided in subsection 17-420 (J)(3), below. However, the effective date of such a certificate may be delayed for up to 365 days from the date of approval. The period of delay shall be reduced by the Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by the delay. During the delay period, the Commission shall negotiate with the owner to find a means of preserving the building, structure or site. If the Commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.
2. If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and final designation has not been made by the Town Council, the demolition or destruction of any building, structure or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Town Council takes final action on the designation, whichever occurs first.
3. An application for a certificate of appropriateness authorizing the demolition of a building, structure or site determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

S. Prevention of Demolition by Neglect.

1. Intent. The purpose of this section is to permit the Town of Selma, through the Commission and the Planning and Economic Development Department, to protect the town's historic resources by intervening when a contributing property is undergoing demolition by neglect. The contributing property shall be in the central business district adjacent to a Historic District or in a Historic District. It is also the intent of this section to protect contributing and significant historic structures located in a Historic District and Historic Landmarks from demolition by neglect.

2. Definitions.

- a) **Contributing Property.** Any property, building or structure, or part thereof, that has been designated as "Contributing" by the United States National Park Service through the National Register of Historic Places nomination form submitted by the Town of Selma and certified by the National Park Service, and any subsequent amendments thereto.
- b) **Demolition By Neglect.** The deterioration of any contributing property to such an extent that the structural integrity of its architectural details of historic value or other important historic aspects of the property may be lost to current and future generations.
- c) **Owner.** For the purposes of this section, the "owner" shall include the legal owner of record of a property, building or structure, as indicated by the Johnston County tax records and the Johnston County Registry. The owner shall also include any other person exercising lawful control over a property, building or structure (for example, a tenant or other occupant) who can be discovered by the Town staff using reasonable diligence.
- d) **Undue Economic Hardship.** An owner's financial inability to make the repairs specified in an order issued pursuant to this section. See also subsection 17-420 (S)(6).

3. Standards. The owner(s) of historic landmark(s), structure(s) within a Historic District or a contributing property shall prevent the demolition by neglect of the property, including the preservation of exterior architectural features and the prevention and/or correction of structural defects. The following non-exhaustive list includes examples of defects which may constitute demolition by neglect:

- a) Deterioration of exterior walls, foundations, or other vertical supports which results in leaning, sagging, splitting, listing, or buckling;
- b) Deterioration of flooring or floor supports, roofs, or other horizontal members which results in leaning, sagging, splitting, listing, or buckling;
- c) Deterioration of an external chimney which results in leaning, sagging, splitting, listing, or buckling of the chimney;
- d) Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition exposes structural elements to decay;
- e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors or broken or malfunctioning gutters;

Article IV. Permissible Uses

- f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or excessive weathering due to lack of paint or other protective covering;
- g) Rotting, holes, and other forms of decay where there is evidence that such conditions have exposed structural elements;
- h) Deterioration of exterior stairs, porches, handrails, window and doorframes, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
- i) Deterioration of contributing accessory structures; and
- j) Overgrown plants/landscaping features which threaten the structural integrity or relevant, significant architectural detail of a structure.

4. Procedure for Enforcement.

- a) Any citizen who believes that a property is undergoing demolition by neglect may make a written complaint to the Planning and Inspections Department. The complaint must include a description of the property, including a street address, and the nature of the deterioration claimed to constitute demolition by neglect.
- b) Upon the receipt of the complaint or where there is otherwise a reasonable basis to believe that demolition by neglect may be occurring, the Planning and Economic Development Department and Johnston County Inspection Department staffs will conduct a preliminary investigation, and if upon investigation, the staff person determines that a contributing property may be undergoing demolition by neglect, he or she shall provide the owner written notice that the matter will be brought before the Commission at its next regularly scheduled meeting that is at least ten (10) days from the date of the notice. The written notice shall include the following:
  - 1) A summary of the defects alleged to constitute demolition by neglect;
  - 2) The date, time and location for when and where the Commission will hear and consider the matter;
  - 3) Any reports prepared by the town staff;
  - 4) A summary description of the demolition by neglect review process;
  - 5) A statement that during the hearing the owner and any other interested persons have the right to be represented by an attorney and present evidence at the hearing, including evidence of any undue economic hardship that repairing the alleged demolition by neglect would cause; and

Article IV. Permissible Uses

- 6) A statement that additional information can be obtained from the Planning and Economic Development Department staff during regular business hours.
  - c) The Commission shall conduct a quasi-judicial hearing of the matter, and if it finds that a contributing property is undergoing demolition by neglect, it shall prepare a written order directing the owner to take corrective action within a reasonable period of time. The order shall include findings of fact; conclusions of law; and when possible references to applicable guidelines.
  - d) If the Commission issues an order requiring the repair of any demolition by neglect, the owner may file a claim stating that complying with the order would cause the owner undue economic hardship. A claim of undue economic hardship must be submitted in writing to the Planning and Economic Development Department no later than ten (10) days after the date the written order to repair is issued. An applicant must include with a claim all available supporting evidence and a statement of what specific relief is requested (i.e. more time to comply, waiving of certain repair work, etc.). Should additional evidence become available after a claim is made but before the Commission considers the matter, it shall be duty of the owner to provide this additional evidence to the Town planning staff immediately. The order to repair the demolition by neglect shall be stayed while the claim of undue economic hardship is pending.
  - e) Using a quasi-judicial hearing and the factors provided in subsection 17-420(K)(6), the Commission shall consider a claim of undue economic hardship at least ten (10) days after the filing of said claim. The order approving or denying some or all requested relief shall be in writing, include relevant findings of fact, and shall specify the relief granted.
5. Methods of Service.
- a) Notices and orders issued by the town in connection with a demolition by neglect complaint shall be served by first class mail upon the owner of record at the most recent mailing address listed in the Johnston County tax records.
  - b) If, after using reasonable diligence, the town Planning staff determine that a person other than the legal owner has lawful control and/or custody of the property, building or structure, the staff shall also serve a copy of all notices and orders on said person by first class mail to the person's last known mailing address.
  - c) The town staff shall also serve a copy of all notices and orders by first class mail upon any lienholders of record and holders of deeds of trust or mortgages of record. Failure to comply with this subsection shall in no way affect the validity of any notice or order that has otherwise been properly served.

6. Safeguards from Undue Economic Hardship.
  - a) When a claim of undue economic hardship is made, the owner must provide evidence describing the circumstances of the hardship. The owner shall provide, at a minimum, the following information:
    - 1) The nature of the ownership (individual, business, or nonprofit) of the property, building or structure and a statement of the legal relationship of the owner to the property (i.e. fee simple ownership, tenant, etc.);
    - 2) If the owner has legal title to all or some part of the property, building or structure, the owner shall also state how much was paid for the property, building or structure; the date of acquisition; from whom the property, building or structure was purchased, including a description of the relationship between the owner and the person from whom the property, building or structure was acquired; and whether the property, building or structure or was acquired by other means such as by gift or inheritance;
    - 3) The financial resources of the owner;
    - 4) The estimated cost of repairs necessary to comply with an order to repair. Whenever possible, these estimates should be in the form of written estimates by a contractor, engineer or architect licensed in North Carolina;
    - 5) Assessed value of the land and improvements;
    - 6) Annual debt service (i.e., mortgage payments), if any, for the previous two (2) years; and
    - 7) Any listing of the property for sale or rent, price asked, and offers received, if any.
  - b) Additionally, for income-producing properties, the owner shall provide the following information:
    - 1) Annual gross income from the property for the previous two (2) years;
    - 2) Itemized operating and maintenance expenses for the previous two (2) years;
    - 3) Proof that adequate and competent management procedures have been used for the management of the property, building or structure; and
    - 4) Annual cash flow for the previous two (2) years.
  - c) The Commission may require any additional evidence that it deems relevant to the questions of whether undue economic hardship exists and the

appropriateness of the relief proposed to be granted.

7. Appeals. Any order to repair and any order pertaining to a claim of undue economic hardship may be appealed by an aggrieved party to the Board of Adjustment within the same time, in the same manner and for the same filing fee as appeals of decisions to grant or deny a certificate of appropriateness. Such appeals shall be in the nature of certiorari and not *de novo*. See Sec. 17 – 1400, *et. seq.*
8. Enforcement. Failure to comply with an order to repair or, if applicable, an order granting relief from undue economic hardship shall be a violation of the Selma Unified Development Ordinance and shall be punishable according to established procedures and penalties for such violations. The Town’s remedies shall include, but not be limited to, the levying of civil penalties, with each day that violation continues being deemed a separate violation; the seeking of an injunction and/or an order of abatement; and such other equitable relief as may be available.
9. Other Town Powers. Nothing in this ordinance shall diminish the Town’s power to declare a property, building or structure to be a public nuisance or otherwise in violation of the North Carolina State Building Code or the Town of Selma Minimum Housing Code.

T. HCOD - Harrison Campus Historic Overlay District Standards.

1. Intent. The HCOD is intended to protect and preserve the former campus of the historic Harrison School as a testament to the integral contributions made by the school and its alumni to Selma's cultural, economic, political, and educational heritage.
2. Boundaries. The area of the HCOD is defined as that property historically known to have served as the Harrison School campus, and bound by S. Brevard St., W. Noble St., S. Green St., W. Watson St., S. Smithfield St., and W. Preston St.
3. Development within the district. No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features), or any above-ground utility structure shall be erected, altered, restored, moved, or demolished within the district until a certificate of appropriateness has been granted in accordance with section 17-420.
4. Permitted uses. The following uses, and no other uses, are permitted as a principal use:
  - a) Publicly-owned parks and recreation facilities.
  - b) Special uses. The following uses are allowed upon approval of a special use permit by the town council:
    - 1) Accredited pre-kindergarten, elementary, and secondary schools.

- 2) Offices
- 3) Accessory and Temporary Uses
- 4) Historical markers and memorials
- 5) Accessory structures.

**Sec.17-421. Reserved.**

**Sec. 17-422. Water Supply Watershed Protection District**

- A. Intent. It is the intent of this section to regulate development and land use activities in a manner which will limit exposure of water supply watersheds to pollution. Sources of pollution include leachate from septic tank nitrification fields, storm water runoff, accidental spillage from residential, commercial and industrial activities, and discharge or process and cooling water, among others.

As required by N.C. Gen. Stat. §143-214.5 *et seq.*, the State of North Carolina Environmental Management Commission has classified each of the state's drinking water supply watersheds to its most appropriate classification. The Neuse River watershed is classified as "WS-IV" which are protected water supply watersheds which generally moderate to highly developed. Water supply watershed protection is a proactive approach to the preservation and treatment of drinking water supplies rather than a reactive approach of treatment prior to consumption.

- B. Standards. The standards of both the Water Supply Watershed Protection Overlay District and the underlying zoning district shall apply as shown on the official Zoning Map of the Town. Where these standards differ, the standards of the Water Supply Watershed Protection District shall govern.
- C. Definitions specific to this Section 17-422. [The definitions in this sub-section are also found in Article II, Definitions. The following words, terms and phrases, when used in this subsection (C), shall have the meanings ascribed to them in this Section 17-422, except where the context clearly indicates a different meaning:]
1. **Best management practice (BMP):** A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters to achieve water quality protection goals. See also "Stormwater Control Measure" (SCM).
  2. **Buffer:** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for filtration of the runoff pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of the bank of each side of streams, ponds or rivers.
  3. **Built-upon area:** An area that includes that portion of a development project that is

Article IV. Permissible Uses

covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities (e.g. tennis courts), etc. Note: Wooden slatted decks and the water area of swimming pools are considered pervious.

4. **Composting facility:** A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from yard clearing or landscaping operations is deposited.
5. **Critical area:** The area adjacent to the water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area shall extend one (1) mile from the water supply intake or to a ridgeline of the watershed, whichever comes first.
6. **Discharging landfill:** A facility with liners, monitoring equipment and other measures to detect and prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.
7. **Engineered Stormwater Control Structure:** A device, building or series of devices or structures designed by a NC registered professional engineer, landscape architect to reduce non-point source inputs to receiving waters to achieve water quality protection goals. (See BMPs above.)
8. **Hazardous material:** Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CECLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
9. **Protected area:** The remaining portion of a WS-IV watershed exclusive of the critical area.
10. **Stormwater Control Measure (SCM):** Another name for Best Management Practice.
11. **Toxic substance:** Any substance or combination of substances (including disease causing agents) which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or physical deformation in such organisms of their off spring or other adverse health effects.
12. **Variance (major):** A variance that results in either of the following (1) The complete waiver of a management requirement; or (2) The relaxation, by a factor more than ten (10) percent of any requirement that takes the form of a numerical standard.
13. **Variance (minor):** A variance that does not qualify as a major variance.
14. **Water dependent structure:** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

15. **Watershed:** The entire land area within the Town of Selma's planning jurisdiction which contributes surface drainage to the water supply intake of any water treatment plant.

D. Development regulations. The following regulations shall apply:

1. WS-IV-PA—Protected Area Overlay District.

- a) Allowed uses as allowed by the zoning district regulations in this chapter. See the Zoning Map for the zoning of specific properties.
- b) Agricultural uses subject to the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990. Agriculture activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer along all perennial stream waters as indicated on the Johnston County GIS, or as determined by other reliable sources.
- c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality.
- d) Residential uses.
- e) Non-residential uses.
- f) Density and built-upon areas. There are four options for different kinds of development based on the amount of impervious surface and the amount and kind of stormwater control options provided on each site. The options are listed below at 1), 2), 3) and 4), from the least dense and least expensive to develop to the densest, but most expensive to develop.
  - 1) Single-family residential. Where neither public water and sewer are available, the minimum lot size shall be not less than forty-three thousand five hundred sixty (43,560) square feet, or as determined by the Johnston County Department of Environmental Health. Where either a public water supply system or public sanitary sewer, or both, are available, the minimum lot size shall be not less than twenty thousand (20,000 excluding roadway right-of-way) square feet or one-third (1/3) acre for projects without a curb and gutter street system, except within an approved cluster development.
  - 2) All other residential and non-residential development. All other residential development shall not exceed twenty-four (24) percent built upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating the built upon area,

total project area shall include the gross acreage in the tract on which the project is to be developed.

- 3) Cluster development is allowed in Watershed Areas under the following conditions:
  - i. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in sub-Sections 1) and 2) above. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.
  - ii. 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.
  - iii. Areas of concentrated density development shall be located in upland area and away, to the maximum extent practicable, from surface waters and drainage ways.
  - iv. 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 homeowner's association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Cluster developments that meet the applicable low <sup>1</sup>density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

- 4) High Density Option: In addition to the development allowed under paragraphs 1), 2) and 3) above, new development and expansions to existing development that require a Sedimentation/Erosion Control Plan may be built at an impervious surface ratio of up to 70% if the development meets all the following requirements:

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<sup>1</sup> Development that uses the 10/70% provision (see page 6 for explanation of SIA provision) is considered "high density development" and thus a 100-foot vegetated buffer is required.

Article IV. Permissible Uses

- i. 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 North Carolina Gen. Stat. § 89 (C)-3(7).
- ii. All stormwater controls shall use wet detention as a primary treatment system unless alternative stormwater management measures, as outlined in Section 3 below, 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:
  - Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one-inch rainfall from the site above the permanent pool;
  - The designed runoff storage volume shall be above the permanent pool;
  - The discharge rate from these systems following the one-inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;
  - The mean permanent pool depth shall be a minimum of three (3) feet;
  - The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
  - Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined to provide a non-erosive velocity of

Article IV. Permissible Uses

flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;

- iii. Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following criteria;

- The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or

- The post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.

- iv. In addition to the vegetative filters required in sub-Section i. above, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (3) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Sub-Section F below.

- v. A description of the area containing the stormwater control structure shall be prepared and filed in consistent with Sub-Section F, as a separate deed with the Johnston County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon are for any other site or area.

- E. Posting of Financial Security Required\_
- F. Stormwater.

Article IV. Permissible Uses

1. All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures.
  2. Financial assurance shall be in the form of the following:
    - a) Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the Town of Selma placed in escrow with a financial institution designated as an official depository of the Town. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Town Council. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.
    - b) Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Sub-Section E 2) a), the permit applicant shall deposit with the Town either cash or other instrument approved by the Town Council that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Sub-section 11(a). The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by fifths or 0.4.
- G. Operation and Maintenance Agreement. Permit applicants using the High-Density Development Option shall enter into a binding Operation and Maintenance Agreement between the Town and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in the accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Johnston County Register of Deeds by the Planning Director.

- H. Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Town Council may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Town shall return any funds not spent in completing the improvements to the owning entity.
- I. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Town shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Town shall not return any deposited cash funds.
- J. Maintenance and Upkeep.
  - 1) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
  - 2) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.
  - 3) Except for general landscaping and grounds management, the owning entity shall notify the Planning Director 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 Planning Director shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time to complete said improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Town Council.

K. Approval of Development Proposals and Amendments.

1. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Town Council. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Planning Director, Town Engineer, or other department agency or person selected by the Planning Director or Town Engineer prior to review by the Town Council.
2. If the Town Council approves the proposed plan or changes, the owning entity of the stormwater control structure shall file copies of the revisions with the Office of the Planning Director sealed by a registered NC engineer or landscape architect.
3. If the Town Council disapproves the plan or changes, the proposal may be revised and resubmitted to the Town Council as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant.
4. If the Town Council finds that the operation and maintenance plan or manual is inadequate for any reason, the Council shall notify the owning entity of any required changes and shall direct the owning entity to prepare and file copies of the revised agreement with the, the Office of the Planning Director. If the changes are satisfactorily made, the Planning Director shall record them with the Johnston County Register of Deeds.

L. Application and Inspection Fees.

1. Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town. Applications shall be returned if not accompanied by the required fee.
2. A permit and inspection fee schedule, as approved by the Town Council, shall be posted in the Office of the Planning Director or Town Clerk.
3. Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Sub-Section D. f) 4) except in the case when a similar fee has been paid within the last 60 days.
4. Inspections and Release of the Performance Bond. The stormwater control structure shall be inspected by the Planning Director and Town engineer, after the owning entity notifies the Planning Director that all work has been completed. At this inspection, the owning entity shall provide:

Article IV. Permissible Uses

- a) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Johnston County Register of Deeds.
  - b) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
5. The Planning Director shall present the materials submitted by the developer and the inspection report and recommendations to the Town Council at its next regularly scheduled meeting.
- a) If the Council approves the inspection report and accepts the certification, deed, and easements, the Council shall direct the Planning Director to file the deed and easements with the Johnston County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Zoning Permit for the stormwater control structure, consistent with Art. VI, Part 1. "Certificates of Zoning Compliance and Special Use Permits".
  - b) If deficiencies are found, the Council shall direct that improvements and inspections be made and/ or documents corrected and resubmitted to the Council.
  - c) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Town Council to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Town Engineer and Planning Director shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Planning Director shall present the petition, inspection report, and recommendations to the Town Council.
  - d) If the Council approves the report and accepts the petition, the developer shall deposit with the Town a cash amount equal to that described in Sub-Section E 2 after which, the Council shall release the performance bond or other security.
  - e) If the Town Council does not accept the report and rejects the petition, the Council shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.
  - f) A Zoning Permit shall not be issued for any building within the permitted development until the Town Council has approved the stormwater control structure, as provided in Sub-Section J.

Article IV. Permissible Uses

6. All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.
  7. In the event the Planning Director or Town Engineer discovers the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity, the Planning Director and/or Town Engineer shall inspect and approve the completed improvements. The Town staff may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow).
  8. Appeals of any order, requirement, decision, or determination made by the Planning Director or Town Engineer may be made to and decided by the Board of Adjustment consistent with Art. XIV, Part 1.
- M. Buffer areas. For all new development activities proposed within the WS-IV-PA districts, a minimum of thirty-foot vegetative buffer is required adjacent to a perennial stream waters as indicated on the Johnston County GIS, or as determined by other reliable sources. Vegetation within such buffers shall remain undisturbed except as may be necessary to accommodate the following uses:
1. Boat docks, ramps, piers or similar water-dependent structures.
  2. Reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places.
  3. Roads or driveways, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees.
  4. Other structures such as flag poles, signs or security lights.
  5. Public projects where no practical alternative exists.
- N. Additional Review of Subdivisions in Watershed Areas – Application Review Procedures:
1. All proposed subdivisions shall be reviewed prior to recording in the Johnston County Registry by submitting a vicinity map to the Administrator to determine whether the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this subsection and may be recorded provided

Article IV. Permissible Uses

the Administrator initials the vicinity map.

2. Subdivision applications shall be filed with the Administrator. The application shall include a completed application form, five copies of the plat and supporting documentation deemed necessary by the Administrator.
3. The Administrator shall review the completed application and submit recommendations to the Planning Board for further review and recommendation on final action to the Town Council. The Town Council shall either approve, approve conditionally or disapprove each application by majority vote of the members present and voting. The Administrator shall provide public agencies an opportunity to review and submit their comments and recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit. Those public agencies may include, but are not limited to, the following:
  - a) The NC DOT district engineer about proposed streets and highways;
  - b) The director of the Johnston County Health Department about proposed private water systems or sewer systems normally approved by the Health Department;
  - c) The State Division of Environmental Management about proposed sewer systems normally approved by the Division, engineered stormwater controls or stormwater management in general; or
  - d) Any other agency or official designated by the Administrator, Planning Board or Town Council.
4. If the Town Council approves the application, such approval shall be indicated on copies of the plat by the following certificate and signed by the Mayor or the Director of Planning & Economic Development (the Administrator):

"Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Town Council of the Town of Selma for recording in the Johnston County Registry.

\_\_\_\_\_

Date

\_\_\_\_\_

Mayor or Director of Planning & Economic Development

NOTICE: This property is located within a Public Water Supply Watershed – development restrictions may apply."

5. If the Town Council disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the

minutes. The subdivider may make changes and submit a revised plan, which shall constitute a separate request for review.

O. Subdivision Standards and Required Improvements:

1. All lots shall provide adequate building space in accordance with the development standards contained herein. Lots which are smaller than the minimum required for residential lots shall be identified on the plat as "NOT FOR RESIDENTIAL PURPOSES."
2. 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.
3. Stormwater Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing stormwater drainage. The subdivider shall provide a drainage system that diverts stormwater away from surface waters and incorporates best management practices to minimize water quality impacts. See also Article V, section 17-506, "Drainage and Stormwater Management"
4. Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a sedimentation and erosion control plan has been submitted to and approved by the Land Quality Section, Division of Environmental Management, Fayetteville Regional Office.
5. Roads Constructed in Critical Areas and Watershed Buffer Areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality. Swale street systems. Within the WS-IV-CA and WS-IV-PA districts, the town council may authorize development which would utilize a swale rather than a curb-and-gutter street system provided such streets are designed and constructed in accordance with the North Carolina Department of Highways- Minimum Constructions Standards for Subdivision Roads manual.

P. EXEMPTIONS:

1. Existing single family development exempt. Existing single family dwelling units or proposed additions or expansions to such units shall be exempt from these regulations.
2. Non-single family existing development. Existing non-single family development which does not currently comply with these provisions may be continued and maintained without penalty. Proposed expansions to structures classified as existing development, including non-residential within the critical area, which would qualify as permitted uses within the underlying zoning district may be allowed but shall be

required to comply fully with these regulations. The existing built-upon area shall not be required to be included when calculating permissible density.

3. Existing vacant lots. Existing vacant lots or which plats or deeds have been recorded in the Johnston County Register of Deeds office prior to the first adoption of this chapter, April 13, 2004, may be used for any of the permissible uses allowed in the watershed area in which it is located, provided that whenever two (2) or more contiguous residential lots of record are in single ownership at any time after the adoption of this chapter and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, then such lots shall be considered as a single property for the purpose of compliance with these requirements.
4. Occupied lots. Lots occupied for residential purposes at the initial adoption date of these regulations (April 13, 2004) may continue to be used provided that whenever two (2) or more contiguous lots of record, one (1) of which is occupied, are in single ownership on the effective date of these regulations, and such lots individually or together have less area than required by the minimum standards, then such lots shall be combined to create lot(s) meeting the minimum lot size requirements or which minimize the degree of non-conformity.
5. Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this section that has been damaged or removed may be repaired and/or reconstructed, except that these are not restrictions on single family residential development, provided:
  - a) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage; and
  - b) The total amount of space devoted to build-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.
6. Planned unit development. Planned unit developments proposed within water supply watershed areas, development densities shall comply with the regulations established under this section in lieu of development densities set forth elsewhere in this chapter.

Q. Variances.

1. Notification of other local governments. Whenever an application for a variance to the provisions of this section the town shall notify any other local governments having jurisdiction within the watershed and any entity using the water supply for consumption purposes to allow these parties an opportunity to comment on the application.

Article IV. Permissible Uses

2. **Public hearing.** The Board of Adjustment shall conduct a public hearing on the application for a variance in accordance with the procedures set forth in Article XIV of this chapter. The Board shall have the power to authorize, in specific cases, minor variances, as defined herein, from the terms of this section as will not be contrary to the public interest.
3. **Preliminary record of hearing.** If the application calls for the granting of a major variance, as determined herein, and if the Board decides in favor of granting the variance, a preliminary record of the hearing shall be prepared within thirty (30) days. The preliminary record shall include:
  - a) The variance application;
  - b) The hearing notices;
  - c) The evidence presented;
  - d) Proposed findings and exceptions;
  - e) The proposed decision, including any conditions proposed to be added to the permit.
4. **Preliminary record for review.** The preliminary record shall be sent to the North Carolina Environmental Management Commission (EMC) for review as follows:
  - a) If the EMC concludes from the preliminary record that the variance EMCqualifies as a major variance and that:
    - 1) the property owner can secure no reasonable return from or make any practical use of the property unless the proposed variance is granted; and
    - 2) the variance, if granted, will not result in a threat to the water supply,the EMC shall then approve the variance as proposed or approve the proposed variance with conditions.
  - b) If the EMC concludes from the preliminary record that the variance EMCqualifies as a major variance and that:
    - 1) the property owner can secure a reasonable return from or make a practical use of the property without the proposed variance, or
    - 2) the variance, if granted, will result in a serious threat to the watersupply,the EMC shall deny approval of the variance as proposed.
5. **Final decision.** The EMC shall prepare a final decision relative to the proposed

Article IV. Permissible Uses

variance and transmit it to the Board of Adjustment. The Board shall advise the applicant for the propose variance of the EMC's final decision.

6. Record. A record of all variances granted during a calendar year shall be transmitted to the division of environmental management on or before January 1 of the following year.
7. A variance issued in accordance with this subsection shall be considered a part of the Zoning Permit and shall expire if a building permit or Certificate of Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

**Sec. 17-423. through 17-429. Reserved.**

**Part 3. - DENSITY AND DIMENSIONAL REGULATIONS**

**Sec. 17-430. Table of Density and Dimensional Regulations.**

The Table of Density and Dimensional Regulations should be read in close conjunction with the definitions set forth in Article II, "Definitions," the footnotes to the table on the next page and other provisions set forth in this article.

Zoning District	Min. Lot Area (Note 18)	Max. Impervious Surface Area (per cent of lot) (Note 19)	Min. Lot Width (in feet)	Min. Front Yard Setback (in feet)	Min. Side Yard Setback (in feet)	Min. Rear Yard Setback (in feet)	Max. Bldg. Height (in feet)	Maximum Number of Dwelling Units per Gross Acre
R-A	40,000 square feet	20	100	35	20	35	40 (Note 17)	1.0
R-20	20,000 square feet (Note 1)	25	75 (Note 2)	25	10 (Note 3)	25	40 (Note 17)	2.0
R-10	10,000 square feet	40	75 (Note 2)	20	8	10	40	4.0
R-8	8,000 square feet (Note 5)	50	50	20	8	10	40	5.0 to 15.0 (Note 5)
TR	8,000 square feet (Note 5)	60	50	20 (Note 16)	8	10	40	5.0 to 15.0 (Note 5)
MHP	2.0 acres (Note 6)	60	50	(Note 7)	20 (Note 8) 10 (Note 8)	(Notes 7 and 8)?	40 for conventional buildings; 30 for manufactured homes	10.0
IN	30,000 square feet	60	75	25	15 (Note 9)	25 (Note 9)	50	12.0

Article IV. Permissible Uses

NB	20,000 square feet	70	100	40 (Note 10) 30 (Note 11)	25 (Note 12) 20 (Note 13) 8 (Note 14)	Same as side yard setbacks	40	12.0
CB	2, 500 square feet	90	None	(Note 16)	5 (Note 16)	10 (Note 16)	70	20.0
GB	30,000 square feet	80	100	25	15 (Note 9)	25 (Note 9)	40 (Note 15)	12.0
IB	30,000 square feet	80	100	15	15 (Note 9)	25 (Note 9)	40 (Note 15)	N/A
I-1	40,000 square feet	90	100	40	25	25	40 (Note 15)	N/A
I-2	40,000 square feet	90	100	40	25	24	40 (Note 15)	N/A

**Table of Density and Dimensional Regulations Notes:**

NOTE 1: R-20 Minimum lot size for a duplex is 25,000 sq. ft. Minimum lot size for a mobile home and all other uses is one-half (1/2) acre.

NOTE 2: R-20 Minimum lot width is 75 feet except for cul-de-sac lots on the turning circle where the width at the street may be no less than 40 feet.

NOTE 3: R-20 Fifteen (15) feet for corner lots

NOTE 4: R-10 One acre for all non-residential uses

NOTE 5: R-8 and TR. For single family residential minimum lot size is 8,000 square feet; density shall not exceed 5.0 dwelling units per gross acre in the development.

Duplex 10,000 sq. ft. minimum lot size not to exceed 8 dwelling units per gross acre.  
Planned unit developments have a maximum overall density of ten (10) units per net buildable acre. See section 17-552.

All other residential shall have a minimum lot size of one acre, not to exceed 15 dwelling units per gross acre.

All non -residential uses have a minimum lot size of one acre

NOTE 6: MHP: Where City water/sewer not available, density will be determined by the size of septic field and/or well location as determined by the Johnston County Health Dept.

NOTE 7: MHP Street Setbacks ALL Yards: Sixty (60) feet from any arterial or collector street  
Fifty (50) feet from any street outside the mobile home per development. (See section 17-544.)

#### Article IV. Permissible Uses

NOTE 8: MHP Setbacks from Lot Lines and Property Boundaries not on streets: Twenty (20) feet from any external mobile home park boundary; Ten (10) feet from any interior lot line. (See section 17-544.).

NOTE 9: IN, GB, IB: An additional ten (10) foot front and rear setback is required from adjacent property used or zoned residentially.

NOTE 10: NB: Forty (40) foot front setback from any arterial or collector street.

NOTE 11: NB: Thirty (30) foot front setback from any local street

NOTE 12: NB: Twenty-five (25) foot side yard setback from any access easement

NOTE 13: NB: Twenty (20) foot side yard setback from any property zoned residential

NOTE 14: NB: Eight (8) foot side yard setback from any property zoned non-residential

NOTE 15: I-1, I-2: Forty-foot height limit adjacent to property zoned residential, otherwise no height limit.

NOTE 16: CB and TR: Where an established building or building setback line exists on a majority of the lots on the same side of a street in a block, new principal structures must use the existing setback line. Where an established building or building setback line exists on a less than 50% of the lots on the same side of a street in a block, new principal structures must use the average existing setback line, or build to the minimum required setback line.

NOTE 17: R-A, R-20: There is no height limit for buildings or structures on "bona fide farms" (see Article II).

NOTE 18: ALL DISTRICTS: For uses not connected to a public water and/or sanitary sewer system minimum lot sizes may vary based on the requirements of the Johnston County Health Department.

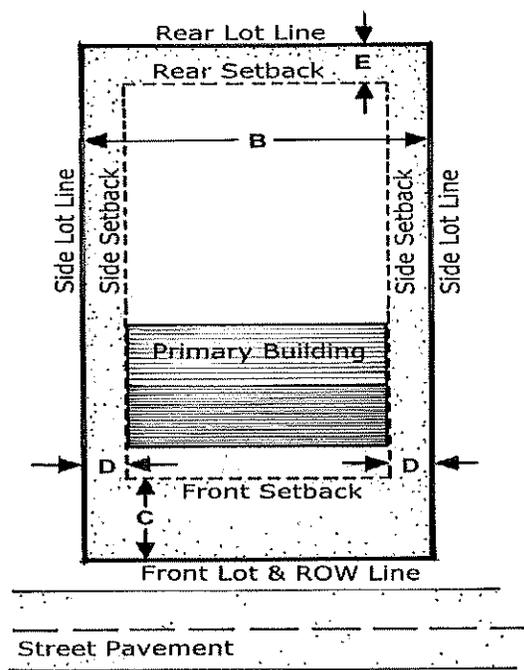
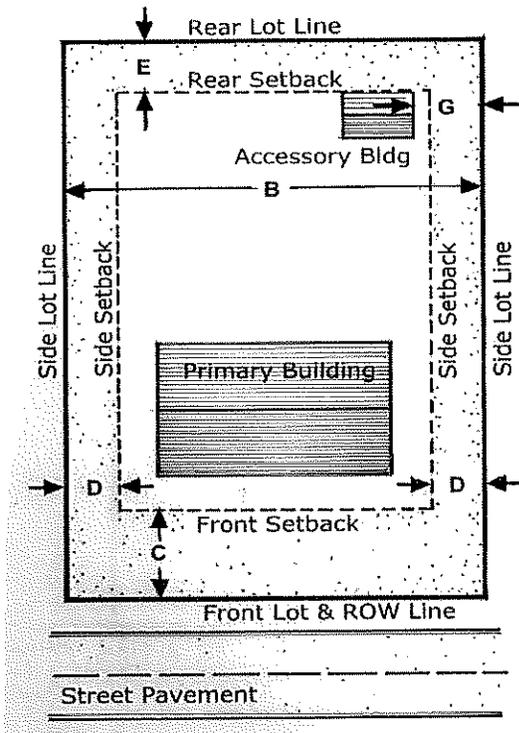
NOTE 19: See Section 17-433 for the maximum permissible impervious surface ratios in the Water Supply Watershed District. See Section 17-422 "Water Supply Watershed Protection District".

Figure 17-430.1 R-10 Single Family Detached Dimensional Requirements

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	10,000 square feet Per County Health Dept.
B	Min. Lot Width	75
C	Min. Front Setback	20
D	Min. Side Setbacks	8
E	Min. Rear Setback	10
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	10, corner lots are 10

Figure 17-430.2 R-8 Single Family Detached Dimensional Requirements

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	8,000 square feet Per County Health Dept.
B	Min. Lot Width	50
C	Min. Front Setback	20
D	Min. Side Setbacks	8
E	Min. Rear Setback	10
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	5, corner lots are 8



Article IV. Permissible Uses

Figure 17-430.3 R-A Single Family Detached Dimensional Requirements

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	40,000 square feet Per County Health Dept.
B	Min. Lot Width	100
C	Min. Front Setback	35
D	Min. Side Setbacks	20
E	Min. Rear Setback	35
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	10, corner lots are 10

Figure 17-430.4 R-20 Single Family Detached Dimensional Requirements

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	20,000 square feet Per County Health Dept.
B	Min. Lot Width	75
C	Min. Front Setback	25
D	Min. Side Setbacks	10, 15 corner lots
E	Min. Rear Setback	25
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	10, corner lots are 10

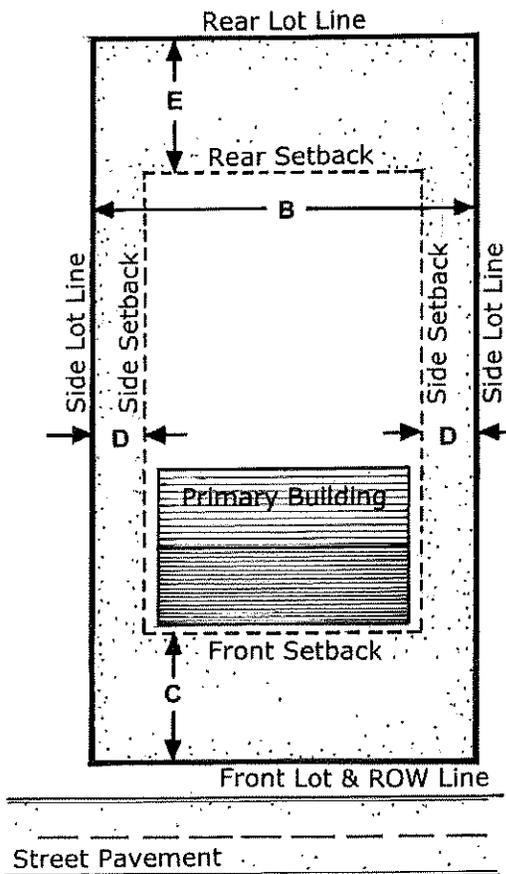
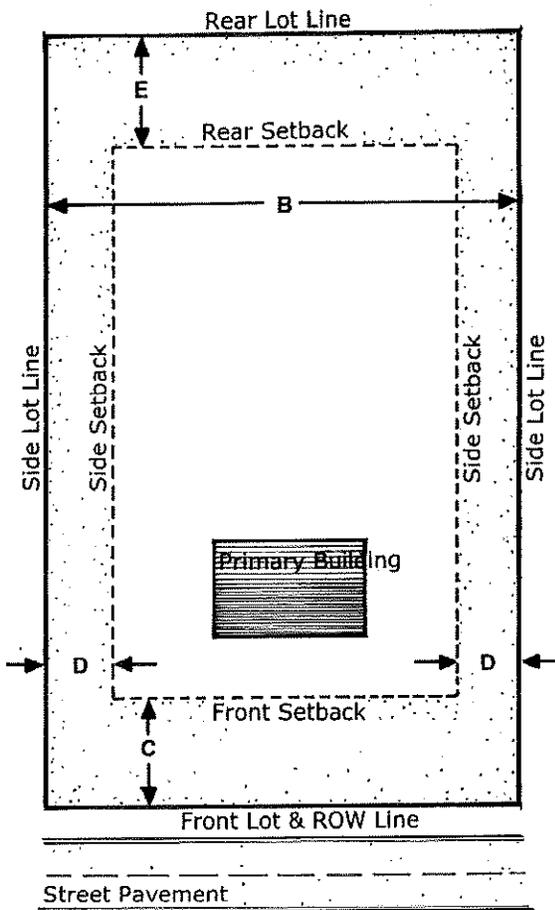


Figure 17-430.5 R-10 Single Family Detached Dimensional Requirements

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	10,000 square feet Per County Health Dept.
B	Min. Lot Width	75
C	Min. Front Setback	20
D	Min. Side Setbacks	8
E	Min. Rear Setback	10
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	10, corner lots are 10

Figure 17-430.6 R-8 Single Family Detached Dimensional Requirements

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	8,000 square feet Per County Health Dept.
B	Min. Lot Width	50
C	Min. Front Setback	20
D	Min. Side Setbacks	8
E	Min. Rear Setback	10
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	5, corner lots are 8

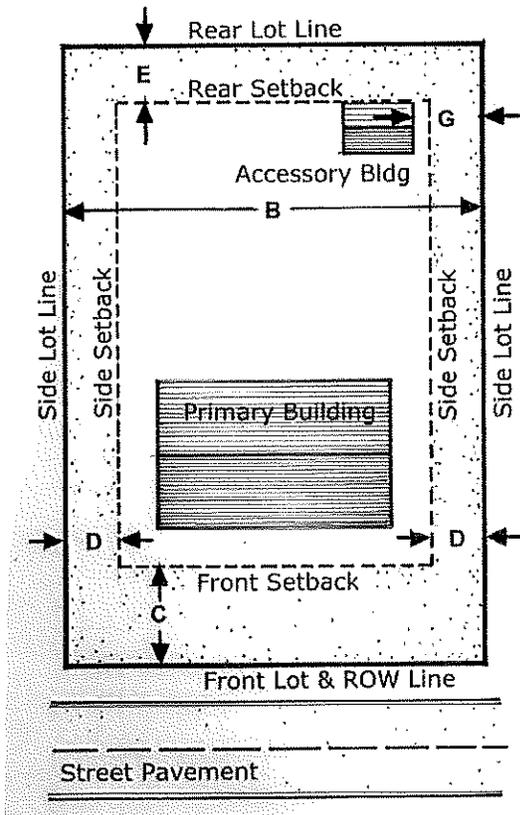


Figure 17-430.7 R8, TR Duplex Dimensional Requirements

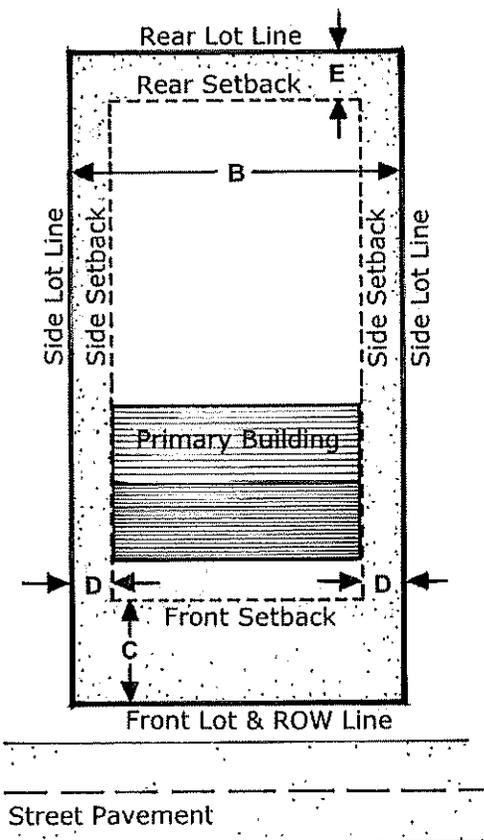


Figure 17-430.8 R8, TR Apartment Dimensional Requirements

Article IV. Permissible Uses

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	10,000 square feet Per County Health Dept.
B	Min. Lot Width	50
C	Min. Front Setback	20
D	Min. Side Setbacks	8
E	Min. Rear Setback	10
F	Max. Building Height Principal Building Accessory Building	40 25
G	Accessory Building Setbacks from front and rear property lines	5, corner lots are 8

	Description	Requirement, in feet
A	Min. Lot Area With sanitary sewer No sewer	1 acre Per County Health Dept.
B	Min. Lot Width	50
C	Min. Front Setback	20
D	Min. Side Setbacks	8
E	Min. Rear Setback	10
F	Max. Building Height Principal Building Accessory Building	40 25

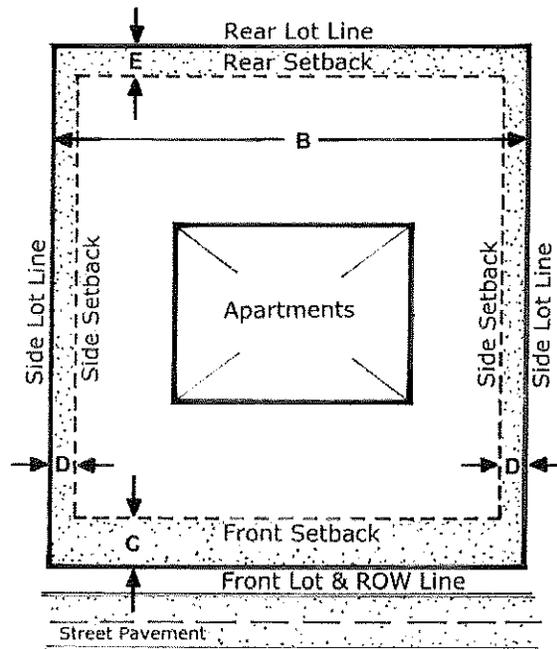
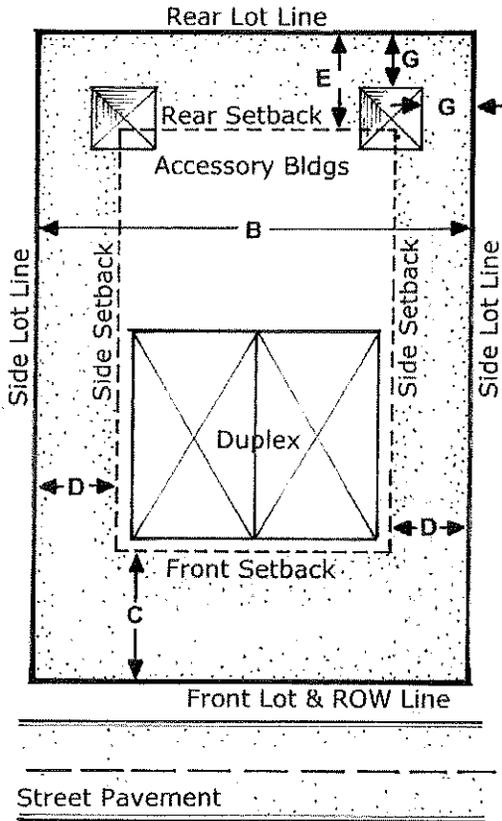
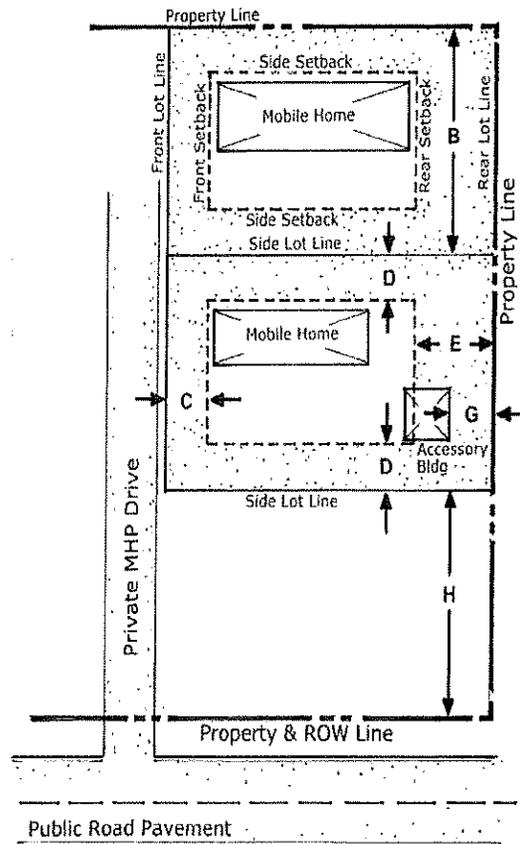


Figure 17-430.9 Mobile Home Park  
Dimensional Requirements

	Description	Requirement in feet
A	Min. Park Lot Area With sanitary sewer No sewer	2 acres Per County Health Dept.
B	Min. Individual Mobile Home Lot Width	60
C	Min. Front Setback From arterial/collector streets From other public streets From MHP streets	60 50 10
D	Min. Side Setbacks From external MHP boundary From internal lot lines	20 10
E	Min. Rear Setback From arterial/collector streets From other public streets From MHP streets	60 50 10
F	Max. Building Height Mobile Home Accessory Building All other	30 25 10
G	Accessory Building Setbacks from front and rear property lines	10, corner lots are 10



**Sec. 17-431. Principal Buildings and Accessory Buildings.**

Except as otherwise provided by this chapter, there shall be no more than one principal building and its customary accessory building(s) on a single lot.

**Sec. 17-432. Minimum Lot Area.**

Subject to the provisions of sections 17-422 (D)(6) and (H), which are part of the Water Supply Watershed Overlay District; 17-440, "Single-Family Residential Cluster Development"; all lots shall be at least the minimum size prescribed in the Table of Density and Dimensional Regulations in section 17-430 in the column labeled "Min. (minimum) Lot Area."

**Sec. 17-433. Maximum Impervious Surface Ratio Per Lot or Property**

All lots or properties shall have the maximum square footage of impervious surfaces prescribed in the Table of Density and Dimensional Regulations in section 17-430 in the column labeled "Maximum Impervious Surface Area" except that impervious surfaces may be less as required in Section 17-422 Water Supply Watershed Overlay Districts. The more restrictive requirement shall control. "Impervious surface" is defined in section 17-422.

**Sec. 17-434. Minimum Lot Widths.**

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
  - 1. Could be used for purposes that are permissible in that zoning district, and
  - 2. Could satisfy any applicable setback requirements for that district.
- B. Without limiting the generality of the foregoing standard, the minimum recommended lot widths for each zoning district are provided in the Table of Density and Dimensional Regulations in section 17-430 in the column labeled "Min. Lot Width." These recommended minimum lot widths are presumptively deemed to satisfy the standard set forth in subsection (A), above. The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at the opposite sides of the lot.
- C. No lot created after the effective date of this chapter that is less than the recommended width as set forth in this article shall be entitled to a variance from any building setback requirement.

**Sec. 17-435. Building Setback Requirements.**

- A. Subject to sections 17-436, "Accessory Building Setback Requirements," and the other provisions of this section, no portion of any building may be located on any lot closer to any lot boundary line or to the street right-of-way or the centerline line than is authorized in the Table of Density and Dimensional Regulations in section 17-430 in the columns labeled "Min. Front Yard Setback," "Min. Side Yard Setback," and "Min. Rear Yard Setback." Signs are subject to the setback requirements of sections 17-1108 "Temporary Signs," 17-1109 "Permanent Signs" or section 17-1110, "Outdoor Advertising Sign Overlay District," whichever is appropriate. The following provisions shall be used to interpret the table and this section.
- B. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the edge of the street pavement or, in the case of a dirt road, from the edge of the visible road bed.
- C. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
- D. As used only in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
  - 1. Gas pumps and overhead canopies or roofs; and
  - 2. Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque. See also Appendix D on "Fences and Walls."
- E. Notwithstanding any other provision of this chapter, a sign may be erected on or affixed to a structure that (i) has a principal function that is something other than the support of the sign (e.g., a fence), but (ii) does not constitute a building as defined in this chapter, only if such sign is located to comply with the setback requirement applicable to freestanding signs in the district where such sign is located.
- F. Whenever a lot in a nonresidential zoning district has a common boundary line with a lot in a residential zoning district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the

Article IV. Permissible Uses

lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

- G. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
- H. Whenever a private road that serves more than three (3) lots or more than three (3) dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three (3) dwelling units is located along a lot boundary, then:
  - 1. If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the private road just as if such road were a public street; and
  - 2. If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes shall be measured from the inside boundary of the traveled portion of the private road.

**Sec. 17-436. Accessory Building Setback Requirements.**

- A. Accessory buildings shall be located at least ten feet from any lot line, except for the R-8, TR, CB districts where accessory uses may be located at least five (5) feet from any lot line.
- B. Notwithstanding subsection (A), above, when an accessory building is located on a corner lot, the accessory building shall be set back from the side street lot line a distance at least equal to the minimum side yard setback required for the zoning district in which the lot is located. For example, an accessory building located on a corner lot in the R20- zoning district must be setback at least fifteen (15) feet from the side street lot line and ten (10) feet from all other lot lines.
- C. All accessory buildings shall be located to the rear of the principal building.
- D. Except in the MHP zoning district, for lots measuring less than one (1) acre, the combined area of all accessory buildings shall be limited to no more than thirty-three (33) percent of the enclosed finished heated living space or area, including enclosed porches, of the principal building located on the lot. For the purposes of this section, the following structures are excluded from the calculation of heated living space: decks, patios, attached garages, carports, attics, any porches not enclosed and storage rooms that are only entered from the exterior.
- E. In the MHP zoning district, accessory buildings shall be no larger than one hundred (100) square feet.

Article IV. Permissible Uses

- F. In calculating the permissible area of an accessory building, all impervious surfaces, built upon area or spaces connected to the accessory building, whether it is enclosed or under roof, shall be included.
- G. The maximum height of an accessory building shall not exceed twenty-five (25) feet at any point.

**Sec. 17-437. Swimming Pool Setback Requirements.**

- A. All swimming pools must be located in the rear yard at least ten (10) feet from any property line. All swimming pools must comply with the N.C. Building Code.
- B. Notwithstanding subsection A., above, when a swimming pool is located on a corner lot, it shall be set back from the side street lot line a distance at least equal to the minimum side yard setback required for the zoning district in which the lot is located. For example, a swimming pool located on a corner lot in the R20 zoning district must be set back at least fifteen (15) feet from the side street lot line and ten (10) feet from all other lot lines.
- C. See Section 17-561 for additional requirements for swimming pools.

**Sec. 17-438. Building Height Limitations.**

- A. No building shall be taller than the maximum height prescribed in the Table of Density and Dimensional Regulations in section 17-430 in the column labeled, "Maximum Bldg. Height."
- B. Subject to subsection C. of this section, the following features are exempt from the district height limitations set forth in subsection A.:
  - 1. Spires, towers or similar decorative structures located on the primary worship building of a church, mosque, synagogue, temple or other building used for religious purposes, provided that such structures are not intended for occupancy or storage.
  - 2. Chimneys, elevator shafts and similar structural appendages not intended as places of occupancy or storage.
  - 3. Flagpoles and similar devices.
  - 4. Antennas, heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
- C. The features listed in subsection (B) are exempt from the height limitations set forth in

subsection (A) if they conform to the following requirements:

1. Not more than one-third (1/3) of the total roof area may be consumed by such features.
  2. The features described in subsection B.4. above must be set back from the edge of the roof a minimum distance of one (1) foot for every foot by which such features extend above the roof surface of the principal building to which they are attached. To shield the features listed in subsections B.2. and 4. from view, the permit-issuing authority may authorize or require that parapet walls be constructed up to a height not exceeding that of the features to be screened.
- D. Notwithstanding subsection (A), above, in any zoning district, the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four (4) or more dwelling units may not exceed thirty-five (35) feet unless the Town Fire Chief, or his or her designee, certifies to the permit issuing authority that such building is designed to provide adequate access for fire-fighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. For the purposes of this subsection, "point of access" refers to the top of any parapet wall or the lowest point of a roof's surface, whichever is greater.
- E. Towers and antennas are allowed in the various zoning districts as permitted in the Table of Permissible Uses (section 17-410), use classification 18.000.

**Sec. 17-439 through 17-440. Reserved.**

**Sec. 17-441. Density on Lots Where Portion Dedicated to Town.**

- A. Subject to the other provisions of this section, if (i) any portion of a tract lies within an area designated on any officially adopted town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.
- B. If the proposed use of the remainder of the tract is a single-family detached residential subdivision, then the lot sizes in such subdivision may be reduced in accordance with the provisions of section 17-422, "Water Supply Watershed Protection District", subsection "Single-Family Residential Cluster Development," except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the Town in accordance with subsection (A) of this

section.

- C. If the proposed use of the remainder of the tract is a two-family or multi-family project, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
- D. If the portion of the tract that remains after dedication as provided in subsection (A) of this section is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its prorated share of the "density bonus" provided for in subsections (B) and (C) of this section.

**Sec. 17-442. through 17-449. Reserved**

#### **PART 4 - TEMPORARY USES**

**Sec. 17-450. Purpose.**

A Zoning Permit is required for short-term uses and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Zoning Permit by the Administrator is required pursuant to Article VI of this Chapter.

**Sec. 17-451. Approval Criteria.**

All temporary uses listed in this Part or in Section 17-410 "Table of Permitted Uses" require a Zoning Permit. The Administrator shall not approve or modify and approve an application for a Zoning Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified below.

- A. **Compatibility With/Effect On Surrounding Area.** The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Chapter and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.
- B. **Location (Permission Required).** The use shall not be on publicly or privately owned

property unless the applicant first obtains written approval from the owner.

- C. Traffic. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.
- D. Parking and Access. Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
- E. Property Line Setbacks. Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case, shall items be displayed or business conducted within the public right-of-way.
- F. This sub-section shall not apply to the CB district.
- G. Signs. Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Article XI for specific standards for signs.
- H. Number Per Parcel. Only one Zoning Permit for a Temporary Use shall be permitted for a single parcel of land at any given time.
- I. Period of Time Between Permits. The period of time an expired Zoning Permit for a Temporary Use on a parcel and application for another Zoning Permit for a Temporary Use on that same parcel shall be at least three (3) months. This restriction shall not apply to real estate development and constructed related temporary uses.

**Sec. 17-452. Real Estate Development and Construction-Related Temporary Uses.**

- A. Contractors Office and Equipment/Storage Sheds Accessory to a Construction Project (Residential or Non-Residential).
  - 1. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All

temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.

- a) Real Estate Office in a Construction Trailer or Temporary Modular Unit.  
Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid until the project is completed or for a period of 2 years from the time of the recording of the most recent final plat.
- b) Real Estate Office in a Model Home Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

**Sec. 17-453. No Recreational Vehicles.**

No Recreational Vehicles shall be permitted as a Temporary Uses.

**Sec. 17-454. Amusement Enterprises.**

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed thirty (30) days within any ninety (90) day period, which shall not include two (2) consecutive thirty (30) day periods. This classification excludes events conducted in a permanent entertainment facility.

**Sec. 17-455. Religious Events.**

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days.

**Sec. 17-456. Special Events and Activities.**

Special events and activities conducted on public property such as school sites and public parks shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency.

**Sec. 17-457. Similar and Compatible Uses Not Specified.**

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a zoning permit for a temporary "similar and compatible use".

Article IV. Permissible Uses

Determination of what constitutes similar and compatible shall be made by the Administrator in accordance with Section 17-404 C.

**Sec. 17-458 through 17-499 Reserved.**

**ARTICLE V. STANDARDS AND SUPPLEMENTARY USE REGULATIONS**

PART 1: DESIGN STANDARDS ..... 4

Sec. 17-500. Intent..... 4

Sec. 17-501. Applicability..... 4

Sec. 17-502. Appendices..... 4

Sec. 17-503. General Site Arrangement..... 4

Sec. 17-504. Access and circulation..... 5

Sec. 17-505. Off-street parking and loading..... 5

Sec. 17-506. Drainage and Stormwater Management..... 10

Sec. 17-507. Electricity, Water and Sewer..... 10

Sec. 17-508. Collection of Solid Waste..... 11

Sec. 17-509. Landscape Areas..... 12

Sec. 17-510. Outdoor Lighting and Signage..... 14

Sec. 17-511. Accessibility for the Handicapped..... 15

Sec. 17-512 – 17-519 Reserved..... 15

PART 2: SUPPLEMENTARY USE REGULATIONS ..... 16

Sec. 17-520. Adult Day Care..... 16

Sec. 17-521. Amateur Radio Antennas (Ham Radios)..... 16

Sec. 17-522. Bars, Taverns and Nightclubs..... 16

Sec. 17-523. Bed and Breakfast..... 16

Sec. 17-524. Building Design, Exterior Standards..... 17

Sec. 17-525. Bulk Petroleum Plants; LP Gas and Storage Farms..... 17

Sec. 17-526. Cemetery Accessory to Church..... 18

Sec. 17-527. Cemeteries, Columbariums and Crematoriums..... 18

Sec. 17-528. Central Business District (CB) Design Standards..... 19

Sec. 17-529. Child Care Centers..... 24

Sec. 17-530. Convenience Stores and Gas Stations..... 25

Sec. 17-531. Dish Antennas..... 26

Sec. 17-532. Dwelling Over A Business..... 28

Sec. 17-533. Electronic Gaming Operations..... 28

Sec. 17-534. Explosives, Use and Storage of..... 29

Article V. Standards and Supplementary Use Regulations

Sec. 17-535. Family Care Homes (Group Homes) ..... 29

Sec. 17-536. Family Child Care Homes (Home Daycare)..... 30

Sec. 17-537. Flea Market, Permanent..... 30

Sec. 17-538. Forestry Activities. .... 30

Sec. 17-539. Golf Courses. .... 31

Sec. 17-540. Housing Facility for Older Persons (“HFOP”)..... 31

Sec. 17-541. Kennels, Animal Boarding. .... 32

Sec. 17-542. Land Clearing and Inert Debris Landfills and Construction and Demolition Landfills. .... 33

Sec. 17-543. Livestock. .... 33

Sec. 17-544. Manufactured Homes, Single Lot. .... 36

Sec. 17-545. Manufactured Home Parks. .... 37

Sec. 17-546. Metal Buildings..... 41

Sec. 17-547. Micro-Brewery, Distillery, Winery..... 42

Sec. 17-548. Mobile Food Vendors (Food Trucks). .... 42

Sec. 17-549. Motor Vehicle Repair and Service. .... 44

Sec. 17-550 Multi-Family Development..... 45

Sec. 17-551. Outdoor Shooting Range..... 52

Sec. 17-552. Planned Unit Development-Residential. .... 54

Sec. 17-553. Planned Unit Developments-Business and Industrial. .... 63

Sec. 17-554. Retail Centers, Shopping Centers and Shopping Malls. .... 66

Sec. 17-555. Roadside Stands. .... 67

Sec. 17-556. Sexually Oriented Business..... 67

Sec. 17-557. Sidewalk Dining. .... 68

Sec. 17-558. Solar Energy Generating Facility, Accessory..... 70

Sec. 17-559. Solar Farms. .... 70

Sec. 17-560. Storing or Maintaining of Merchandise for Sale, Lease, or Trade on Property in Commercial Zoning Districts. .... 73

Sec. 17-561. Swimming Pools. .... 73

Sec. 17-562. Temporary Emergency, Construction or Repair Residences..... 74

Sec. 17-563. Temporary Health Care Structures (Granny Pod). .... 74

Sec. 17-564. Temporary Storage Facility (Portable Storage Unit). .... 75

Sec. 17-565. Tiny House..... 75

Article V. Standards and Supplementary Use Regulations

Sec. 17-566. Traffic Impact Analysis..... 76

Sec. 17-567. Wireless Telecommunications Facilities..... 83

Sec. 17-568. Wind Energy Generating Facility ..... 87

Sec. 17-569. Wrecking, Junk and Recycling Facility. .... 88

Sec. 17-570 through 17-579 Reserved..... 90

Part 3. MANUFACTURING/PROCESSING PERFORMANCE STANDARDS..... 91

Sec. 17-580. Noise..... 91

Sec. 17-581. Vibration..... 92

Sec. 17-582. Odor..... 93

Sec. 17-583. Air Pollution..... 93

Sec. 17-584. Disposal of Liquid Wastes..... 94

Sec. 17-585. Electrical Disturbances or Interference..... 94

Sec. 17-586 through 17-589. Reserved..... 94

Part 4. LONG TERM MAINTENANCE REQUIREMENTS. .... 95

Sec. 17-590. Long Term Maintenance Requirements..... 95

Sec. 17-591. Property Owners’ Association..... 96

Sec. 17-592. Maintenance of Common Areas and Facilities..... 96

Sec. 17-593. Description of Property Blight..... 97

Sec. 17-594 through Sec. 17-599. Reserved. .... 99

**PART 1: DESIGN STANDARDS**

**Sec. 17-500. Intent.**

It is the intent of Part 1 of this article to provide general design and performance standards to ensure that development within the Town planning jurisdiction will be designed, arranged, and constructed in a safe, orderly, and visually harmonious manner, and will reflect the basic character of the development site and its immediate surroundings as well as the nature of the proposed uses of the site. It is the intent of Part 2 to provide supplementary standards for specific uses listed in Section 17-410, the "Table of Permitted Uses." It is the intent of Part 3 to provide specific performance standards about the external effects of manufacturing and processing facilities. Part 4 is intended to provide minimum maintenance requirements for common areas and other private properties.

**Sec. 17-501. Applicability.**

Except where otherwise specifically provided in this chapter, no land or structure shall be used or occupied, and no excavation, removal of soil, clearing a site or placing fill shall take place on land contemplated for development, and no structure, or part of a structure, shall be constructed, erected, altered, renovated or moved except in compliance with the general design and performance standards specified in this article and appendices. These design standards shall not apply to a single-family detached dwelling units, duplexes or townhomes.

**Sec. 17-502. Appendices.**

Appendices B through E contain specific design, performance and/or construction standards. Such standards shall supplement and be in accordance with the general design and performance standards contained in this article, and shall reflect, where applicable, generally accepted design and construction practices and techniques. The Appendices are adopted as a part of this ordinance and are incorporated herein by reference.

**Sec. 17-503. General Site Arrangement.**

The requirements for site planned developments are found at Article IV and Appendix A. Please see those documents. Developments shall be arranged to be visually harmonious both within the development site and in relation to adjacent developments. Site design elements of the development shall be integrated to the degree of their compatibility with each other and shall be separated to the degree of their incompatibility. Insofar as is practicable, developments shall be arranged to preserve or enhance natural vistas. Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but are not limited to, the removal of lateral support, the creation of hazard, nuisance, danger or inconvenience, unreasonable loss of light and air, or unreasonable loss of privacy or views.

## Article V. Standards and Supplementary Use Regulations

Except where otherwise specifically provided in this chapter, only one (1) principal building devoted to a primary use and its customary accessory building(s) may be erected on any lot.

### **Sec. 17-504. Access and circulation.**

- A. Standards. The provisions of Appendix B, Streets, Sidewalks, Access and Circulation are adopted by reference as if incorporated fully below. The standards of Appendix B, including but not limited to roadway design must be followed in all developments.
- B. Internal circulation.
  - 1. Internal circulation systems (sometimes called “vehicular use areas”) shall provide the types, amounts and locations of accessibility appropriate to the type and size of development, and shall be designed to facilitate the movement of persons, goods, services and waste products in a safe and efficient manner, while minimizing the impermeable surfaces.
  - 2. Safe and convenient vehicular access shall be provided for emergency and service vehicles.
  - 3. Wherever appropriate to the type and size of the development, the provision of a safe, efficient, and convenient pedestrian system shall be provided.
  - 4. The integration of separation of circulation systems and patterns shall be provided as appropriate to the type and size of the development and to the existing or anticipated traffic flows.
- C. External Circulation shall meet the applicable standards of the N.C. Department of Transportation or the Town. Please see Appendix B for the Town’s standards.

### **Sec. 17-505. Off-street parking and loading.**

- A. Off-street parking and loading required.
  - 1. Off-street parking and loading will be provided per the design standards found in Appendix V. Off-street parking shall be provided for all uses of land, structures, and buildings as well as for any expansion of such uses or increases in intensity of use in accordance with the requirements of this section, except for those uses located within the CB zoning district.
  - 2. An off-street loading space shall be provided for all retail business, wholesale, and industrial uses as well as for any expansion of such uses or change in use requiring the regular delivery of shipping of goods, merchandise or equipment to the site by

## Article V. Standards and Supplementary Use Regulations

semi-trailer trucks, in accordance with the requirements of this section.

3. In the case of developments containing a mix of uses, the total requirements for off-street parking or loading space shall be the sum of the requirements for the various uses computed separately. Off-street parking requirements may be reduced if uses, located on the same site, can utilize the same parking spaces during different times. (For example, a theater that uses spaces at night could share spaces with a hardware store that uses the same spaces during the day.)
4. All required parking areas including driveways and drive aisles (also called "vehicular use areas") shall be paved.

### B. Methods of providing required parking and loading spaces.

1. All required parking or loading spaces shall be located on the same zoning lot as the principal use it serves, except as provided below.
2. In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this section may be provided by the following means.
3. Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with the parking for other uses, subject to certification by the planning director that the following requirements have been met:
  - a) The use being served by the off-site parking shall be a permitted principal use, as established in article IV of this chapter.
  - b) The off-street parking spaces shall be located within four hundred (400) feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between off-street parking and the use being served.
  - c) The continued availability of off-site parking spaces necessary to meet the requirements of this section shall be ensured by an appropriate restriction on the title to the land providing the off-street parking spaces, in the form of a declaration, covenant, or contract.
  - d) The off-site parking lot shall meet the state building code requirements.
  - e) Any off-site parking lot, or any individual lot where any parking facility is the principal use of the lot, shall require the explicit approval of a site plan by the City Council or the Planning Director (as applicable) and certification that the lot

Article V. Standards and Supplementary Use Regulations

meets all the design requirements of this section.

- f) An easement, lease or contract showing that the remote parking lot will be used as the parking lot.
- C. Combined parking. Up to one-half (½) of the parking spaces required for any one (1) use may be used to satisfy the parking requirements for either a second use on the same zoning lot or a use for which the provisions of subsection (2) of this section are utilized, subject to certification by the planning director that such joint usage of parking spaces complies with the following provision:
- The peak usage of the parking facility by one (1) use will be at night, or on Sundays (such as with theaters, assembly halls, or places of worship), and the peak usage of the parking facility by the second use will be at other times.
- D. Use of required parking and loading space.
- 1. Required parking areas shall be available for the parking of operable vehicles of residents, customers, and employees, and shall not be used for the storage of vehicles or materials, the display of merchandise or for the parking of vehicles used for loading or unloading, or in conducting the use.
  - 2. Required loading spaces shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles and materials, the display of merchandise or to meet off-street parking requirement, or in conducting the use.
- E. Parking landscaping standards are found in Appendix C.
- F. Residential parking restrictions. On a property designed or used as a residence, no person shall park or store any trailer, boat or motor vehicle in the front yard of property that results in:
- 1. Uncut grass or weeds under or around the trailer, boat or motor vehicle, or deteriorates the lawn area to the extent that no grass remains under or adjacent to the trailer, boat or motor vehicle; or
  - 2. Creates an un-vegetated area(s) that allows for standing water or significant erosion of the area(s) onto a public street or adjoining property.
- G. Recreational vehicle parking and storage limitations.
- 1. On property designed or used as a residence, no person shall park or store any recreational vehicle in any yard adjacent to a public street that results in uncut grass or weeds under or around the trailer, boat or motor vehicle, or deteriorates the

Article V. Standards and Supplementary Use Regulations

lawn area to the extent that no grass remains under or adjacent to the trailer, boat or motor vehicle.

2. An owner or operator of a recreational vehicle parked or stored on property designed or used as a residence shall be an occupant of the property upon which the recreational vehicle is parked or stored, except as set forth in this section.
3. No property owner or tenant shall allow or suffer another person to park or store a recreational vehicle on property designed or used as a residence in a manner prohibited by any provision of this Code.

H. Minimum Off-Street Parking Space Requirements.

The following minimum parking space requirements are provided as a general guide to complement the parking requirements as set forth in the Town Development Ordinance.

Use	Minimum Number of Parking Spaces in Gross Square Feet <sup>3</sup>	Maximum Number of Parking Spaces
Dwelling, single family <sup>1,2</sup>	1 per dwelling	
Dwelling, two family <sup>1,2</sup>	3 per dwelling	
Dwelling, multi-family <sup>1,2</sup> 1 or 2 bedrooms 3 or more bedrooms	1.5 per dwelling unit 2 per dwelling unit	
Mobile Home/Mobile Home Park	2 per unit	
Fraternity or Sorority House <sup>1,2</sup>	1 per resident	
Residential support facility	1 per 500 sq. ft. of floor area	
Rooming House/Tourist Home <sup>1</sup>	1 per lodging unit	2 per lodging unit
Bank	1 per 350 sq. ft. of floor area	2 per 350 sq. ft. of floor area
Business, Retail/General	1 per 250 sq. ft. of floor area	2 per 250 sq. ft. of floor area
Business, Restaurant	1 per 4 seats	1 per 2 seats
Business, Office type	1 per 350 sq. ft. of floor area	2 per 350 sq. ft. of floor area
Business, Sales/Rental (automotive, farm implement, recreation vehicles, etc.)	1 per 500 sq. ft. of floor area	2 per 500 sq. ft. of floor area
Child Care Center	Two spaces plus one for each employee	
Clinic	1 per 250 sq. ft. of floor area	

Article V. Standards and Supplementary Use Regulations

Group Care Facility	1 per 2 beds	
Hotel or motel, no restaurant	1.5 per lodging unit	
Hotel or motel with restaurant	1.5 per lodging unit, plus 1.5 seats in restaurant	
Maintenance/storage facility	1 per 2 employees (largest shift)	1 per 1 employee (largest shift)
Manufacturing, light	1 per 2 employees (largest shift)	1 per 1 employee (largest shift)
Personnel Services	1 per 250 sq. ft. of floor area	2 per 250 sq. ft. of floor area
Place of Worship (Church)	1 per 4 seats sanctuary	1 per 2 seats sanctuary
Public Use Facility	1 per 350 sq. ft. of floor area	
Research Activities	1 per 350 sq. ft. of floor area	
School, elementary	1 per staff member	
School, high	1 per 4 students	1 per 2 students

<sup>1</sup> *The following vehicles may not be parked at any time on a property designed and used as a residence:*

*(1) Any airplane or other aircraft, or any parts thereof in the front or side yard.*

*(2) Any construction or commercial equipment, machinery, vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, or construction materials, except that the construction equipment, machinery, vehicle or materials may be temporarily kept within or upon the property for and during the time that the equipment, machinery, vehicle, or materials are required in connection with the delivery, pick-up, construction, installation, repair, or alteration of improvements or facilities on the property, unless the activity is otherwise prohibited by this code, by any permit issued pursuant to this code, or by other applicable law.*

*(3) Any un-mounted camper shell, in an area visible from any street.*

*(4) Any motor vehicle, boat, or trailer that is defaced with graffiti and is in an area visible from any street for more than seventy-two (72) consecutive hours.*

<sup>2</sup> *All other motor vehicles, trailers, wagons, special mobile equipment and non-motorized vehicles ("other vehicles") may be parked, stored, or maintained in an area visible from any street for more than seventy-two (72) consecutive hours,*

Article V. Standards and Supplementary Use Regulations

*(1) Except that "special mobile equipment" may be parked, stored in a side or rear yard if it is stored in:*

*a. An accessory building constructed in accordance with the provisions of this chapter; or*

*b. In an area outside of a five-foot setback from any property line and which is not visible from any street.*

*c. In addition to a and b above, at least 1,500 square feet, or at least 60 percent of the remaining rear yard area, whichever is less, must not contain special mobile equipment.*

*(2) No "other vehicles" or special mobile equipment shall be parked, stored, or kept within five (5) feet of any required building exit, including exit windows.*

*(3) No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for more than seventy-two (72) consecutive hours.*

*<sup>3</sup> Parking ratios shall be determined using the gross square feet of any building unless the applicant provides floor plans in sufficient detail to ascertain the actual uses of different portions of a building(s). Different parking ratios for different portions of a building(s) will be considered if information is submitted with an application to allow the Administrator to make that determination*

In the case of a use not listed in the general categories above, the minimum parking space requirement may be determined by the Planning Director. In making such determinations, the Planning Director shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and any studies and references of minimum parking space requirements for such use(s) in another jurisdiction.

**Sec. 17-506. Drainage and Stormwater Management.**

- A. Properties located in the Water Supply Watershed Protection District shall meet the standards found there. See Art. IV Zoning District Regulations, Part 2. Overlay Districts, Section 17-422.

All other properties shall retain stormwater discharged from the site so the post development peak discharge rate shall not exceed the rate for the site predevelopment for the 1-inch, 24-hour storm.

**Sec. 17-507. Electricity, Water and Sewer.**

## Article V. Standards and Supplementary Use Regulations

### A. Service by public systems.

1. All developments shall be served by a town or county water supply and a town or county sanitary sewer system wherever applicable and practicable. All utility systems owned by the Town or proposed for Town ownership and maintenance shall be built to the standards found in Appendix D, which is adopted by reference and incorporated herein as if reproduced herein.
2. All proposed public water and sanitary sewer installations shall be approved by the town or county public utilities department where applicable. Certification of such approval shall be submitted to the planning director prior to issuance of any zoning permit for the development being served.
3. No certificate of occupancy for a structure shall be issued until the following documents have been submitted to the planning director:
  - a) Certification for the town public utilities department that all water/sewer facilities necessary to serve such structure have been completed to town standards; and
  - b) As-built construction drawings of those completed water and/or sewer facilities located within a public right-of-way or easement.

B. Service by individual systems. Individual water supply systems intended to provide potable water, and/or individual subsurface sewage disposal systems, may be permitted on a zoning lot, subject to approval by the county health department. Certification of such approval shall be submitted to the planning director prior to issuance of any land use permit for the development being served.

C. Other utilities. For all new developments, except residential subdivisions of seven (7) lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

### **Sec. 17-508. Collection of Solid Waste.**

- A. All multifamily, office, commercial and industrial developments should provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the development or use being served.
- B. All solid waste and recyclable storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of a wall, fence, or hedge. Such screening shall

## Article V. Standards and Supplementary Use Regulations

be of sufficient height and design to effectively screen the facility from the view from adjacent properties and streets.

- C. In newly proposed developments all streets are required to be built to Town standards to assure that refuse collection vehicles will have adequate access. Readers are referred to Appendix B for further design standards.
- D. Single Family Residential Collection. Residential refuse collection is provided by the Town of Selma Public Works Department for occupants of single family residential dwellings as provided in Chapter 16, Public Services and Utilities of the Code of Ordinances.
- E. Multi-Family Commercial/Institutional Refuse Collection
  - 1. Multi-family development includes all sites zoned for multi-family use with apartment buildings, townhouses or condominiums.
  - 2. Commercial and institutional development includes all sites zoned for non-residential uses that are not used for residential development.
  - 3. Multi-family/commercial/institutional refuse collection service is provided by a private contractor.
  - 4. To provide refuse collection service, the owner or occupant of all multi-family, commercial and institutional properties is required to provide standard front-loading six (6) or eight (8) cubic yard dumpsters.
- F. Inadequate solid waste management
  - 1. The accumulation of solid waste, as defined in Article II, constitutes property blight in the following situations:
  - 2. The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two (72) consecutive hours; or
  - 3. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this chapter.
  - 4. The accumulation of dirt, litter, or debris in vestibules or doorways of buildings constitutes property blight if it is visible from any street or neighboring properties and is present for more than seventy-two (72) consecutive hours.

### **Sec. 17-509. Landscape Areas.**

## Article V. Standards and Supplementary Use Regulations

- A. Purpose of landscape areas. Landscape areas are required to separate a proposed development from adjacent major streets and different land uses or zoning designations to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.
- B. Landscape areas required.
1. A landscape area is a piece of land together with the landscaping or screening required thereon. Except as otherwise specifically provided in this chapter, the type of landscape area required between proposed development and adjacent streets, land uses or zoning designations shall be specified in this section.
  2. Width and screening specifications for each landscape area shall be detailed and illustrated in Appendix C. Screening required within landscape buffers is intended to provide separation of spaces without necessarily eliminating visual contact between spaces, and may consist of existing vegetation, planted vegetation, a landscaped earth berm, a decorative wall, a wood fence, or a combination of the above. Any options specified in the design manual for the required landscape area type shall satisfy the landscape requirements of this section.
- C. General Regulations.
1. Whenever the landscaping requirements of this Ordinance are applicable, no site shall be cleared or graded for pending construction until a landscape plan has been submitted and approved by the town. See Sec 17-607 Landscape Plan for the landscape plans procedures.
  2. Additions or expansions to sites as they existed at the time of the adoption of this Section, which singularly or collectively exceed 25% of the gross floor area or lot existing at the time this Ordinance becomes applicable, shall meet all the requirements of this Section for both the existing facility and proposed addition/expansions.
  3. The owners and their agents shall be responsible for protecting and maintaining all landscape materials in accordance with the landscape plan approved by the town.
  4. Foundation Plantings. For all portions of buildings, which are adjacent to parking facilities or internal drive aisles, foundation plantings shall be required and located between the buildings face and the parking or drive isle curb. The minimum standards are required; however, it is encouraged that sites exceed the minimum whenever possible. The minimum standards are found in Appendix C.

## Article V. Standards and Supplementary Use Regulations

5. If the requirements of this section conflict with any other requirements from other sections of this Ordinance, the more stringent shall apply.
6. The following general standards shall be used in the process of designing all landscaping plans:
  - a) Selection of Plant Materials. All plant materials and their spacing requirements, which are to be planted to meet the opacity and height requirements of this section shall be approved by the Planning Department.
  - b) Provision for Other Uses. Up to 15% of the area to be landscaped may be covered with surfaces specifically intended to afford intensive use and enjoyment by employees or the public (such as walking paths, bench and table pads, etc.)
  - c) It is encouraged that stormwater management systems be integrated into the landscaping plan.
- D. Location for Buffers and "Street Yards". Required landscape areas shall be located along the interior or street lot lines nearest the adjacent streets, land uses, or zoning designations except where such lot lines are intersected by crossing access ways or utility easements, or by a joint parking area. Required landscape areas shall not be located on any portion of an existing or proposed street right-of-way or easement.
- E. Use of landscaped areas. In addition to C. 6. b above, and provided the required landscape area width and screening is maintained, a landscape area may contain utilities, pedestrian paths, and other minor or passive uses compatible with the general separation of land uses.
- F. Schedule of required landscaper areas. Specifications for each landscape area type are contained in Appendix C.
- G. Existing vegetation. Significant existing vegetation shall be retained and maintained whenever possible to permit such vegetation to contribute to landscape area and screening requirements.
- H. Maintenance of landscaping. All landscaping and screening required in this section shall be maintained to continue their effectiveness and as required in Appendix C.

### Sec. 17-510. Outdoor Lighting and Signage.

- A. In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and

Article V. Standards and Supplementary Use Regulations

facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building.

- B. All development shall incorporate street lighting and signs per the standards of Appendix E which are adopted by reference as if incorporated fully herein to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.

**Sec. 17-511. Accessibility for the Handicapped.**

Except for single- and two-family dwellings, all buildings and facilities used by the general public shall be accessible to and usable by the physically handicapped in accordance with the building code provisions as established by the state.

**Sec. 17-512 – 17-519 Reserved.**

**PART 2: SUPPLEMENTARY USE REGULATIONS**

**Sec. 17-520. Adult Day Care.**

- A. An adult day care facility must not allow any adult to remain on the premises for more than twenty-four (24) consecutive hours in one (1) day.
- B. An on-site drop-off and/or residential passenger zone is required.

**Sec. 17-521. Amateur Radio Antennas (Ham Radios).**

- A. Due to health, safety and aesthetic considerations, the town hereby regulates amateur radio antennas. Nothing in this chapter, however, is intended to violate the requirements of G.S. § 160A-383.3, which requires that amateur radio antennas be reasonably accommodated and be subject only to the minimum practicable regulations necessary.
- B. Amateur radio antennas must be located a minimum distance from all property lines that is equal to or greater than the height of the proposed antenna. For example, a forty (40) foot tall antenna must be located at least forty (40) feet from all property lines.

**Sec. 17-522. Bars, Taverns and Nightclubs.**

Establishments such as bars, taverns and clubs (not part of a restaurant) dispensing and/or selling alcoholic beverages subject to the following conditions:

- A. The minimum distance for the establishment from all single-family residences, and any property used as a school shall be two hundred (200) feet in all directions, measure from property line to property line.
- B. Noise limitations are found in Chapter 3 of the Code of Ordinances.
- C. Hours of operation and other restrictions for compatibility with the surrounding area may be established by the town council upon review of the special use permit application.

**Sec. 17-523. Bed and Breakfast.**

- A. A bed and breakfast shall be permitted only within a principal residential structure.

## Article V. Standards and Supplementary Use Regulations

- B. A bed and breakfast shall be in a dwelling in which there is a resident owner or resident manager.
- C. In residential districts, food service shall be available only to guests and not to the general public.
- D. Signage shall be limited to one (1) identification sign not to exceed four (4) square feet in area and four (4) feet in height.
- E. A bed and breakfast shall have vehicular access to a sub-collector or higher classified street.

### **Sec. 17-524. Building Design, Exterior Standards.**

In addition to other standards set forth in this chapter, the following exterior design standards shall apply to all industrial, commercial, institutional, multi-family residential and any other development, other than single-family detached dwellings, two family dwellings and townhouses subject to the NC Residential Building Code:

- A. A minimum of sixty (60) percent of the primary building material for the front façade and a minimum of twenty-five (25) percent of each side façade shall be constructed of glass, wood, brick, stone, split-face block, pre-cast concrete (if the surface is painted, textured or designed to simulate brick, stone or lap siding), vinyl lap siding or architectural concrete (if the surface is designed to simulate brick or stone). This subsection shall not apply to buildings constructed pursuant to Section 17-546, "Metal Buildings" walls and gas station canopies;
- B. All refuse facilities, mechanical equipment and utility equipment shall be located to the side or rear of the primary building and shielded from any public roadway or adjacent property by means of landscaping or fencing.

### **Sec. 17-525. Bulk Petroleum Plants; LP Gas and Storage Farms.**

- A. The potentially high environmental impact use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.
- B. All storage tanks and loading facilities will be located at least two hundred (200) feet from any property line. The buffer area required by Section 17-509 and Appendix C shall contain enough natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.

Article V. Standards and Supplementary Use Regulations

- C. Vehicle access to the use will be provided only by way of a U.S.- or N.C.- numbered highway or an industrial area access road.
- D. All principal and accessory structures and off-street parking and service areas will be buffered from any abutting property in accordance with Section 17-509 and Appendix C.

**Sec. 17-526. Cemetery Accessory to Church.**

A cemetery located on the same property as a church shall be subject to the following criteria:

- A. The cemetery shall not encroach on any yard setbacks.
- B. A site plan shall be submitted in accordance with Article VI, Part 1.

**Sec. 17-527. Cemeteries, Columbariums and Crematoriums.**

On-site cemeteries and/or columbariums are hereby recognized as traditional accessory uses for churches and other religious institutions, and cemeteries may be located on or adjacent to the property of any church or other religious institution. Off-site cemeteries for churches and other religious institutions, however, shall be subject to all zoning restrictions set forth in this chapter.

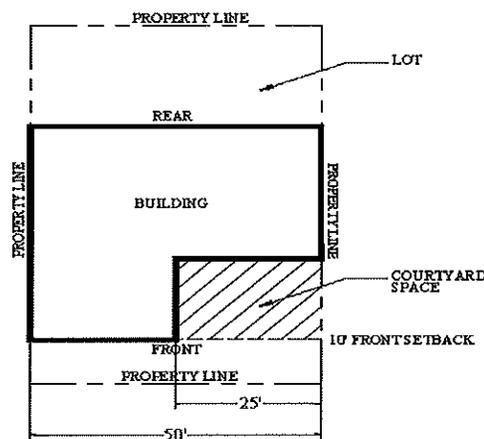
- A. No crematorium may be located less than one (1) mile from another crematorium or less than one-quarter (1/4) mile from any property zoned residential or office and institutional.
- B. Crematoriums may be allowed pursuant to the use table in Section 17-410, upon compliance with the following:
  - 1. All facilities must comply with N.C. State licensing requirements.
  - 2. There shall be no emission of particulate matter or noticeable odors.
  - 3. No new crematorium operating may be located within 150 feet from an existing crematory facility and 500 feet from any residentially zoned property.
  - 4. The loading/unloading zone for the facility must be enclosed or screened from view with fencing in accordance with Appendix C.
  - 5. All windows with an open view of the crematory processing equipment must be screened from view.

**Sec. 17-528. Central Business District (CB) Design Standards.**

This section is intended to protect the historic and aesthetic character of uptown Selma, by ensuring quality design and appropriate materials are used in the construction of new buildings. In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CB District (Uptown Selma) are regulated in accordance with specific standards described herein.

**A. Pedestrian Spaces, Building Setbacks and Entries.**

1. The intent of the pedestrian space is to allow the property owner to develop a usable size space for gathering, including but not limited to, outdoor seating, art displays, eating, or a plaza. The pedestrian space shall be accessible, visible, and easy to use. Substantial grade changes creating isolated or hidden spaces shall be avoided.
2. Setbacks may be staggered to create a private pedestrian space. The minimum front yard setback for a portion of the building may be increased to any depth for the purposes of creating a patio or courtyard space so long as at least 50 percent of the total building frontage meets the minimum setback of Sec. 17-430 Table of Density and Dimensional Regulations. (Example: A building with 50 linear feet of frontage and a 10-foot front setback requirement may setback 25 feet of frontage more than 10 feet. (See Figure 1.) For corner lots, this provision may be used to create a corner public space.



**Figure 1: Illustration Showing Staggered Setback**

3. Where the pedestrian space is adjacent to the public right of way, there shall be an architectural (or defined) edge that complies with all requirements of the CB

## Article V. Standards and Supplementary Use Regulations

District to define the pedestrian space. All buildings shall have their principal entrance opening to a street, sidewalk or pedestrian space such as a courtyard, square or plaza. The principal entrance shall not open onto an off-street parking lot. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through appropriate pedestrian paving and landscaping where required.

4. Landscaping is required and shall include a combination of trees, groundcover and plants as required by Appendix C of this ordinance; however, the following shall supersede the landscape requirements of Appendix C:
    - a) Within the pedestrian space, one (1) canopy tree must be planted for each 500 square feet; or one (1) ornamental tree for each 250 square feet of created pedestrian space.
    - b) A minimum of one (1) ornamental tree is required for any space of 250 square feet or less.
    - c) Existing street trees should not be removed as part of the creation of a pedestrian space. Any existing trees or plant material, which is part of a previously approved landscape plan, shall be replaced.
  5. The following permitted amenities within the interior of the non- public pedestrian space include but are not limited to: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, decorative benches, tables and similar structures.
- B. General Design Standards. To promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, the following uses shall be regulated as follows:
1. The first floor (street level) of any new multi-story building shall be devoted to retail, commercial, and service uses, as listed in Table 17-410. Multi-story buildings shall include non-residential uses along not less than 50 percent of their street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
  2. No "9.0000 Motor Vehicle-Related Sales and Service Operations" use(s) listed in Table 17-410 shall be located within 400 feet of another motor vehicle use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, whichever is less.
  3. Accessory structures, additions, remodels and rehabilitation projects shall be designed and constructed using the same general form and materials as the

## Article V. Standards and Supplementary Use Regulations

principal building, if the principal building is architecturally consistent with the general character of the CB District. For the purposes of this ordinance, brick and/or brick with stone is considered the general character of the buildings in the Central Business District.

4. The design requirements of this section apply to all building walls that are visible from any public right-of-way.
5. The preferred wall material for structures in the CB district is brick or predominantly brick colored material that is complementary to surrounding structures. The Administrator may waive the brick requirements based on certain circumstances included, but not limited to:
  - a) Stucco may be approved to cover damaged or deteriorated brick.
  - b) Structural wood may be used as decorative elements as trim, in windows or on doors.

Any waivers beyond the authority of the Administrator shall be subject to approval by the Town Council.

6. Under no circumstances shall metal siding, unfinished concrete block, precast concrete, split-faced block, or vinyl siding be allowed for any building surface. Split-faced block may be used as an accent material so long as it does not cover more than 20 percent of the total building surfaces.
7. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity using windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first-floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
8. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e. Fiberglass with a wood grain pattern) is permitted. All materials shall be identified on the architectural drawings submitted for review.

## Article V. Standards and Supplementary Use Regulations

9. Reflective or tinted glass is not permitted on window or door surfaces. Glass surfaces shall not have a reflectivity more than 36 percent. Submitted plans shall clearly indicate the type of glass being used and its reflectivity index.
10. Doors shall be recessed into the face of the building (to provide a sense of entry and to add variety to the streetscape). An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases, shall not be less than 15 square feet.
11. Decorative fences such as those constructed of brick and wrought iron are allowed within the CB District. Screening fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance, will a chain link or barbed wire fence be acceptable except around construction sites. Plywood, sheet metal, fiberglass or other such panel fences are also prohibited. Temporary plywood screening fences shall be allowed during construction.
12. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:
  - a) Such appurtenances shall be constructed of material designed to complement the streetscape.
  - b) In no instance, shall these appurtenances utilize internal illuminated backlights in their design or mounting.
  - c) Awnings shall be made of canvas or treated fabric/canvas material.
  - d) Vinyl, metal, or Plexiglas awnings are not permitted.
  - e) An encroachment agreement is required for awnings or signs that hang over the public rights-of-way.
  - f) Any such appurtenance may extend from the building to up to 80 percent of the width of the public sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the Town. In addition, the property owner may be required to provide proof of liability insurance and to provide a certificate of insurance showing that the Town is a named insured party.
  - g) Such appurtenances shall be self-supporting. In no case, shall supports for such appurtenances extend to the sidewalk and/or ground within the public right of



Article V. Standards and Supplementary Use Regulations

3. The Administrator may allow a decorative masonry wall or a combination of a wall with plantings in lieu of parking lot yards if one or more of the following conditions exist:
  - a) The site on which the parking is located contains a designated historic structure.
  - b) The presence of lot yards complicates deliveries necessary for the day-to-day operations of the principle structure
- G. Loading and Unloading Areas. Where feasible, loading/unloading areas shall be located only in the rear or side yard.
- H. Parking Decks. In addition to the above listed requirements, parking decks shall be subject to the following criteria:
  1. Parking decks must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.
  2. If any openings for ventilation, service or emergency access are located at the first-floor level in the building wall then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must either be occupied retail space or an architecturally articulated wall designed to screen the parking areas of the structure, to encourage pedestrian activity and to provide for urban open space. Parking garages shall be architectural compatible with the CB district.
  3. Cars on all levels of a parking deck must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance, will cabling alone be sufficient to meet this screening requirement.
  4. The design requirements of this section apply to all building walls, which are visible from any public right-of-way.
- I. Compliance. A site plan is required as per Article VI, Part 1 along with architectural elevations or perspective drawings compiling with the requirements of this Ordinance. In no case, shall a Certificate of Zoning Compliance be issued if the design requirements covered in this Ordinance have not been met.

**Sec. 17-529. Child Care Centers.**

- A. When a center is licensed for six (6) to twenty-nine (29) children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for

Article V. Standards and Supplementary Use Regulations

which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child. When a center is licensed for thirty (30) or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, if the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children. The outdoor play area shall provide an area that is shaded by a building, awnings, trees or other methods. The outdoor area shall be designed so that staff can see and easily supervise the entire area.

- B. If a special use permit is required, the permit shall establish the hours of operation.
- C. Minimum paved off-street pick up and drop off lane: Space for at least two vehicles for center holding up to 29 children and 5 vehicle-stacking spaces for centers for more than 29 children.

**Sec. 17-530. Convenience Stores and Gas Stations.**

- A. Convenience stores and gas stations shall have the landscaped area contiguous to all public rights-of-way required by section 17-509 and Appendix C. No structure, part of a structure or vehicular parking (except permitted signs) shall be permitted within the setback. Should the setback and landscaping requirements of the zoning district in which the convenience store or gas station is located differ from the requirements of this subsection, the more stringent requirements shall control.
- B. If the property is a corner lot, the front property line shall be that portion of the property fronting on a US or NC numbered highway with US numbered highways having precedence.
- C. Fuel pump canopies shall not exceed one half the height of the roof of the primary building it serves, to a maximum height of fifteen (15) feet measured from the ground.
- D. All light fixtures (luminaries) shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties.
- E. Overhead lighting fixtures shall be designed to prevent light from emitting upwards toward the sky. Under-canopy lighting fixtures should be completely recessed within the canopy.
- F. Fixture Height. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. Pedestrian scale lighting at a height not exceeding twelve (12) feet is encouraged. All light fixtures located within fifty (50) feet of any adjacent

## Article V. Standards and Supplementary Use Regulations

residential use or residentially zoned property boundary shall not exceed fifteen (15) feet in height

### **Sec. 17-531. Dish Antennas.**

- A. Permitting use. Dish antennas are permitted as accessory uses in all zoning districts, subject to the regulations of this section. For the purposes of this section, lots located within a planned unit development shall be considered residential if the primary use of the lot is residential and nonresidential if the primary use of the lot is nonresidential.
- B. General requirements:
1. A zoning permit is required to install, move or substantially construct or reconstruct a dish antenna.
  2. In addition to the requirements of this section, a dish antenna must also be installed to comply with the manufacturer's specifications.
  3. In residential zoning districts, dish antennas that are less than thirty (30) inches in height and less than twenty-four inches (24) inches in width may be installed on roofs or other parts of the principal structure.
  4. In commercial, office and institutional and industrial zoning districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, and the dish shall not be used for advertising purposes.
  5. If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, pastel gray or pastel gray-green. The paint must have a dull (non-glossy) finish and no patterns, lettering or numerals shall be permitted on the dish surface.
- C. Location in yards.
1. In all zoning districts, dish antennas less than thirty (30) inches in height and less than twenty-four (24) inches in width may be installed in any side or rear yard. Larger dishes shall be installed in accordance with subsections (B)(4) and (C)(2) of this section.
  2. In commercial and industrial zoning districts, a dealer selling dish antennas may have a maximum of one such antenna installed in the front or side yard for display purposes providing all other requirements of this section are met. If a dealer displays a dish antenna in the front or side yard, his permissible sign area shall be reduced by one half.

Article V. Standards and Supplementary Use Regulations

3. No dish antenna may be installed in any public right-of-way or in any drainage or utility easement.

D. Minimum setback.

1. The setback of a dish antenna shall be measured from the center of the mounting post supporting the antenna.
2. The minimum required setback for dish antennas, from the side lot line, shall be the same as for the principal building except on corner lots. In the case of corner lots, the minimum required setback for the side(s) abutting the street shall be the same as the required front setback along that street.
3. The minimum required setback for dish antennas from the rear lot line shall be five (5) feet or the same as accessory buildings, whichever is greater, but in no case, shall any part of the antenna come closer than one (1) foot to the property line.
4. In districts where there are no side or rear yard setback requirements, a minimum setback of five (5) feet from the side and rear lot lines shall be required of dish antennas, but in no case, shall any part of the antenna come closer than one (1) foot to the property line.
5. In all cases, no dish antenna shall be located within fifteen (15) feet of any street right-of-way.
6. No dish antenna shall be located within ten (10) feet of a principal building, except as necessary to meet the requirements of subsection (D)(5) of this section.
7. In commercial, office and institutional and industrial zoning districts, dishes shall be set back from the front and sides of the building at least the same distance as one and one half (1 ½) times the diameter of the dish.
8. There are no setback requirements between a dish antenna and any other accessory structure.

E. Maximum height.

1. In all residential zoning districts, the maximum height of dish antennas shall be twenty (20) feet or the height of the principal building, whichever is less.
2. In commercial, office and institutional and industrial zoning districts, the maximum height of dish antennas installed on the ground shall be thirty (30) feet. Dish antennas mounted on the roof of a building shall not project more than ten (10) feet above the height of the building or more than one-third (1/3) the total height of the building, whichever is less.

Article V. Standards and Supplementary Use Regulations

F. Buffering and screening.

1. In all residential zoning districts, dish antennas shall be surrounded with any one or a combination of evergreen vegetation; topographic features (for example a hillside); landscaped earthen berm; or architectural features, such as fences or buildings. This screen shall be tall enough and dense enough that the lower two-thirds (2/3) of the dish area is not visible from any public street or from six (6) feet above ground level on surrounding residential properties. If evergreen vegetation is used, a species and size shall be planted which can reasonably be expected to screen the required area within two (2) years of planting. Any dead screening vegetation must be replaced.
2. In commercial, office and institutional and industrial zoning districts, dish antennas must be screened from the view of surrounding residential properties and primarily residential public streets. The screening requirements as to materials and height shall be the same as in subsection (F)(1) above.

**Sec. 17-532. Dwelling Over A Business.**

One, two and multi-family dwelling units, complying with state and local ordinances, are permitted above the first story of a commercial (retail or wholesale) or office building.

**Sec. 17-533. Electronic Gaming Operations.**

In addition to the regulations provided for elsewhere in this ordinance and if allowed by North Carolina statute, electronic gaming operations shall be subject to the following requirements:

- A. Hours of Operation. Electronic gaming operations may operate from 1:00 p.m. until 10:00 p.m., seven (7) days per week.
- B. Spacing Requirements:
  1. Each electronic gaming operation must be a minimum of 1,000 feet from any building being used as a dwelling.
  2. Each electronic gaming operation must be a minimum of one-half (1/2) mile from any other electronic gaming operation.
  3. For the purposes of this subsection, the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation.
- C. Electronic gaming operations are prohibited in or as a part of any check cashing facility.

Article V. Standards and Supplementary Use Regulations

- D. All applicable State and local permits and business licenses must be issued to the applicant prior to the opening of the business, including evidence that the Selma Police Department and Johnston County Sherriff have received a copy of any application for a special use permit.
- E. If food and/or beverages are served, the establishment must meet any State requirements and the requirements of the Johnston County Environmental Health Department.

**Sec. 17-534. Explosives, Use and Storage of.**

- A. The manufacture or storage of explosives as a primary use is prohibited. Explosives may be stored as an accessory use in the I-1 and I-2 zoning districts, provided that such storage strictly complies with all applicable State and federal requirements, including, but not limited to 27 C.F.R. Part 555, "Commerce in Explosives"; G.S. § 14-284.1(c); 13 N.C.A.C. 7F .0700, *et seq.*, "Blasting and Use of Explosives"; and the 2009 North Carolina State Building Code, Fire Prevention Code, Chapter 33, "Explosives and Fireworks."
- B. The use of explosives shall be regulated by the Town of Selma Fire Department in accordance with the requirements of the Selma Code of Ordinances Chapter 9 and the 2009 North Carolina State Building Code, Fire Prevention Code, Chapter 33, "Explosives and Fireworks."

**Sec. 17-535. Family Care Homes (Group Homes).**

- A. A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts.
- B. A family care home is a residential use of property for the purposes of determining charges or assessments imposed by the Town political subdivisions or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.
- C. No family care home may be located within a one-half mile radius of any other existing family care home, unless a reasonable accommodation or special use permit is obtained. See Sect. 17-1402 for the process to apply for a reasonable accommodation. See Sect. 17-610 for the process to obtain a Special Use Permit. As provided in section 17-1402, a variance or a reasonable accommodation to the one-half mile separation may be obtained when the separation is accomplished by intervening human-made features (i.e., railroad yards, freeways) or natural features (i.e. rivers, wetlands) and provides sufficient separation to ameliorate the harmful effects that justified the

statutory separation.

**Sec. 17-536. Family Child Care Homes (Home Daycare).**

- A. In addition to the other standards set forth in this chapter, each family childcare home, also known as a home daycare, must meet the following requirements:
  - 1. A home daycare may have no more than eight (8) children. Of the children present at any one time, no more five (5) shall be preschool-aged, not including the operator's own preschool-age children.
  - 2. The maximum hours of operation are 7:00 am to 6:00 pm, Monday through Friday.
  - 3. The daycare shall include a fenced-in outdoor play area that complies with State regulations.
  - 4. No signage, other than that permitted by Article XI "Signs" is allowed.
  - 5. The home daycare must be licensed through the NC Department of Health and Human Services.
- B. Violations of subsections (A)(2) and (4) of this section are violations of this chapter, and the town may impose civil penalties and/or seek other remedies, as provided in this chapter, to correct violations of those subsections. Subsections (A)(1) or (3) and of this section are established by State law, and the violations of these subsections may be punished as provided by State law. No violation of subsections (A)(1) or (3) shall subject the offending party to civil penalties or other remedies established by this chapter.

**Sec. 17-537. Flea Market, Permanent.**

- A. Hours of operation shall be established by the special use permit.
- B. The sale of food for consumption on or off the premises will require approval by the Department of Health.
- C. Permanent open-air flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the Administrator.

**Sec. 17-538. Forestry Activities.**

No forestry activity, as that term is used in G.S. § 160A-458.5, shall be regulated by this ordinance except in compliance with G.S. § 160A-458.5. Pursuant to G.S. § 160A-458.5(b), the

## Article V. Standards and Supplementary Use Regulations

town shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either:

- A. Forestry activity on forestland that is taxed based on its present use value as forestland under Article 12 of Chapter 105 of the General Statutes; or
- B. Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.

To the extent any provision of this ordinance conflicts with G.S. § 160A-458.5, that portion of the ordinance shall be deemed repealed.

### **Sec. 17-539. Golf Courses.**

- A. A minimum land area of 30 acres is required for a regulation eighteen (18) hole golf course, which includes any ancillary uses including but not limited to the following: driving ranges, practice areas, parking, the clubhouse, offices, the pro shop, maintenance buildings, on-course rest rooms, half-way houses or similar uses or structures. Golf courses do not include miniature golf facilities, par-three golf courses or driving ranges that are not directly associated with an eighteen-hole golf course.
- B. If a developer elects to begin construction of any part of a golf course, prior to receiving site plan approval, the developer shall submit a conceptual or sketch plan of the planned layout of the proposed golf course to the Administrator. The developer may then obtain a temporary zoning permit. The developer must obtain site plan approval for the golf course and all ancillary uses within six (6) months of the date of the issuance of such temporary zoning permit, or the temporary zoning permit shall be null and void.

### **Sec. 17-540. Housing Facility for Older Persons (“HFOP”).**

- A. Housing Facilities for Older Persons (HFOP) are permitted as special uses as provided in Sect. 17-410 subject to the multi-family requirements of this ordinance.
- B. Federal Restrictions. Prior to issuance of an application for a special use permit approval authorizing construction or establishment of an HFOP, the applicant shall provide to the Administrator:
  - 1. A copy of the policies and procedures required by 24 C.F.R. § 100.306.
  - 2. A copy of the verification of occupancy required by 24 C.F.R. § 100.307.
- C. An HFOP approved as a special use shall comply with the following:

Article V. Standards and Supplementary Use Regulations

1. The building shall not exceed two (2) stories in height; and

See also section 17- 524, "Building Design, Exterior Standards."

**Sec. 17-541. Kennels, Animal Boarding.**

A. Large Kennel. A large kennel shall meet the following requirements:

1. It shall be located on a tract of land that is a minimum of ten (10) acres in size.
2. All buildings and structures associated with the kennel shall be located a minimum of 1,000 feet from any hospital, retirement home or assisted living center building in operation as of the date the certificate of zoning compliance for the kennel is issued.
3. All boarding facilities for animals shall be set back a minimum of 100 feet from the property line. Ordinary building setback requirements shall apply to all other kennel facilities, including training areas.
4. All required State and federal licenses, approvals or permits for site operation must be filed with the town before the kennel receives a certificate of zoning compliance.
5. In addition to the other buffering requirements imposed by this chapter, fencing shall be provided to separate boarding, training, and material storage areas of the kennel from adjoining uses.

B. Small Kennel. A small kennel shall meet the following requirements:

1. It shall be located on a tract of land that is a minimum of three (3) acres in size but less than ten (10) acres in size.
2. All boarding facilities for animals shall be set back a minimum of fifty (50) feet from the property line. Ordinary building setback requirements shall apply to all other kennel facilities, including training areas.
3. All required State and federal licenses, approvals or permits for site operation must be filed with the town before the kennel receives a certificate of zoning compliance.
4. In addition to the other buffering requirements imposed by this chapter, fencing shall be provided to separate boarding, training, and material storage areas of the kennel from adjoining uses.

**Sec. 17-542. Land Clearing and Inert Debris Landfills and Construction and Demolition Landfills.**

- A. Land Clearing and Inert Debris (“LCID”) and Construction and Demolition (C&DLF) landfills must be at least two (2) acres in area and no larger than thirty (30) acres.
- B. There shall be only one (1) access way on the site, and it shall serve as both the entrance and the exit. The access way shall not be wider than thirty (30) feet.
- C. The first thirty (30) feet of the access way shall be constructed of a concrete or asphalt surface, and the remaining driveway shall consist of and be maintained with gravel.
- D. A copy of the application for a permit required by 15A N.C.A.C. 13B.0534 or by 15A N.C.A.C. 13B.0560 et seq.
- E. Before a Certificate of Zoning Compliance is issued, a copy of the required State of North Carolina Permits.

**Sec. 17-543. Livestock.**

This section is adopted pursuant to authority granted by G.S. Chpt. 160A, Art. 19, Part 3 and G.S. § 160A-186.

- A. Nothing in this ordinance shall regulate “bona fide farms” in the extraterritorial jurisdiction (See G.S. § 153A-340). Livestock may be kept as part of an agricultural operation in accordance with section 14-410, “Table of Permissible Uses”.
- B. Livestock may also be kept for purposes other than as part of an agricultural operation, provided that such livestock shall be allowed only in the RA and R20 zoning districts. Notwithstanding the foregoing, chickens shall be permitted in the zoning districts listed in subsection (G).
- C. In all cases, including as part of agricultural operations, the keeping of livestock shall be restricted as follows:

	<b>Max. Number 1</b>	<b>Spacing Requirement 2</b>	<b>Distance from Front Prop. Line</b>	<b>Minimum Area 3</b>
<b>Chickens, Domestic Fowl</b>	None	None	None	5,000 sq. ft. per animal
<b>All Other Livestock</b>	3	150ft.	200 ft.	1 acre per animal

Table Notes:

Article V. Standards and Supplementary Use Regulations

*1. **Maximum Number of Animals.** Any number of chickens may be kept on a single lot, provided the minimum area requirement is met. For example, a ten-acre lot may have any number of chickens and ten (10) cows, or the same lot could have any number of chickens and one (1) cow, one (1) goat and eight (8) horses.*

*2. **Spacing Requirement.** All livestock, except for chickens, shall be located a minimum of 150 feet from any dwelling, except the dwelling occupied by the owner or other keeper of the livestock; school; church or other religious institution; business, except the business of the owner or other keeper of the livestock; and commercial or professional establishment, except when such uses are owned or operated by the owner or other keeper of the livestock. This requirement shall not apply to chickens.*

*3. **Minimum Acreage.** A minimum of one (1) acre of land shall be provided for each animal, except for chickens. A minimum of 5,000 square feet per chicken shall be provided. Land used for chickens may also be applied toward the minimum acreage requirement of other animals. For example, a property having one (1) chicken and one (1) cow must have a minimum of one (1) acre of land of land dedicated to the animals.*

- D. A site plan for all stables and other animal housing structures, except chicken coops, shall be submitted to the administrator for review. The administrator shall review the site plan for conformance with the requirements set forth in this section and any other applicable requirements, such as setbacks. If applicable, these structures shall also comply with the requirements of the North Carolina State Building Code. No site plan shall be required for a chicken coop, but it shall be the responsibility of the owner of the coop to confirm that the structure either complies with or is exempt from the requirements of the North Carolina State Building Code.
- E. All stables and other animal housing structures shall be kept in a sanitary manner and as free as possible of noxious odors. Stables and other structures that are cleaned and disinfected once per day shall be presumed to comply with this subsection. The administrator may approve an alternative cleaning schedule upon a showing by the applicant that the alternative schedule complies with established best management practices for the livestock.
- F. All livestock shall be contained within a fence or by other acceptable means. The fence shall be of an appropriate height to protect both the livestock and neighboring properties. A fence built to satisfy the requirements of this subsection need not comply with the requirements of Appendix C "Fences and Walls," unless the fence is also built to provide privacy and/or security for the occupant of the property. A fence built to

## Article V. Standards and Supplementary Use Regulations

satisfy the requirements of this subsection shall also comply with the setback requirements of Sect. 17-430 if the fence exceeds six (6) feet in height and is substantially opaque.

- G. Additional Requirements for Chickens. In addition to the other requirements of this ordinance, the following requirements apply to chickens:
1. Chickens and Domestic Fowl are permitted in the extra-territorial jurisdiction only in the RA and R20 zoning districts.
  2. Chickens, roosters and other domestic fowl living outside the planning and zoning jurisdiction of the town may be brought into the town planning and zoning jurisdiction for temporary events such as festivals and other special events, provided that no such fowl shall be allowed to remain within the planning and zoning jurisdiction of the town for more than three (3) days.
  3. Coops and yarding areas (i.e. the areas where chickens, domestic fowl roam outside of the coop) shall be in back yards or pastures/fields located to the rear of a dwelling. No coop or yarding area may be in a front or side yard, pasture or field.
  4. Chickens and other domestic fowl shall be kept in coops at night time, but they may be allowed to roam during the day within the yarding area.
  5. Coops and yarding areas shall be fully enclosed by a perimeter fence. Coops shall be located within the yarding area and shall be set back either a minimum of thirty (30) feet from solid perimeter fencing or a minimum of one hundred (100) feet from open wire perimeter fencing.

Provided the requirements of this section are met, no certificate of zoning compliance shall be required for coops or yarding areas.

- H. Bees. Bees are not livestock. Any residence may keep up to five (5) bee hives. Bona fide farms in the RA zoning district may keep any number of hives. A special use permit is required to keep six (6) or more hives. Bee hives are not permitted in the GB, NB, IH, I-1 or I-2 zoning districts.
- I. Nonconforming Situations:
1. The effective date of this ordinance is March 31, 2017. Coops and yarding areas that were lawful prior to the effective date of this ordinance shall be subject to Art. XIII, "Nonconformities".

## Article V. Standards and Supplementary Use Regulations

2. The owners of coops and yarding areas that were unlawful prior to the effective date of the ordinance shall have six (6) months from the effective date to bring said coops and yarding areas into conformity with this ordinance.
3. Roosters living within the planning and zoning jurisdiction of the town as of the effective date of this ordinance may remain until they die, but they shall not be replaced.
4. Chickens or other domestic fowl living within the planning and zoning jurisdiction of the town as of the effective date of this ordinance that are illegal or lawful nonconformities with respect to this ordinance may remain until they die, but they shall not be replaced.

To the extent that any of the requirements of this subsection conflict with the other subsections of Art. XIII, "Non-conformities", the requirements of this subsection shall control.

### **Sec. 17-544. Manufactured Homes, Single Lot.**

- A. All mobile homes that are moved to a parcel or lot within the RA or R20 District shall meet the following standards:
  1. Each mobile home must have exterior siding that is either painted or stained wood such as board-and-batten, or board-on-board, Masonite, simulated stucco, residential grade aluminum, or vinyl lap siding. All siding shall be in good condition, complete, not damaged or loose.
  2. Each mobile home shall either have a brick curtain wall, ABS colored plastic skirting with interlocking edges (key locked) or PVC painted colored metal skirting installed around the perimeter of the home. Skirting shall be attractive and in good condition, not pierced, and shall be laid-up in an attractive, workmanlike manner.
  3. Each mobile home having a painted exterior shall have the exterior paint in good condition, not peeling or any rust showing through.
  4. Each mobile home shall meet all the provisions of the Town's Minimum Housing Code.
  5. Each mobile home shall have in place permanent steps meeting North Carolina Building Code.
  6. All repairs made to the exterior of a mobile home shall be made to be consistent with the "original intent or integrity" of the mobile home when that mobile home was built. (For example, if repairs are made to the siding, materials close to, or

Article V. Standards and Supplementary Use Regulations

consistent with, the original shall be used).

7. All conditions listed in subsection A, of this section shall be complied with before a certificate of zoning compliance is issued for the mobile home.
8. All single-wide mobile homes and single-wide manufactured homes shall have the minimum lot size required in the zoning district in which the home is placed.

**Sec. 17-545. Manufactured Home Parks.**

A. Establishment of the MH-C district.

1. Manufactured home parks shall be located in the MH-C zoning district, which is a parallel conditional zoning district. Property may be rezoned to MH-C only in response to a petition by the owners of all the property to be included in the district.
2. Approval of an MH-C zoning district shall constitute approval of a site-specific development plan for purposes of establishing vested rights as permitted by this ordinance. See Section 17-680, "Vested Rights."
3. Work on a manufactured home park must begin within one (1) year of the establishment of the MH-C zoning district. If all work authorized under the MH-C zoning district ceases for a continuous period of one (1) year after work has commenced, then the zoning of the tract shall automatically revert to the zoning in effect at the time the MH-C zoning district was established. Upon the request of the developer submitted prior to expiration of the time to begin construction, the Town Council may grant one-year extensions on the time to begin construction.
4. Modifications to the MH-C zoning district may be permitted in accordance with Section 17-1754, "Modification of Approval."

B. Area. The area of the manufactured home park shall be a minimum of two (2) acres, and the park shall have a minimum of five (5) manufactured home spaces available at first occupancy.

C. Utilities. The manufactured home park and all occupied units located in it must be connected to the Selma municipal water and sewerage systems or other systems approved by the Johnston County Environmental Health Department or the appropriate North Carolina state agencies. All utilities shall be underground. Each space shall have hook-up facilities for water, sewer, electricity and telephone services. All occupied manufactured home units shall have and use approved sanitary facilities within the manufactured home unit.

D. Access and Parking. Paved, privately maintained roadways must be provided for access to individual units and other facilities located within the park. Required parking spaces are required to be paved. Sidewalks. Sidewalks shall be located on at least one (1) side

## Article V. Standards and Supplementary Use Regulations

of each street within the mobile home park. Each space shall have access to an interior roadway with a paved width of at least eighteen (18) feet. No space shall have direct access to a public street.

- E. Permitted Uses, Building Heights and Setbacks. Service buildings, recreation buildings and other areas or structures providing laundry, sanitation and managerial facilities are permitted, subject to approval of the Town Council, and such approval shall not be unreasonably withheld. Such facilities shall serve only the park in which it is located. No such facility shall have direct access to a public street, but shall instead be served by the privately maintained roadway. All buildings and structures, other than manufactured homes, shall meet the front, side and rear yard setbacks and building heights set forth in section 17-430, "Table of Density and Dimensional Regulations."
- F. Other Requirements
  - 1. All spaces within a mobile home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the mobile home on the driveway side with four-inch lettering.
  - 2. All streets in the mobile home park shall be adequately illuminated. The minimum streetlight shall be a 175-watt mercury vapor approximately seven thousand (7,000) lumen class, or its equivalent, spaced at intervals of not more than three hundred (300) feet and at each intersection.
- G. Mobile home park use/appearance requirements. All uses within a mobile home park shall conform to the following regulations:
  - 1. [Additions.] No living compartment or structure other than a "Florida-type" room, or other prefabricated structure, specifically designed for mobile home use or extension, shall be added to any mobile home.
  - 2. Administrative office. Within a mobile home park, one (1) mobile home may be used as an administrative office.
  - 3. Building proportion. The main portion of the building, when viewed from the front lot line, shall have a building length not exceeding six (6) times the building width.
  - 4. All manufactured homes shall meet the standards of section 17-544, "Manufactured Homes – Single Lot," sub-section A.
  - 5. Mailboxes. When more than five (5) rural mailboxes are used for mail delivery, the approval of the local post office department and the district highway engineer shall be required.

Article V. Standards and Supplementary Use Regulations

- H. Evacuation plan. Each mobile home park in a community's flood prone area shall have an evacuation plan indicating alternate vehicular access and escape routes. All mobile homes to be placed in flood prone areas shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations.
- I. Landscape requirements. All mobile home parks shall be landscaped in accordance with the more stringent of either:
  - 1. Section 17-509 and Appendix C or,
  - 2. A landscaped buffer strip shall be provided at all exterior property lines and shall consist of an approved wall, fence, or a planted strip at least eight (8) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet in height; after one (1) growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.
- J. Dimensional Requirements. The dimensional requirements of section 17-430, "Table of Density and Dimensional Regulations," shall not apply to manufactured home spaces and manufactured homes. Instead such lots and units shall satisfy the following requirements:
  - 1. Space Size. Each manufactured home space shall be a minimum of 6,000 square feet. For the purposes of this subsection, a "space" is the land area allocated to a single manufactured home, irrespective of whether the manufactured home park has been subdivided into individual lots.
  - 2. Clearance. Each space shall be designed so that at least a twenty (20) foot clearance will be maintained between units and other structures within the park.
  - 3. Unit Setbacks. Manufactured home units shall be located so that a ten (10) foot setback is maintained from the centerline of the private interior roadway to which the unit has access. Further, no manufactured home unit shall be located closer than twenty-five (25) feet to the front, side or rear property lines.
  - 4. Parking. Each manufactured home space shall have at least two (2) paved parking spaces, and at least one (1) of these two (2) spaces shall be located on or adjacent to the manufactured home space.
- K. Recreational Areas and Open Space.
  - 1. All manufactured home parks that contain at least twenty (20) manufactured home spaces shall include a recreation area that is not less than eight (8) percent of the total park area. The owner of the park, a homeowner's association or similar entity

## Article V. Standards and Supplementary Use Regulations

shall be responsible for the continued maintenance of this area. The minimum size of any recreation area shall be 2,500 square feet. Lakes, ponds, rivers, streams, swamps and marsh lands shall not be considered as meeting (in part or whole) the recreation area requirements of this subsection.

2. All manufactured home parks shall provide open space in accordance with Article XII, "Open Space."
- L. Tie Down and Anchoring Requirements. Manufactured homes shall be securely anchored to the ground by means of a tie-down system, and all such tie-down and anchoring systems shall comply with the "State of North Carolina Regulations for Manufactured Homes" as established by the North Carolina Department of Insurance.
- M. Storage Buildings; Storage of Possessions.
1. Each manufactured home space or lot may be equipped with a storage building not to exceed ten (10) feet by ten (10) feet, provided that all such buildings are located adjacent to the rear lot line, on the same space as the manufactured home to which they belong.
  2. Storage of possessions and equipment in the area beneath the manufactured home is prohibited.
- N. Responsibilities and Duties of Park Operators.
1. **Manufactured Home Park Maintenance.** Manufactured home park operators shall be required to provide adequate supervision to maintain the park in compliance with the requirements of this chapter. Further, any manufactured home park operator shall keep all park-owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would constitute a fire hazard or would be conducive to insect or rodent breeding and harborage.
  2. **Placement and Anchoring.** Operators shall be required to supervise the placement of all manufactured homes to ensure that they are properly anchored and attached to utilities, and operators shall be liable under this chapter for the improper placement and/or anchoring and tying down of any manufactured home within the park.
  3. **Assist County Tax Supervision.** Operators shall be required to comply with G.S. § 105-316(a)(1), which requires that as of January 1 of each year each manufactured home park operator that rents lots for six (6) or more manufactured homes furnish the County Tax Supervisor the name(s) of the owner of and a description of each manufactured home located in the park.
  4. **Solid Waste Disposal.** The park operator shall operate or provide for the operation

## Article V. Standards and Supplementary Use Regulations

of a solid waste disposal system, including providing park tenants with appropriate containers.

### O. Approval of Manufactured Home Parks; Procedure.

1. A site plan application is required. If individual lots are conveyed, a major subdivision plat application is required in addition to a site plan application.
2. The developer or manufactured home park operator shall notify the Administrator of the date on which the manufactured home park begins operations.
3. Renewal of Authorization to Operate. Two (2) years after operations begin and every two (2) years thereafter, the manufactured home park operator shall submit to the Administrator information sufficient to demonstrate that the manufactured home park continues to comply with all requirements of this chapter, the zoning district and the approved site plan. The Administrator shall determine which materials must be submitted, and the Administrator shall provide the park operator his or her determination in writing.

### Sec. 17-546. Metal Buildings.

- A. Metal buildings as new principal structures are prohibited within the Selma Historic Overlay Districts.
- B. Metal buildings may be used in all other zoning districts subject to the following requirements:
  1. When visible from roadways, easements or any public viewing area such as park lands, 100% of the primary building material of the façade (whether front, side or rear) shall be constructed of or covered with glass, wood, brick, stone, split-face block, pre-cast concrete (if the surface is painted, textured or designed to simulate brick, stone or lap siding), vinyl or fiber cement lap siding or architectural concrete (if the surface is designed to simulate brick or stone);
  2. A minimum of fifty (50) percent of each side façade shall be constructed of or covered with glass, wood, brick, stone, split-face block, pre-cast concrete (if the surface is painted, textured or designed to simulate brick, stone or lap siding), vinyl or fiber cement lap siding or architectural concrete (if the surface is designed to simulate brick or stone). These materials shall extend horizontally throughout the side façade and shall not be used to solely frame the edges;
  3. For industrial applications, when approved by the Town Council upon the determination that the use of any other material would be deemed unsafe or impractical;
  4. In commercially zoned districts when all corrugations are less than 5/16th of an inch

in depth and there are no exposed rivets; and

5. Metal accessory buildings of 100 square feet or less are allowed in all zoning districts, including the Selma Historic Overlay Districts.

**Sec. 17-547. Micro-Brewery, Distillery, Winery.**

An establishment that meets the definition of a microbrewery, winery or distillery shall be permitted in accordance with Section 17-410, provided it meets the requirements of N.C. Gen. Stat. §18B-1104 or 18B-1105, respectively. Tasting rooms are an accessory use to a microbrewery.

**Sec. 17-548. Mobile Food Vendors (Food Trucks).**

All mobile food vendors shall comply with the regulations of this section except as associated with Temporary Events. Mobile food vendors associated with temporary events shall be consistent with Article IV, Part 4 of this Chapter. This section is not applicable to wayside stands for sale of produce and seasonal products. Mobile food vendors at fixed locations shall have both a mobile food vendor license and a zoning permit. Fixed locations may include areas such as private property and flea markets

**A. Siting Requirements.**

1. A maximum of one (1) mobile food vendor shall be located on a Lot or Parcel.
2. Mobile food vendors shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area, as measured from the designated location on the Lot or Parcel accommodating the food truck, trailer or cart.
3. Mobile food vendors shall be located a minimum of two hundred (200) feet from a religious establishment unless associated with said religious establishment.
4. Mobile food vendors, food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway or public sidewalk, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
5. Mobile food vendors, food trucks, trailers and carts shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
6. Mobile food vendors, food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the

## Article V. Standards and Supplementary Use Regulations

Principal Use's hours of operation do not coincide with those of the food truck business or the current parking demand does not require the use of the spaces. Nor shall any mobile food vendor occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.

7. Food trucks, trailers and carts shall not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. § 20-37.6.

### B. Operations.

1. One freestanding sandwich board sign shall be permitted as part of the food truck, trailer or cart vending operation. No audio amplification shall be permitted as part of the food truck, trailer or cart vending operation.
2. Hours of operation of food trucks, trailers and carts shall be limited to the hours between 6:00 a.m. and 8:00 p.m., unless the designated location on the lot accommodating the use is located within one hundred (100) feet of the property line of a single-family or duplex dwelling, in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
3. When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
4. The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
5. All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall comply with all applicable County, State and Federal Health Department sanitary regulations.

### C. Permits Required.

1. A Town zoning permit shall be obtained by the property owner (as listed in the Johnston County, North Carolina property tax records) for any Lot or Parcel proposed to accommodate a mobile food vending operation. If at any time evidence is found that the permitted Lot or Parcel is being used other than in compliance with

## Article V. Standards and Supplementary Use Regulations

these regulations, the zoning permit shall be rendered null and void, and the owner shall be cited for such violation as hereinafter set forth. This zoning permit shall be required to be renewed annually.

2. A Town-issued mobile food vendor permit shall be obtained annually by the vendor. Prior to the issuance of the permit, the vendor shall provide evidence of having obtained a Town zoning permit (as described in paragraph (A), a food vending permit from the Johnston County Environmental Health Department (if applicable), a North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes (if applicable), and a means for the disposal of grease within an approved grease disposal facility.
3. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the mobile food vendor permit shall be rendered null and void, and the business shall be required to cease operation immediately. The vendor shall be cited for the violation as hereinafter set forth.
4. Copies of the zoning permit and food vending permit shall be kept in the food truck, trailer or cart at all times.
5. If at any time, the Johnston County Environmental Health Department revokes or suspends the issued food vending permit, the Town permit for mobile food vending operation shall be revoked or suspended simultaneously.

### D. Enforcement.

1. This section shall be enforced by law as provided in G.S. 160A-175 or as provided in this code. All criminal sanctions shall be up to the dollar limit provided in G.S. 14-4(a), as currently enacted or as hereafter amended, or any similar limitations.
2. The civil penalty for violating this section shall be as follows: For the first offense, the fine shall be \$100. For the second offense, the fine shall be \$300. The mobile food vendor permit shall be revoked after the third offense.

### **Sec. 17-549. Motor Vehicle Repair and Service.**

All existing and future "Motor Vehicle Repair and Service," are permitted to store vehicles which are inoperative and stationary for a period not to exceed thirty (30) days per vehicle. Furthermore, these land uses shall be required to install opaque fencing or a vegetative buffer in accordance with App. D of this chapter along those boundaries which abut a residential use or district. These provisions became effective August 31, 2010.

**Sec. 17-550 Multi-Family Development.**

- A. Permitted Zoning Districts. Multi-family development shall be permitted with a special use permit in the R-10 zoning districts and a zoning permit with site plan approval in R-8, T-R, IN, NB and CB. Multi-family development is prohibited in all other districts.
- B. Any point of a property line of a lot containing a multi-family development with more than eight (8) multi-family dwelling units and approved after the effective date of this ordinance must be located at least 500 linear feet from the closest point of the property line of any other parcel containing a multi-family development with more than eight (8) multi-family dwelling units which were approved after the effective date of this ordinance. This spacing requirement shall not prohibit the location of new multi-family development within 500 feet of the property line of multi-family development that was approved prior to or as of the date of this ordinance.
- C. Landscaping. The landscape requirements are found in section 17-509 and Appendix C.
- D. Parking. Off-street parking shall be located between the principal building and the rear lot line, an alley or interior to a block. Parking shall also be provided in accordance with Section 17-505, "Off Street Parking and Loading" and Appendix B.
- E. Site Design Requirements for Multifamily Developments.
  - 1. The site plan must be designed to consider the following factors:
    - a) The size and shape of the tract;
    - b) The topography and necessary grading;
    - c) The reasonable preservation of the natural features of the land and vegetation;
    - d) The size of the development and its relationship with adjacent and nearby land uses;
    - e) Safe and convenient pedestrian access and connections for all ages and abilities; and
    - f) Multi-family residential units and ingress/egress to the multi-family development shall not be located within a Special Flood Hazard Area (zone AE or AE floodway) on the adopted Flood Insurance Rate Map.
  - 2. The site plan must provide plans for stormwater management in compliance with section 17-506 of this ordinance.

Article V. Standards and Supplementary Use Regulations

3. Developments with forty (40) or more dwelling units shall have a point of ingress and egress directly onto an adjacent major or minor thoroughfare as shown on the thoroughfare plan. Access by a connecting street is not acceptable. Developments with eighty (80) or more dwelling units shall have at least two direct points of direct ingress and egress onto a major or minor thoroughfare as shown on the thoroughfare plan. See also section 17-566, "Traffic Impact Analysis."
4. Developments with eighty (80) or more dwelling units shall be provided with a divided ingress-egress driveway with a landscaped median for all entrances from public streets.
5. Any proposed ingress and egress points shall be located and designed to not result in a substantial amount of vehicular traffic to be channeled onto adjacent non-thoroughfare local streets.
6. Sidewalks and/or paths shall be constructed within the development to link the interior of the development with residential buildings within the development and to other destinations such as, but not limited to, adjoining streets, mailboxes, trash disposal areas, on-site amenity areas and the like. These sidewalks shall be constructed in accordance with the Town of Selma standards for sidewalk construction. These sidewalks shall also be constructed as indicated by and in accordance with any applicable adopted plans, including, but not limited to, pedestrian plans and the comprehensive plan.
7. The minimum spacing between multi-family buildings within a development shall be twenty (20) feet, plus one (1) foot for each one (1) foot of height more than the maximum height permitted in the zoning district, or as required/recommended by the Town of Selma Fire Chief and the State Fire Code.
8. To provide an interesting and aesthetically attractive development, the following standards shall apply:
  - a) With the exceptions of buildings that front the same public street, buildings shall be arranged in patterns that are not strictly linear. Exceptions shall be allowed for buildings that define common space such as a courtyard or green.
  - b) Building entryways shall face a street, sidewalk or common area. Buildings shall not face the rear of other buildings within the same development.
9. The maximum allowable density for any multi-family development shall be fifteen (15) units per acre.
10. For all multi-family developments not specifically developed for the elderly and containing more than sixteen (16) dwelling units, a shelter shall be constructed at a location where a public-school bus may pick up and/or drop off children riding county school buses.

Article V. Standards and Supplementary Use Regulations

11. All solid waste container sites must be shown on the site plan and screened with a continuous six (6) foot high opaque vegetative, wood or masonry screen. Container pads shall be graded and constructed with a reverse crown designed to shed stormwater. Gates and doors are required on all solid waste screens and must be of a substantial and durable material. Support posts, gate frames, hinges and latches should be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore. Same as landscape section?
12. Multi-family site plans shall include the designation of bike paths or lanes when such facilities are indicated on an approved Selma bikeway plan and designated in the Johnston County Parks and Recreation Master Plan.

F. Open Space and Recreational Facilities

1. Common Open Space Requirements. Open space areas shall be provided for all multifamily developments with five (5) or more dwelling units (including the multi-family portions of developments with both single-family and multi-family dwelling units). Upon approval of the Town Council, open space areas may be dedicated to the Town. A minimum play or open space area of 435 square feet per dwelling unit having a minimum width of forty (40) feet at its narrowest dimension or a minimum radius of twenty-six (26) feet shall be provided. The spatial distribution and number of individual open space areas shall be shown on the approved site plan in consideration of the spatial arrangement of the dwelling units, topography, and other physical features. Swimming pools and their accessory structures may be used to satisfy the open space requirement.
2. A survey, site development plan, or plat depicting all open space shown on the site development plan for a multi-family development shall be recorded in the Johnston County Register of Deeds Office prior to issuance of certificates of zoning compliance for multi-family dwelling units.
3. The Administrator may waive up to fifty (50) percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk. Open space provided pursuant to this requirement shall be accessible to all residents of the development.
4. Private Open Space. Each dwelling unit shall have appurtenant private open space, such as a private porch, deck, balcony, patio, atrium, or other outdoor private area. The private open space shall be contiguous with the unit in a single area. The private open space shall have the dimensions as described in the following table:

Private Open Space			
# of Dwelling Units in MF Bldg.	Min. Area (% of Dwelling Unit Floor Area)	Min. Area (Square Feet)	Min. Depth (Feet)

Article V. Standards and Supplementary Use Regulations

4 to 6	15%	90	6
6 to 20	10%	60	6
21 or more	10%	48	6

5. Recreational facilities shall be provided in accordance with section 17-1202, "Usable Open Space."

G. Outdoor Lighting. All multi-family buildings and projects, including outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed to enhance the visual impact of the project on the community and, where practicable, should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes onsite lighting needs without intrusion on adjoining properties.

1. Lighting Plan. A site lighting plan shall be required as part of the application and site plan review for all multi-family developments exceeding four (4) dwelling units per multifamily development.

2. Site Lighting Design Requirements. Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material, or color. All lighting fixtures designed or placed to illuminate any portion of a site shall meet the following requirements:

a) Fixture (Luminaire). The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards toward the sky.

Under-canopy lighting fixtures should be completely recessed within the canopy.

b) Fixture Height. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. Pedestrian scale lighting at a height not exceeding twelve (12) feet is encouraged. All light fixtures located within fifty (50) feet of any adjacent residential use or residentially zoned property boundary shall not exceed fifteen (15) feet in height.

c) Light Source (Lamp). Incandescent, florescent, metal halide, or color corrected high-pressure sodium are preferred. The Administrator shall have the authority to approve other lamp types (including light emitting diodes [LEDS] and fiber optics) provided the color emitted is similar to the preferred types. Noncolor corrected high pressure sodium lamps are prohibited.

Article V. Standards and Supplementary Use Regulations

The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

- d) Mounting. Fixtures shall be mounted in such a manner that the cone of light is contained onsite and does not cross any property line of the site.
  - e) Limit Lighting to Periods of Activity. Where practicable, the use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Administrator to conserve energy, provide safety, and promote compatibility between different land uses.
3. Illumination Levels. All site lighting shall be designed so that the level of illumination as measured in foot candles (fc) at any one point meets the standards in the table below, with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level) measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

<b>Light Level (Foot Candles)</b>			
<b>Type of Lighting</b>	<b>Minimum</b>	<b>Average</b>	<b>Maximum</b>
Multi-Family Parking Lot	0.2	1.0	8.0
Multi-Family Entrances	1.0	5.0	15.0
Storage Area (Security Lighting)	0.2	1.0	10.0
Walkways, Landscape, or Decorative Lighting	0.2	0.8	5.0

\*The maximum level of illumination at the outer perimeter of the site or project shall be 0.5 foot candles when abutting a residential zoning district and 5.0 foot candles when abutting all other districts and/or streets.

- 4. Excessive Illumination. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this subsection.
  - a) All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line does not exceed 0.2 on neighboring residential uses, and 0.5 on neighboring commercial sites and public rights-of-way
  - b) Lighting shall not be oriented to direct glare or excessive illumination onto

## Article V. Standards and Supplementary Use Regulations

streets in a manner that may distract or interfere with the vision of drivers on such streets.

- c) Fixtures used to accent landscaping or art shall be located, aimed, or shielded to minimize light spill into the night sky.
  - d) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature.
5. Nonconforming Lighting. Lighting fixtures existing as of the date of adoption of this ordinance, may remain, and shall be considered lawful nonconforming structures. Modifications, replacement or expansions shall conform to the standards of this Ordinance.

### H. Multifamily Building Design.

- 1. Multifamily projects shall be designed to satisfy the following objectives:
  - a) Provide interesting and aesthetically attractive multi-family developments;
  - b) Avoid monotonous, "barracks" style buildings;
  - c) Ensure that multi-family buildings have a multifaceted exterior form in which articulated façades are combined with window and door placements as well as other detailing;
  - d) Create an interesting and attractive architectural design; and
  - e) Otherwise limit flat walls with minimal features.
- 2. Exterior materials shall be durable and residential in character. Suggested materials include wood clapboard siding, wood shingles, brick, stone, stucco, vinyl, or similar materials. Suggested pitched roof materials include asphalt shingles, standing seam metal, slate, or similar materials.
- 3. The following minimum design standards shall be complied with:
  - a) Buildings shall not exceed 150 feet in length;
  - b) Façades greater than fifty (50) feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground floor façades that face public streets shall have windows, entry areas, awnings, or other such features for at least sixty (60) percent of their horizontal length;

Article V. Standards and Supplementary Use Regulations

- c) Buildings shall be arranged so that they are aligned parallel to a sidewalk or around common open space, such as courtyards, greens, squares, or plazas; and
  - d) On owner occupied units (townhouses and condominiums), side or rear entry garages are encouraged. When front entry garages are provided, the garage should be recessed at least twelve (12) feet behind the unit front wall line closest to the required front yard setback.
4. Orientation. Multifamily buildings shall be oriented as follows:
- a) For lots not exceeding 40,000 square feet, all multi-family buildings shall be oriented to the street.
  - b) For lots that are at or over 40,000 square feet, at least eighty (80) percent of the ground area between the front lot line and the maximum setback, excluding required driveways and access points, shall be occupied by multi-family dwelling units that are oriented to the street. The remaining area may include driveways and required access points, or courtyards or similar open spaces.
  - c) Window/Door/Exterior Finish Arrangement. Windows, porches, balconies, and entryways shall comprise at least thirty (30) percent of the length of the front elevation on each floor.
5. Building Arrangement. Buildings that contain multi-family dwellings shall be arranged as follows:
- a) Multi-family buildings on multiple lots with an average frontage of less than fifty (50) feet in width shall be arranged at intervals consistent with the existing lot lines or the lot lines of the opposing block;
  - b) Multi-family buildings on single or multiple lots with at least fifty (50) feet of frontage shall be arranged at intervals of not more than fifty (50) feet;
  - c) Multi-family buildings that face single-family homes shall be arranged at intervals consistent with the existing yard requirements or the yard requirements of the opposing block; and
  - d) The arrangement of buildings pursuant to this section shall include at least two of the following:
    - (1) Horizontal projections or offsets, such as towers or turrets, which extend at least five (5) feet from the front elevation and the height of the building up to the eaves. Projections or offsets shall be at least three (3) feet in depth and eight (8) feet in width;

Article V. Standards and Supplementary Use Regulations

- (2) Projecting entryways, such as stoops, balconies, porticoes, bay windows, or porches;
- (3) Changes in roof elevations, roof dormers, hips, or gables; or
- (4) Open balconies that project at least six (6) feet from the front building plane.

See also section 17-524, "Building Design, Exterior Standards."

**Sec. 17-551. Outdoor Shooting Range.**

- A. Standards. A site plan complying with the provisions of Article IV, Part 1 shall be submitted for review and if approved, all applicable permits must be obtained prior to commencement of range activity. The site plan shall be sealed by a North Carolina registered engineer attesting that the proposed plan incorporates the specific safety and design standards for outdoor firing range provisions and live fire shoot house provisions, if applicable, as set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 1- 20, of the *Range Design Criteria* (June 2012) as published by the US Department of Energy's Office of Health, Safety and Security for the type of range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7) and Section 6.a(1) shall not be considered for the reason that these sections are specific to the needs of the DOE. These standards do not apply to occasional target practice by individuals on property owned or leased by individuals, sighting of weapons, or temporary "turkey shoots" held no more than twelve (12) days in any calendar year.
- B. The site on which the outdoor firing range is proposed shall contain a minimum of 20 acres within a tract or contiguous tracts owned or leased under a recorded lease to the owner/operator of the outdoor firing range. The detailed site plan shall show the boundary of the subject property in its entirety and shall further disclose all existing uses, if discernible, and structures within 300 feet from the boundary.
- C. Surface danger zones shall be located entirely on the subject property and shall be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property. The layout of the proposed range(s) with the accompanying safety fans shall be delineated on the required site plan for each/all range(s) to be constructed on the property. All firing stations shall be setback a minimum of 180 feet from the boundary of the of the subject property.
- D. A 60-foot-wide buffer, undisturbed except for fence installation and vegetative planting, shall be provided around the entire perimeter of the subject property and shall also be delineated on the detailed site plan.

Article V. Standards and Supplementary Use Regulations

- E. A firing range facility must have access to an approved private street or a public street.
- F. Unauthorized access to the firing range facility shall be controlled while firearms are being discharged.
- G. The developer/operator of the firing range facility shall provide to the Administrator at the time of application for the certificate of zoning compliance, a certification prepared by a North Carolina registered engineer that the firing range facility has an environmental stewardship plan, which may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA's) most current edition of *Best Management Practices for Lead at Outdoor Shooting Ranges*.
- H. If any firing range facility, or the use thereof, is intended to be expanded to include types of ranges, operations, munitions or activities not covered by the most current conditional approval or pre-existing status, re-submittal/submittal of the site plan for the entire firing range facility for review and approval of the change or expansion shall be required prior to commencement of the change or expansion. This provision applies regardless whether the firing range facility was in existence prior to the adoption of this section.
- I. All outdoor firing range facilities shall maintain general liability insurance coverage in an amount of not less than Three Million Dollars through an insurance company licensed to do business in North Carolina. The policy shall not exclude coverage for property damage or personal injury caused by the discharge of firearms.
- J. All other applicable Federal, State and local regulations, to include the County's Noise Ordinance, shall be strictly adhered to.

This sub-section J shall specifically apply to all non-permitted existing uses which are outdoor firing ranges within the definition of this ordinance, except those as may be permitted in accordance with this sub-section. A permit shall be issued for any non-permitted outdoor firing range in operation on the date of operation, upon the submission of an application that shall include:

1. The date upon which the applicant commenced outdoor firing range operations on the site;
2. An aerial map which shows the boundaries of the site and the improvements located thereon;
3. A statement of the hours of operation;
4. A statement of the largest caliber ammunition discharged on the site; and

Article V. Standards and Supplementary Use Regulations

5. A narrative description of the measures employed (a) to control unauthorized access to the facility when weapons are being discharged, (b) to prevent projectiles from leaving the site, (c) to mitigate noise and (d) to mitigate potential lead contamination of the groundwater.

The permit issued under this sub-section J shall establish the benchmark for the determination of an expansion under sub-section H. Any facility permitted under this sub-section J shall remain subject to all other applicable state laws and local ordinances.

**Sec. 17-552. Planned Unit Development-Residential.**

- A. Minimum Size. Residential Planned Unit Developments ("PUD-R") must meet one of the following criteria:

1. Five (5) acres of net buildable area.
2. The size of the PUD-R shall be determined at the time a conditional district zoning application is submitted.

- B. Allowable Use Standards. A PUD-R shall be developed in compliance with the uses and standards for one of the following zoning districts: R20, R10, R8, TR, IN, N B, C B or GB. Commercial uses within a PUD-R shall be limited to uses and standards permitted within the GB zoning district.

See also section 17-524, "Building Design, Exterior Standards."

- C. Maximum Overall Density. Ten (10) dwelling units per acre of net buildable area.

- D. Open Space and Recreation Facilities.

1. Fifteen (15) percent of the total PUD-R area shall be maintained as open space. Street rights-of-way, parking lots, building areas, and yards held in individual ownership shall not constitute any part of the required open space; however, building areas for recreational facilities may be computed as open space. Any open space land use not included under approval of the PUD-R Land Use Plan must be reviewed by the Planning Board and approved by the Town Council prior to its development. All areas to be used as open space must be noted on the final recorded plat, and privately held open space must also be protected through a deed restriction. Open space provided by elementary schools may be in any form of ownership, if the open space is open to the general public when not used by the school.
2. Recreational facilities shall be provided in accordance with section 17-1202 Usable Open Space. If integrated into the neighborhood pattern public structures, such as

## Article V. Standards and Supplementary Use Regulations

schools, churches and civic buildings, and public open spaces, such as squares, parks, playgrounds, and greenways may be counted as part of the required open space.

### E. Streets.

1. A dense network and connected grid of narrow streets with reduced curb radii are fundamental to sound PUD-R design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multipurpose or “shared” street is more important than its vehicular efficiency alone.
2. PUD-Rs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-way are shared between vehicles (moving and parked), bicycles, and pedestrians of all ages and abilities. Bikeways which are delineated on an approved Town of Selma bikeway plan or the Johnston County Parks and Recreation Master Plan must be included in the design and construction of the PUD-R. A dense network of PUD-R streets should function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD-R streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets are designed to be only as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses. See Figures 1 to 8 at the end of this section for suggested design objectives.
3. To accomplish the street design objectives, the Town Council may authorize variations to zoning and subdivision ordinance requirements when such changes are supported by a traffic impact analysis, as required by section 17- 566. Variations may only be considered for developments expected to generate four hundred (400) or more trips per day, and such changes may be authorized only if the Town Fire, Police and Public Works Departments certify that the variation will not impair the provision of services to the development.

F. Residential Development. The applicable area, yard, and height requirements as contained in the standards for the zoning districts indicated on the approved site plan shall be adhered to. All multi-family developments shall adhere to the applicable development regulations contained herein.

G. Nonresidential Development. Non-residential uses are permitted, but not required in a PUD-R. In a PUD-R up to ten (10) percent of the net buildable area may consist of non-residential uses. Non-residential uses should be located within a community core area and not on the periphery of the PUD-R.

1. Elementary schools are an important community element, and the Town encourages

## Article V. Standards and Supplementary Use Regulations

their inclusion in PUD-Rs. Elementary schools shall not count as a part of the ten percent non-residential uses or areas permitted.

2. Industrial development shall not be allowed within a PUD-R zoning district.

### H. Procedure.

1. PUD-Rs are permitted only in the PUD zoning district, which is a conditional district zone.
2. As part of the ordinances governing any new PUD-R conditional zone, the Town Council may vary or waive the standards and requirements established in this section.
3. In addition to other considerations, the following criteria shall be considered in the evaluation of an application for a PUD-R conditional zoning district:
  - a) That the proposed development creates a needed residential environment;
  - b) That existing or proposed utility and other public services are adequate for the anticipated population densities;
  - c) That the proposed population densities, land uses, and other special characteristics of the development can exist in harmony with adjacent areas;
  - d) That the adjacent areas can be developed in compatibility with the proposed PUD-R;
  - e) That the proposed PUD-R will not adversely affect traffic patterns and flow in adjacent areas; and
  - f) That the PUD-R is in general conformity with the Town's Comprehensive Land Use Plan.
4. Land Use Plan. In addition to or as part of the materials submitted to satisfy the requirements of section 17-1750, "Plans and Other Information to Accompany Petition," all applications for a PUD-R conditional zoning district shall be accompanied by a Site Plan, Major Subdivision Plat or a Land Use Plan prepared by a licensed engineer or a licensed architect and which shall include, but not be limited to, the following:
  - a) The numbers and types of residential dwelling units, including density, setbacks and the delineation of nonresidential areas;
  - b) Designation/delineation of applicable zoning district designations; i.e., R20, N B, etc. The zoning district designations will determine which standards will govern

## Article V. Standards and Supplementary Use Regulations

development. For example, an area designated R10 must utilize R10 minimum yard requirements and allowed uses;

- c) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-way and easements;
- d) Common open space and recreation areas to be developed or preserved in accordance with this section. The peripheral boundary setback shall be indicated;
- e) Preliminary (sketch) plans for water, sanitary sewer, storm sewer, natural gas, and electric utilities;
- f) The delineation of areas to be constructed in sections, showing acreage;
- g) Soil maps prepared according to the United States Department of Agriculture cooperative soil survey standards as published in the Johnston County Soil Survey;
- h) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use, and lot lines of all contiguous property;
- i) Existing vegetation;
- j) U.S. Clean Water Act section 404 wetland areas and any other nonregulated wetland areas of significance;
- k) Flood hazard areas including base flood elevations;
- l) Topographic contours at a maximum of ten-foot intervals showing existing grades;
- m) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer and person or firm preparing the plan;
- n) Any other information as may be required by the Planning Board or staff;
- o) Proposed phasing and timing of the PUD; and
- p) Each proposed development phase shall be specifically titled/referenced by number and/or name.

## Article V. Standards and Supplementary Use Regulations

5. Additional Information Required. In addition to the Land Use Plan and those items that are or may be required by section 17-1750, "Plans and Other Information to Accompany Petition," the developer shall be required to submit to the Administrator the following information and any other information that may be reasonably required by the Town Council:
  - a) A draft of the proposed protective covenants whereby the developer proposes to regulate land use and otherwise protect the proposed development;
  - b) A draft of any proposed incorporation agreement and a draft of any bylaws or easement declarations concerning maintenance of recreational and other common facilities; and
  - c) Data on the market potential necessary to support the location of the site and the size of uses in any planned development.

### I. Expiration of Conditional Zoning District.

1. Construction of a PUD-R must begin within one (1) year of the establishment of the conditional zoning district in which the development will be located. If all work authorized by the rezoning ceases for a continuous period of one (1) year after work has commenced, then the zoning of the tract shall automatically revert to the zoning in effect at the time the conditional zoning district was established. Upon the request of the developer submitted prior to expiration of the time to begin construction, the Town Council may grant one-year extensions on the time to begin construction.

Sub-section (I) (1) above does not apply to PUD-R developments of 100 acres or more. Instead, construction must begin within seven years of the date on which the first site plan is approved. (see N.C. G.S. §160A-385 (b1)).

[Figures 1-8 begin on the next page.]

Article V. Standards and Supplementary Use Regulations

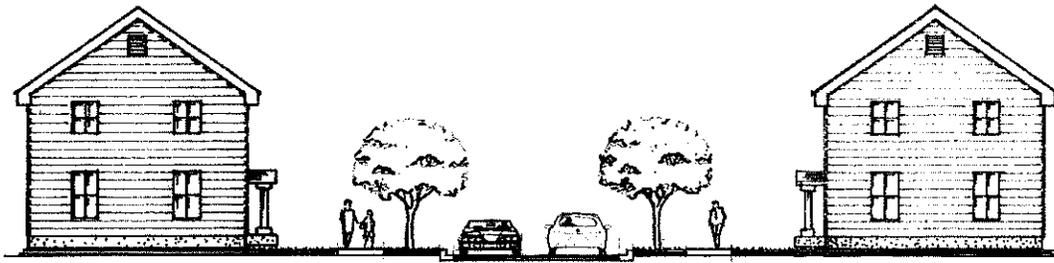


FIGURE 1  
LANE

Purpose: Provides access to single-family homes.

Features

- \* Street width 18' with curb and gutter and informal parking designated on street
- \* Planting strips 6'
- \* Sidewalks 6' on each side
- \* Design speed 20 mph
- \* Posted speed 20 mph
- \* Requires a 40' right-of-way
- \* Drainage – curb and gutter or grassed swale (or other Stormwater Control Measure [SCM])

Features

- \* Generally two to six blocks long

Buildings and Land Use

- \* Residential – primarily single family houses

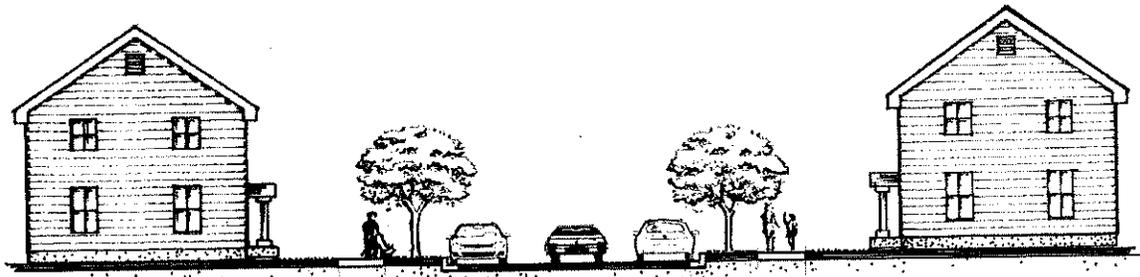


FIGURE 2  
STREET

Purpose: Provides access to housing

Features

- \* Street width 25' with curb and gutter and informal parking
- \* Planting strips 6'
- \* Sidewalks 5' on each side
- \* Design speed 20 mph
- \* Posted speed 20 mph
- \* Requires a 50' right-of-way
- \* Drainage – curb and gutter or grassed swale (or other Stormwater Control Measure [SCM])

Features

- \* Generally two to six blocks long

Building and Land Use

- \* Residential – many residential types

Article V. Standards and Supplementary Use Regulations

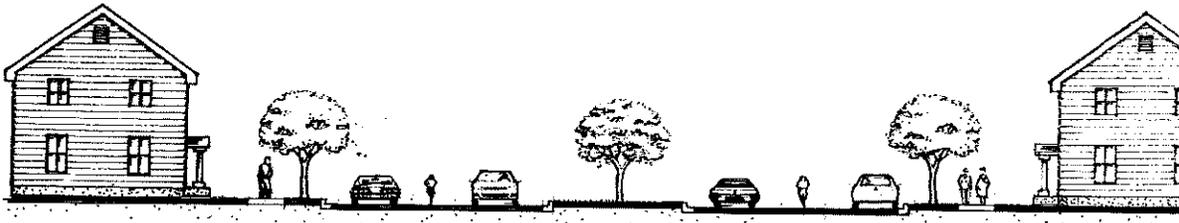


FIGURE 3

**AVENUE WITH PARKING**

Purpose: Avenues are short distance, medium speed connectors between neighborhoods and core areas. As such, they are used in both residential and commercial area, often terminating at prominent buildings or plazas. Avenues may also circulate around squares or neighborhood parks.

Features

- \* Street width 26' on both sides of median with on-street Parking. 18' if no parking or curb and gutter
- \* Medium width 18' (minimum)
- \* Travel lanes 12'
- \* Maximum 2 travel lanes
- \* Bike lanes and planting strips 6'
- \* Sidewalks 5' on each side
- \* Design speed 30 mph (maximum)

Features

- \* Posted speed 25 – 30 mph
- \* Requires 95' right-of-way
- \* Drainage – curb and gutter

Building and Land Use

- \* Mixed residential and commercial use



FIGURE 4

**MAIN STREET WITHOUT MEDIAN**

Purpose: Main streets provide low-speed access to neighborhood, commercial and high density residential areas.

Features

- \* Travel lanes 11' with striped parking
- \* Maximum 2 travel lanes
- \* Planting wells 6'—landscaped median optional
- \* Sidewalks minimum of 8' each side
- \* Design speed 25 mph (maximum)
- \* Posted speed 20-25 mph
- \* Requires a 66' right-of-way

Features

- \* Drainage – curb and gutter
- \* Includes bulb outs at intersections and mid-block crossings
- \* Bike lanes optional but preferred minimum is 6'.

Building and Land Use

- \* Commercial and mixed use
- \* High density residential

Article V. Standards and Supplementary Use Regulations

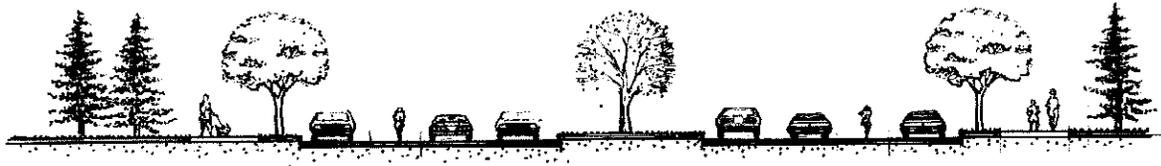


FIGURE 5

**BOULEVARD**

Purpose: Provides multi-lane access to commercial and mixed-use buildings and carries regional traffic.

Features

- \* Lanes 11' with striped parking and bike lanes
- \* Maximum 4 travel lanes
- \* Planting strips 6' – 11'
- \* Sidewalks 8' on each side
- \* Design speed 40 mph (maximum)
- \* Posted speed 30 – 35 mph

Features

- \* Requires a 122' right-of-way
- \* Drainage – curb and gutter

Building and Land Use

- \* Commercial and mixed use



FIGURE 6

**PARKWAY**

Purpose: Parkway bring people into town or pass traffic through natural areas. Parkway are not designed for development. When the parkway enters town, it becomes a boulevard.

Features

- \* Travel lanes 11' – 12'
- \* Median width 30'
- \* Design speed 50 mph (maximum)
- \* Posted speed 45 mph (maximum)
- \* Requires a 118' right-of-way (minimum)
- \* Drainage - grassed swale (or other Stormwater Control Measure [SCM]), or curb and gutter
- \* Bike lane not adjacent to travel lane
- \* Multi-use trails 10' – 14'
- \* Planting strips 7' – 20'

Features

- \* 6' minimum paved shoulder on high-speed parkway (greater than 45 mph). Typical section has shoulder with ditches.

Building and Land Use

- \* Parkway are designed to be on the edge of towns, nature preserves or agricultural areas.
- \* Multi-use trails may be on either or both sides

Article V. Standards and Supplementary Use Regulations

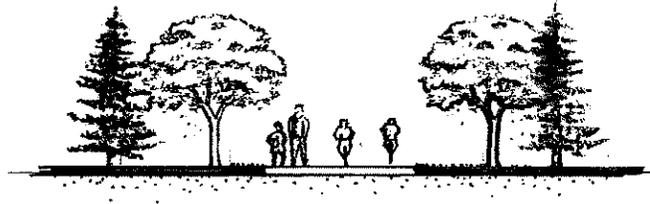


FIGURE 7

**TRAIL**

Purpose: Provides non –motorized access (throughout the neighborhood)

Features

- \* Shade trees recommended
- \* Trail width 10' – 14'
- \* Clear zones 3 '6'
- \* Trails donated to Town require a 40' easement or right-of-way
- \* Stopping sight distance 125' (DON This criteria makes no sense to me.)

Building and Land Use

- \* Link to make connections between homes, parks, schools and shopping districts.

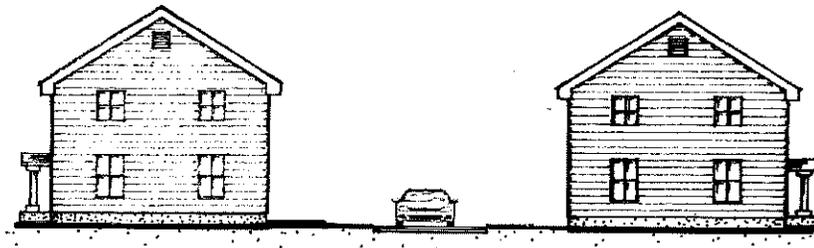


FIGURE 8

**ALLEYS**

Purpose: Although part of the interconnected street system, alleys provide access to property but are not intended to accommodate through traffic. Alleys are often used by garbage trucks. In some areas alleys must accommodate dumpsters.

Features

- \* Requires 20' right-of-way (minimum)
- \* Utilities, either above or underground, may be located in alleyways to provide service connections.
- \* Width 12' (minimum)
- \* Additional pavement at alleyway intersections is necessary to facilitate turns.

Building and Land Use

- \* Residential – primarily single family
- \* Provides rear access to garages

**Sec. 17-553. Planned Unit Developments-Business and Industrial.**

A. Purpose.

1. Business Planned Unit Development (“PUD-B”). The purpose of a PUD-B is to promote the cooperative development of business centers each with adequate off-street parking, to control access points on thoroughfares, to separate pedestrian and automobile traffic, to aid in stabilizing property values, to develop centers of size and location compatible with market potential, to buffer adjacent residential areas with landscaped green spaces and to encourage harmonious architectural treatment of adjacent commercial structures and compatibility between homes and commercial structures.
2. Industrial Planned Unit Development (“PUD-I”). The purpose of a PUD-I is to promote the establishment of industrial parks, to permit groups of industrial buildings with integrated design and a coordinated physical plan, to encourage recreational facilities within industrial areas and to buffer adjacent residential areas with landscaped green spaces.

B. Permitted Uses, Dimensional Requirements, Buffer Screens and Parking. Those uses permitted of right or by special use permit in the GB and IB zoning districts shall be permitted in PUD-Bs, and the dimensional requirements (i.e. minimum lot size, building setbacks, building height limitations, etc.), buffer screens and parking requirements for uses in PUD-Bs shall be the same as for uses in the GB or IB zoning districts. Those uses permitted of right (USES PERMITTED BY SUP IN I-1 and I-2 are not permitted) in the I 1 and I 2 zoning district shall be permitted in PUD-Is, and the dimensional requirements (i.e. minimum lot size, building setbacks, building height limitations, etc.), buffer screens and parking requirements for uses in PUD-Is shall be the same as for uses in the I 1 zoning district. Buffer screens and parking requirements may also be varied, provided the Town Council adopts reasonable conditions to protect neighboring properties from potential adverse effects that may arise because of these variations.

C. Designation of Permanent Common Open Space.

1. For the purposes of this section, “permanent common open space” shall be defined as any land held and developed as permanent open space or any land dedicated to the public as parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas held in public ownership or covered by an open space easement. Additionally, open space provided to satisfy the requirements of this subsection shall meet the requirements for “usable open space” set forth in subsections 17-1202 (C) and (D) only.

Article V. Standards and Supplementary Use Regulations

2. Designation. No plan for a PUD-B or PUD-I shall be approved unless such plan provides for permanent open space equivalent to five (5) percent of the total area.
- D. Buffer screens. Buffer screens shall be required pursuant to the requirements of Sect. 17-509 and Appendix C but may be reduced or varied pursuant to App. C, and Sect. 17-1204 "Flexibility in Administration Authorized." Pursuant to section 17-1752, "Conditions on Approval of Petition," the Town Council shall adopt any conditions that it finds necessary to further protect surrounding areas from the effects of a reduced screen.
- E. Off-street parking and loading requirements. Off-street parking and loading shall be provided as required in Appendix B and section 17-505."
- F. Procedure.
  1. PUD-Bs and PUD-Is are permitted only in PUD zoning districts, which are conditional district zones.
  2. As part of the ordinances governing any new PUD-B or PUD-I conditional zone, the Town Council may vary or waive the standards and requirements established in this section.
  3. In addition to other considerations, the following criteria shall be considered in the evaluation of an application for a PUD-B or a PUD-I conditional zoning district:
    - a) That the proposed development creates a needed business or industrial environment;
    - b) That existing or proposed utility and other public services are adequate for the anticipated uses;
    - c) That the proposed land uses and other special characteristics of the development can exist in harmony with adjacent areas;
    - d) That the adjacent areas can be developed in compatibility with the proposed PUD;
    - e) That the proposed PUD will not adversely affect traffic patterns and flow in adjacent areas; and
    - f) That the PUD is in general conformity with the Town's Comprehensive Land Use Plan.
  4. Land Use Plan. In addition to or as part of the materials submitted to satisfy the

## Article V. Standards and Supplementary Use Regulations

requirements of section 17-1750, "Plans and Other Information to Accompany Petition," all applications for a PUD-B or PUD-I conditional zoning district shall be accompanied by a Land Use Plan prepared by a licensed engineer or a licensed architect and which shall include, but not be limited to, the following:

- a) If there are to be any residential units within the PUD, the numbers and types of residential dwelling units, including density, setbacks and the delineation of non-residential areas;
- b) Designation/delineation of applicable zoning district designations; i.e. I 1 or I-2. The zoning district designations will determine which standards will govern development. For example, an area designated I 1 will be governed by the standards of the I-1 district;
- c) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-way and easements;
- d) Common open space and recreation areas to be developed or preserved in accordance with this section. The peripheral boundary setback shall be indicated;
- e) Preliminary (sketch) plans for water, sanitary sewer, storm sewer, natural gas, and electric utilities;
- f) The delineation of areas to be constructed in sections, showing acreage;
- g) Soil maps prepared according to the United States Department of Agriculture cooperative soil survey standards as published in the Johnston County Soil Survey;
- h) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use, and lot lines of all contiguous property;
- i) Existing vegetation;
- j) U.S. Clean Water Act section 404 wetland areas and any other nonregulated wetland areas of significance;
- k) Flood hazard areas including base flood elevation;
- l) Topographic contours at a maximum of ten-foot intervals showing existing grades;
- m) Site data including vicinity sketch, north arrow, engineering scale ratio, title of

## Article V. Standards and Supplementary Use Regulations

development, date of plan, name and address of owner/developer and person or firm preparing the plan;

- n) Any other information as may be required by the Planning Board or staff;
- o) Proposed phasing and timing of the PUD; and
- p) Each proposed development phase shall be specifically titled/referenced by number and/or name.

5. **Additional Information Required.** In addition to the Land Use Plan and those items that are or may be required by Section 17-1750, "Plans and Other Information to Accompany Petition," the developer shall be required to submit to the Administrator the following information and any other information that may be reasonably required by the Town Council:

- a) If necessary, a draft of the proposed protective covenants whereby the developer proposes to regulate land use and otherwise protect the proposed development;
- b) A draft of any proposed incorporation agreement and a draft of any bylaws or easement declarations concerning maintenance of recreational and other common facilities; and
- c) Data on the market potential necessary to support the location of the site and the size of uses in any planned development.

G. **Expiration of Conditional Zoning District.** Construction of a PUD-B or PUD-I must begin within one (1) year of the establishment of the conditional zoning district in which the development will be located. If all work authorized by the rezoning ceases for a continuous period of one (1) year after work has commenced, then the zoning of the tract shall automatically revert to the zoning in effect at the time the conditional zoning district was established. Upon the request of the developer submitted prior to expiration of the time to begin construction, the Board of Commissioners may grant one-year extensions on the time to begin construction.

### **Sec. 17-554. Retail Centers, Shopping Centers and Shopping Malls.**

See also section 17-524, "Building Design, Exterior Standards."

A. Retail centers, shopping centers and shopping malls require a special use permit.

B. Shopping Centers.

- 1. Parking for customers and employees of a shopping center shall be provided on site.

## Article V. Standards and Supplementary Use Regulations

2. Shopping centers must be built on tracts having a minimum area of three (3) acres.
- C. Shopping malls may include offices and satellite structures that are served by the mall road network.
- D. Outparcels. For the purposes of this chapter, outparcels are considered part of a retail center or shopping center and must conform to the signage ordinances applicable to the shopping center. Outparcels established prior to adoption of this Ordinance, however, are not considered part of a retail center or shopping center and, thus, are not subject to those uniform signage regulations. See section 17-1308 "Completion of Non-conforming Projects".

### **Sec. 17-555. Roadside Stands.**

- A. Roadside stands are limited to the sale of the following: produce, including fruits and vegetables; horticultural uses such as nursery stock, shrubs, trees and flowers; and other farm goods such as honey, Christmas trees and pumpkins. Prepared food may not be sold from a roadside stand. Food trucks are not "roadside stands."
- B. A roadside stand must satisfy the following requirements:
  1. The operator of the stand must submit a sketch plan to receive a zoning permit for the operation of the stand.
  2. No electrical wiring or plumbing for the stand may be installed without a building permit or a certification by the Building Inspector that the proposed work is exempt from the requirements of the North Carolina State Building Code.
  3. A stand must not obstruct the clear view of intersecting streets, and a stand may not be an obstruction to traffic.
  4. The stand location must not present any significant negative effects upon the surrounding environmental quality or natural resources or encroach upon any public street or right-of-way. The Administrator may require that a special use permit be sought for any proposed stand that, in the opinion of the Administrator, may have significant negative effects upon the surrounding environmental quality or natural resources.
  5. If the stand operator is someone other than the owner of the land upon which the stand is to be sited, the stand operator must obtain written permission from the property owner to operate the stand.

### **Sec. 17-556. Sexually Oriented Business.**

- A. Sexually oriented businesses include but are not limited to adult movie theaters, live

## Article V. Standards and Supplementary Use Regulations

adult entertainments, massage parlors, adult hotels and motels, adult novelty retail, or adult bookstores; See use group 31.000 in the Table of Permissible Uses (see section 17-410).

### B. Location of Sexually Oriented Businesses.

1. No sexually oriented business shall be located within one-thousand (1,000) feet of another sexually oriented business.
2. No sexually oriented business may be located within one-thousand (1,000) feet of a nursery, public or private school, day care, church or other religious institution.
3. No sexually oriented business may be located within eight-hundred (800) feet of a residential district or residence.
4. For the purpose of enforcing this section, distances shall be measured from the exterior wall of the sexually oriented business to the closest business wall of the building (residence, church or school) or residential zoning district line if the closest residential property is not developed.

### C. Landscaping. Sexually oriented businesses shall be screened by at least a Type B, landscape buffer and / or "street yard" as described in section Appendix C, Table 1. Additionally, the area of landscaping shall be at least fifteen (15) feet wide with a mix of vegetation types and shall incorporate a wall, fence or other physical barrier wherever possible and advantageous to the interest of protected adjoining properties. Notwithstanding the foregoing, the landscaping and screening shall be designed to completely shield a sexually oriented business from adjoining properties.

### D. Signs. Notwithstanding the provisions of Article XI, "Signs," the signage for sexually oriented businesses shall be limited as follows:

1. There may be no more than one wall sign per business.
2. The wall sign may be no larger than twenty square feet.

### E. Neon lighting outside of the permitted sign face is not allowed.

### **Sec. 17-557. Sidewalk Dining.**

Sidewalk dining shall be permitted provided the Town enters an agreement with the North Carolina Department of Transportation ("Department") as set forth in N. C. Gen. Stat. § 136-27.4, which defines "sidewalk dining activities" as serving food and beverages from a restaurant abutting State right-of-way to customers seated in the State right-of-way. The agreement pursuant to N.C. Gen. Stat. § 136-27.4 shall provide that:

## Article V. Standards and Supplementary Use Regulations

- A. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
- B. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
- C. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
- D. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
- E. The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the Town, but in no event in an amount less than the amount specified by the Town under G.S. § 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. § 143-299.2, whichever is greater. The insurance shall protect and name the Dept. of Transportation and the Town as additional insureds on any policies covering the business and the sidewalk activities.
- F. The restaurant operator shall provide an agreement to indemnify and hold harmless the Department or the Town from any claim resulting from the operation of sidewalk dining activities.
- G. The restaurant operator shall provide a copy of all permits and licenses issued by the State, county or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or the Town for exterior alterations or improvements to the restaurant.
- H. The restaurant operator shall cease part or all sidewalk dining activities to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the Department, the Town government, its agents or employees, or by any other governmental entity or public utility.
- I. Any other requirements deemed necessary by the Department, either for the Town or a component of the State highway system.

## Article V. Standards and Supplementary Use Regulations

In the event the Town is given the administrative right to permit sidewalk dining activities pursuant to N. C. Gen. Stat. § 136-27.4, the Town may impose additional requirements on a case-by-case basis, and nothing in this section requires the Town to issue or maintain any permit for sidewalk dining activities if, in the opinion of the Town Council, such activities cannot be conducted in a safe manner.

### **Sec. 17-558. Solar Energy Generating Facility, Accessory.**

Solar collectors shall be permitted as an accessory use to new or existing structures or facilities in accordance with Section 17-405, subject to the following:

- A. **Roof-Mounted Solar Systems.** The collector surface and amounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
  - 1. **Pitched Roof Mounted Solar Systems.** For all roof-mounted systems other than a flat roof, a drawing shall be submitted showing the location of the solar panels.
  - 2. **Flat Roof Mounted Solar Systems.** For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
- B. **Ground-Mounted Solar Systems.** Ground-mounted solar systems (accessory) shall meet the minimum zoning setback for the zoning district in which it is located.
- C. **Approved Solar Components.** Electric solar components shall have a UL listing.
- D. **Compliance with Building and Electrical Codes.** All solar collector systems shall be in conformance with the International Building Code with North Carolina amendments. **Compliance with Other Regulations.** All solar collector systems shall comply with all other applicable regulations.

### **Sec. 17-559. Solar Farms.**

A solar farm developed as a principal use shall be permitted in accordance with Section 17-410, Permitted Use Table, subject to the following:

- A. **Setbacks.** Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.
- B. **Height.** Fifteen (15) feet maximum for solar arrays.
- C. **Visibility.**

Article V. Standards and Supplementary Use Regulations

1. Solar farms with panels located at least 150 feet from an adjacent public street right-of-way shall not require screening.
  2. Solar farms with panels located less than 100 feet from an adjacent public street right-of-way, a residentially zoned property, or a property currently utilized for residential purposes must be screened by the buffer required in Appendix C containing at least a continuous screen of evergreen vegetation intended to be at least six (6) feet high and three (3) feet thick at maturity.
- D. Application Requirements. A site plan is required in accordance with Article VI.
1. Installation and Design.
    - a) Approved Solar Components - Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
    - b) Compliance with Building and Electrical Code: All solar farms shall meet all requirements of the International Building Code with North Carolina amendments
  2. Decommissioning. A decommissioning plan signed by the party responsible for decommissioning and the land owner (if different) addressing the following shall be submitted with the permit application.
    - a) The anticipated life span of the solar farm.
    - b) The estimated decommissioning costs in current dollars.
    - c) The method for ensuring that funds will be available for decommissioning and restoration.
    - d) Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 consecutive months, or other).
    - e) Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations. This includes the removal of solar panels/arrays, buildings, cabling, electrical components, and any other associated facilities above or below grade that were installed as a part of the solar collector (farm) facility.
    - f) Removal of all graveled areas and access roads unless the landowner requests in writing for the roads to stay in place.
    - g) Restoration of the property to condition prior to development of the solar farm, including replacement of top soil removed or eroded and re-vegetation of any cleared areas with warm season grasses that are native to the area, unless requested in writing by the landowner not to revegetate due to other planned uses of the property.
    - h) The time frame for completion of the decommissioning activities, which shall

## Article V. Standards and Supplementary Use Regulations

be no more than 90 days from the date that electricity is no longer generated or construction or reconstruction on the facility ceases, or other date as determined by the Administrator.

- i) Description (or copy) of any agreement with the landowner(s) regarding decommissioning.
  - j) The party responsible for decommissioning.
  - k) Plans for ensuring that the decommissioning plan is current and up-to-date.
3. After approval of the Special Use Permit by the Town Council, but prior to issuing a certificate of zoning compliance by the Administrator, the applicant must provide to the Administrator a certified cost estimate and performance guarantee for decommissioning. The performance guarantee must be in the form of a surety or performance bond that renews automatically, including a minimum 60-day notice to the Planning Dept. prior to cancellation, is approved by the Administrator and is from a company on the U.S. Dept. of Treasury's Listing of Certified Companies. The amount of the performance guarantee must be one-and-one-half times the decommissioning cost minus the estimated salvageable value of the components or \$50,000, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a N.C. licensed general contractor or professional engineer. A new estimate and a new bond certificate must be submitted to the Planning Dept. every year verifying that the bond is still an adequate amount to ensure compliance with the ordinance and to ensure that it has been properly renewed. The full amount of the bond must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is complete.

After approval of the Special Use Permit but prior to the issuance of the certificate of zoning compliance the decommissioning plan shall be recorded in the Johnston County Register of Deeds Office and recorded copy given to the Administrator. If the decommissioning plans are modified a copy of the modified plan as recorded in the Johnston County Registry shall be provided to the Administrator. If the ownership of the solar farm changes, the new owner must provide an updated signed decommissioning plan as recorded at the Johnston County Registry to the Administrator within 30 days of the ownership change.

- 4. The landowner, tenant or solar farm operator shall notify the Planning Dept. when the site is abandoned and when the site is restored according to the decommissioning plan.
- 5. The performance guarantee shall be released by the Administrator once the site is restored as provided in the approved decommissioning plan and inspected by

Planning Dept. and/or Johnston County Inspections Dept. staff.

6. Before the final electrical inspection, provide the deed book and page number showing that the decommissioning plan is recorded in the Johnston County registry.
- E. Compliance with Building and Electrical Code - All solar farms shall meet all requirements of the International Building Code with North Carolina Amendments, or other applicable North Carolina code (s).

**Sec. 17-560. Storing or Maintaining of Merchandise for Sale, Lease, or Trade on Property in Commercial Zoning Districts.**

- A. Merchandise that is intended to be sold, leased, or traded as the primary land use on property located in a commercial zoning district, or on property otherwise designed to serve a commercial purpose, shall not be stored or maintained on the exterior of a primary or accessory use structure. All merchandise must be fully stored and maintained on the inside of a structure at all times, with the following exceptions:
1. Large or bulk items, which by nature of their size or purpose cannot be practically stored or maintained indoors. These items include, but are not limited to, vehicles, prefabricated structures, power equipment, etc.
  2. Naturally grown or derived goods such as produce, potted plants, or seasonal items specifically related to a recognized holiday or season.
  3. Items displayed in conjunction with town sponsored special events.
  4. Items displayed by merchants holding a valid North Carolina State Sales Tax Identification Number for the business which is displaying the merchandise. Furthermore, these merchants may only display a portion of merchandise on the same lot as a primary use structure having been licensed, permitted, and devoted to a similar purpose.
- B. Any retail, wholesale or rental use that involves that the display of goods outside a fully enclosed building (Table of Permissible Uses # 2.200) shall store the goods inside a fully enclosed structure when the use is not open for business.

**Sec. 17-561. Swimming Pools.**

All public, commercial or private outdoor swimming pools of three (3) feet or more in depth, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements in addition to setbacks and other requirements specified elsewhere.

## Article V. Standards and Supplementary Use Regulations

- A. The setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) of pool height. The additional setback for an in-ground pool shall be at least two (2) feet.
- B. A fence to be erected to a minimum height of four (4) feet to completely enclose all sides of the pool not bounded by a building. A self-latching gate of equal height shall be installed and securely fastened when the pool is not in use. Fences shall be constructed to the standard in the applicable Building Code.
- C. Contractor must have construction fence/silt fence surrounding an in-ground pool area (construction site) while under construction.
- D. Mechanical equipment may encroach up to five (5) feet into a side or rear yard setback, must be screened from view, and must not be located in a street yard.

### **Sec. 17-562. Temporary Emergency, Construction or Repair Residences.**

- A. Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.
- B. Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six (6) months after the date of issuance, except that the Administrator may renew such permit for one additional period not to exceed three (3) months if he or she determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

### **Sec. 17-563. Temporary Health Care Structures (Granny Pod).**

Temporary health care structures, sometimes called "Granny Pods", are permitted under the authority of N.C. Gen. Stat. § 160A-385.5. Granny pods are permitted as an accessory use to single family residences in accordance with Section 17-410, subject to the following standards:

- A. Structures must be transportable residential units assembled off-site and built to the standards of the State Building Code. It must be no more than 300 gross square feet and must not be placed on a permanent foundation.
- B. The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure shall be connected to any public water, sewer, and electric utilities serving the property or water and/or sewer systems approved by Johnston County Environmental Health Dept. Only one accessory temporary family care structure is allowed per lot. No

## Article V. Standards and Supplementary Use Regulations

signage regarding the presence of the structure is allowed. The structure must be removed within sixty (60) days after care-giving on the site ceases.

- C. A zoning permit is required to be obtained prior to installation. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The Town may make periodic inspections at times convenient to the caregiver to assure on-going compliance.
- D. The caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.
- E. In the IN district, granny pods shall only be permitted for single-family residentially used property.

### **Sec. 17-564. Temporary Storage Facility (Portable Storage Unit).**

Temporary storage facilities shall be subject to the following regulations:

- A. Dumpsters or temporary storage facilities incidental to a natural disaster, or construction with a valid building permit shall be exempt from these regulations.
- B. Temporary storage facilities intended to be in place for greater than thirty (30) days shall require a zoning permit.
- C. Except for Light Industrial (I-1) and Heavy Industrial (I-2) zoning districts, temporary storage facilities may be placed on a property a maximum of one hundred twenty (120) day period during one calendar year from its initial placing on the property.
- D. No temporary storage facility shall encroach into any public right-of-way
- E. No temporary storage facility may encroach into vehicular use areas where such encroachment reduces the amount of parking below the minimum permitted amount.
- F. No temporary storage facility shall be used as living space and/or a permanent accessory building.

### **Sec. 17-565. Tiny House.**

A tiny house shall be allowed in accordance with Section 17-410 Table of Permitted Uses, subject to the following

- A. A tiny house shall comply with the N.C. State Building Code, N.C. Modular Construction Program or U.S. H.U.D. Manufactured Housing Construction Program. Tiny houses on

Article V. Standards and Supplementary Use Regulations

trailers or wheels are Recreational Vehicles (See the N.C. Dept. of Insurance Recreational Park Trailer Requirements. .

- B. A tiny house must be situated on a permanent foundation with secure wind resistant tie downs and connected to public water, sewer and electric utilities,
- C. If the tiny house is constructed on a travel chassis with wheels, the wheels must be removed for permanent location on a foundation.
- D. A tiny house must comply with all UDO requirements for the zoning district(s) in which it is located. Tiny house development shall not be built following the manufactured home park requirements.

**Sec. 17-566. Traffic Impact Analysis.**

- A. Purpose. A traffic impact study shall be required for any use generating more than 3,000 trips per day, as defined by the American Association of State Highway Officials (AASHTO), or if the proposed driveway access points are within 1,000 feet of a highway interchange; in the vicinity of a high accident location on a major arterial highway, involve a median crossover, involve an active road construction project or are otherwise required by the N.C. DOT. The study will enable the Town of Selma to assess the impact of a proposed development on the Town street system and the State highway system, when that system is at or near capacity, and when a safety problem exists. Its purpose is to ensure that proposed developments do not adversely affect the Town street system and State highway system and to identify any traffic problems associated with access from the site to the existing transportation network. The purpose of the study is also to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.
- B. Applicability.
  - 1. Except as described below, a traffic impact study shall be required for any special use permit, conditional district rezoning, or major subdivision application that is estimated to generate more than 3,000 trips per day.
  - 2. Notwithstanding subsection (B)(1) above, the Town Council may require any special use permit, conditional district rezoning or major subdivision application to be accompanied by a traffic impact study when a road capacity or safety issue exists. If one is required, the Town will notify the applicant of the reason for the requirement.
  - 3. Special use permits, conditional district rezoning or major subdivisions that produce more than 3,000 trips per day may be exempted from the requirements to prepare and submit a traffic impact study if:

## Article V. Standards and Supplementary Use Regulations

- a) A traffic impact study has previously been prepared for this development, the study is no more than five (5) years old and the Administrator determines that the data remains accurate and sufficient to allow the Town to effectively evaluate the project.
- b) There is to be no change in land use or density that would increase travel.
- c) There is to be no change in access to the external street system.
- d) Material is submitted to demonstrate that traffic created by the proposal when added to existing traffic will not result in a need for transportation improvements.

The Town Council, with a recommendation from the Planning Board, will review material submitted in support of an exemption and will determine from that material whether to grant the exemption. All exemptions shall be concurred with by the NC DOT District Office. If an exemption is granted, documentation of the exemption will be submitted as part of the staff recommendation.

4. If the project is reviewed as a Planned Unit Development, only one traffic impact study is required, irrespective of the proposed number of phases, unless revisions are proposed that would increase traffic or change access.

- C. Capacity Analysis of the Existing System. Traffic impact studies shall utilize the level of service ("LOS") methodology described in the table and graphic labeled "Levels of Service" on the pages that follow.

An indication of the adequacy of the existing street system is a comparison of traffic volumes versus the ability of the streets to move traffic freely at a desirable speed. The ability of a street to move traffic freely, safely, and efficiently with a minimum delay is controlled primarily by the spacing of major devices utilized. Thus, the ability of a street to move traffic can be increased by restricting parking and turning movements, using proper sign and signal devices, and by the application of other traffic engineering strategies.

Capacity is the maximum number of vehicles which have a "reasonable expectation" of passing over a given section of roadway, during a given time period under prevailing roadway and traffic conditions. The relationship of traffic volumes to the capacity of the roadway will determine the level of service (LOS) being provided. Six levels of service have been selected for analysis purposes. They are given letter designations from A to F with LOS A representing the best operating conditions and LOS F the worst. For a visual representation, see the figure labeled "Levels of Service" at the end of this subsection.

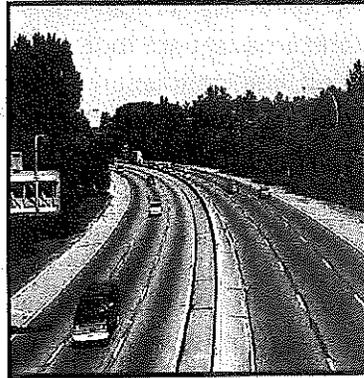
Article V. Standards and Supplementary Use Regulations

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

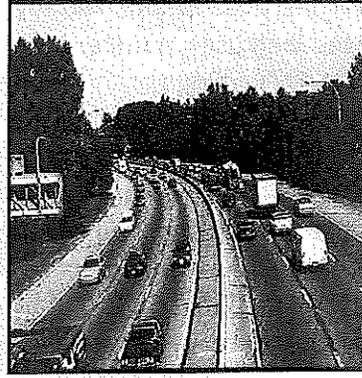
Article V. Standards and Supplementary Use Regulations

Levels of Service

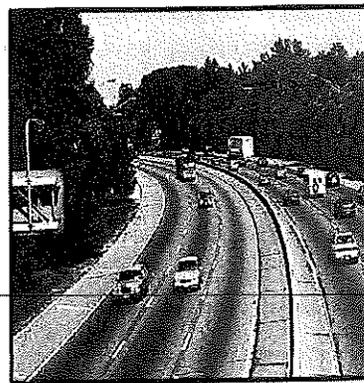
Source: 1994 Highway Capacity Manual



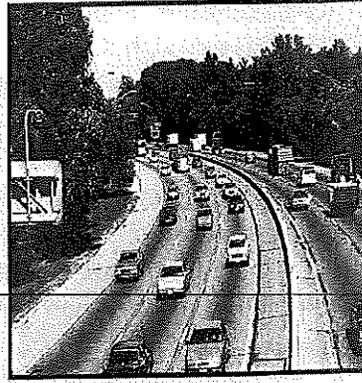
LOS A.



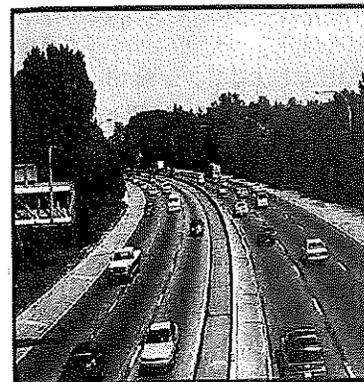
LOS D.



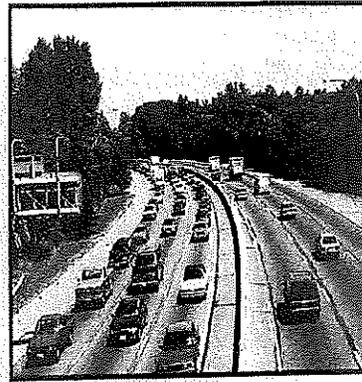
LOS B.



LOS E.



LOS C.



LOS F.

Article V. Standards and Supplementary Use Regulations

D. General Requirements and Standards. The traffic impact study shall contain the following information:

1. General Site Description. The site description shall include the size, location, proposed land uses, number of units and gross square footage by land use, existing land use and zoning, construction staging, and completion date of the proposed land development to the extent known or able to be described at the time the application is prepared. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
2. Transportation Facilities Description. The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle, and pedestrian circulation; all proposed ingress and egress locations; all internal roadway widths and rights-of-way, pedestrian crossings, curb cuts, turn lanes, parking conditions and traffic channelization; safety or wayfinding signs; and any traffic signals or other intersection control devices at all intersections within the site.

The report shall describe the entire external roadway system within the study area. Major intersections in the study area and all intersections or driveways adjacent to or within 800 feet of the site shall be identified and sketched. All existing and proposed public transportation services and facilities within one mile of the site shall also be documented. Future highway improvements, including proposed construction and traffic signalization, shall be noted. All proposed traffic signals shall be approved by the NC DOT District Office. This information shall be obtained from North Carolina's Transportation Improvement Program and the thoroughfare plan. Any proposed roadway improvements due to proposed surrounding developments shall also be noted.

3. Existing Traffic Conditions. Existing traffic conditions shall be documented for all roadways and intersections in the study area. This shall include documentation of traffic accident counts as recorded by the NC DOT, Division of Motor Vehicles Traffic Records Branch; Town law enforcement; and the NC Highway Patrol. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development generated hour(s) traffic, if appropriate, shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s), if appropriate, and documentation shall be included in the report. Existing average daily or peak--hour traffic counts made within one year of the study date may be used subject to land use patterns and development rates when approved by the Administrator. A

volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s), if appropriate, for all roadways and major intersections expected to be impacted by development traffic. Levels of service shall be determined for each signalized intersection or roadway segment analyzed above.

This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.

4. **Transportation Impact of the Development.** Estimation of vehicular trips to result from the proposed development shall be completed for the average weekday, the average daily peak hours of highway travel in the study area, and if appropriate, the peak hour of traffic generation by the development. Vehicular trip generation rates to be used for this calculation shall be obtained from an accepted, current source such as "Trip Generation" (Institute of Transportation Engineers, Seventh Edition, 1987 as amended or superseded). These development generated traffic movements, as estimated, and the reference source(s) and methodology followed shall be documented. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. All average daily traffic link volumes within the study area shall be shown graphically. Peak hour turning movement volumes shall be shown for signalized and other major intersections, including all access points to the development. Pedestrian and bicycle volumes at school crossings and as otherwise applicable shall be reported. Any characteristics of the site or use that will cause trip generation to vary significantly from average rates available in published sources shall be documented, including such factors as diversion of passerby traffic, internal capture, staggered work hours, or use of transit.
5. **Analysis of Transportation Impact.** The total traffic demand that will result from construction of the proposed development shall be calculated. This demand shall consist of the combination of the existing traffic, traffic generated by the proposed development, and traffic due to other developments and other growth in traffic that would be expected to use the roadway at the time the proposed development is completed. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed for average weekday traffic, the peak highway hour(s) and, if appropriate, peak development generated hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted. All access points, major entrances and driveways, and pedestrian crossings shall be examined for adequate sight distance and for the necessity of installing traffic signals. The traffic signal evaluation shall compare the projected traffic and

pedestrian volumes to the warrants for traffic signal installation.

6. **Conclusions and Recommended Improvements.** Levels of service for all roadways and signalized intersections serving ten (10) percent or more of peak-hour project traffic shall be reported. All roadways and/or signalized intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. Recommendations should address the need for pedestrian related facilities/improvements. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, connectivity and short cuts, safety and traffic calming, street crossing design and placement, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, transit service improvements and consideration of the needs of special pedestrian populations. All physical roadway improvements shall be shown on the site plan.
- E. **Submission and Implementation.** The traffic impact study will be submitted to the Administrator within the applicable time frame indicated below. The Administrator will review the study as part of the development review process. Recommendations will be incorporated into the approval process as indicated below.
1. **Special Use Permits.**
    - a) **Time of Submission.** The traffic impact study shall be submitted as a part of the application for the special use permit, or at such other time as authorized by the Administrator.
    - b) **Review and Implementation.** The Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use.

The Planning Board and Town Council shall consider the impact study and the analysis of the impact study before the application is approved or denied. The Board or Council may decide that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for special use permit approval and may make these improvements conditions of approval, may require modifications in the use, or may deny the permit, provided that such conditions, requirements or denial shall conform in all respects with Article VI, Part 1 of this Chapter.

2. **Subdivision Plat Approval.**

Article V. Standards and Supplementary Use Regulations

- a) Time of Submission. The traffic impact study will be submitted prior to or with the preliminary plat.
  - b) Review and Implementation. The Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to development proposed on the plat. The approval-issuing authority may find that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for subdivision plat approval, and it may require that these improvements be undertaken and depicted on the approved plat.
3. Conditional Zoning District Approval.
- a) Time of Submission. The traffic impact study shall be submitted at the time the conditional zoning district petition is submitted, or at such other time as authorized by the Administrator.
  - b) Review and Implementation. The Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to development proposed on the site plan. The Town Board may find that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for conditional zoning district approval, and it may request that reasonable and appropriate conditions be attached to approval of the petition in conformance with Section 17-1752, "Conditions on Approval of Petition."

**Sec. 17-567. Wireless Telecommunications Facilities.**

- A. Purpose and Intent. The purpose of this section to facilitate the deployment of necessary telecommunication services that are the least visibly intrusive type of installation that is not proven to be commercially or technologically impracticable and that will effectively prohibit the applicant from accomplishing its intended goal(s).
- B. Siting Hierarchy and Preferences.
  1. The following list indicates the Town's preferences for facility locations, in descending order of preference:
    - Antennae co-location on an existing tower;
    - Concealed (stealth) Antennae of Existing Building / Structure

Article V. Standards and Supplementary Use Regulations

- New concealed (stealth) tower fifty (50) feet in height or less
  - New concealed (stealth) towers over fifty feet in height
  - Building-Mounted Antennae and/or Tower
  - New Freestanding Non-Stealth Towers (monopoles)
  - New Freestanding Non-Stealth Towers (all other types)
2. The following list indicated the Town's preference in descending order for the zoning district locations for new free-standing towers and new towers over fifty (50) feet in height:
- Industrial 2 (I 2)
  - Industrial 1 (I 1)
  - Interstate Business (I B)
  - General Business (GB)
  - Residential – Agriculture (RA)
  - Neighborhood Business (NB)
  - Institutional and Office (IN)
  - Low Density Residential R-20 (R-20)
  - Central Business (CB)
  - Transitional Residential (TR)
  - Mobile Home Park Residential (MHP)
  - High Density Residential (R-8)
  - Medium Density Residential (R-10)

C. What Information the Town May Consider in Evaluating Applications.

1. When considering applications for wireless telecommunications facilities, the Town shall comply with the requirements of G.S. Chpt. 160A, Art. 19, Part 3E, "Wireless Telecommunications Facilities," the Telecommunications Act of 1996, as amended (specifically 47 U.S.C. § 332 and § 1455), and the Reports and Orders of the Federal Communications Commission, including 09-99 and 14-153.
2. When considering a permit application for a wireless telecommunications facility, the Town shall not require information about and the permit-issuing authority shall not consider the following:
  - a) An applicant's business decisions about its designed service;
  - b) Customer demand for an applicant's service;
  - c) The quality of an applicant's service to or from a site;

## Article V. Standards and Supplementary Use Regulations

- d) The radio frequency emissions that will be produced by the facility.
3. When considering an application for a wireless telecommunications facility that requires a special use permit, the permit issuing authority may consider the following:
    - a) Issues pertaining to public safety, aesthetics, landscaping, structural design, setbacks, and fall zones;
    - b) Information or materials directly related to an identified public safety, zoning or other land development issue, including evidence that no existing or previously approved structure can reasonably be used for the antenna placement instead of the construction of a new tower; that residential, historic, and designated scenic areas cannot be served from outside the area; or that the proposed height of a new tower or initial antenna placement or a proposed height increase of a modified tower, replacement tower, or collocation is necessary to provide the applicant's designed service; and
    - c) For permit applications for new wireless facilities, whether it is reasonably feasible to collocate new antennas and equipment on an existing structure or structures within the applicant's search ring. Collocation on an existing structure is not reasonably feasible if the applicant shows by verifiable technical evidence that the collocation is technically or commercially impractical or the owner of the existing structure is unwilling to enter into a contract for such use at fair market value.

### C. Additional Approval Standards and Processes.

1. Streamlined Process for Collocation Applications. Qualified applications for the collocation of wireless telecommunications facilities shall be entitled to streamlined processing. Streamlined processing means that the application shall be reviewed for conformance with applicable site plan and State Building code requirements but that shall not otherwise be subject to zoning requirements or public hearing requirements. Streamlined processing shall be completed within forty-five (45) days of the town's receipt of a completed application. The Town shall provide written notice that an application is incomplete within forty-five (45) days of the receipt of the application. To qualify for streamlined processing, the new facility shall either:
  - a) Not exceed the number of wireless telecommunications facilities previously approved for the wireless support structure on which the collocation is proposed and meet all the other requirements of the original approval; or
  - b) Meet the following requirements:

Article V. Standards and Supplementary Use Regulations

- 1) The collocation does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached;
- 2) The collocation does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities;
- 3) The wireless telecommunications facilities in the proposed collocation comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure;
- 4) The additional wireless facilities comply with all federal, State and local safety requirements; and
- 5) The collocation does not exceed the applicable weight limits for the wireless support structure.

2. Maximum Tower and Antennae Height, Non-Residential Buildings

BUILDING HEIGHT	MAXIMUM TOWER HEIGHT (Including antennae; measured from the height of the building.)
Over seventy-five (75) feet	Twenty-five per cent (25%) of the building height
Less than seventy-five (75) feet	Thirty percent (30%) of the building height.

D. Additional Standards for Facilities in the Public Rights of Way. Wireless telecommunication facilities may be placed in a publicly-owned right-of-way if all the following standards are met:

1. The public entity controlling the rights-of-way consents to the encroachment in writing; and
2. No antennae may be discernable as antennae by the average person from more than 250 feet, unless the standard of sub-section E below applies. The stricter standard shall apply.
3. Wireless installations shall be on poles that meet or exceed current NESC standards and the wind and ice loading requirements of ANSI 222 Version G.
4. No open lattice work towers are permitted.

Article V. Standards and Supplementary Use Regulations

5. For Town-controlled rights of way:
  - a) The Town Council approves the encroachment; and
  - b) The established encroachment fees are paid; and
  - c) If requested by the Town, the structure is designed to accommodate other reasonable attachments by the Town's electric utility department; and
  - d) Unless proven unfeasible by clear and convincing evidence, in lieu of installing new poles, any wireless installation in the PROW shall replace a pre-existing distribution pole, secondary pole or streetlight.
  
- E. In the R-20, R-10, R-8, MHP, TR, IN and CB zoning districts and in all other zoning districts on properties located within five hundred (500) feet of any R-20, R-10, R-8, MHP, TR, IN and CB zoning district (measured from the base of the tower or other supporting structure to the zoning district line) wireless facilities shall meet all the following standards:
  1. Poles must not be metal or concrete. Poles must not conduct electricity.
  2. Poles shall be no taller than fifty (50) feet.
  3. All supporting structures and antennae must be a "concealed design" including all cabling and antennae inside a "hollow pole."
  4. All radios, network equipment and batteries shall be enclosed in a pedestal cabinet near the pole; or in a pole-mounted cabinet or under a pole mounted shroud.
  5. Cabinets shall be consistent in size and be no larger than standard NC DOT streetlight signal cabinets

Pursuant to 47 U.S.C. § 332(c)(7), all applications for wireless telecommunications facilities, other than collocation applications, shall be acted on by the Town Council or Administrator within 150 days of the town's receipt of the completed application.

**Sec. 17-568. Wind Energy Generating Facility**

Wind energy generating facilities (both as a principal and an accessory use) designed to supplement other electricity sources shall be permitted as an accessory use in accordance with Sections 17-405 and 17-436, subject to the following standards:

## Article V. Standards and Supplementary Use Regulations

- A. A wind energy generator shall be set back from all property lines a distance equal to one (1) linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater. Maximum height of wind turbines shall be consistent with the requirements of the underlying zoning district. The height shall be measured from the ground to the highest point of the prop.
- B. A wind turbine may not be located between the front wall of the primary structure and the street.
- C. Rotor blades on wind turbines shall maintain at least fifteen (15) feet of clearance between their lowest point and the ground.
- D. The installation and design of the wind energy generator (accessory) shall conform to applicable industry standards, including those of the American National Standards Institute.
- E. The visual appearance of wind energy generators shall:
  - 1. Be constructed of a corrosion resistant material that will not fade, show rust spots, or otherwise change the appearance because of exposure to the elements and be a non-obtrusive color such as white, off-white or gray.
  - 2. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

### **Sec. 17-569. Wrecking, Junk and Recycling Facility.**

- A. Recycling operations conducted wholly within an enclosed building are permitted subject to the following requirements:
  - 1. All aspects of the recycling operation, except the movement of delivery trucks on and off the site, shall be conducted entirely within an enclosed building. Further, nothing related to the operation, including but not limited to recyclable materials, waste and scrap materials, fluids, and chemicals, may be stored outside. All such items shall be stored within a fully enclosed building;
  - 2. These facilities may accept materials for recycling that have a commercial value, including but not limited to junked cars, scrap metal and other items typically sent to salvage yards and junk yards. These facilities shall not accept any construction and demolition debris that cannot and will not be recycled, wood debris or other materials suitable for a land-clearing and inert debris landfill, or hazardous wastes;
  - 3. Materials may be collected for onsite recycling or for shipping to an off-premises location;

## Article V. Standards and Supplementary Use Regulations

4. All fluids, chemicals, parts or other components that are removed onsite shall be processed and disposed of in strict compliance with applicable federal, State and local laws; and
  5. In addition to the performance standards established in part 3 of this article and any noise ordinances contained in the Selma Code of Ordinances, no facility shall produce noises that can be heard by persons of ordinary hearing and sensitivity standing at the property line of the lot upon which the recycling operation is located.
- B. Recycling operations accessory to a principal use. This use is intended to allow businesses that generate large amounts of recyclable materials to process the materials onsite and/or prepare them for shipping elsewhere. An example of this use would be a cardboard breakdown area located behind a grocery store. These operations are subject to the following requirements:
1. All materials recycled shall be generated exclusively by the principal onsite use. No off-site materials may be accepted or processed; and
  2. The recycling operation shall be fully screened with either a Type C screen, as described in Appendix C, Table 1, or a wooden fence that completely obscures views of the recycling operation from neighboring properties and public rights-of-way.
- C. Consumer recycling collection centers. These facilities are intended to serve as collection points for household recyclables and small amounts of recyclable materials generated by commercial uses, such as discarded paper and cardboard from offices. These operations are subject to the following requirements:
1. The facility shall serve solely as a collection and transfer station. No processing of recyclable materials may occur onsite;
  2. No tipping fee or other fees may be charged for the collection of recyclable materials. However, a private solid waste company or local government may limit access to the facility to those persons for whom the company or government provides solid waste and recycling services; and
  3. The facility shall be fully screened with either a Type C screen, as described in Appendix C, Table 1, "Description of Screens and Landscaping," or a wooden fence that completely obscures views of the recycling operation from neighboring properties and public rights-of-way.
- D. Industrial recycling collection centers.

Article V. Standards and Supplementary Use Regulations

- E. Wrecking Junk and Salvage Yard Standards. Wrecking, junk and salvage yards are permitted in the I 2 zoning district, provided that:
1. Any such yard shall be entirely enclosed by an opaque fence or wall at least six (6) feet in height and no more than sixteen (16) feet in height, which shall be kept properly painted if of a type which requires painting and otherwise maintained in good condition. Landscaping and buffers in accordance with Appendix C, Part 1 shall be maintained along the outside of all fencing.
  2. All motor vehicles and other materials shall be stored or kept in such a manner that will not catch or hold water in which mosquitoes may breed and so that they will not constitute places in which rats, mice, or other vermin may be harbored, reared or propagated.
  3. All such yards shall be maintained in a sanitary condition at all times so as not to be a menace to the public health or safety.
  4. No more than two (2) driveways are permitted on any single road frontage, subject to and permitted by N.C. Dept. of Transportation, if applicable.

**Sec. 17-570 through 17-579 Reserved.**

**Part 3. MANUFACTURING/PROCESSING PERFORMANCE STANDARDS.**

**Sec. 17-580. Noise.**

- A. No 4.000 (manufacturing) classification use in any permissible zoning district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the 4.000 use if that use is one of several located on a lot, or (ii) uses located on adjacent lots.
- B. Except as provided in subsection (F) of this section, the table set forth in subsection (E) of this section establishes the maximum permissible noise levels for 4.000 classification uses in the I-1, I-2 and IB districts. Measurements shall be taken at the boundary line of the lot where the 4.000 classification use is located, and as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the 4.000 classification use is located.
- C. A decibel is the measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e. whether the pitch of the sound is high or low), an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.
- D. The standards established in the table set forth in subsection (E) are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated according to the prescribed formulae for the Town's noise measuring equipment.
- E. Table of Maximum Permitted Sound Levels, dB(A).

Zoning of Lot Where 4.000 Use is Located	Zoning of Adjacent Lot				
	Residential, 7 a.m. – 7 p.m.	Residential, 7 p.m. – 7 a.m.	IN, NB, CB, GB TR (non-residential only)	I-1, I-2	IB
I-1, I-2	50	45	60	70	65
IB	50	45	55	65	70

Article V. Standards and Supplementary Use Regulations

- F. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) more than the figures listed in subsection (E) above, except that this higher level of permissible noise shall not apply from 7 p.m. to 7 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
- G. Noises resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

**Sec. 17-581. Vibration.**

- A. No 4.000 (manufacturing) classification use in any permissible business district may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- B. No 4.000 classification use in a I-1, I-2 or IB district may generate any ground-transmitted vibration more than the limits set forth in subsection (E) of this section. Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in subsection (E) of this section.
- C. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- D. The vibration maximums set forth in subsection (E) of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed based on displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D, \text{ where:}$$

$PV$  = Particle velocity, in inches-per-second,

$F$  = Vibration frequency, in cycles-per-second, and

$D$  = Single amplitude displacement of the vibration, in inches.

The maximum velocity shall be the vector sum of the three components recorded.

- E. Table of Maximum Ground-Transmitted Vibration.

Article V. Standards and Supplementary Use Regulations

Zoning District	PV in Inches-Per-Second, at the Adjacent Lot Line	Residential District
I-2, I-1	0.10	0.02
IB	0.20	0.02

- F. The values stated in subsection (E) above may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.
- G. Vibrations resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

**Sec. 17-582. Odor.**

- A. For the purposes of this section, the “odor threshold” is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.
- B. No 4.000 classification use in any district may generate any odor that reaches the odor threshold, measured at:
  - 1. The outside boundary of the immediate space occupied by the enterprise generating the odor if the enterprise is one of several located on a lot, or
  - 2. The lot line if the enterprise generating the odor is the only enterprise located on a lot.

**Sec. 17-583. Air Pollution.**

- A. Any 4.000 classification use that emits any “air contaminant,” as defined in G.S. § 143-213, shall comply with applicable state standards concerning air pollution, as set forth in G.S. Chpt. 143, Art. 21B, “Air Pollution Control,” and as set forth in any administrative rules promulgated by the North Carolina Department of Environmental Management.
- B. No zoning or special use permit may be issued with respect to any development covered by subsection (A) above until the North Carolina Department of Environmental Quality Division of Air Quality has certified to the permit-issuing authority that the appropriate State permits have been received by the developer, or the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

**Sec. 17-584. Disposal of Liquid Wastes.**

No 4.000 classification use in any district may discharge any waste contrary to the provisions of G.S. Chpt. 143, Art. 21, "Water and Air Resources," and as set forth in any administrative rules promulgated by the North Carolina Department of Environmental Management.

**Sec. 17-585. Electrical Disturbances or Interference.**

No 4.000 classification use may:

- A. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
- B. Otherwise cause, create, or contribute to the interference with electronic signals (including, but not limited to, those from television, radio, and cellular telephone equipment) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**Sec. 17-586 through 17-589. Reserved.**

**Part 4. Long Term Maintenance Requirements.**

**Sec. 17-590. Long Term Maintenance Requirements.**

- A. Purpose and Intent. The initial building construction or development in a community is usually accomplished after a great deal of planning, designing, and implementation. The time and attention to detail given to the initial construction is often the last concentrated effort regarding the total visual effect of the building and building lot or site. While many property owners establish a periodic maintenance program to keep their property in a visually pleasing, physically safe and sanitary condition, some properties are unkempt and are left to visually or physically decay. The Town Council further finds that well-maintained properties generally contribute to the overall appeal of the town and to higher property values in individual neighborhoods. For these reasons, it has been determined that there is a need to set forth regulations to ensure the continuing maintenance of property within the town.
- B. Scope. This section shall apply to all industrial, commercial and multi-family residential uses and shall apply in addition to, and not in lieu of, any requirements imposed elsewhere by this chapter and/or the Selma Code of Ordinances. This section shall not apply to single-family residential uses. Any property located in an industrial or commercial zoning district shall be presumed to be subject to the requirements of this section, but the Administrator may waive the requirements of this section if the property owner can satisfactorily demonstrate that the primary use of the property is as a single-family residence.
- C. Property Maintenance Standards. Industrial, commercial and multi-family uses shall meet the following standards:
1. All buildings on a property shall be maintained in a condition to visually appear to be in good repair including but not limited to the condition of the foundation; the exterior paint or finish; the windows and doors; the roof, gutters and down spouts; accessory buildings; and architectural appurtenances such as chimneys and steps.
  2. All solid waste containers stored outside shall be screened to not be visible from public rights-of-way and adjacent properties by means of one or a combination of the following: building positioning; by being placed within a four-sided containment structure made of a material similar in appearance to the exterior finish of the principal building; or by being screened from view by dense vegetative growth. The Administrator may authorize a different screening method if such method will provide a similar level of screening as those methods set forth herein.
  3. All sidewalk, driveway, parking, loading and outside storage areas shall be

## Article V. Standards and Supplementary Use Regulations

continuously maintained in a state of good repair without potholes, broken pavement, standing water or other signs of deterioration.

4. All permanent or long-term outside storage shall be screened from view to not be visible from public rights-of-way. Screening may employ such measures as earth berming, vegetative planting, decorative fencing or building positioning.
5. All fences, walls, lighting, signs, storage structures, mailboxes, postal boxes, newspaper boxes, and other visual physical improvements or appurtenances shall be maintained in a safe, working order and in good appearance, and in conformance with all applicable codes and ordinances.

### **Sec. 17-591. Property Owners' Association.**

No final plat, site plan, or special use permit for which a property owners' association will exist shall be approved until all required legal instruments have been approved by the Town. Draft declarations of restrictive covenants may be submitted at the time of preliminary plat or sketch plan review for review and comment by the town's staff. The special use permit required for PUD site plan approval is exempt from this requirement. For a PUD, the property owners' association legal instruments must be submitted and approved as the individual sections/phases of the PUD are approved. For PUDs, the Town staff must approve all legal instruments prior to signature on the final plat for each phase.

### **Sec. 17-592. Maintenance of Common Areas and Facilities.**

- A. Unless the Town requires that common areas, recreational facilities or open space be dedicated to the Town or agrees to accept an offer of dedication voluntarily made by the developer, such common areas, recreational facilities and open space shall remain under the ownership and control of the developer (or his successor) or a homeowners' association or similar organization that satisfies the criteria established in subsection 17-592(C). If such common areas, recreational facilities and open space are not publicly dedicated, they shall be made available to all residents of the development under reasonable rules and regulations established to encourage and govern the use of such facilities and open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowners' association. Such common areas, recreational facilities and open space may be made available to a limited extent on a fee basis to persons who are not residents of the development where such facilities or open space are located, so long as such use does not become so extensive as to remove the common areas, recreational facilities and open space from the category of an accessory use to a residential development and transform the use to a separate principal use classification.

## Article V. Standards and Supplementary Use Regulations

- B. The person or entity identified in subsection 17-592(A) as having the right of ownership and control over such common areas, recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- C. Homeowners' associations or similar legal entities that, pursuant to subsection 17-592 (A), are responsible for the maintenance and control of common areas, recreational facilities and open space, shall be established in such a manner that:
  - 1. Provisions for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
  - 2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
  - 3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities; and
  - 4. The association will establish a capital fund for the maintenance and upkeep of common areas and facilities and a method of contributing to that fund which will spread the costs of said maintenance and upkeep to the residents over several years.
  - 5. There is no property blight, or it is promptly abated. Property blight is defined in the next section.

### **Sec. 17-593. Description of Property Blight.**

- A. Parking, storing, or maintaining motor vehicles and boats. No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for more than seventy-two (72) consecutive hours.
- B. Storing or maintaining household items, boxes, lumber, dirt or other debris.
  - 1. No household item shall be stored or maintained in a carport or area visible from any street for more than seventy-two (72) consecutive hours.
  - 2. The storage or maintenance of a household item, boxes, lumber, dirt or other debris in a side or rear yard shall either be:

Article V. Standards and Supplementary Use Regulations

- a) In an accessory building constructed in accordance with the provisions of this chapter; or
  - b) In an area that provides for a five-foot setback from any property line and, which is not visible from any street.
3. No household item, boxes lumber, dirt or other debris shall be stored, or maintained within five (5) feet of any required building exit, including exit windows.
  4. This section does not prohibit the storage, or maintenance of machinery installed in accordance with the provisions of this code in the rear or side yard setback areas for household or recreational use, furniture designed and used for outdoor activities, or any item stored or kept within an enclosed storage structure.
- C. Activities prohibited on property designed or used as a residence.
1. The following activities on any property designed or used as a residence constitute property blight:
    - a) Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, or servicing, in any setback area, of any airplane, aircraft, motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.
    - b) The use of any motor vehicle for living or sleeping quarters in any place in the city, except in a location lawfully operated as a mobile home park or travel trailer park, subject to the following:
  2. Nothing contained in this section shall be deemed to prohibit bona fide guests of a town resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two (72) hours.
  3. Any recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.
  4. Exclusions. This section shall not prohibit the following:
    - a) An owner, lessee, or occupant of the property from repairing, washing, cleaning, or servicing of personal property that is owned, leased, or rented by the owner, lessee, or occupant of the property so long as any repairing or servicing performed shall be completed within a seventy-two (72) consecutive hour

Article V. Standards and Supplementary Use Regulations

period; or

- b) Repairing or servicing of a motor vehicle or part thereof within a completely enclosed building in a lawful manner where it is not visible from the street or other public or private property.

Sec. 17-594 through Sec. 17-599. Reserved.

