

Chapter 17 - UNIFIED DEVELOPMENT ORDINANCE

Footnotes:

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Editor's note— Set out herein as enacted, including the original numbering system, catchlines and capitalization, is the Town of Selma, North Carolina, Unified Development Ordinance as adopted by the Town Council on February 14, 2017. It should be noted that in some cases ending punctuation has been added or changed for stylistic purposes. Any additions made by the editor for clarity or to facilitate indexing and reference are enclosed by brackets []. Obvious misspellings have been corrected without notation. This Ordinance repeals and replaces Ch. 17, development regulations, §§ 17-1—17-11, 17-31, 17-41—17-45, 17-61—17-69, 17-91—17-98, 17-121—17-127, 17-151—17-153, 17-171—17-183, 17-251—17-153, 17-171—17-183, 17-251—17-256, 17-281—17-292, 17-321—17-324, 17-351—17-359, 17-381—17-384, 17-411—17-414, 17-431—17-434, 17-451—17-457, 17-481—17-483, which derived from Ord. of 4-13-04; Ord. of 10-12-04; Ord. of 1-11-05; Ord. of 4-12-05(2); Ord. of 11-15-05; Ord. of 3-14-06; Ord. of 4-11-06; Ord. of 1-13-09; Ord. of 3-10-09(5); Ord. of 4-7-09(6); Ord. of 5-12-09(10); Ord. of 6-9-09(12); Ord. of 5-12-09(9); Ord. of 7-14-09(13); Ord. of 8-11-09(15); Ord. of 9-8-09(16); Ord. of 10-8-09(17); Ord. of 12-8-09(19); Ord. of 1-12-10(22); Ord. of 2-9-10(23); Ord. of 5-11-10; Ord. of 8-9-11(2); Ord. of 9-14-10; Ord. of 11-9-10; Ord. of 1-13-11; Ord. of 5-10-11(1); Ord. of 9-13-11(1); Ord. of 10-11-11(1); Ord. of 12-13-11(2); Ord. of 1-10-12(2); Ord. of 3-13-12(1); Ord. of 3-13-12(2); Ord. of 6-12-12; Ord. of 8-4-12(1); Ord. of 9-11-12(2); Ord. of 9-11-12(3); Ord. of 9-11-12(4); Ord. of 9-11-12(7); Ord. of 11-13-12; Ord. of 10-9-12(1); Ord. of 11-13-12(2); Ord. of 5-14-13(1); Ord. of 5-14-13(2); Ord. of 3-10-15(1); Ord. of 4-14-15(4); Ord. of 9-8-15(1); Ord. of 9-8-15(2); Ord. of 9-8-15(3); Ord. of 12-8-15(1); Ord. of 12-8-15(2); Ord. of 1-12-16(1); Ord. of 2-9-16(2); Ord. of 3-8-16(1); Ord. of 5-10-16(1); Ord. of 5-10-16(2).

ARTICLE I. - GENERAL PROVISIONS

Sec. 17-100. - Short title.

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

(Ord. of 2-14-17(2))

Sec. 17-101. - Authority.

- (a) Unless otherwise stated herein, this chapter is adopted pursuant to G.S. Ch. 160D.
- (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this chapter refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

(Ord. of 2-14-17(2))

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 and development regulation 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.

(Ord. of 2-14-17(2))

Sec. 17-103. - Jurisdiction.

- (a) This chapter shall be effective throughout the town's planning and development regulation jurisdiction. The town's planning and development regulation 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 jurisdiction may be modified from time to time in accordance with G.S. §§ 160D-202 and 160D-204.
- (b) In addition to other locations required by law, a copy of a map showing the boundaries of the town's planning and development regulation jurisdiction shall be available for public inspection in the Planning and Economic Development Department.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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, stormwater, 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 (7) 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 (3) days shall be added to the prescribed period. This subsection shall apply to notices sent pursuant to Article XV, Code Enforcement, unless the grounds stated in Article XV for a shorter period apply.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Sec. 17-113. - Miscellaneous.

- (a) As used in this chapter, words in the masculine gender include the feminine and neutral.
- (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.

(Ord. of 2-14-17(2))

Secs. 17-114—17-199. - Reserved.

ARTICLE II. - DEFINITIONS

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.

Administrative Decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative Hearing. A proceeding to gather facts needed to make an administrative decision.

Adult Care Home: An assisted living residence in which the housing management provides twenty-four-hour scheduled and unscheduled personal care services to two (2) 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 (2) to six (6) 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 (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 (3) 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 that complies with state G. S. 130A-127 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.

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 (1) dwelling unit together with more than two (2) 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 watercraft 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 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 principal 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.

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 (1) 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 standards 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 "childcare 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 (9) orphaned, abandoned, dependent, abused, or neglected children.

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.

Close Familial Relationship. A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes step, half, and in-law relationships.

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 wastewater 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 (1) lot of two (2) 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 (2) 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 2040 Land Use 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.

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.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development: Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by Chapter 160D.

Development Approval. An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

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, homeowners association or other 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.

Development Regulation. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D, or a local act or charter that regulates land use or development.

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: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of G. S. Chapter 160D, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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 cyber cafés. 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."

Evidentiary Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G. S. Chapter 160D.

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 and development regulation jurisdiction that lies outside the corporate limits of the town. The Area may also be known as the "Extraterritorial Planning Jurisdiction" or ETJ. The ETJ population shall be updated with each decennial census.

Family: One (1) or more persons occupying a dwelling unit and living as a single household. A family may also include a family foster home or a family care group home, both as licensed by the State of North Carolina.

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: 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 (1) occupant who shall be the mentally or physically impaired person;
- C. Has no more than three hundred (300) gross square feet; and
- D. Complies with applicable provisions of the State Building Code and G.S. § 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 planning and development regulation 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.
- 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 flagpole 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 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.

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

Gross Floor Area: 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 childcare facility located in a residence where, at any one (1) time, more than two (2) children, but less than nine (9) children, receive child care. See Family Child Care Home. See G.S. § 110-86(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 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-premises retail sales occur;
- C. More than one (1) 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 five hundred (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 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 trained or bred. A large kennel is a facility that boards, trains twenty (20) 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 nineteen (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

Legislative Decision. The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.

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 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 (1) 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 (“doublewide”): 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:

- 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 (“singlewide”): 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 fifteen thousand (15,000) gallons per year.

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

MUD or Mixed Use Development Overlay: The mixed use development to be developed and built out by a developer consisting of sections developed for hotels, restaurants, and other hospitality facilities; retail stores; medical offices and facilities; business and industrial facilities; residential units; and retirement living facilities; and existing buildings to be repurposed and redeveloped.

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 (2) 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: As defined in G.S. §160A-303.2: A motor vehicle that does not display a current license plate and that 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

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 (1) 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 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 (9) 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 (1) 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 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 (1) vehicle.

Park Strip: 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 and Development Regulation Jurisdiction. The geographic area defined in Part 2 of G.S. 160D within which a city or county may undertake planning and apply the development regulations authorized by G.S. 160D.

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

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

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.

Quasi-Judicial Decision. A decision involving sworn testimony and the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

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.

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 (3) 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 (1) 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 two thousand (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 (1) Dwelling Per Lot: A residential use consisting of two (2) or more single-family detached dwelling units on a single lot.

Residence, Single-Family Detached, One (1) Dwelling Unit Per Lot: A residential use consisting of a single detached building containing one (1) 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 (2) dwelling units. If two (2) dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be in one (1) 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 two thousand (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; 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."

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 as required by the N.C. Building Code.

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 parcel 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.

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 (1) 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 vesting plan or a site plan.

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

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

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 (1) day but not longer than two (2) 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 non-highway 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.
- 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 Measure, 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 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 or Measure:** 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 offspring or other adverse health effects.
- K. **Variance (major):** A variance within a watershed area 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 within a watershed area 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 and development regulation jurisdiction which contributes surface drainage to the water supply intake of any water treatment plant. See the Official Zoning Map of the Town of Selma.

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."

Street, Half: A street whose centerline coincides with a subdivision plat boundary, with one-half (½) 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 (2) or more lots, building sites, or other divisions when any one (1) 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 (10) 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 (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter
- E. The division of a tract into parcels in accordance with the terms of a probate will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

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 two hundred (200) to six hundred (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.

Town: The Town of Selma.

Town Council: The Town of Selma Council.

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

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 (1) "tract" is subdivided into several "lots".

Trees, Canopy: Canopy trees shall be of a species having minimum height of eight (8) 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 ($\frac{1}{2}$) 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.

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.
- 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 (1) or more of the criteria listed below in [subsections] 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 (10) percent or (ii) the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (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 twenty (20) feet, or (ii) more than the width of the wireless support structure at the level of the appurtenance.
 - 3) Increasing the square footage of the existing equipment compound by more than two thousand five hundred (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 providing 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.

(Ord. of 2-14-17(2); Ord. Of 11-14-17(1))

Sec. 17-201. - Lots divided by district lines.

Whenever a single lot two (2) acres or less in size is located within two (2) 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 (2) acres in size is located within two (2) 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.

(Ord. of 2-14-17(2))

Secs. 17-202—17-299. - Reserved.

ARTICLE III. - ZONING DISTRICTS AND ZONING MAP

DIVISION 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.

(Ord. of 2-14-17(2))

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 ensure 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Sec. 17-303. - Medium Density Residential District established.

The Medium Density Residential R10 District (RMD) is established to allow a mixture of single family and duplex 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.

(Ord. of 2-14-17(2))

Sec. 17-304. - High Density Residential District established.

The High Density Residential R-8 District (RHD) is established to allow primarily residential developments 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.

(Ord. of 2-14-17(2))

Sec. 17-305. - Transitional Residential District established.

The Transitional Residential District (TR) is established to allow mixed residential and commercial establishments (including multifamily) 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

- 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.

(Ord. of 2-14-17(2))

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 Section 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 Section 17-553 "Planned Unit Development-Business and Industrial" for the detailed requirements. The Planned Unit Development districts are conditional zoning districts. See Section 17-310, "Conditional Zoning Districts Established."

(Ord. of 2-14-17(2))

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.
- 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.

(Ord. of 2-14-17(2))

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 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
Planned Unit Development - Residential	PUD-R
Planned Unit Development - Business	PUD-B

Planned Unit Development - Industrial	PUD-I
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- B. The PUD District may only be applied and used as a parallel conditional 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.

(Ord. of 2-14-17(2))

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."
- C. Mixed Use District (MUD). The Mixed Use District is hereby established as an overlay district. This district is restricted to projects that involve a Development Agreement and a site-specific plan approved by the Town Council.

(Ord. of 2-14-17(2))

Secs. 17-312—17-349. - Reserved.

DIVISION 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 and development regulation 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 map 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 Article XVII Amendments.
- D. The official Zoning Map shall be interpreted in accordance with Art XIV, Part 1. Interpretations, Appeals, Variances.

(Ord. of 2-14-17(2))

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 shall keep superseded versions of the official Zoning Map for historical reference.

(Ord. of 2-14-17(2))

Secs. 17-352—17-399. - Reserved.

ARTICLE IV. - PERMISSIBLE USES

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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."

(Ord. of 2-14-17(2))

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 (1) 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.

(Ord. of 2-14-17(2))

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 (1) zoning district in the Town's planning and development regulation 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 (1) 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.

(Ord. of 2-14-17(2))

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 (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) 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 (3) days (whether consecutive or not) during any ninety-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 G.S. ch. 160D
 - j) Temporary storage facilities (See supplemental standards at Section 17-564); and
 - k) Temporary health care structures (granny pods) (See supplemental standard sat 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 (1) 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 (1) business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one (1) 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 (1) 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 (1) 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 (2) 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 one hundred eighty (180) consecutive days or has been abandoned. In the case of nonresidential uses, if the property has been unoccupied for more than one hundred eighty (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.

2.100 No storage or display of goods outside fully enclosed building																
2.110 Retail sales or rentals with high-volume traffic generation	X	X	X	X	X	X	X	X	X	P	P	P	X	X	17-554	
2.111 ABC stores	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
2.112 Convenience stores (no gasoline sales)	X	X	X	X	P	X	X	X	P	P	P	P	X	X	17-530	
2.113 Convenience stores (including gasoline sales)	X	X	X	X	X	X	X	X	P	P	P	P	X	X	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 stockbrokers, travel agents, government office buildings	X	X	X	X	P	X	P	P	P	P	P	P	X	X	X	
2.115 Banks with drive-thru	X	X	X	X	X	X	X	X	P	P	P	P	P	X	X	
2.116 Taxi stands	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
2.120 Retail sales or rentals with low-volume traffic generation	X	X	X	X	P	X	X	X	P	P	P	P	X	X	17-554	
2.130 Wholesale sales (does not include bulk petroleum stations)	X	X	X	X	X	X	X	X	X	X	P	P	P	P		

2.140 Bulk petroleum stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SUP	17-525
2.150 Drive-through windows	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
2.160 Retail sales with subordinate manufacturing and processing	X	X	X	X	X	X	X	X	X	X	SUP	SUP	P	X		17-554
2.170 Auction hall	X	X	X	X	X	X	X	X	X	P	P	P	X	X		
2.180 Farm equipment sales and service	X	X	X	X	X	X	X	X	X	P	P	X	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	X	X	X	X	X	X	X	X	SUP	X	P	P	X	X		17-554, 17-560
2.220 Retail sales or rentals with low-volume traffic generation	X	X	X	X	X	X	X	X	P	P	SUP	P	X	X		17-554, 17-560
2.230 Wholesale sales (does not include bulk petroleum stations)	X	X	X	X	X	X	X	X	X	X	P	P	P	P		17-554, 17-560
2.240 Bulk petroleum stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SUP	17-525, 17-554
2.250 Drive-through windows	X	X	X	X	X	X	X	X	P	P	P	P	P	X		
2.260 Farm equipment sales and service	X	X	X	X	X	X	X	X	X	X	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	X	X	X	X	X	X	X	X	X	X	P	P	P	X	17-554, 17-560	
2.320 Retail sales or rentals with low-volume traffic	X	X	X	X	X	X	X	X	X	X	P	P	P	X	17-554, 17-560	
2.330 Wholesale sales (does not include bulk petroleum stations)	X	X	X	X	X	X	X	X	X	X	P	P	P	P	17-554, 17-560	
2.340 Bulk petroleum stations	X	X	X	X	X	X	X	X	X	X	X	X	X	SUP	17-525, 17-560	
2.350 Drive-through windows	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
2.360 Farm equipment sales and service	X	X	X	X	X	X	X	X	P	P	P	P	X	X	17-554, 17-560	
3.000 OFFICE USES																
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,	SUP	X	X	X	X	X	X	P	P	P	P	P	SUP	SUP		

4.700 Freight terminals																
4.710 Trucking terminals	X	X	X	X	X	X	X	X	X	X	X	X	SUP	SUP		
4.720 Railroad freight yards, terminals classification yards	X	X	X	X	X	X	X	X	X	X	X	X	P	P		
4.800 Micro-brewery, winery, distillery	X	X	X	X	X	X	X	X	X	SUP	SUP	P	X	X	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	X	X	P	P	P	P	SUP	X	X		
5.120 Trade or vocational schools	X	X	X	X	X	X	X	P	X	X	P	SUP	SUP	X		
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	X	X	X	X	X	X	X	P	X	X	P	SUP	X	X		

types of recreational uses, including but not limited to gymnasiums, swimming pools, indoor court areas, meeting and activity rooms, and other similar uses															
6.160 Shooting range, indoor	X	X	X	X	X	X	X	X	X	X	P	P	P	P	
6.170 Electronic gaming operations—contact planning department															17-533
6.180 Other entertainment establishments	X	X	X	X	X	X	X	X	SUP	SUP	P	P	X	X	
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	X	X	X	X	X	X	X	X	X	X	X	X	17-539
6.220 Outdoor recreational facilities such as swimming pools, tennis courts, athletic fields, parks, etc. not constructed pursuant to a permit authorizing the	X	SUP	SUP	SUP	X	X	X	SUP	X	SUP	SUP	SUP	X	X	17-561

7.100 Hospitals, clinics, other medical (including mental health) treatment facilities	X	X	X	X	X	X	X	P	X	X	P	SUP	X	X	
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)	X	X	X	X	X	X	X	SUP	X	X	P	SUP	X	X	
7.300 Institutions (other than group homes) where mentally ill persons are confined	X	X	X	X	X	X	X	SUP	X	X	SUP	SUP	X	X	
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	X	X	X	X	X	X	X	X	P	P	P	P	X	X	
8.120 No substantial take-out or delivery service, no drive-in service, service or consumption outside	X	X	X	X	X	X	X	X	X	P	P	P	X	X	

fully enclosed structure allowed																
8.130 Take-out and delivery service, consumption outside fully enclosed structure allowed	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
8.140 Take-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed	X	X	X	X	X	X	X	X	P	X	P	P	X	X		
8.150 Entertainment restaurant	X	X	X	X	X	X	X	X	P	P	P	P	X	X		
8.160 Micro-brewery, craft winery or craft distillery w/food service	X	X	X	X	X	X	X	X	X	SUP	SUP	P	X	X	17-547	
8.200 Bars, clubs	X	X	X	X	X	X	X	X	X	X	SUP	P	X	X	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	X	X	X	X	X	X	X	X	X	X	P	P	X	X		
9.120 Manufactured home sales or rental	X	X	X	X	X	X	X	X	X	X	P	P	X	X		

9.200 Sales and installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.) but no significant repair work	X	X	X	X	X	X	X	X	P	X	P	P	P	X	17-549	
9.300 Motor vehicle repair and maintenance, not including substantial body work	X	X	X	X	X	X	X	X	P	X	P	P	P	X	17-549	
9.400 Motor vehicle painting and body work	X	X	X	X	X	X	X	X	X	X	P	P	P	X	17-549	
9.500 Gas sales	X	X	X	X	X	X	X	X	P	X	P	P	P	X	17-525	
9.600 Car wash	X	X	X	X	X	X	X	X	X	X	P	P	P	X		
10.000 STORAGE AND PARKING	See 2.200—this is storage as a principal use														17-560 applies to all 10.000 uses	
10.100 Automobile parking garages or parking lots not located on a lot on which there is	X	X	X	X	X	X	X	P	P	P	P	P	P	P		

another principal use to which the parking is related																
10.200 Parking lots not located on a lot on which there is another principal use to which the parking is related	X	X	X	X	X	X	X	P	P	P	P	P	X	X		
10.300 Storage of goods on a lot other than where they are sold or used																
10.310 All storage within completely enclosed structures	X	X	X	X	X	X	X	X	SUP	X	P	P	P	P		
10.320 Storage inside or outside enclosed structures	X	X	X	X	X	X	X	X	X	X	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.)	X	X	X	X	X	X	X	X	X	X	P	P	P	P		
10.400 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by	X	X	X	X	X	X	X	X	X	X	X	X	P	P		

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																
10.500 Recreational vehicle park	P	P	X	X	X	X	X	X	X	X	X	P	X	X		
11.000 SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTO-MOBILE GRAVEYARDS	X	X	X	X	X	X	X	X	X	X	X	X	SUP	SUP	17-569	
12.000 SERVICES AND ENTERPRISES RELATED TO ANIMALS																
12.100 Veterinary hospital or clinic	X	X	X	X	X	X	X	X	X	P	P	P	P	X	17-541	
12.200 Animal boarding facility	X	X	X	X	X	X	X	X	X	X	P	P	P	X	17-541	
12.300 Kennel																
12.310 Kennel, large	P	X	X	X	X	X	X	X	X	X	X	X	SUP	SUP	17-541	
12.320 Kennel, small	P	X	X	X	X	X	X	X	X	X	X	X	SUP	SUP	17-541	

12.400 Animal grooming service	X	X	X	X	X	X	X	X	X	X	P	P	P	X	17-541
12.500 Other animal-related services not elsewhere defined	P	X	X	X	X	X	X	X	X	X	X	X	SUP	SUP	17-541
13.000 RESERVED															
14.000 AGRICULTURAL, COMMERCIAL GREENHOUSE, FORESTRY, MINING AND QUARRYING OPERATIONS															
14.100 Agricultural operations															
14.110 Excluding livestock	P	P	X	X	X	X	X	X	X	X	X	X	SUP	X	
14.120 Including livestock	P	SUP	X	X	X	X	X	X	X	X	X	X	SUP	X	17-543
14.200 Commercial greenhouse operations; plant nurseries															
14.210 No on-premises sales	P	X	X	X	X	X	X	X	X	X	P	P	P	X	
14.220 On-premises sales permitted	P	X	X	X	X	X	X	X	X	X	P	P	SUP	X	

18.300 Wireless telecommunications facilities not located on a tower	P/SU P	P/SU P	P/SU P	P/SU P	P/SU P	P/SU P	X	P/SU P	17-567						
19.000 OPEN-AIR MARKETS AND HORTICULTURAL SALES															
19.100 Open-air markets (farm and craft markets, flea markets, produce markets, etc.)	X	X	X	X	X	X	X	X	X	SUP	SUP	SUP	X	X	17-560/17-537
19.200 Horticultural sales with outdoor display. Produce stand.	P	X	X	X	X	X	X	X	P	P	P	P	X	X	17-560/17-537
19.300 Roadside stands	P	X	X	X	X	X	X	X	P	P	P	P	X	X	17-555
20.000 FUNERAL HOME	X	X	X	X	X	X	X	P	X	X	P	P	X	X	
21.000 CEMETERY AND CREMATORIUM															
21.000 Cemetery	P	P	X	X	X	X	X	P	X	X	X	X	X	X	17-527

28.300 Industrial planned unit development	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	17-553
29.000 RESERVED																
30.000 COMBINATION USES	P/SU P	P/SU P	P/SU P	P/SU P	X	P/SU P	X	P/SU P								
31.000 SEXUALLY ORIENTED BUSINESSES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SUP	17-556

(Ord. of 2-14-17(2); Ord. of 7-9-19(1))

Sec. 17-411. – Zoning map determinations.

- A. The Administrator is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.
- B. An application for a map interpretation shall be submitted to the Administrator. The application shall contain sufficient information to enable the Administrator to make the necessary interpretation.
- C. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;
 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as following such shorelines;
 4. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Maps, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and
 5. Where any street or alley is hereafter officially closed or withdrawn, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added to the parcel by virtue of such closure or withdrawal.

- D. Interpretations of the location of floodway and floodplain boundary lines may be made by the Administrator as provided in Article X, "Flood Damage Prevention".

Secs. 17-412—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 and development regulation 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 (3) Historic Districts have been and are established in the Town. The three (3) 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 17-420M. 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 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 Preservation 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 planning and development regulation jurisdiction, the investigative studies and reports required by Section 17-420C.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 Section 17-420C., 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 (1) 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's planning and development regulation 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 legislative 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 (1) 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.

The application shall be filed prior to the next regularly scheduled meeting of the Historic Preservation 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 one hundred (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 subsection.

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 evidentiary 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 more than 25 nor less than 10 days prior to the meeting at which the matter is to be heard, provide notification of the application to the owners of property within one hundred (100) feet on all sides of the subject property. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
2. As part of the review procedures, the Historic Preservation 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 Preservation Commission will hold an evidentiary 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 Article 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. Ch. 143, Art. 33C.

J. Action on the Application. The action on an application shall be approval or approval with conditions or denial, and the quasi-judicial decision of the Historic Preservation 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 Preservation Commission in its rules of procedure. The action shall be one (1) of the following:

1. Approval.
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 quasi-judicial decision by the commission on an application for a certificate of appropriateness may be appealed to the Johnston County Superior Court. 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 Preservation 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 standards 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 standards is outweighed by the practical or financial hardships imposed on an applicant by such literal application on non-contributing structures.
- N. **[Features/Elements of Design.]** In addition to the principles and standards, 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 facade;
 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;
 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. **[Interior Arrangement or Use.]** The review criteria do not include and the review shall not consider interior arrangements or use.
- P. **Administrative Approval of Minor Works.**

1. Notwithstanding Section 17-420G., 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 Section 17-420H., above, and the Design Principles and Standards 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 administrative decisions by the Zoning Administrator.
- Q. Certain changes not prohibited. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a change in design, material, or 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 Section 17-420J.3., below. However, the effective date of such a certificate may be delayed for up to three hundred sixty-five (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 one hundred eighty (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 Section 17-420S.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;
- 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 door frames, 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 evidentiary 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
 - 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 an evidentiary 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 standards.
 - 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 an evidentiary hearing and the factors provided in Section 17-420K.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 quasi-judicial decisions to grant or deny a certificate of appropriateness. Such appeals shall be in the nature of certiorari and not de novo. See Section 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.

(Ord. of 2-14-17(2))

Sec. 17-421. - Mixed Use District.

- A. Intent. It is the intent of this section to regulate development and land use activities in a manner allowing maximum flexibility within a site-specific plan codified within the terms of a development agreement between the Town of Selma and a developer or development group.
- B. Standards. The standards of both the Mixed Use Development 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 Mixed Use District shall govern.
- C. Definitions Specific to this Section 17-421. [The definitions in this subsection 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 17-421, except where the context clearly indicates a different meaning:]

MUD or Mixed Use Development - The mixed use development to be developed and built out by a developer consisting of sections developed for hotels, restaurants, and other hospitality facilities; retail stores; medical offices and facilities; business and industrial facilities; residential units; and retirement living facilities; and existing buildings to be repurposed and redeveloped.
- D. Development Regulations. The following regulations shall apply:

1. The minimum acreage involved in this district is 200 contiguous acres of land.
 2. Fifteen (15) percent of the total 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.
 3. Required development mix. A minimum of three of the use categories listed below shall be included in any MUD district:
 - a. Flex space;
 - b. Office/institutional;
 - c. Research, technology, and industrial;
 - d. Commercial;
 - e. Residential
- E. MUD master plan. The proposed Mixed Use Development master plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above.

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, stormwater runoff, accidental spillage from residential, commercial, and industrial activities, and discharge or process and cooling water, among others.

As required by G.S. § 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 subsection 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 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 ridge line 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 and development regulation 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 (4) 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 subsections 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 ($\frac{1}{3}$) 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 (36) percent 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 development in sub-subsections 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 ¹ 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 seventy (70) percent if the development meets all the following requirements:
 - 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 G.S., Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in G.S. § 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 subsection 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 eighty-five (85) percent of total suspended solids in the permanent pool and storage runoff from a one-inch rainfall from the site above the permanent pool;

→ The designed runoff storage volume shall be above the permanent pool;

→ The discharge rate from these systems following the 1-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 (30) feet in length. The slope and width of the vegetative filter shall be determined to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five (5) 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 (1) treatment option or a combination of treatment options, may be used. The design criteria for approval shall be eighty-five (85) percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one (1) 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 (5) days, but not less than two (2) 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 subsection 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 subsection F below.
- v. A description of the area containing the stormwater control structure shall be prepared and filed in consistent with subsection 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 (1) site, it shall not be used to compute built-upon are for any other site or area.

- E. Posting of Financial Security Required.
- F.
 - 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 subsection 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 (15) percent of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under subsection 11.a). The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by to 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 G.S. Ch. 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 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 sixty (60) days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with subsection Df)4) except in the case when a similar fee has been paid within the last sixty (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:

- 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 (75) percent of the value of the performance bond or other security and issue a Zoning Permit for the stormwater control structure, consistent with Article VI, Part 1. "Certificates of Zoning Compliance and Special Use Permits".
 - b) If deficiencies are found, the Council shall direct those improvements and inspections be made and/ or documents corrected and resubmitted to the Council.
 - c) No sooner than one (1) year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Town Council to release the remaining value of the performance bond or other security. Upon receipt of said petition, the 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 subsection 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 subsection J.
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 (1) 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, administrative decision, or determination made by the Planning Director or Town Engineer may be made to and decided by the Board of Adjustment consistent with Article 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 water 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 the Administrator initials the vicinity map.
 2. Subdivision applications shall be filed with the Administrator. The application shall include a completed application form, five (5) 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.

<hr/>	<hr/>
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.
2. Public hearing. The Board of Adjustment shall conduct an evidentiary 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 quasi-judicial 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 EMC qualifies 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 EMC qualifies as a major variance and that:
 - 1) The property owner can secure a reasonable return from or make a practical use of the property without the proposed variance, or
 - 2) The variance, if granted, will result in a serious threat to the water supply, the EMC shall deny approval of the variance as proposed.
- 5. Final Decision. The EMC shall prepare a final quasi-judicial decision relative to the proposed 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. [Expiration.] 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.

(Ord. of 2-14-17(2))

Footnotes:

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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.

Secs. 17-423—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
TR	8,000 square feet (Note 5)	60	50	20 (Note 16)	8	10	40	8.0 (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
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	25,000 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 (½) acre.

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

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

NOTE 4: R-10 One (1) 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. Minimum lot size for a duplex is 10,500 square feet.

TR Multifamily density shall not exceed 8.0 dwelling units per gross acre in the development.

Planned unit developments have a maximum overall density of ten (10) units per net buildable acre. (See Section 17-552.)

All non-residential uses have a minimum lot size of one (1) 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 Department.

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.)

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-foot front and rear setback is required from adjacent property used or zoned residentially.

NOTE 10: NB: Forty-foot front setback from any arterial or collector street.

NOTE 11: NB: Thirty-foot front setback from any local street

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

NOTE 13: NB: Twenty-foot side yard setback from any property zoned residential

NOTE 14: NB: Eight-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

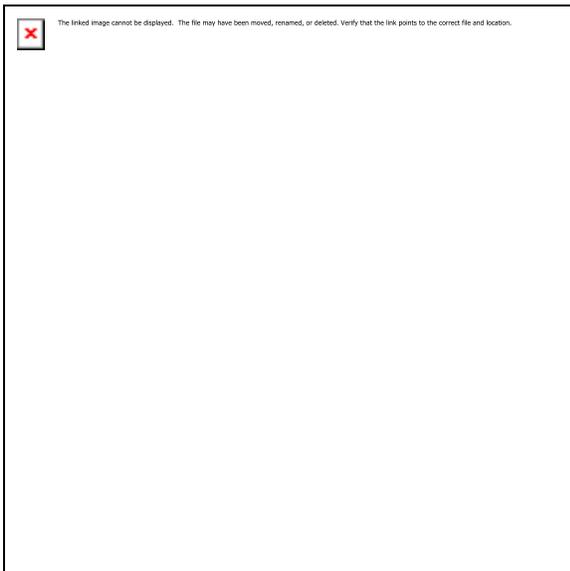
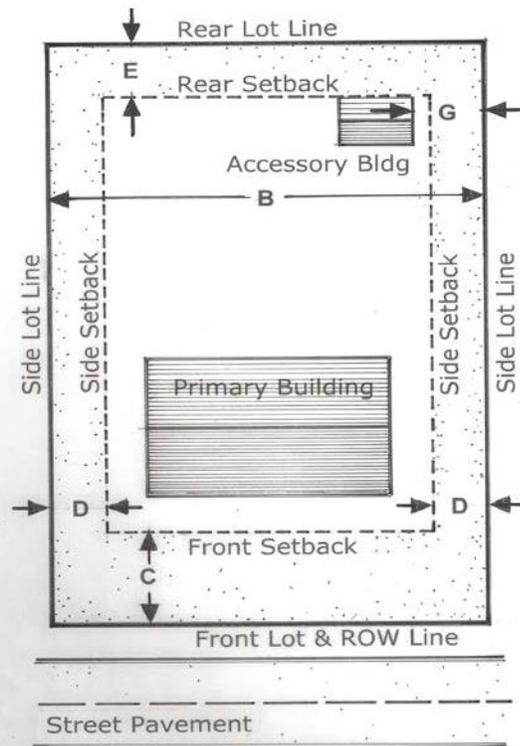


Figure 17-430.2 R-8 Single Family Detached Dimensional Requirements

	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

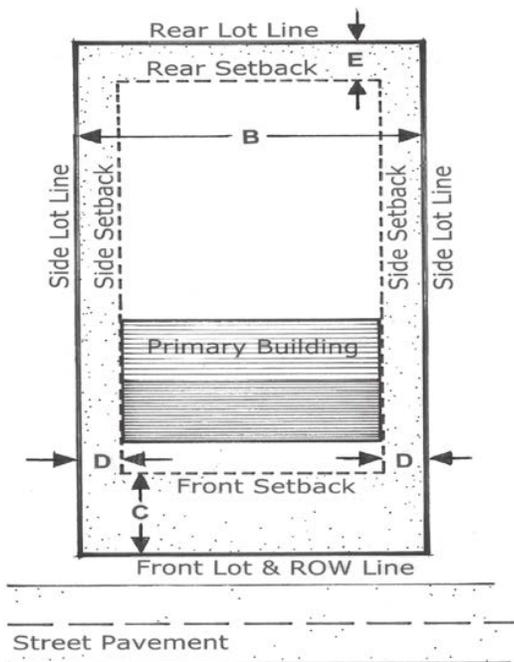
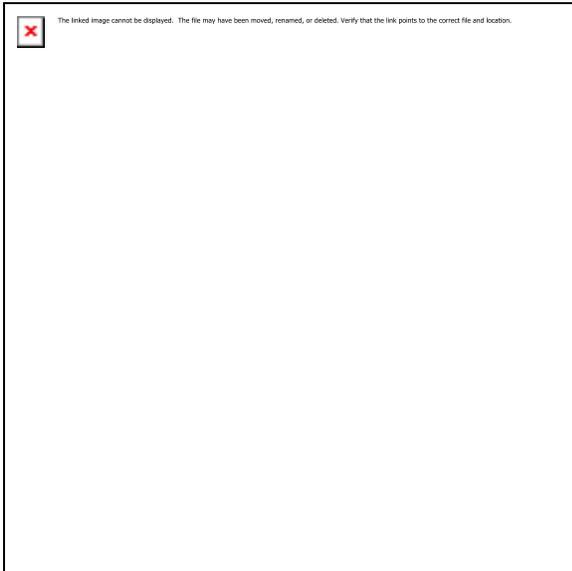


Figure 17-430.3 R-A Single Family Detached Dimensional Requirements

	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

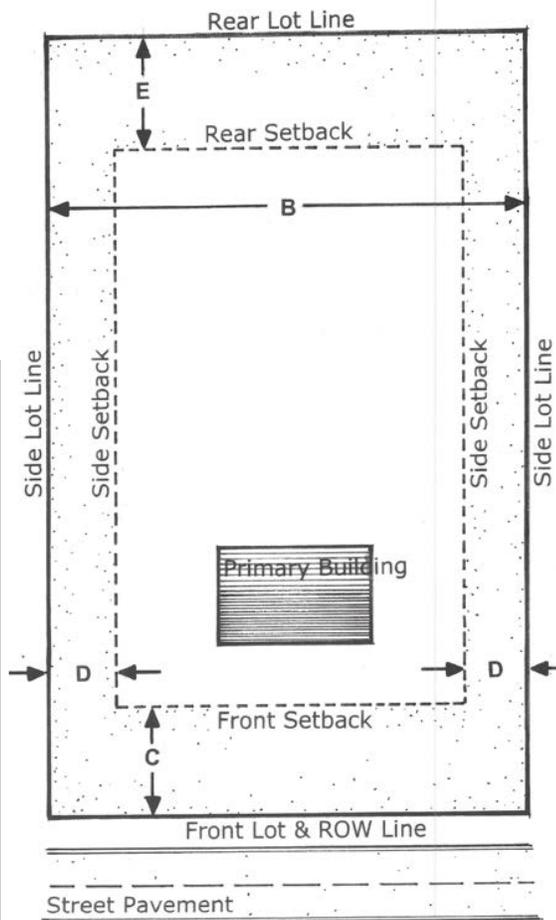
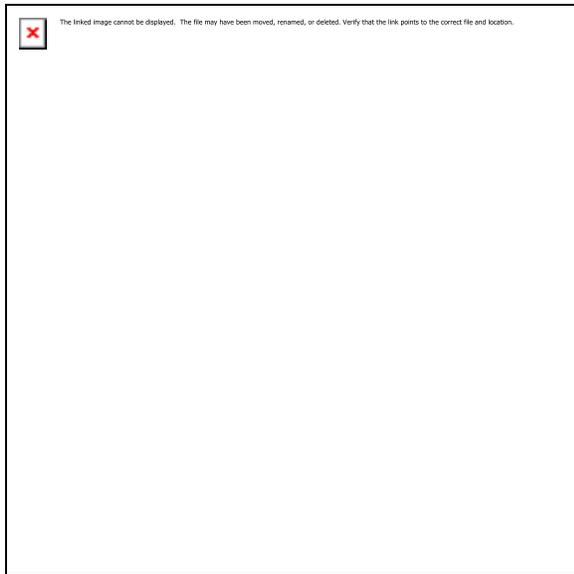


Figure 17-430.4 R-20 Single Family Detached
Dimensional Requirements

	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

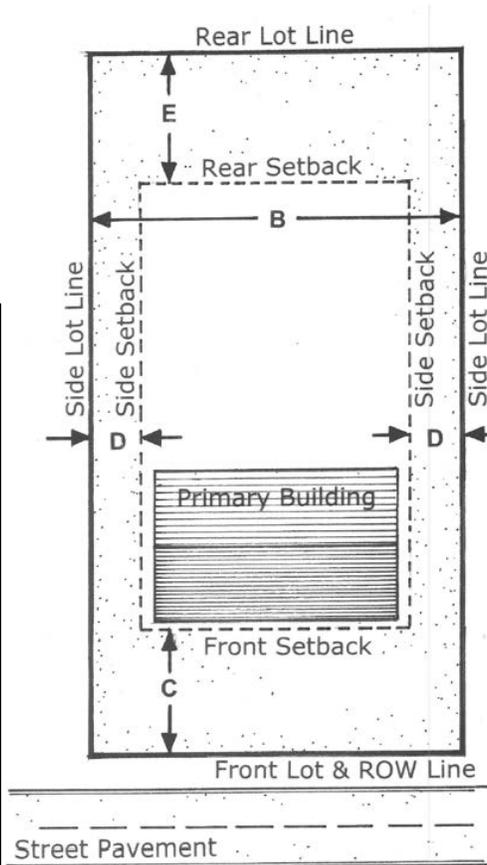
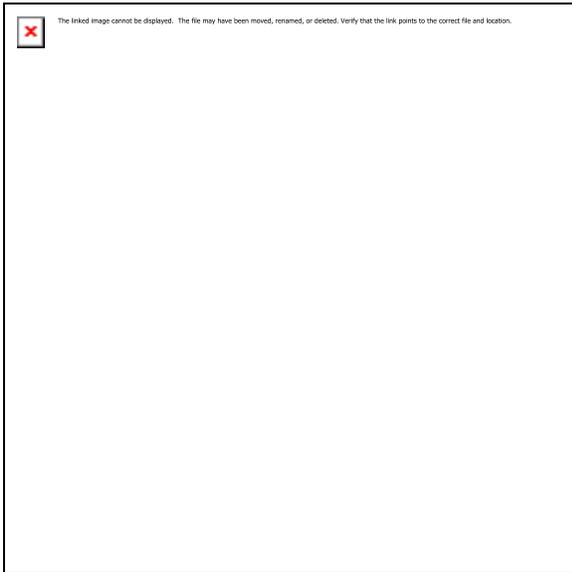


Figure 17-430.5 R-10 Single Family Detached Dimensional Requirements

	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

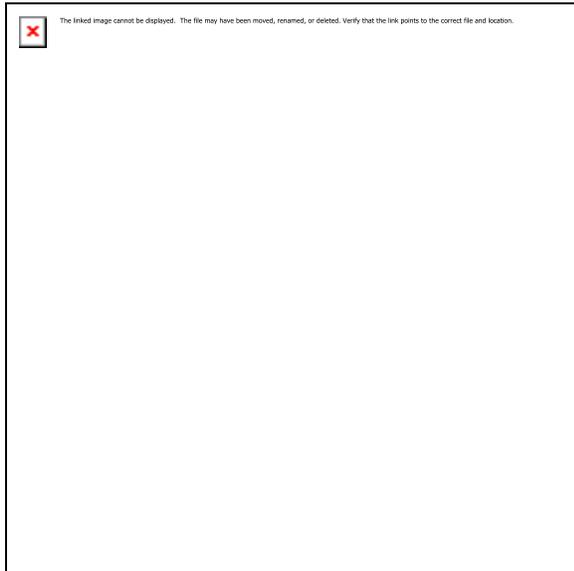
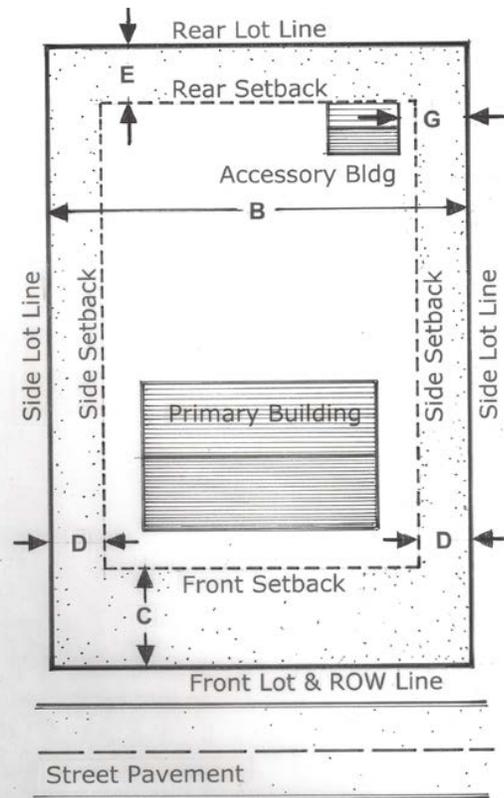
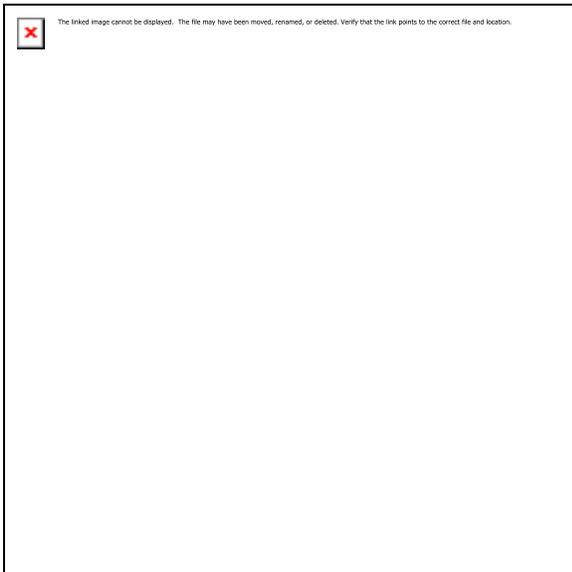
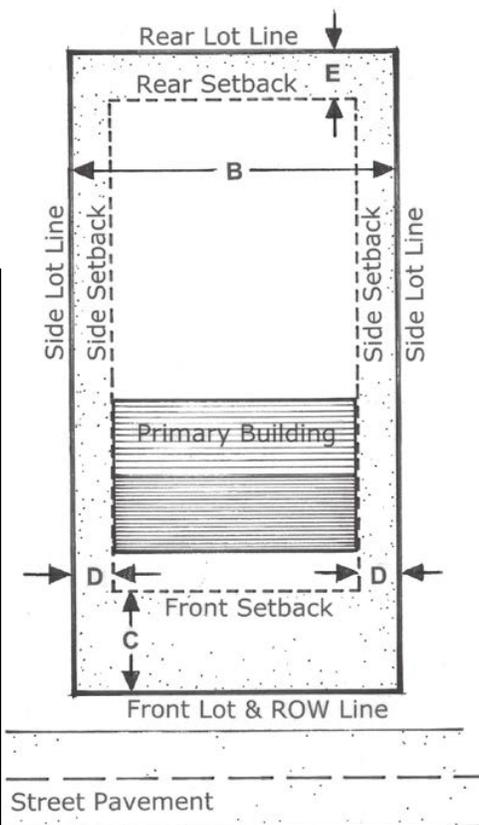


Figure 17-430.6 R-8 Single Family
Detached Dimensional Requirements

	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



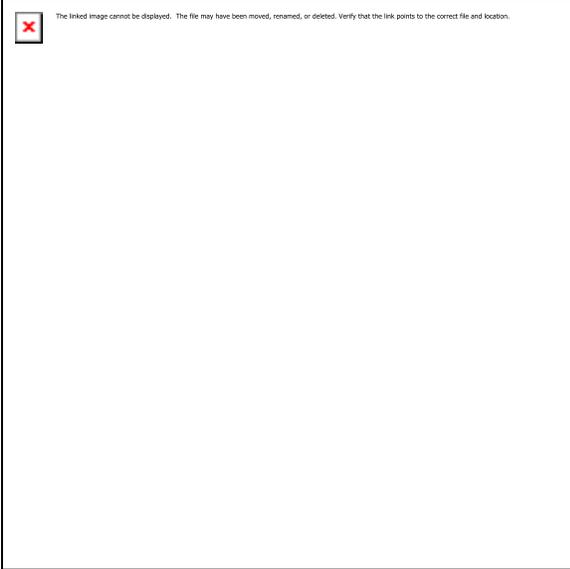
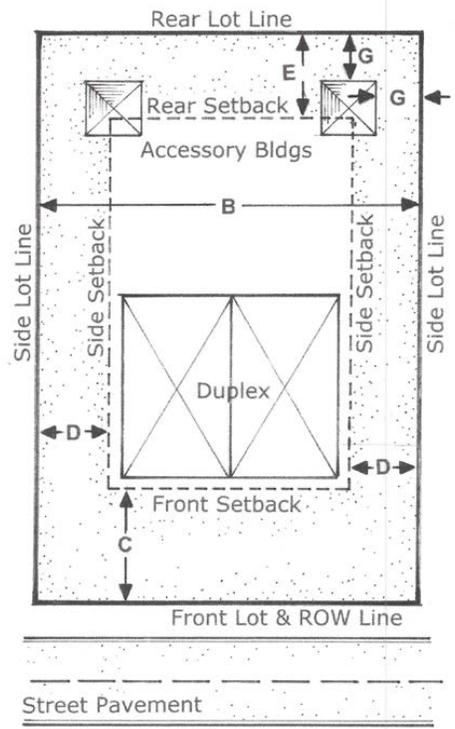
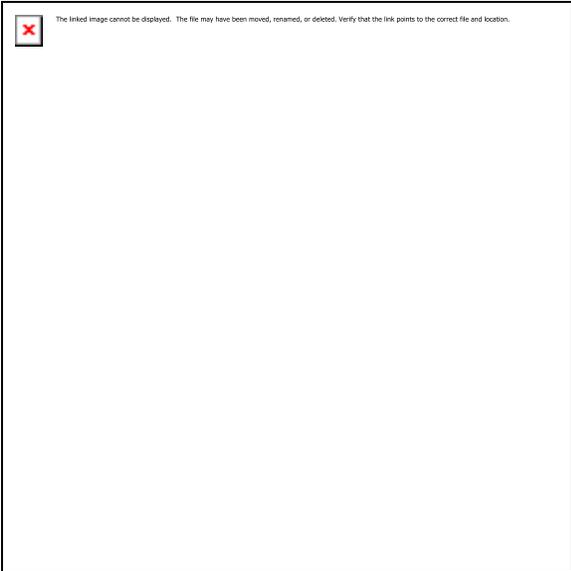


Figure 17-430.7 R8, TR Duplex
Dimensional Requirements

	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



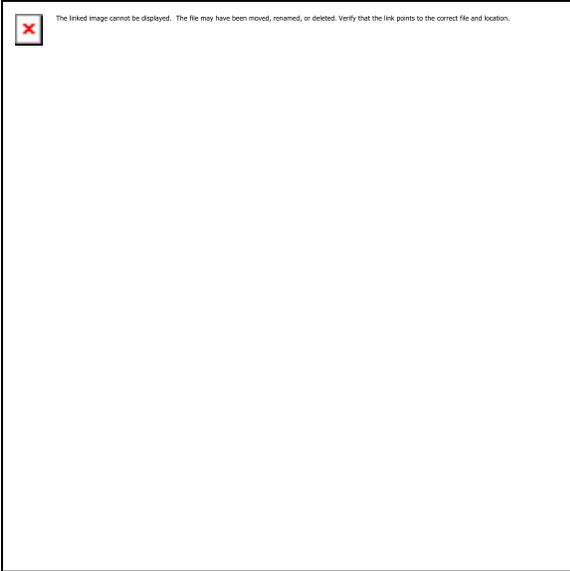


Figure 17-430.8 R8, TR Apartment
Dimensional Requirements

	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

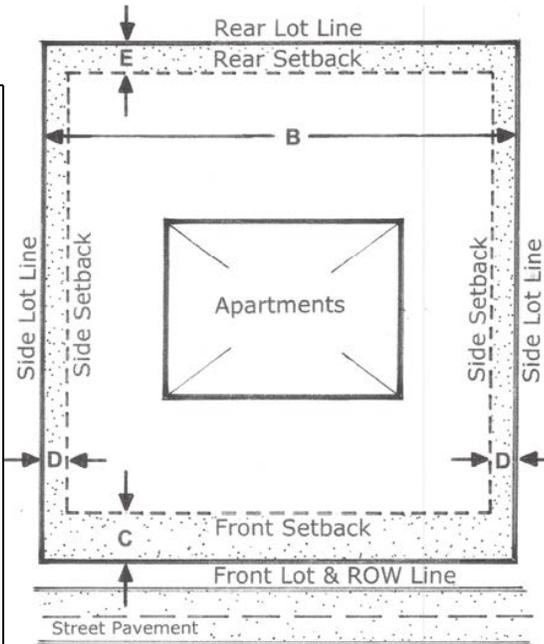
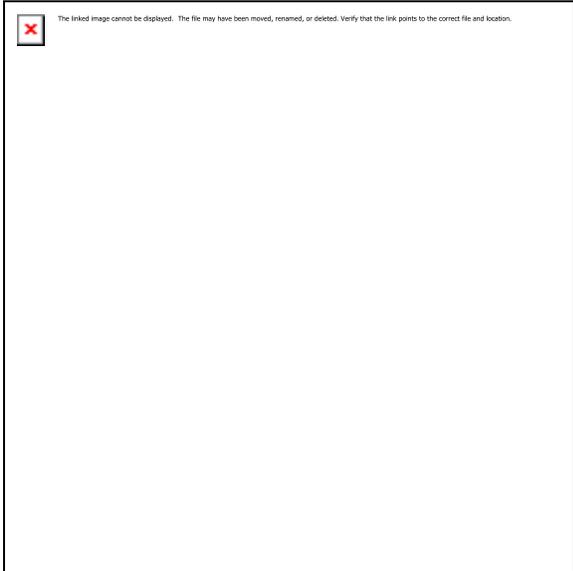
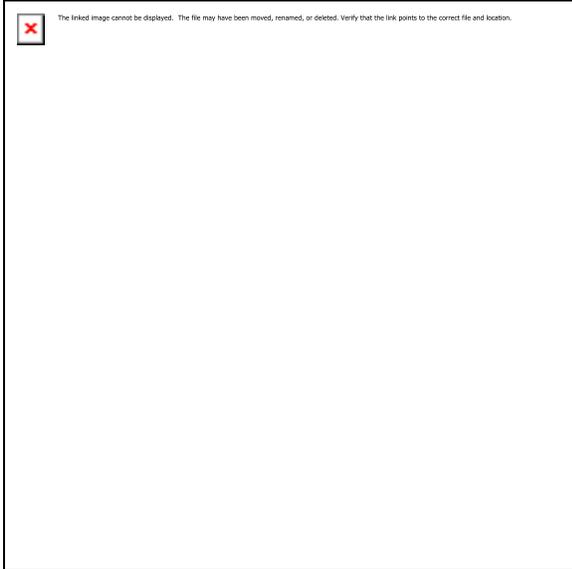
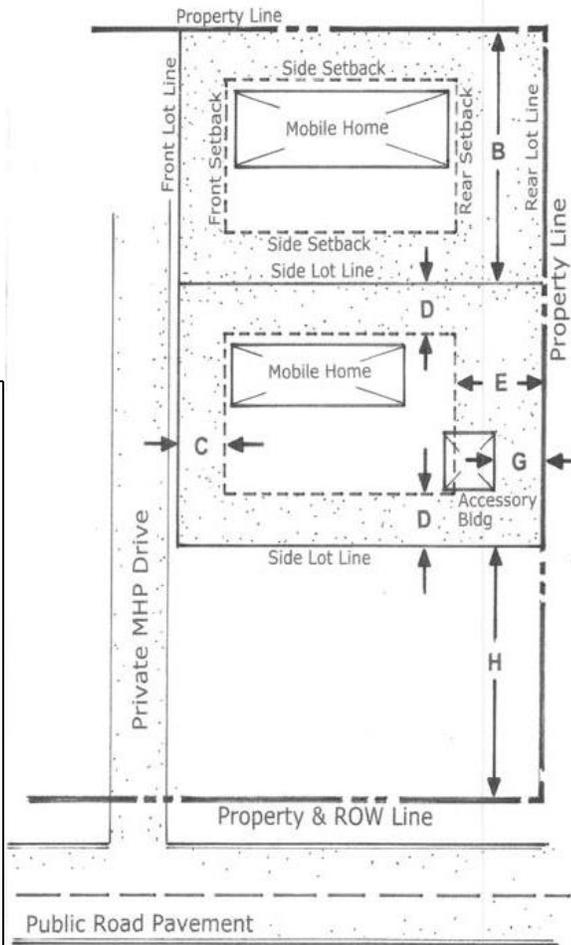
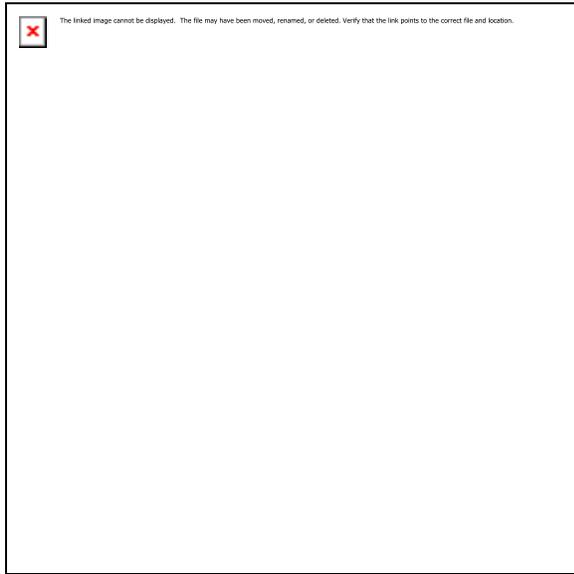


Figure 17-430.9 Mobile Home Park
Dimensional Requirements

	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



Mobile Home Park



(Ord. of 2-14-17(2))

Sec. 17-431. - Principal buildings and accessory buildings.

Except as otherwise provided by this chapter, there shall be no more than one (1) principal building and its customary accessory building(s) on a single lot.

(Ord. of 2-14-17(2))

Sec. 17-432. - Minimum lot area.

Subject to the provisions of Sections 17-422D.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."

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 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.

(Ord. of 2-14-17(2))

Sec. 17-436. - Accessory building setback requirements.

- A. Accessory buildings shall be located at least ten (10) 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.
- 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Secs. 17-439, 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.

(Ord. of 2-14-17(2))

Secs. 17-442—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.

(Ord. of 2-14-17(2))

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 (2) 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 subsection 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 (1) 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.

(Ord. of 2-14-17(2))

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 (1) 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 (1) year with the option of an extension of up to one (1) year as and if approved by the Administrator. The number of employees utilizing the office at any one (1) time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

(Ord. of 2-14-17(2))

Sec. 17-453. - No recreational vehicles.

No Recreational Vehicles shall be permitted as a Temporary Uses.

(Ord. of 2-14-17(2))

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-day period, which shall not include two (2) consecutive thirty-day periods. This classification excludes events conducted in a permanent entertainment facility.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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".

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

(Ord. of 2-14-17(2))

Secs. 17-458—17-499. - Reserved.

ARTICLE V. - STANDARDS AND SUPPLEMENTARY USE REGULATIONS

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 and development regulation 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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

A. Off-Street Parking and Loading Required.

1. Off-street parking and loading 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 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 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 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 ³	Maximum Number of Parking Spaces

Dwelling, single family ^{1, 2}	1 per dwelling	
Dwelling, two family ^{1, 2}	3 per dwelling	
Dwelling, multi-family ^{1, 2}		
1 or 2 bedrooms	1.5 per dwelling unit	
3 or more bedrooms	2 per dwelling unit	
Mobile Home/Mobile Home Park	2 per unit	
Fraternity or Sorority House ^{1, 2}	1 per resident	
Residential support facility	1 per 500 sq. ft. of floor area	
Rooming House ¹	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	
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

¹The 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 unmounted 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.

²All 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,

(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 one thousand five hundred (1,500) square feet, or at least sixty (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.

³Parking 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.

(Ord. of 2-14-17(2))

Sec. 17-506. - Drainage and stormwater management.

A. Properties located in the Water Supply Watershed Protection District shall meet the standards found there. See Article 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.

(Ord. of 2-14-17(2))

Sec. 17-507. - Electricity, water, and sewer.

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.

(Ord. of 2-14-17(2))

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 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.

(Ord. of 2-14-17(2))

Sec. 17-509. - Landscape areas.

- 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 Section 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 twenty-five (25) percent 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.
 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 percent (15) percent 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) [Integration.] 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 subsection 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.

(Ord. of 2-14-17(2))

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 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Secs. 17-512—17-518. - Reserved.

PART 2. - SUPPLEMENTARY USE REGULATIONS

Sec. 17-519. - 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.

(Ord. of 2-14-17(2))

Sec. 17-520. - 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. § 160D-905, 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.

(Ord. of 2-14-17(2))

Sec. 17-521. - 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.

(Ord. of 2-14-17(2))

Sec. 17-522. - Bed and breakfast. (G. S. 130A-247 and 130A-248)

- A. A bed and breakfast shall be permitted only within a principal residential structure.
- 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. 17-523.- Bona fide farms in the extraterritorial jurisdiction.

Property that is located in the Town's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from the Town's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to G. S.,160D-903. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the city's extraterritorial planning and development regulation jurisdiction.

(Ord. of 2-14-17(2))

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 facade and a minimum of twenty-five (25) percent of each side facade 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.

(Ord. of 2-14-17(2))

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, NPFA 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.
- 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 ($\frac{1}{4}$) 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 one hundred fifty (150) feet from an existing crematory facility and five hundred (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.

(Ord. of 2-14-17(2))

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 fifty (50) percent of the total building frontage meets the minimum setback of Section 17-430 Table of Density and Dimensional Regulations. (Example: A building with fifty (50) linear feet of frontage and a ten-foot front setback requirement may setback twenty-five (25) feet of frontage more than ten (10) feet. (See Figure 1.) For corner lots, this provision may be used to create a corner public space.

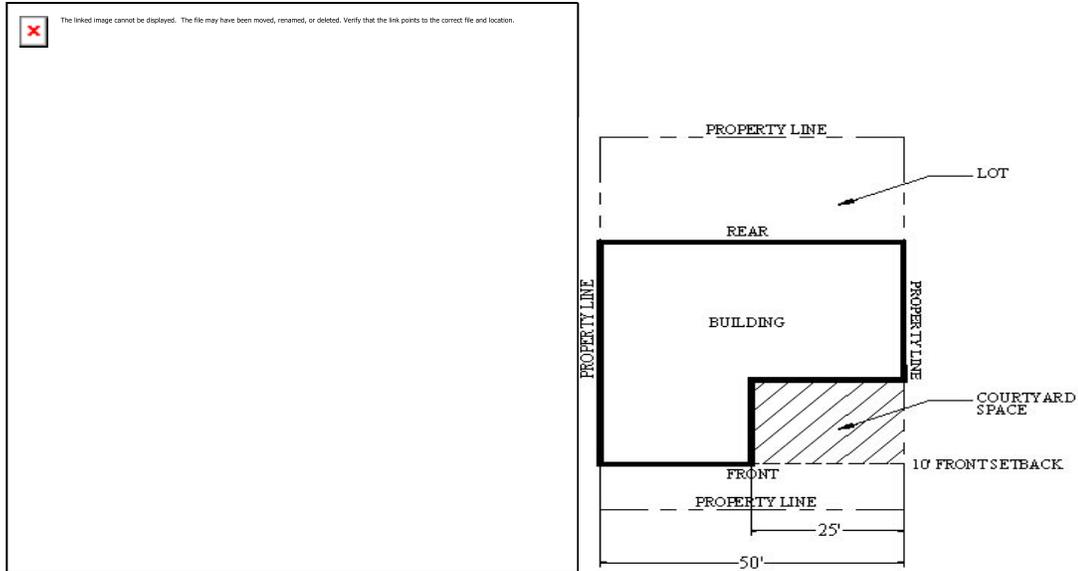


Figure 1: Illustration Showing Staggered Setback

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 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 five hundred (500) square feet; or one (1) ornamental tree for each two hundred fifty (250) square feet of created pedestrian space.
 - b) A minimum of one (1) ornamental tree is required for any space of two hundred fifty (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 fifty (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 four hundred (400) feet of another motor vehicle use, as measured from the exterior boundaries of the buildings, or not more than one (1) 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 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 twenty (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 fifty (50) percent of the length of the first-floor street frontage. Not less than fifty (50) percent of the length and twenty-five (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 twenty (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.
9. Reflective or tinted glass is not permitted on window or door surfaces. Glass surfaces shall not have a reflectivity more than thirty-six (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 one thousand (1,000) square feet of floor area, and in all cases, shall not be less than fifteen (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 eighty (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-way.
 - h) In no case, shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of streetlights or street signs.
 - i) A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.
- C. Any lot, which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights-of-way in accordance with the provisions of this ordinance or cleared of rubbish and debris and seeded with grass or other appropriate landscaping material. If the lot is to be used for parking, either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.
- D. A site plan is required as per Article VI, Part 1 along with architectural elevations or perspective drawings.
- E. Prohibited Alternations. In no such case, shall any existing window opening be enclosed to create a solid wall. In situations where alterations of original windows have been completed prior to the adoption of this ordinance, restorative measures to return the opening to its original existence shall be made when additions or alterations are made to the existing structure, unless otherwise prohibited by State Building Code.
- F. Parking Criteria.
 1. Parking for renovated and rehabilitated buildings is exempt from the following requirements unless new rentable gross floor area is added or created.
 2. To maintain a pedestrian friendly street edge, no off-street surface parking shall be permitted between the principal structure and the street right-of-way. Parking is permitted on the sides of buildings, but the maximum width shall not exceed sixty (60) feet (two (2) rows including drive aisle). Such parking shall be screened with landscaping with evergreen plant material that reaches a mature height of no less than three (3) feet. Off-street surface parking areas, which are screened from the view from public streets by the principal buildings, except for the limited view through the driveway providing access to parking, shall provide one (1) ornamental tree and five (5) shrubs for lots less than ten (10) spaces. For lots greater than ten (10) spaces, one (1) shade tree or two (2) ornamental trees and eight (8) shrubs shall be

- required per ten (10) parking spaces. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
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 (1) 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.

(Ord. of 2-14-17(2))

Sec. 17-529. - Child care centers.

- A. When a center is licensed for six (6) to twenty-nine (29) children, inclusive, there shall be seventy-five (75) square feet per child of outdoor play area for the total number of children for 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 seventy-five (75) square feet per child. When a center is licensed for thirty (30) or more children, there shall be seventy-five (75) square feet per child of outdoor play area for at least one-half ($\frac{1}{2}$) 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 thirty (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 (2) vehicles for center holding up to twenty-nine (29) children and five (5) vehicle-stacking spaces for centers for more than twenty-nine (29) children.

(Ord. of 2-14-17(2))

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 U.S. or NC numbered highway with U.S. numbered highways having precedence.
- C. Fuel pump canopies shall not exceed one-half ($\frac{1}{2}$) 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 residential use or residentially zoned property boundary shall not exceed fifteen (15) feet in height

(Ord. of 2-14-17(2))

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 (1) 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 ($\frac{1}{2}$).
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 ($1\frac{1}{2}$) 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 ($\frac{1}{3}$) the total height of the building, whichever is less.

F. Buffering and Screening.

1. In all residential zoning districts, dish antennas shall be surrounded with any one (1) 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 ($\frac{2}{3}$) 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 one thousand (1,000) feet from any building being used as a dwelling.
 2. Each electronic gaming operation must be a minimum of one-half (½) 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.
- 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.

(Ord. of 2-14-17(2))

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."

(Ord. of 2-14-17(2))

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 Section 17-1402 for the process to apply for a reasonable accommodation. See Section 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.

(Ord. of 2-14-17(2))

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 (1) 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 a.m. to 6:00 p.m., 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. subsection 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 subsection A.1. or 3. shall subject the offending party to civil penalties or other remedies established by this chapter.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 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. § 160D-921, that portion of the ordinance shall be deemed repealed.

(Ord. of 2-14-17(2))

Sec. 17-539. - Golf courses.

- A. A minimum land area of thirty (30) acres is required for a regulation eighteen-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 (3) 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.

(Ord. of 2-14-17(2))

Sec. 17-540. - Housing facility for older persons ("HFOP").

- A. Housing Facilities for Older Persons (HFOP) are permitted as special uses as provided in Section 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:
 - 1. The building shall not exceed two (2) stories in height; and
See also Section 17-524, "Building Design, Exterior Standards."

(Ord. of 2-14-17(2))

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 one thousand (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 one hundred (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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Sec. 17-543. - Livestock.

This section is adopted pursuant to authority granted by G.S. Ch. 160D, Art. 7, and G.S. § 160A-186.

- A. Nothing in this ordinance shall regulate "bona fide farms" in the extraterritorial jurisdiction (See G.S. § 160D-903). 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:

	Max. Number 1	Spacing Requirement 2	Distance from Front Prop. Line	Minimum Area 3
Chickens, Domestic Fowl	None	None	None	5,000 sq. ft. per animal
All Other Livestock	3	150 ft.	200 ft.	1 acre per animal

Table Notes:

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 one hundred fifty (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 five thousand (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 satisfy the requirements of this subsection shall also comply with the setback requirements of Section 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 development regulation jurisdiction of the town may be brought into the town planning and development regulation 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 development regulation 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 Article XIII, "Nonconformities".
 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 development regulation 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 development regulation 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 Article XIII, "Non-conformities", the requirements of this subsection shall control.

(Ord. of 2-14-17(2))

Sec. 17-544. - Manufactured homes, single lot.

- A. All mobile homes that are moved to a parcel or lot within the RA 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 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.

(Ord. of 2-14-17(2); Ord. Of 11-12-19(1))

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 vesting 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 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 one-hundred-seventy-five-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," subsection 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.
- H. Evacuation plan. Each mobile home park in a community's floodprone area shall have an evacuation plan indicating alternate vehicular access and escape routes. All mobile homes to be placed in floodprone 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 six thousand (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-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-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 shall be responsible for the continued maintenance of this area. The minimum size of any recreation area shall be two thousand five hundred (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 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.

(Ord. of 2-14-17(2))

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, one hundred (100) percent of the primary building material of the facade (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 facade 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 facade 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 5/16 of an inch in depth and there are no exposed rivets; and
 5. Metal accessory buildings of one hundred (100) square feet or less are allowed in all zoning districts, including the Selma Historic Overlay Districts.

(Ord. of 2-14-17(2))

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 G.S. § 18B-1104 or 18B-1105, respectively. Tasting rooms are an accessory use to a microbrewery.

(Ord. of 2-14-17(2))

Sec. 17-548. - Mobile food vendors (food trucks).

All mobile food vendors shall comply with the regulations of this section except for vendors 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 on private property shall obtain a zoning permit stipulating an expiration date of the permit not to exceed 180 days (six months). A copy of this zoning permit shall be posted conspicuously at or near the window or windows where customers order or pick up food being vended. Documents required to be submitted to the Planning Department at the time a permit is applied for shall include the following:

1. A copy of any written agreement between the mobile food vendor and the owner of the private property where mobile vending will take place.
 2. A copy of the most recent inspection from the Environmental Health Department that licensed the mobile food vendor (food truck).
 3. A copy of the State issued photo identification of the applicant, which shall be placed on file in the office of the Planning Director. The name, along with a copy of the State issued photo identification of any alternate mobile food vending personnel shall be provided if other persons will be allowed at any date/time by the applicant to vend from the permitted food truck.
- A. Siting Requirements.
1. A maximum of two (2) mobile food vendors shall be located on a Lot or Parcel in all zoning districts except Interstate Business (IB). In the IB District, a maximum of four (4) mobile food vendors may operate on any privately owned parcel exceeding three (3) acres in size.
 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 operated as part of an eating establishment, as measured from the designated location on the Lot or Parcel accommodating the food truck, trailer or cart.
 3. Mobile food vendors, food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from any fire hydrant.
 4. 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.
 5. 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 Principal Use's hours of operation do not coincide with those of the food truck business. Nor shall any mobile food vendor occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
 6. Food trucks, trailers and carts shall not occupy any handicap accessible parking space as specified in NCGS§ 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 9:00 p.m. in all zoning districts except Interstate Business (IB), where the hours allowed are between 6:00 am and 10:00 p.m.
3. When open for business, the food truck, trailer or cart operator, or his or her designee, shall be present at all times, except in cases of an emergency. If the food truck, trailer or cart operator's name does not match the name on the zoning permit displayed conspicuously at the window or windows where customers order or pick up food being vended, the name of the operator shall be displayed alongside the permit.
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 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 every six months 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 one hundred (\$100.00) dollars. For the second offense, the fine shall be three hundred (\$300.00) dollars. The mobile food vendor permit shall be revoked after the third offense.

(Ord. of 2-14-17(2); Ord. of 6-11-19(1))

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.

(Ord. of 2-14-17(2))

Sec. 17-550 - Multi-family development.

- A. Permitted Zoning Districts. Multi-family development shall be permitted with a special use permit in the TR Transitional Residential zoning district where no less than four contiguous acres of land are planned for the complex. Multi-family development is prohibited in all other districts and cannot be developed on parcels of land that are less than four (4) acres in size.
- 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 five hundred (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 five hundred (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 and in compliance with applicable regulations in effect for the Neuse River Basin.

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 (2) 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 eight (8) 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.
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.
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 four hundred thirty-five (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 one thousand (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)
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.

The same light source type must be used for the same or similar types of lighting on any one (1) 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 footcandles (fc) at any one (1) 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.

Light Level (Footcandles)			
Type of Lighting	Minimum	Average	Maximum
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 footcandles when abutting a residential zoning district and 5.0 footcandles 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 footcandles 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 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 facades 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 one hundred fifty (150) feet in length;
 - b) Facades greater than fifty (50) feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground floor facades that face public streets shall have windows, entry areas, awnings, or other such features for at least sixty (60) percent of their horizontal length;
 - 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 forty thousand (40,000) square feet, all multi-family buildings shall be oriented to the street.
 - b) For lots that are at or over forty thousand (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 (2) 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;
 - (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."

(Ord. of 2-14-17(2))

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 U.S. 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 twenty (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 three hundred (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 one hundred eighty (180) feet from the boundary of the of the subject property.

- D. A sixty-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.
- 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 (\$3,000,000.00) 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 subsection 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 subsection. 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
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 subsection J. shall establish the benchmark for the determination of an expansion under subsection H. Any facility permitted under this subsection J. shall remain subject to all other applicable state laws and local ordinances.

(Ord. of 2-14-17(2))

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

- A. Minimum Size. Residential Planned Unit Developments ("PUD-R") must meet one (1) 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 zoning application is submitted.
- B. Allowable Use Standards. A PUD-R shall be developed in compliance with the uses and standards for one (1) of the following zoning districts: R20, R10, R8, TR, IN, NB, CB 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 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 their inclusion in PUD-Rs. Elementary schools shall not count as a part of the ten (10) 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 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, NB, etc. The zoning district designations will determine which standards will govern 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.
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.
- subsection I.1. above does not apply to PUD-R developments of one hundred (100) acres or more. Instead, construction must begin within seven (7) years of the date on which the first site plan is approved. (See G.S. § 160D-108.1.

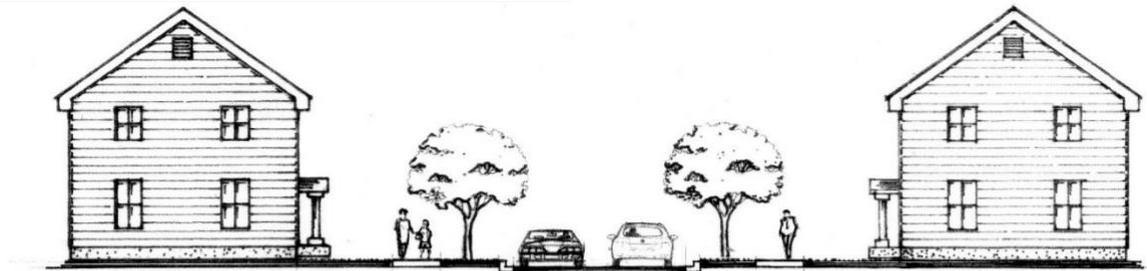
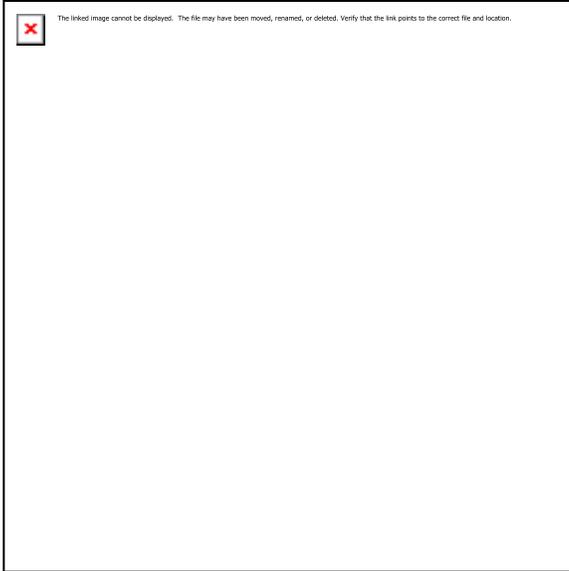


FIGURE 1

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

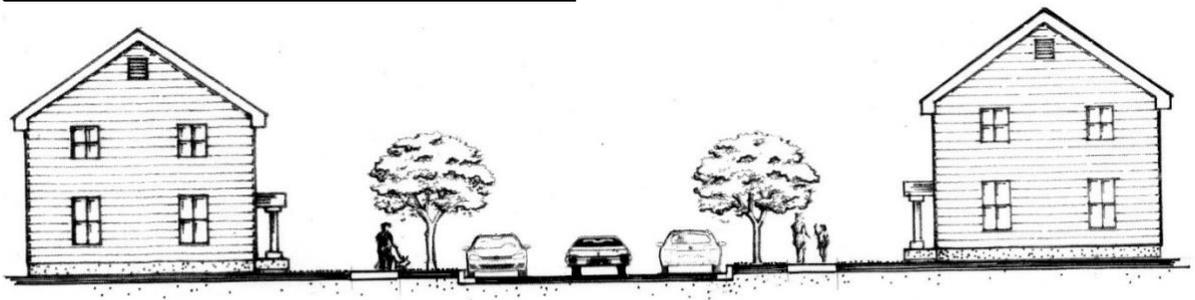
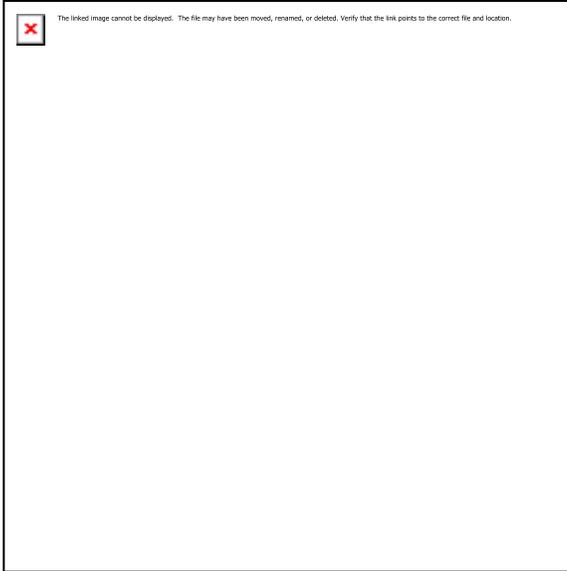


FIGURE 2

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

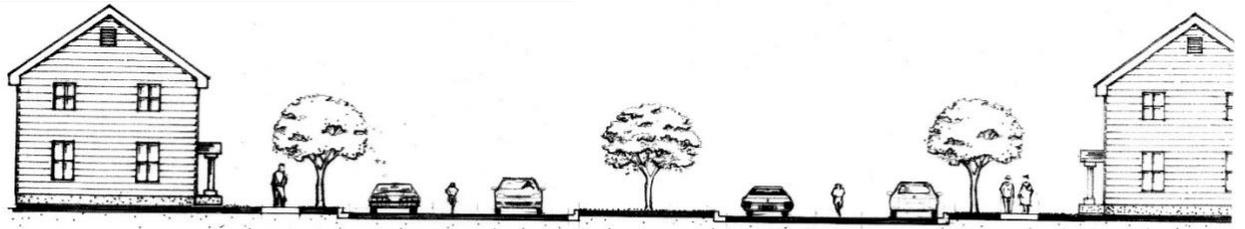
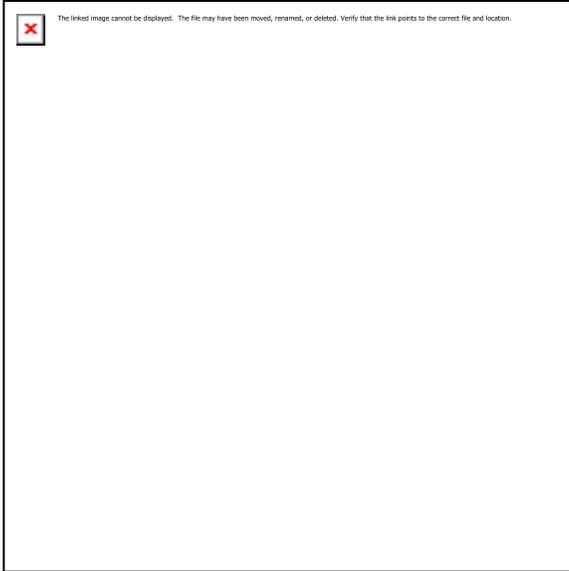


FIGURE 3

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

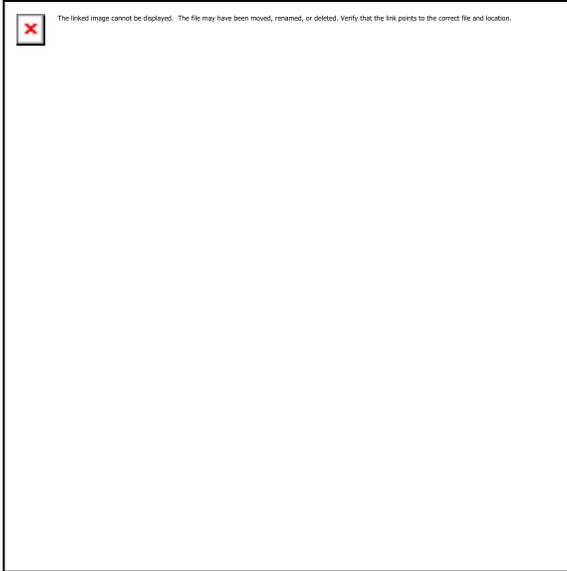


FIGURE 4

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

Building and Land Use

- * Commercial and mixed use
- * High density residential

Features

- * Drainage – curb and gutter
- * Includes bulb outs at intersections and mid-block crossings
- * Bike lanes optional but preferred minimum is 6'.

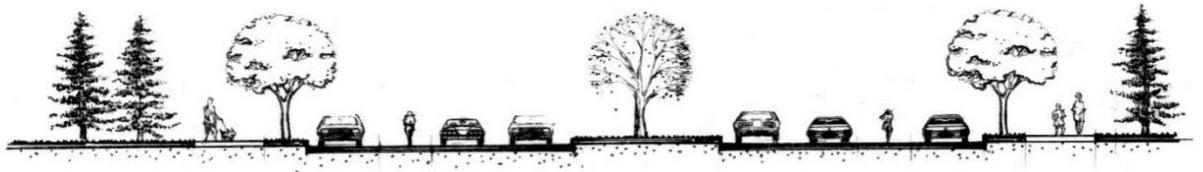
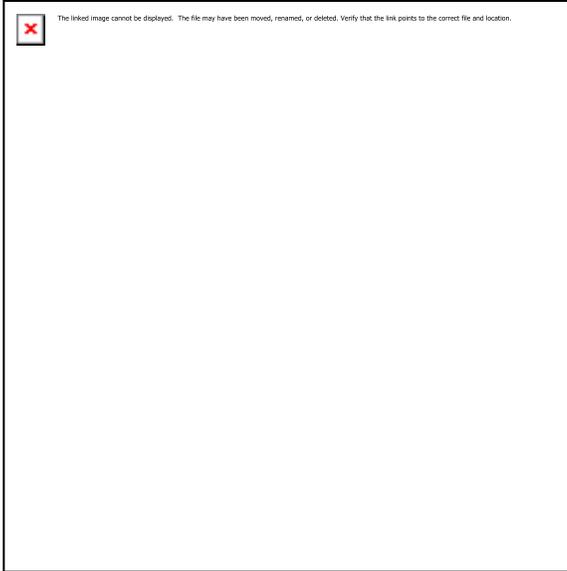


FIGURE 5

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

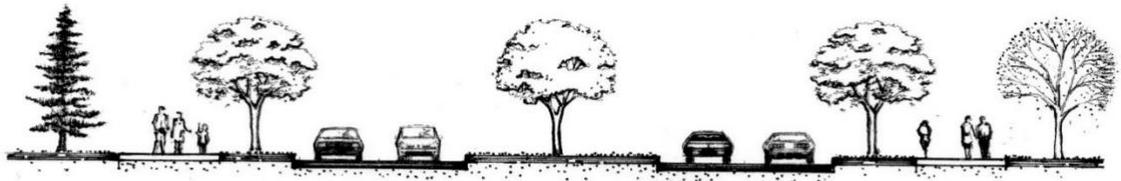
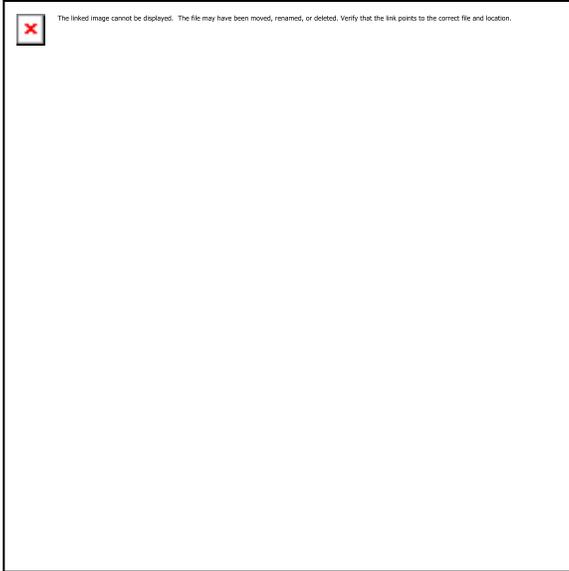


FIGURE 6

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

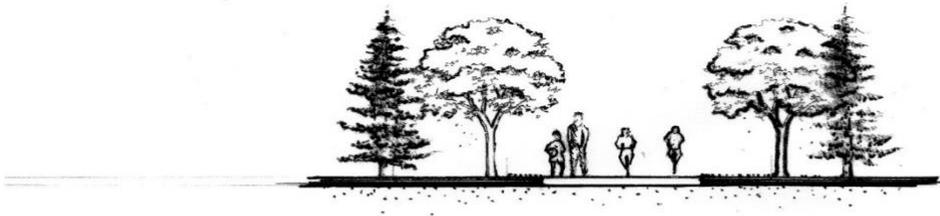
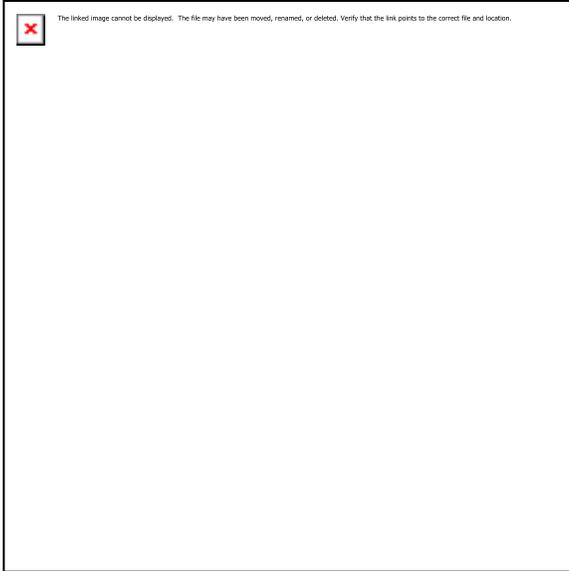


FIGURE 7

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.

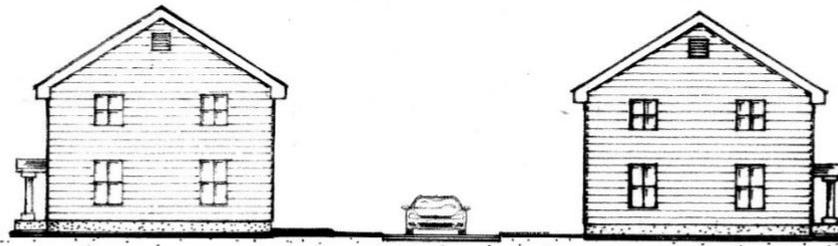
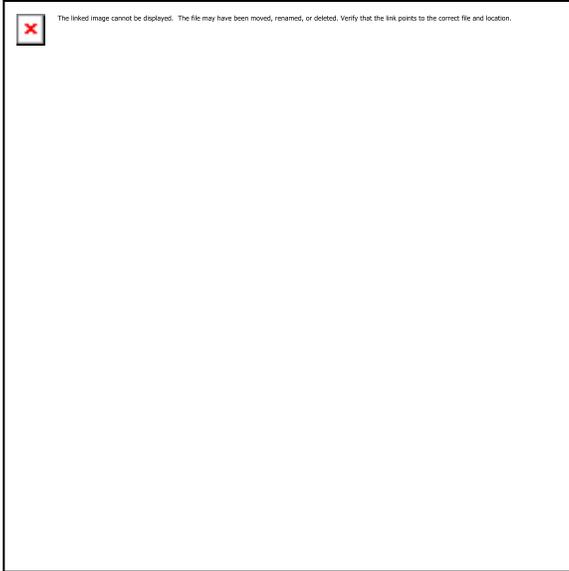


FIGURE 8

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 Sections 17-1202C. and D. only.
 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 Section 17-509 and Appendix C but may be reduced or varied pursuant to App. C, and Section 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 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 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 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.

(Ord. of 2-14-17(2))

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.
 - 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".

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Sec. 17-556. - Sexually oriented business.

- A. Sexually oriented businesses include but are not limited to adult movie theaters, live 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 (1) wall sign per business.
 - 2. The wall sign may be no larger than twenty (20) square feet.
- E. Neon lighting outside of the permitted sign face is not allowed.

(Ord. of 2-14-17(2))

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 G.S. § 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 G.S. § 136-27.4 shall provide that:

- A. Tables, chairs, and other furnishings shall be placed a minimum of six (6) feet from any travel lane.
- B. Tables, chairs, and other furnishings shall be placed in such a manner that at least five (5) 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 forty-five (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 Department 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.

In the event the Town is given the administrative right to permit sidewalk dining activities pursuant to G.S. § 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.

(Ord. of 2-14-17(2))

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 meeting 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.

(Ord. of 2-14-17(2))

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.
 1. Solar farms with panels located at least one hundred fifty (150) feet from an adjacent public street right-of-way shall not require screening.
 2. Solar farms with panels located less than one hundred (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 twelve (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 revegetation 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 be no more than ninety (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 sixty-day notice to the Planning Department prior to cancellation, is approved by the Administrator and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. The amount of the performance guarantee must be one-and-one-half (1½) times the decommissioning cost minus the estimated salvageable value of the components or fifty thousand dollars (\$50,000.00), 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 Department 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 thirty (30) days of the ownership change.

- 4. The landowner, tenant or solar farm operator shall notify the Planning Department 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 Department and/or Johnston County Inspections Department 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).

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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.

- 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.

(Ord. of 2-14-17(2))

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 (1) 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.

(Ord. of 2-14-17(2))

Sec. 17-563. - Temporary health care structures (granny pod).

Temporary health care structures, sometimes called "Granny Pods", are permitted under the authority of G.S. § 160D-915. 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 three hundred (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 Department. Only one (1) accessory temporary family care structure is allowed per lot. No 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 eighteen (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.

(Ord. of 2-14-17(2))

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 (1) 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.

(Ord. of 2-14-17(2))

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 trailers or wheels

are Recreational Vehicles (See the N.C. Department 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.

(Ord. of 2-14-17(2))

Sec. 17-566. - Traffic impact analysis.

- A. Purpose. A traffic impact study shall be required for any use generating more than three thousand (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 one thousand (1,000) feet or 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 NCDOT. 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 rezoning, or major subdivision application that is estimated to generate more than three thousand (3,000) trips per day.
 - 2. Notwithstanding subsection B.1. above, the Town Council may require any special use permit, conditional rezoning or major subdivision application to be accompanied by a traffic impact study when a road capacity or safety issue exists. If one (1) is required, the Town will notify the applicant of the reason for the requirement.
 - 3. Special use permits, conditional rezoning or major subdivisions that produce more than three thousand (3,000) trips per day may be exempted from the requirements to prepare and submit a traffic impact study if:
 - 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 (1) 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 (6) 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.

Levels of Service	
Level of Service	Description
A	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	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.
C	Provides for stable operations, but flows approach the range in which small increases will cause substantial deterioration in service. Freedom to maneuver is noticeably restricted. Minor incidents may still be absorbed, but the local decline in service will be great. Queues may be expected to form behind any significant blockage. Minimum average spacing is in the range of 220 feet or 11 car lengths.
D	Borders on unstable flow. Density begins to deteriorate somewhat more quickly with increasing flow. Small increases in flow can cause substantial deterioration in service. Freedom to maneuver is severely limited, and the driver experiences drastically reduced comfort levels. Minor incidents can be expected to create substantial queuing. At the limit, vehicles are spaced at about 165 feet or nine car lengths.

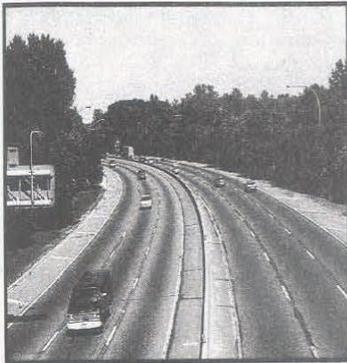
E	Describes operation at capacity. Operations at this level are extremely unstable, because there are virtually no usable gaps in the traffic system. Any disruption to the traffic stream, such as a vehicle entering from a ramp, or changing lanes, requires the following vehicles to give way to admit the 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.
F	Describes forced or breakdown flow. Such conditions generally exist within queues forming behind breakdown points.

Levels of Service

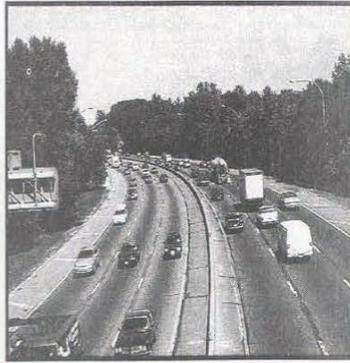


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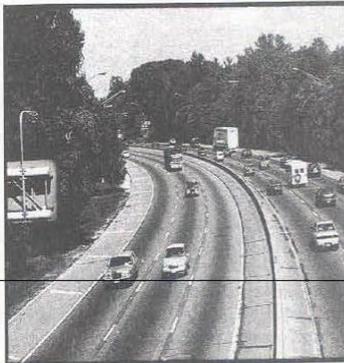
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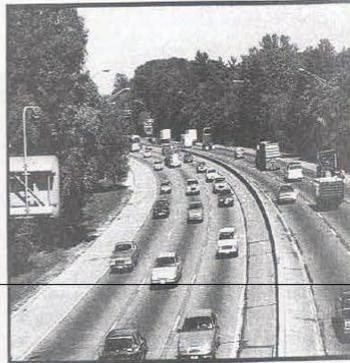
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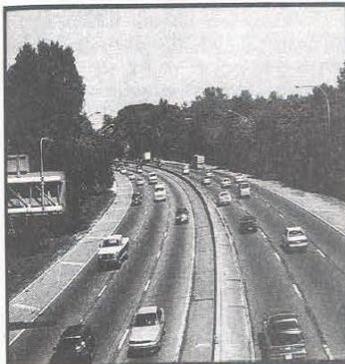
LOS D.



LOS B.



LOS E.



LOS C.



LOS F.

- 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 eight hundred (800) feet of the site shall be identified and sketched. All existing and proposed public transportation services and facilities within one (1) 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 (1) 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.**
 - 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."

(Ord. of 2-14-17(2))

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
 - New concealed (stealth) tower fifty (50) feet in height or less
 - New concealed (stealth) towers over fifty (50) 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 freestanding 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. Ch. 160D, Article 9, Pt. 3, "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;
 - 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.

D. Additional Approval Standards and Processes.

1. Streamlined Process for Colocation 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:
 - 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.

E. 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 subsection 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.
- 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 one hundred fifty (150) days of the town's receipt of the completed application.

(Ord. of 2-14-17(2))

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:

- 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.

(Ord. of 2-14-17(2))

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;
 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.
- 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. Department of Transportation, if applicable.

(Ord. of 2-14-17(2))

Secs. 17-570—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 (1) 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

- F. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one (1) minute in any one-hour period are permissible up to a level of ten (10) dB(A) more than the figures listed in subsection (E) above, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 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 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Ord. of 2-14-17(2))

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 (1) 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 (3) 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:

$PV = 6.28 F \times D$, 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 (3) components recorded.

E. Table of Maximum Ground-Transmitted Vibration.

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 (1) second in duration and having a pause of at least one (1) second between pulses.
- G. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Ord. of 2-14-17(2))

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 (1) 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.

(Ord. of 2-14-17(2))

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. Ch. 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.

(Ord. of 2-14-17(2))

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. Ch. 143, Art. 21, "Water and Air Resources," and as set forth in any administrative rules promulgated by the North Carolina Department of Environmental Management.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

Secs. 17-586—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 (1) 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 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.

(Ord. of 2-14-17(2))

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.

(Ord. of 2-14-17(2))

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 Section 17-592C. 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.
- B. The person or entity identified in Section 17-592A. 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 Section 17-592A., 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.

(Ord. of 2-14-17(2))

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:
 - 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 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.

(Ord. of 2-14-17(2))

Secs. 17-594—17-599. - Reserved.

ARTICLE VI. - PERMITS AND FINAL PLAT APPROVAL

PART 1. - CERTIFICATES OF ZONING COMPLIANCE AND SPECIAL USE PERMITS

Sec. 17-600. - Permits required.

- A. Subject to Section 17-1101, "Permit Required, Permitting Procedures" with regard to signs, the use made of property may not be substantially changed (see Section 17-407, "Change in Use"); substantial clearing, grading, or excavation may not be commenced; and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one (1) of the following permits:
 1. A zoning permit issued by the Director of Planning & Economic Development who is also referred to as the Administrator. (A landscape plan may be needed in order to obtain a zoning permit. See Section 17-607 and Appendix C);
 2. A certificate of zoning compliance issued by the Administrator;
 3. A special use permit issued by the Town Council;
 4. A special use zoning map amendment with site plan approval issued by the Town Council (See Article XVII, Part 2. Conditional Zoning District Rezoning);
 5. A certificate of appropriateness issued by the Historic Preservation Commission or Planning Director;
 6. A floodplain development permit issued by the Floodplain Administrator (Planning Director);
 7. A watershed development permit issued by the Stormwater Administrator (Planning Director).
- B. Zoning permits, certificates of zoning compliance, special use permits, site plan approvals, floodplain development permits, watershed development permits, certificates of appropriateness and sign permits are issued under this chapter only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this chapter if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 17-619, "Amendments to and Modifications of Permits," all development shall occur strictly in accordance with such approved plans and applications.
- C. Physical improvements to land to be subdivided may not be commenced except in accordance with a special use permit issued by the Town Council for major subdivisions or after final plat approval by the planning director for minor subdivisions (see Part 2 of this article).
- D. A zoning permit, certificate of zoning compliance, special use permit, watershed development permit, floodplain development permit, certificate of appropriateness or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal); shall identify the property involved and the proposed use; shall incorporate by reference the plans submitted; and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special use permits shall be recorded in the Johnston County Registry after execution by the record owner as provided in Section 17-616.

(Ord. of 2-14-17(2))

Sec. 17-601. - No occupancy, use or sale of lots until requirements fulfilled.

- A. Issuance of a zoning permit or special use permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit, floodplain development permit or certificate of appropriateness as needed) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or make

necessary improvements to a subdivision. However, except as provided in Sections 17-609, "Authorizing Use or Occupancy Before Completion of Development Under Certificate of Zoning Compliance"; 17-615, "Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use Permit"; and 17-616, "Completing Developments in Phases," the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a special use permit have been complied with.

- B. Additionally, a certificate of zoning compliance must be issued for all projects for which a special use permit and the other permits (listed in Section 17-600 above) has been issued or which are subject to a conditional zoning district. The zoning permit must be issued prior to the issuance of a building permit to show compliance with this chapter and the applicable special use permit or the regulations and conditions of the applicable conditional zoning district.
- C. A certificate of zoning compliance must be issued by the Administrator before a certificate of occupancy is obtained.

(Ord. of 2-14-17(2))

Sec. 17-602. - Who may submit permit applications.

- A. Applications for all permits, including but not limited to, zoning, special use or sign permits or subdivision plat approvals will be accepted only from persons having the legal authority to act in accordance with the permit, certificate or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
- B. When the applicant does not own the property at issue, the Administrator shall require the applicant to submit written evidence of his authority to submit the application in accordance with the Section 17-602A. See also Appendix A.

(Ord. of 2-14-17(2))

Sec. 17-603. - Applications to be complete.

- A. All applications for zoning, special use, subdivision approval, flood plain, and watershed development permits, or certificates of appropriateness or sign permits must be complete before the permit-issuing authority is required to consider the application.
- B. Subject to subsection (C), an application is complete when it contains all the information that is necessary for the permit-issuing authority to decide whether the development, if completed as proposed, will comply with all the requirements of this chapter.
- C. In this chapter, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one (1) or more of the appendices to this chapter. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in light of the substantive requirements set forth in this text of this chapter. However, when this chapter requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one (1) or more of these appendices, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the Administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in article XV of this chapter.

- D. All applications for special use permits, watershed development permits and flood plain development permits must be accompanied by a site plan of such proposal prepared by a N.C. Licensed Engineer, Architect or Professional Surveyor. The presumption established by this chapter is that all the information set forth in Appendix A, "Information Required With Applications," is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the Planning Director/Administrator may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Planning Board or Town Council, the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information than that set forth in Appendix A should be submitted.
- E. All applications for zoning permits and any other permit (except applications for subdivision plat approval, applications requiring site plan approval, individual single family or duplexes dwellings on single lots) must be accompanied by a sketch plan prepared by a N.C. Licensed Engineer, Architect or Professional Surveyor. The presumption established by this chapter is that all the information set forth in this subsection is necessary to satisfy the requirements of this subsection. However, it is recognized that each development is unique, and therefore the Planning Director/Administrator may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Zoning Board of Adjustment, the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information than that set forth below be submitted.
- F. The sketch plan shall contain:
1. The name and address of the owner and applicant, if not the same person;
 2. The proposed name and location of the development;
 3. The approximate total acreage of the proposed development;
 4. The tentative streets, sidewalks or greenways and lot arrangements, and lot boundary lines;
 5. Topographic lines;
 6. Perennial streams, water bodies, flood plain and watershed boundaries, and setbacks therefrom (if any);
 7. Proposed utilities layouts;
 8. Proposed open space and recreation areas;
 9. The locations of buildings or the building setback lines; and
 10. Any other information the owner or applicant believes necessary to obtain the informal opinion of the planning staff as to proposed development's compliance with the requirements of this chapter.
- G. All applications for zoning permits for single family dwellings or duplexes on single lots must be accompanied by a sketch plan drawn to scale. The presumption established by this chapter is that all the information set forth in subsection (F) above is necessary to satisfy the requirements of this subsection. However, it is recognized that each development is unique, and therefore the Planning Director/Administrator may allow less information or require more information to be submitted according to the needs of the particular case. The sketch plan shall contain:
1. The name and address of the owner and applicant, if not the same person;
 2. The approximate total acreage of the proposed development;
 3. The locations of buildings, lot boundary and building setback lines; and
 4. Any other information the owner or applicant believes necessary to obtain the informal opinion of the planning staff as to proposed development's compliance with the requirements of this chapter. If the principal structure is less than ten (10) feet from a lot boundary line, the Planning Director may require a survey drawn by a N.C. Licensed Engineer, Architect or Professional Surveyor.

5. If the property is located in a floodplain, the application requirements of Article X must be met.
- H. The Administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted.

(Ord. of 2-14-17(2))

Sec. 17-604. - Staff consultation before formal application.

To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this chapter, pre-application consultation between the developer and the planning staff is strongly encouraged.

(Ord. of 2-14-17(2))

Sec. 17-605. - Staff consultation after application submitted.

- A. Upon receipt of a formal application for a zoning permit, certificate of zoning compliance, special use permit, watershed development permit, flood plain development permit, or subdivision plat approval, the Administrator shall review the application and, if the applicant wishes, confer with the applicant to ensure that he or she understands the planning staff's interpretation of the applicable requirements of this chapter, that the developer has submitted all of the information that he or she intends to submit, and that the application represents precisely and completely what he or she proposes to do. If the Administrator believes that the application is incomplete, he or she shall advise the applicant in writing about what is required to complete the application.
- B. If the application is for a permit that requires board approval (such as a special use permit), the Administrator shall place the application on the agenda of the Planning Board when the application is as complete as the applicant intends to make it. However, as provided in Section 17-612, "Recommendations on Special Use Permit Applications," if the Administrator believes that the application is incomplete, he or she shall recommend to the Planning Board and Town Council that the application be denied on that basis.

(Ord. of 2-14-17(2))

Sec. 17-606. - Zoning permit applications.

- A. A completed application form for a zoning permit shall be submitted to the Administrator by filing a complete copy of the application with the Administrator in the Planning Department.
- B. The Administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in Section 17-605 that:
 1. The requested permit is not within the Administrator's jurisdiction according to the Table of Permissible Uses; or
 2. The application is incomplete; or
 3. The permitted site work has not been approved by other Town Departments or government agencies having jurisdiction; or
 4. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this chapter (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article XIII, "Nonconformities," of this chapter.)

(Ord. of 2-14-17(2))

Sec. 17-607. - Landscape plan procedures.

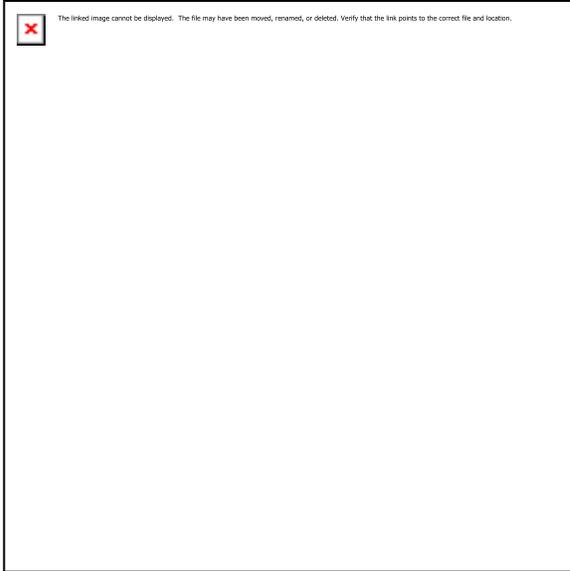
- A. Landscape plans shall be submitted to the Planning Department and shall be reviewed by the Planning Department. Plans shall be approved by the Administrator for uses by right. They shall review and forward recommendations to the Planning Board and Town Council for major subdivision plats (Section 17-654 et seq.), special use permits (Section 17-610 et seq.) and conditional rezoning applications (Section 17-1750 et seq.).
- B. The Administrator shall not issue a certificate of zoning of compliance for an approved development permit or plan or part thereof until all applicable requirements of this section have been satisfied. A temporary certificate of zoning compliance may be issued for a period not to exceed ninety (90) days, if the Planning Director determines there are extenuating circumstances that would affect the seeding or planting of the site and if applicant posts a sufficient performance guarantee (Section 17-657). The Administrator may recommend that Johnston County Building Inspections Department issue a temporary certificate of occupancy for a period not to exceed ninety (90) days.
- C. Landscaping Plan. Landscaping plans shall be submitted before or at the time of application for a zoning permit or site plan review, or as described in subsection (A) above. Landscaping Plans shall meet the standards of Sec. 17-509 and Appendix A for all development projects. These plans shall contain the following information:
 1. Date of plan preparation.
 2. Project name and description of land use.
 3. Project owner and mailing address.
 4. A map at a scale of 1" = 100' or less showing:
 - a) North arrow.
 - b) Scale.
 - c) Approximate locations and species of all existing hardwood trees at least eight (8) inches DBH, all conifer trees at least twelve (12) inches DBH, and all dogwoods and American Hollies at least four (4) inches DBH. The canopy drip line of those trees shall be delineated. If groves of protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the map, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.
 - d) Note on plan stating that prior to any clearing, grading, or construction activity, tree protection fencing will be installed around protected trees or groves of trees. And no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
 - e) Locations, dimensions and square footages of required buffer strips and parking lot landscaping.
 - f) Details of required landscaping showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation.
 - g) All existing and proposed utilities and if applicable, their associated easements.
 - h) Location and square footage of structures and parking lots.
 - i) Adjacent zoning districts.
 - j) Approximate locations of all trees greater than eight (8) inches DBH within required buffers and of all areas of natural vegetation to be used as part of the buffer.
 - k) Setbacks of all structures and specifications and shielding of certain uses, as required.

Exception to the proposed use of canopy trees may be applied to plantings proposed near power lines. The Administrator may suggest a suitable substitution in such cases

(Ord. of 2-14-17(2))

Sec. 17-608. - Certificates of zoning compliance.

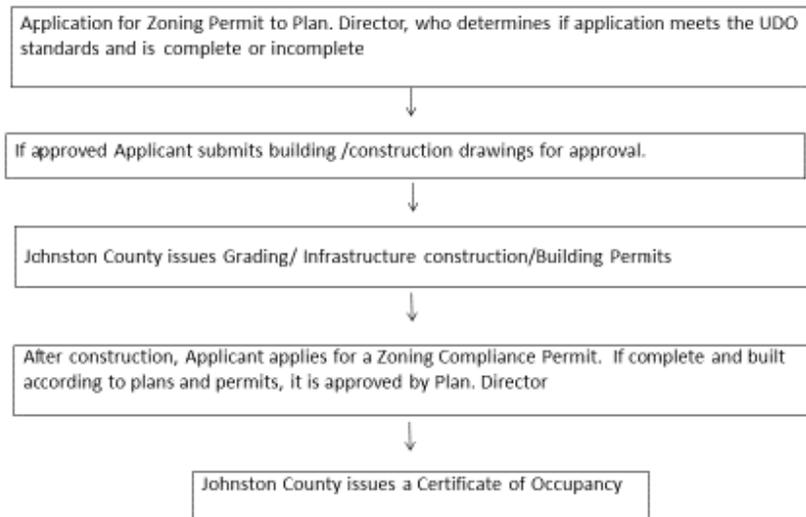
- A. A completed application form for a certificate of zoning compliance shall be submitted to the Administrator by filing a complete copy of the application with the Administrator in the Planning Department.
- B. The Administrator shall issue the certificate of zoning compliance unless he finds, after reviewing the application and consulting with the applicant as provided in Section 17-604 that:
 - 1. The approved and permitted work on the site has not been completed; or
 - 2. The application is incomplete; or
 - 3. The permitted site work has not been approved by other Town Departments or government agencies having jurisdiction; or
 - 4. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this chapter (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in article XIII, "Nonconformities," of this chapter.)



FLOW CHART ZONING PERMIT and CERTIFICATE of ZONING COMPLIANCE

DEFINITIONS: A "Zoning Permit" is issued by Staff before a building permit. Zoning Permits are the Town's check that the zoning is correct for the planned development.

"Certificates of Zoning Compliance" are issued by staff after construction but before a Certificate of Occupancy is issued. CZFs are the Town's check that the project was built in accordance with the development permits.



(Ord. of 2-14-17(2))

Sec. 17-609. - Authorizing use or occupancy before completion of development under a certificate of zoning compliance.

In cases when, because of weather conditions or other factors beyond the control of the zoning-permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning-permit recipient to comply with all of the requirements of this chapter prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the

intended use or occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a performance guarantee to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve (12) months) determined by the Administrator. The performance guarantee shall be payable to or in favor of the town and shall be in an amount equal to one hundred twenty-five (125) percent of the reasonably estimated cost of completion of the project, as estimated by the developer and approved by the Administrator. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five (125) percent of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

The permit recipient may elect which performance guarantee he or she will use from the options specified by this subsection.

- A. The term "performance guarantee" shall mean any of the following forms of guarantee:
 1. Surety bond issued by any company authorized to do business in this State.
 2. Letter of credit issued by any financial institution licensed to do business in this State.
 3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- B. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.
- C. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

(Ord. of 2-14-17(2))

Sec. 17-610. - Special use permits.

- A. An application for a special use permit shall be considered by the Town Council by filing a copy of the application with the Administrator in the Planning Department.
- B. The Town shall follow the procedures at Article VI, Part 1 for all Town Council hearings on Special Use Permit applications.
- C. Subject to subsection (D), the Town Council shall issue the requested permit unless it concludes, based upon the information submitted at the evidentiary hearing, that:
 1. The requested permit is not within its jurisdiction according to the Table of permissible uses; or
 2. The application is incomplete; or
 3. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in Article XIII, "Nonconformities," of this chapter).
- D. Even if the Town Council finds that the application complies with all other provisions of this chapter, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
 1. Will materially endanger the public health or safety; or
 2. Will substantially injure the value of adjoining or abutting property; or
 3. Will not be in harmony with the area in which it is to be located; or

4. Will not be in general conformity with the future land-use plan, thoroughfare plan, or other plan specifically adopted by the Town Council.

(Ord. of 2-14-17(2))

Sec. 17-611. - Burden of presenting evidence; burden of persuasion.

- A. The burden of presenting a complete application (as described in Section 17-603) to the Planning Board and Town Council shall be upon the applicant. However, unless the Planning Board or Town Council informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete.
- B. Once a completed application has been submitted, the burden of presenting evidence to the Town Council sufficient to lead it to conclude that the application should be denied for any reasons stated in Sections 17-610C.1., 17-610C.3. or 17-610D. shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.
- C. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains always on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any reasons set forth in Section 17-610C. rests on the party or parties urging that the requested permit should be denied.

(Ord. of 2-14-17(2))

Sec. 17-612. - Recommendations on special use permit applications.

- A. Before being presented to the Town Council, an application for a special use permit shall be referred to the Planning Board for action in accordance with this section. The Town Council may not hold a hearing on a special use permit application until the Planning Board has had an opportunity to consider the application pursuant to standard agenda procedures. In addition, at the request of the Planning Board, the Town Council may allow the Planning Board more time to consider the application.
- B. When presented to the Planning Board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 17-603 "Applications to be Complete" and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Town Council. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 17-603 or any other requirement of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- C. The Planning Board shall consider the application and the attached staff report in a timely fashion, and may, in the Chairperson's discretion, hear from the applicant or members of the public. (Notice to the adjoining property owners is provided for in Section 17-1611 "Meetings of the Planning Board").
- D. .
- D. The Planning Board provides a preliminary forum for review of special permit applications, provided that no part of the forum or recommendation may be used as a basis for the quasi-judicial decision by the Town Council.
- E. In response to the Planning Board's recommendations, the applicant may modify this application prior to submission to the Town Council and the planning staff may likewise revise its recommendations.

(Ord. of 2-14-17(2))

Sec. 17-613. - Town Council action on special use permits.

In considering whether to approve an application for a special use permit, the Town Council shall proceed according to the following format:

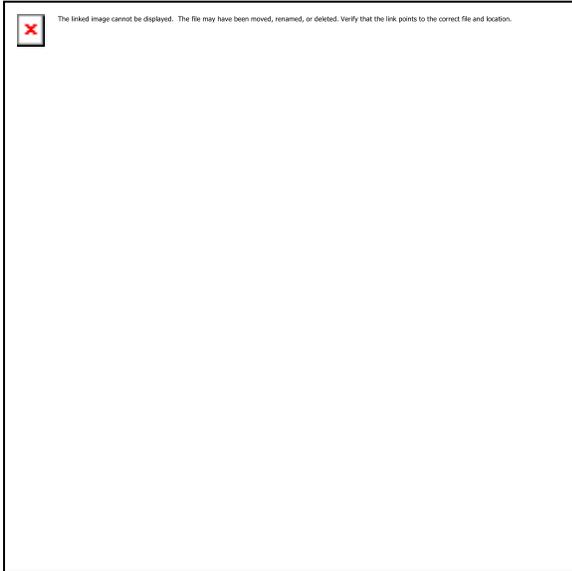
- A. A simple majority vote of the Town Council is required to approve any motion related to the issuance of a special use permit.
- B. The Town Council shall consider whether the application is complete. If the Town Council concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the information lacking or the requirement with respect to which the application is incomplete. If a motion to this effect is not approved, this shall be taken as an affirmative finding by the board that the application is complete.
- C. The Town Council shall consider whether the application complies with all the applicable requirements of this chapter. If a motion to this effect passes, the Town Council need not make further findings concerning such requirements. If such a motion fails or is not made, then a motion shall be made that the application be found not in compliance with one (1) or more of the requirements of this chapter. Such a motion shall specify the requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Town Council to be unsatisfied through this process.
- D. If the Town Council concludes that the application fails to comply with one (1) or more requirements of this chapter, the application shall be denied. If the Town Council concludes that all such requirements are met, it shall issue the permit, unless it adopts a motion to deny the application for one (1) or more of the reasons set forth in Section 17-610D. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

(Ord. of 2-14-17(2))

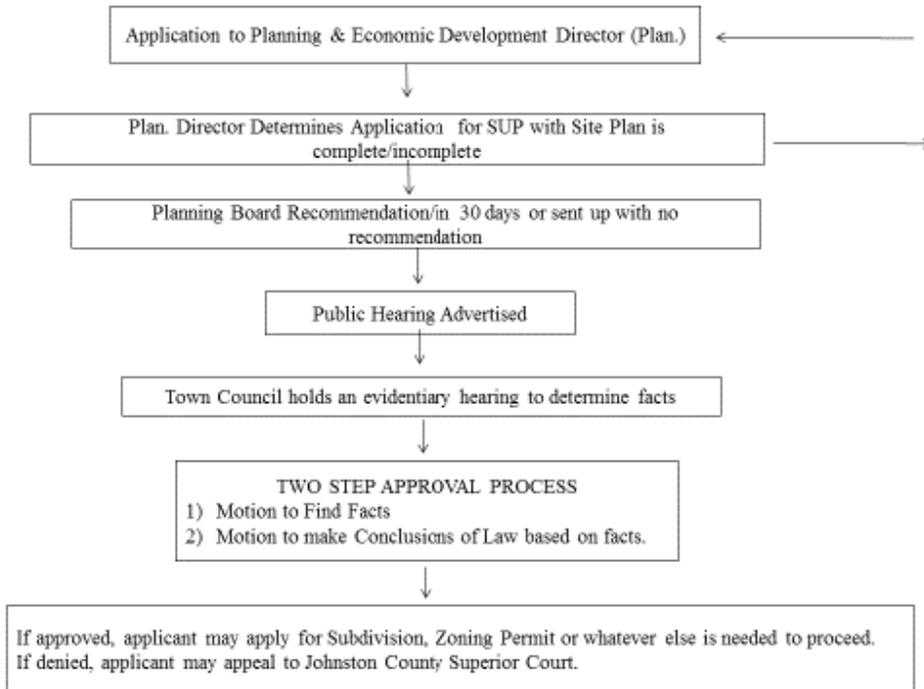
Sec. 17-614. - Additional requirements on special use permits.

- A. Subject to subsection B., in granting a special use permit, the Town Council may, by a simple majority vote, attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location:
 - 1. Will not endanger the public health or safety;
 - 2. Will not injure the value of adjoining or abutting property;
 - 3. Will be in harmony with the area in which it is located; and
 - 4. Will be in conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Town Council; and
 - 5. Will comply with any additional requirements listed in Article V, Part 2 beginning at Section 17-520.
- B. The Town Council may not attach additional conditions that modify or alter the specific requirements set forth in this chapter unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
- C. The Town Council may not attach conditions for which the Town does not have authority under statute to regulate nor conditions that the courts have held to be unenforceable.
- D. Without limiting the foregoing, the Town Council may attach to a permit a condition limiting the permit to a specified duration.
- E. All additional conditions or requirements shall be entered on the permit.

- F. All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.
- G. A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any reasons set forth in Sections 17-610C. or D.



FLOW CHART SPECIAL USE PERMIT



[Art. VI – Permits, Subdivision Plat Approval, Part 1. Certificates of Zoning Compliance and Special Use Permits, §17-609 thru §17-616 Special Use Permits

(Ord. of 2-14-17(2))

Sec. 17-615. - Authorizing use, occupancy, or sale before completion of development under a special use permit.

- A. In cases when, because of weather conditions or other factors beyond the control of the special use permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter prior to commencing the intended use of the property or occupying any buildings or selling lots in any subdivision, the Town Council may authorize the commencement of the intended use or occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a performance guarantee as provided in Section 17-609.
- B. In the case of a failure on the part of the developer to timely complete all improvements, the Administrator shall immediately call either the entire performance guarantees or as much of said guarantee as is necessary to complete the remaining improvements. The town shall return to the developer any funds not spent in completing the improvements.
- C. The Administrator or Town Council, as appropriate, shall release a portion of any performance guarantee as the improvements are completed.
- D. When the Town Council imposes additional requirements upon the permit recipient in accordance with Section 17-614 or when the developer proposes in the plans submitted to install amenities beyond those required by this chapter, the Town Council may authorize the permittee to commence the intended use of the property or to occupy any building or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if the Council specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if the Council concludes that compliance will be ensured as the result of any one (1) or more of the following:
 - 1. A performance guarantee is furnished to and administered by the Town in the manner described in subsection A.;
 - 2. A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made; or
 - 3. The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Article XV. "Enforcement" Section 17-1504, "Penalties and Remedies for Violations," and Section 17-1505, "Permit Revocation and Building Permit Denial."
- E. With respect to subdivisions in which the developer is selling only undeveloped lots, the Town Council may authorize final plat approval and the sale of lots before all the requirements of this chapter are fulfilled if the subdivider provides a performance guarantee to the Town Council to ensure that all of these requirements will be fulfilled within not more than twelve (12) months after final plat approval. The subdivider may elect which performance guarantee he or she will use from the range specified by this subsection (A) above. The performance guarantee shall be furnished and administered in this section.

(Ord. of 2-14-17(2))

Sec. 17-616. - Completing developments in phases.

- A. If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (C), the provisions of Section 17-601 , "No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled," and Section 17-615 "Authorizing Use, Occupancy, or Sale Before Completion of Development Under a Special Use Permit" (exceptions to Section 17-601 "No Occupancy, Use or Sale of Lots Until Requirements Fulfilled") shall apply to each phase as if it were the entire development.

- B. As a prerequisite to taking advantage of the provisions of subsection A., the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this chapter that will be satisfied with respect to each phase or stage.
- C. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule or completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:
 - 1. If the improvement is one required by this chapter, then the developer may utilize the provisions of Sections 17-615A. and C. "Authorizing Use, Occupancy or Sale Before Completion of Development Under a Special Use Permit"; and
 - 2. If the improvement is an amenity, not required by this chapter, or is provided in response to a condition imposed by the Town Council, then the developer may utilize the provisions of Section 17-615B.

(Ord. of 2-14-17(2))

Sec. 17-617. - Expiration of permits.

- A. Zoning, special use, watershed development, flood plain development and sign permits shall expire automatically if, within one (1) year after the issuance of such permit:
 - 1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
 - 2. Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 17-616 "Completing Development in Phases"), this requirement shall apply only to the first phase.
- B. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of two (2) years, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 17-618 "Effect of Permit on Successors and Assigns".
- C. The permit-issuing authority may extend for a period up to one (1) year the date when a permit would otherwise expire pursuant to subsection A. or B. if it concludes that:
 - 1. The permit has not yet expired;
 - 2. The permit recipient has proceeded with due diligence and in good faith; and
 - 3. Conditions have not changed so substantially as to warrant a new application.Successive extensions may be granted for periods up to one (1) year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
- D. For purposes of this section, the permit within the jurisdiction of the Town Council is issued when it votes to approve the application and issue the permit. A permit within the jurisdiction of the Planning Director/Administrator is issued when the earlier of the following takes place:
 - 1. A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or

2. The Land Use Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions.
- E. Notwithstanding any of the provisions article XIII, "Nonconformities," of this chapter, this section shall be applicable to permits issued prior to the date this section becomes effective.

(Ord. of 2-14-17(2))

Sec. 17-618. - Effect of permit on successors and assigns.

- A. Zoning, certificate of zoning compliance, special use, watershed development and floodplain development and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable, until expired.

However, so long as the land or structures or any portion thereof covered under a permit continue to be used for the purposes for which the permit was granted, then:

1. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
 2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (B)) of the existence of the permit at the time they acquired their interest.
- B. Whenever a special use permit is issued to authorize development, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued and the permit is subsequently recorded in the Johnston County Registry and indexed under the record owner's name as grantor.

(Ord. of 2-14-17(2))

Sec. 17-619. - Amendments to and modifications of permits.

- A. Administrative Minor Modifications. Minor modifications from the permit (including approved plans) issued by the Town Council or the Administrator are permissible, and the Administrator may authorize such modifications. A modification is minor if it does not involve a change in uses permitted or the density of overall development.
- B. Major Changes. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Town Council, new conditions may be imposed in accordance with Section 17-614 "Additional Requirements on Special Use Permits", but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- C. The Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections A. and B.
- D. An applicant requesting a change in approved plans shall point out to the Administrator, specifically and in writing, what deviation or changes are requested. The Administrator shall respond in writing. No changes shall be authorized except in conformity with this section.

- E. When (i) a request for a change in a permit is made under this section (whether for an administrative minor modification or major modification), and (ii) the use of the property is not changed, and (iii) some type of nonconforming situation other than a non-conforming use exists on the property, then the permit change may be approved without requiring the elimination of the nonconforming situations. However, any new development authorized by the permit change shall comply with current standards to the extent reasonably practicable, and the permit issuing authority may require the elimination of nonconforming situations when the cost (financial and otherwise) of doing so is clearly proportional to the benefits of elimination of such nonconformity.

(Ord. of 2-14-17(2))

Sec. 17-620. - Reconsideration of town council action.

- A. Whenever (i) the Town Council disapproves an application for a special use permit, or (ii) the Board of Adjustment denies an application for a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for one (1) calendar year unless the applicant clearly demonstrates that:
1. Circumstances affecting the property that is the subject of the application have substantially changed; or
 2. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Administrator within the time for an appeal to superior court (see Art XV "Enforcement Section 17-1506, "Judicial Review"). However, such a request does not extend the period within which an appeal must be taken.
- B. Notwithstanding subsection A., the Town Council may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

(Ord. of 2-14-17(2))

Sec. 17-621. - Applications to be processed expeditiously.

Recognizing that inordinate delays in acting upon applications or appeals may impose unnecessary costs on the applicant or appellant, the Town shall make every reasonable effort to process permit applications and appeals as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this chapter.

(Ord. of 2-14-17(2))

Secs. 17-622—17-649. - Reserved.

PART 2. - MAJOR AND MINOR SUBDIVISIONS^[3]

Footnotes:

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Editor's note— For subdivisions to be in a Water Supply Watershed, see also Section 17-422, "Water Supply Watershed Protection District."

Sec. 17-650. - Regulation of subdivisions.

See Section 17-600 for the applicability of this Part to the development process. Major subdivisions are subject to a two-step approval process. Physical improvements to the land to be subdivided are authorized by a special use permit as provided in Part I of this article, and sale of lots is permitted after final plat approval as provided in Section 17-654, "Major Subdivision Approval Process." Minor subdivisions only require a one-step approval process, and the sale of lots is permitted after final plat approval as provided in Section 17-653, "Minor Subdivision Approval."

(Ord. of 2-14-17(2))

Sec. 17-651. - No subdivision without plat approval.

- A. No person may subdivide his land except in accordance with all the provisions of this chapter. No person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provisions of Sections 17-652, 17-653 or 17-654 and recorded in the Johnston County Registry. Gift lots, as defined in Section 17-652A., are exempt from the requirements of this part, and nothing in this part shall require that a plat for any gift lot be recorded in Johnston County Registry.
- B. The Johnston County Register of Deeds may not record a plat of any subdivision within the Town's planning and development regulation jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.

(Ord. of 2-14-17(2))

Sec. 17-652. - Special purpose subdivisions.

- A. Gift Lots. A gift lot is defined as a one-time gift from a parent to his or her child of a parcel of land divided from the parent's property. In such cases, the transaction shall not be deemed to be for the purpose of sale or building development, as those terms are used in G.S. § 160A-376, and the resulting transaction is therefore not subject to the requirements of this part.
- B. Public Infrastructure Subdivisions.
 1. A public infrastructure subdivision is defined as one involving the acquisition of land by the Town or other government entity for public infrastructure purposes, including, but not limited to, well lots, pump station lots and lift station lots. A public infrastructure subdivision shall not include the creation of new public or private streets or roads.
 2. Procedure for Review and Approval.
 - a) Public infrastructure subdivisions shall be approved by the Administrator.
 - b) Prior to submitting a final plat pursuant to subsection (c) below, the subdivider may, but is not required to, submit a sketch plan to the Administrator for review. If a sketch plan is submitted, the procedure and requirements set forth in Section 17-653C. shall be followed.
 - c) The subdivider shall submit three (3) copies of a final plat to the Administrator that satisfy the following:
 - 1) The plat shall be prepared by a Registered Land Surveyor currently licensed in the state by the State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions and mapping requirements set forth in G.S. § 47-30 and the Manual of Practice for Land Surveying in North Carolina;

- 2) The final plat shall be of a size and material suitable for recording in the Johnston County Registry and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines;
- 3) The plat shall meet the specifications of Sections 17-652,B.,2.c),1) and 17-652,B.,2.c),2) and Appendix A; and
- 4) The following signed certificates shall appear on the plat:
 - (i) Certificate of Ownership and Dedication.

"I hereby certify that I own or am the authorized representative of the owner(s) of the property shown and described herein, which is located in the subdivision jurisdiction of the Town of Selma. On behalf of myself and/or the owner(s) of the property, I hereby adopt this plan of subdivision.

<u> </u> Date	<u> </u> [Print Owner's name if different from signatory]
	<u> </u> [Print name and title, if any]"

- (ii) Certificate of Survey and Accuracy.

"State of North Carolina
Town of Selma

I, _____ certify that this map was drawn under my supervision from an actual survey map under my supervision (deed description recorded in Johnston County Registry at Book _____ Page _____); that the boundaries not surveyed are clearly indicated as shown as drawn from information found in Johnston County Registry at Book _____, Page _____; that the ratio of precision or positional accuracy as calculated is 1: _____; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal _____ day of _____, 2017.

Seal or Stamp

Professional Land Surveyor _____
License Number

- d) No preliminary plat is required for a public infrastructure subdivision.
- e) No filing fee or acreage fee is required for a public infrastructure subdivision.
- f) The Administrator shall review the final plat for compliance with the requirements of this chapter and the zoning ordinance.
- g) During this review, the Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Town Council). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.
- h) If the Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

"Certificate of Approval for Recording

"I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Selma, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County. This plat is null and void if not recorded at the Johnston County Deed Registry within thirty (30) days of the date written below.

<hr/> Date	<hr/> Planning and Economic Development Director Selma, North Carolina"
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- i) If the final plat is disapproved by the Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Administrator as part of the records; one (1) copy of the reasons and the other copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit the same for reconsideration by the Administrator or appeal the decision to the Town Council.
- j) If the final plat is approved by the Administrator, one (1) copy shall be retained by the subdivider, one (1) copy shall be retained by the Administrator and one (1) copy shall be filed with the Town Clerk.
- k) The subdivider shall file the approved final plat in the Johnston County Registry within thirty (30) days of the approval. Otherwise, such approval shall be null and void.

C. Cemetery Subdivision.

- 1. A cemetery subdivision is defined as a public or private cemetery created primarily for the purpose of interring human or animal remains on or in individual plots, crypts or niches.
- 2. The Planning Director/Administrator may approve cemetery subdivisions following Section 17-653 minor subdivision approval process, with the following changes:
 - a) The plat certifications shall be those required for Public Infrastructure Subdivisions, and
 - b) Sections 17-653B.1. and 2. do not apply.
- 3. The dimensional standards of Art IV Part 3 do not apply to individual lots created for the internment of human or animal remains or cremains. All other dimensional standards apply to cemetery subdivisions.

(Ord. of 2-14-17(2); Ord. Of 11-14-17(1))

Sec. 17-653. - Minor subdivision approval.

- A. The Planning Director shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section.
- B. Restrictions on the Use of Minor Subdivision Approval Process.
 - 1. The minor subdivision process may not be used a second time within three (3) years on any property less than one thousand five hundred (1,500) feet from the original property boundaries by anyone who had an option on or any legal interest in the original subdivision at the time the plat received preliminary or final plat approval. Furthermore, the minor subdivision process may not be used within three (3) years on any property less than one thousand five hundred (1,500)

feet from the original property boundaries by any subsequent owner, individual having an adoption on or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. If a subdivision is disqualified from the minor subdivision approval process by this subsection, the major approval process must be used instead.

2. Not more than a total of three (3) lots (or two (2) new lots plus the remainder of the original lot for a total of three (3) lots) may be created out of one (1) tract using the minor subdivision plat approval process, regardless of whether the lots are created at one (1) time or over an extended period of time.
- C. The applicant for minor subdivision plat approval, before complying with subsection D., shall submit a sketch plan (i.e., a preliminary plan) to the Planning Director for a determination of whether the approval process authorized by this section can be and should be utilized. The Planning Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five (5) years.
- D. Applicants for minor subdivision approval shall submit to the Planning Director two (2) copies of a plat conforming to the requirements set forth in Sections 17-655B. and C., except that a minor subdivision plat shall contain the following certificates in lieu of those required in Section 17-655:
1. Certificate of Ownership.

"I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Selma, North Carolina, and that I freely adopt this plan of subdivision."

_____	_____
Owner	Date

2. Certificate of Approval for Minor Subdivision.

"I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Selma Code of Ordinance Chapter 17, and that therefore this plat has been approved by the Town of Selma Planning & Economic Development Director, subject to its being recorded in the Johnston County Registry within thirty (30) days of the date below.

_____	_____
Planning & Economic Development Director	Date

3. A Certificate of Survey and Accuracy, in the form stated in Section 17-655C.
4. Notice to homeowners to connect to public utility system.

In subdivisions that provide a public water distribution system and/or a public sewage collection system, other than that provided by the Town of Selma, a note shall be placed on the final plat indicating that all homeowners are required to connect to the public utility system prior to the issuance of a certificate of occupancy for their principal structure.

5. Certification of approval of individual water supply and sewage disposal systems.

For lots utilizing an individual drinking water supply and/or sewage disposal system the following shall be placed on the final plat:

I hereby certify that the water supply, sewage disposal systems installed, or proposed for installation for the property shown on this plat, meet the necessary public health requirements.

County Health Officer or Authorized Representative

Date: _____

6. Plat Review Officer Certificate (as required by G.S. § 47-30.2).

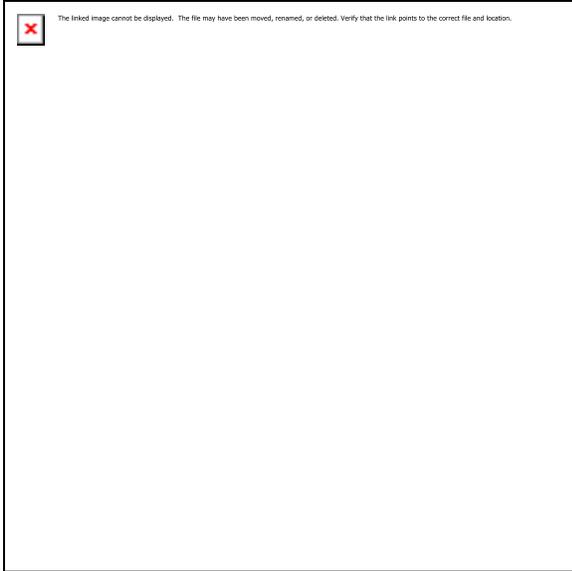
State of North Carolina

County of Johnston

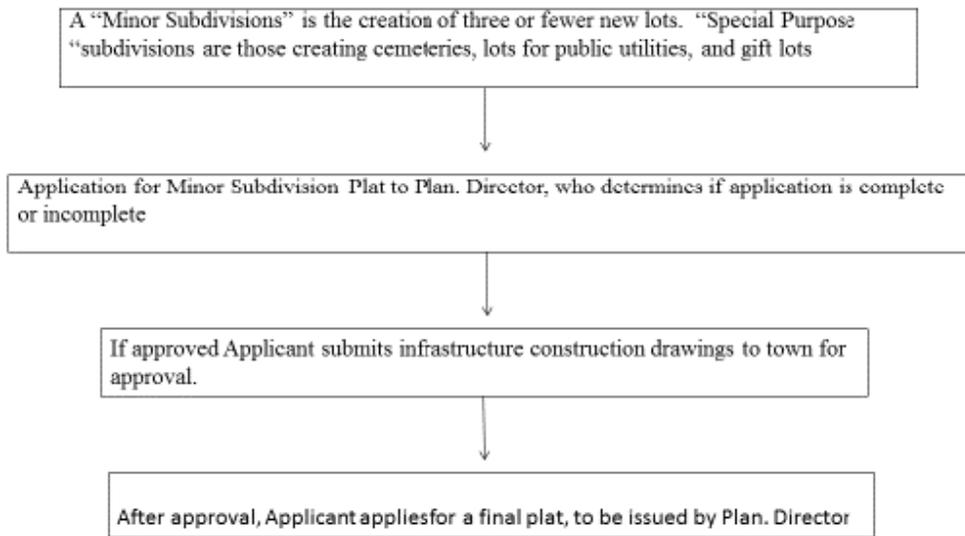
I, _____, Review Officer of Johnston County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ Review Officer	_____ Date
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- E. The Planning Director shall take expeditious action on an application for minor subdivision plat approval. However, either the Planning Director or the applicant may at any time refer the application to the major subdivision approval process.
- F. Subject to subsection E., the Planning Director shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 17-200 "Definitions," the proposed subdivision is disqualified as a minor subdivision pursuant to subsection B., or the application for subdivision fails to satisfy any other applicable requirement of this chapter.
- G. If the subdivision is disapproved, the Planning Director shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- H. Approval of any plat is contingent upon the plat being recorded in the Johnston County Registry within sixty (60) days after the date the Certificate of Approval for Minor Subdivision is signed by the Planning Director or his or her designee.
- I. Review of Decision. Any party aggrieved by the Planning Director's administrative decision to approve or disapprove a request for minor subdivision plat approval pursuant to this section may seek to have the decision reviewed by filing an action in Johnston County Superior Court seeking appropriate declaratory or equitable relief. Such action must be filed within the time frame specified in G.S. § 160A-1405(D))and Section 152-117 of this ordinance for petitions in the nature of certiorari.



FLOW CHART MINOR SUB-DIVISION and SPECIAL PURPOSE PLATS

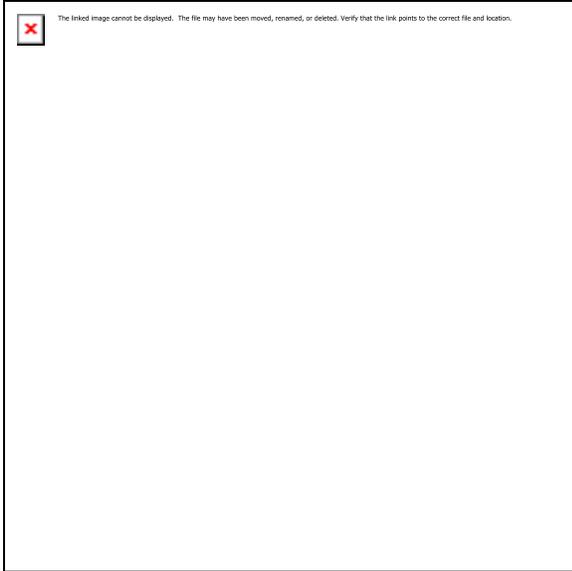


(Ord. of 2-14-17(2))

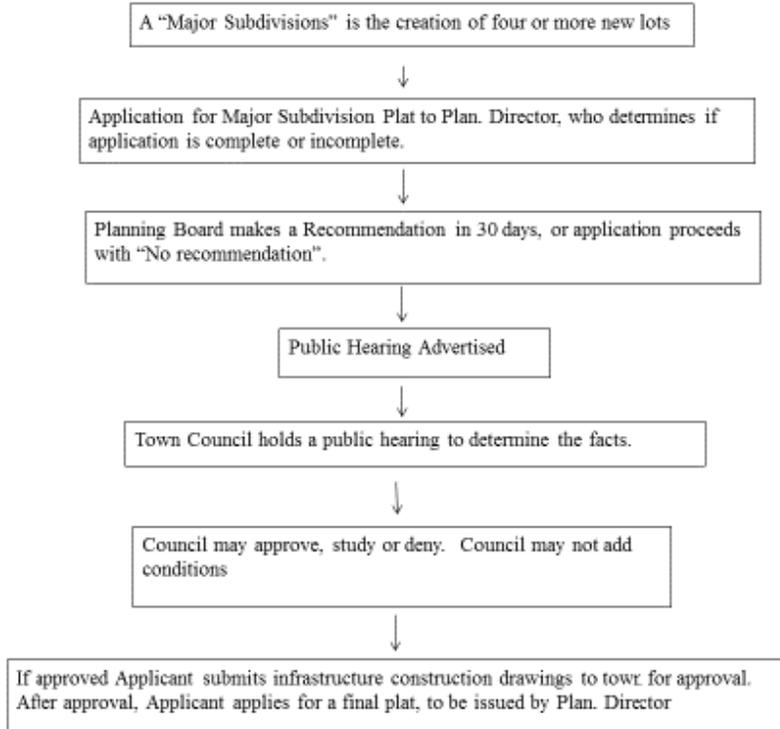
Sec. 17-654. - Major subdivision approval process.

- A. The applicant (or developer) shall submit a special use permit application with an application for a site plan/preliminary plat containing all the information listed in Appendix A. The Planning Director shall process the application as provided in Section 17-608 et seq.
- B. If the site plan and special use permit are approved by the Town Council following Planning Board review, then the applicant may submit construction drawings. Construction drawings will be reviewed by the Technical Review Committee. (See Article XVI, Administrative Mechanisms, Part 6. Staff.) The applicant/developer may install the infrastructure as provided on the site plan and special use permit and then apply for a final major subdivision plat.

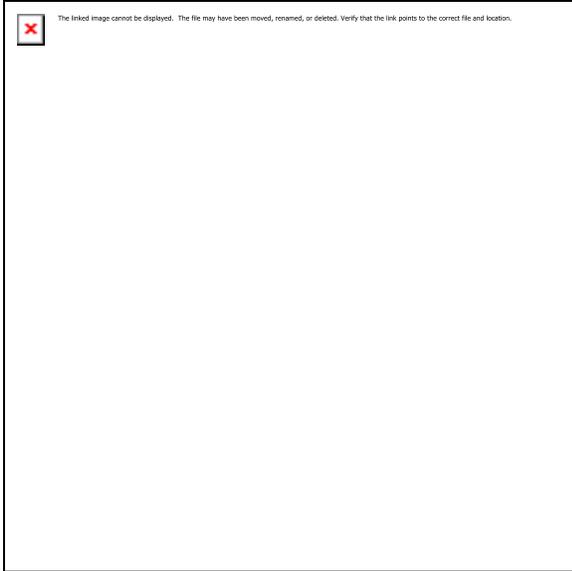
- C. Planning Director shall approve or disapprove major subdivision final plats. Notwithstanding the foregoing, if, at the time the special use permit was issued for the subdivision pursuant to Part 1 of this article, the Town Council requested that the final plat be reviewed by it, then the Town Council shall approve or disapprove the major subdivision final plat.
- D. The applicant for major subdivision plat approval shall submit to the Administrator the following: (i) one (1) copy of the plat either in original ink on polyester film (mylar) or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), (ii) two (2) paper copies of the plat, and (iii) one (1) digital copy of the plat. When more than one (1) sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one (1) inch equals not more than one hundred (100) feet.
- E. In addition to the appropriate endorsements, as provided in Section 17-655 "Endorsements on Major Subdivision Plats", the final plat shall contain the following information:
 - 1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Johnston County Registry;
 - 2. The name of the subdivision owner or owners;
 - 3. The township, county, and state where the subdivision is located;
 - 4. The name of the surveyor and his registration number and the date of survey;
 - 5. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph; and
 - 6. All the additional information required by G.S. § 47-30.
- F. The applicable final approval authority shall approve the proposed plat unless it is found that the plat or the proposed subdivision fails to comply with one (1) or more of the requirements of this ordinance or that the final plat differs substantially from the plans and specifications approved in conjunction with the special use permit that authorized the development of the subdivision.
- G. If the final plat is disapproved by the Planning Director, the applicant shall be furnished with a written statement of the reasons for the disapproval.
- H. Approval of a final plat is contingent upon the plat being recorded within sixty (60) days after the approval certificate is signed by the Planning Director or his or her designee.



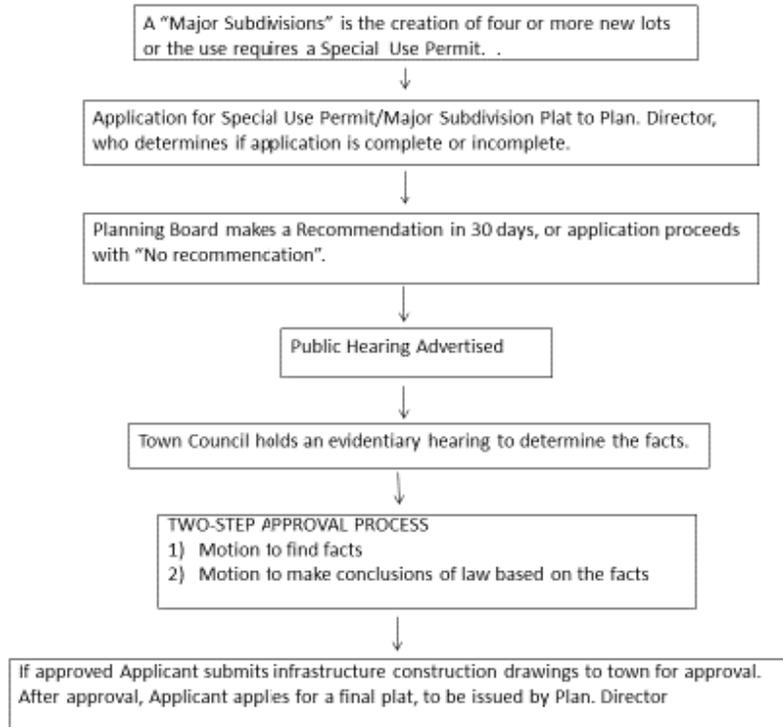
FLOW CHART MAJOR SUB-DIVISION PLAT Legislative



[Art. VI – Permits, Subdivision Plat Approval, Part 2. Major and Minor Subdivisions]



FLOW CHART MAJOR SUB-DIVISION PLAT Quasi Judicial



[Art. VI – Permits, Subdivision Plat Approval, Part 2. Major and Minor Subdivisions]

(Ord. of 2-14-17(2))

Sec. 17-655. - Endorsements on major subdivision plats.

All major subdivision plats shall contain the endorsements listed in subsections A., B. and C. herein and in Section 17-653D.6. The endorsements listed in subsection D. and F. shall appear on plats of all major subdivisions located outside the corporate limits of the Town but within the planning and development regulation jurisdiction. Endorsement E. shall be affixed only if the Town Council accepts

dedication. The following endorsements from Section 17-653 shall be affixed applicable: subsections D.4. and D.5. Other endorsements may be required to comply with State or Federal law.

A. Certificate of Approval.

I hereby certify that all streets shown on this plat are within the Town of Selma's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within twelve (12) months after the date below) has been assured by the posting of a performance guarantee and that the subdivision shown on this plat is in all respects in compliance with Selma Code of Ordinance Chapter 17, and therefore this plat has been approved by the Selma Town Council subject to its being recorded in the Johnston County Register of Deeds within sixty (60) days of the date below.

_____ Planning & Economic Development Director	_____ Date
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B. Certificate of Ownership and Dedication.

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Selma, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, greenways, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Selma Town Council in the public interest.

_____ Owner	_____ Date
_____ Notarized	

C. Certificate of Survey and Accuracy.

I, _____ certify that this map was drawn under my supervision from an actual survey map under my supervision (deed description recorded in Johnston County Registry at Book _____ Page _____); that the boundaries not surveyed are clearly indicated as shown as drawn from information found in Johnston County Registry at Book _____, Page _____; that the ratio of precision or positional accuracy as calculated is 1: _____; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal _____ day of _____, 2017.

Seal or Stamp

Professional Land Surveyor _____
 License Number

D. Division of Highways District Engineer Certificate.

I hereby certify that the public streets shown on this plat have been completed, or that a performance guarantee has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards of the N.C. State Department of Transportation for acceptance of subdivision streets on the State highway system for maintenance.

_____	_____
District Engineer	Date

E. Optional Acceptance of Offer of Dedication

NOTE: To be used only if Town Council accepts the offer of dedication at the time the final plat is approved.

"I hereby certify that all streets and sidewalks, parks and greenways, potable water, sanitary sewer, and/or stormwater infrastructure (or any other easements, lots and/or infrastructure) shown on this plat were accepted by the Town Council by a resolution adopted at the meeting held on ____, 2____".

_____	_____
Town Clerk	Date

F. Optional Certification that Town of Selma Ordinances Apply

NOTE: To be used only where a (i) portion of a property lies outside of the Town's jurisdiction and a portion of the property is within the Town's jurisdiction and (ii) the property owner wishes to have the entire property developed under the Town's ordinances and standards. The Town must enter a mutual agreement with the governing body of the adjacent jurisdiction and obtain the written consent of the landowner in order to hold exclusive planning and development regulation jurisdiction for the entire property.

"We hereby certify that the application or enforcement of the Town's ordinances to the property shown on this plat is not under coercion or otherwise based upon any representation by the Town that the Town's approval of any land use planning would be withheld from the property owner without the application or enforcement of the Town's ordinance outside the territorial jurisdiction of the Town.

_____	_____
Planning & Economic Development Director	Date

_____	_____
Owner	Date

(Ord. of 2-14-17(2); Ord. Of 11-14-17(1))

Sec. 17-656. - Plat approval not acceptance of dedication offers.

Approval of a plat does not constitute acceptance by the town of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. The town may, however, accept any such offer of dedication by resolution of the Town Council or by exercising control over and maintaining such facilities.

(Ord. of 2-14-17(2))

Sec. 17-657. - Protection against defects.

- A. Acceptance of Facilities and Improvements Prior to Completion. When, pursuant to Section 17-615 "Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use Permits," occupancy, use or sale is allowed before the completion of any engineered stormwater control facilities or "best management practices" (BMPs) intended for dedication, then the performance guarantee that is posted pursuant to Section 17-615 shall warrant that any defects in such improvements or facilities that appear within one (1) year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
1. Whenever any engineered stormwater control facilities or "best management practices" (BMPs) intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall provide a performance guarantee to the permit-issuing authority to guarantee that he or she will correct all defects in such facilities or improvements that occur within one (1) year after the offer of dedication of such facilities or improvements is accepted.
 2. An architect or engineer retained by the developer shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the Town of the offer of dedication of such facilities or improvements.
- B. Defects. For purposes of this section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the Town to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this ordinance.

(Ord. of 2-14-17(2))

Sec. 17-658. - Maintenance of dedicated areas until acceptance.

As provided in Article V., Design Standards, Part 4., Section 17-592, "Maintenance of Common Areas and Facilities," all facilities and improvements, including streets, with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

(Ord. of 2-14-17(2))

Sec. 17-659. - Other subdivision requirements.

A. Suitability of Land for Subdivision.

1. Land which has been determined by the permit-issuing authority, based on engineering surveys or other expert reports, to pose an ascertainable danger to life or property because of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider demonstrates that the necessary measures to eliminate said dangers will be taken. The permit-issuing authority may accept a sealed report from an engineer or other qualified expert as conclusive evidence of the adequacy of any proposed measure.
2. Land that has been used for disposal of solid waste shall not be subdivided unless tests by the Johnston County Health Department, a structural engineer or a soils expert determine that the land is suitable for the purpose proposed.

B. Consistent with Article X, "Flood Damage Prevention," all subdivision proposals shall minimize the likelihood of property damage from flooding and dangerous conditions that result from flooding.

C. Blocks shall have sufficient width to allow for two (2) tiers of lots of minimum depth except where single tier lots are necessary to separate residential development from vehicular through traffic; or in nonresidential subdivisions, planned developments and mixed use developments, to separate a residential area from another type of use; or where abutting a body of water.

(Ord. of 2-14-17(2))

Secs. 17-660—17-670. - Reserved.

PART 3. - VESTED RIGHTS

Sec. 17-680. - Vested rights.

A. Purpose. The purpose of this section is to implement the provisions of G.S. § 160D-108 and 160D-108.1, pursuant to which a statutory zoning vested right is established upon the approval of a site-specific vesting plan.

B. Definition. For the purposes of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

1. Approval Authority. The Town Council, Planning Board, Board of Adjustment or other board or official designated by ordinance or this section as being authorized to grant the specific zoning or land use permit or approval that constitutes a site-specific vesting plan.
2. Site-Specific Vesting Plan. A plan of land development submitted to the town for purposes of obtaining one (1) of the following zoning or land use permits or approvals: special use permit, conditional zoning approval, and subdivision approval. Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site-specific vesting plan.

3. Zoning Vested Right. A right pursuant to G.S. § 160D-108 and 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific vesting plan.

C. Establishment of a Zoning Vested Right.

1. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Town Council, Planning Board, the Board of Adjustment or other board or official designated by ordinance or this section of a site-specific vesting plan following notice and public hearing. For the purposes of this section, approval of a conditional zoning district shall constitute the approval of a site-specific vesting plan.
2. The approving authority may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. (The contents of site specific development plans are listed in Appendix A.)
3. Notwithstanding subsections 1. and 2. above, approval of a site-specific vesting plan with the conditions that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
4. A site-specific vesting plan shall be deemed approved upon the effective date of the approval authority's action or ordinance related thereto.
5. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the town, including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this section.
6. A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

D. Approval Procedures and Approval Authority.

1. Except as otherwise provided in this subsection, an application for site specific vesting plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.
2. Following approval or conditional approval of a site-specific vesting plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, if such reviews and approvals are not inconsistent with the original approval.
3. Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of such approval or other town ordinances.

E. Duration.

1. A zoning right that has been vested as provided in this section shall remain vested for a period of two (2) years unless specifically and unambiguously provided otherwise pursuant to subsection 2. below. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the approval authority at the time the amendment or modification is approved.
2. Notwithstanding the provisions of subsection E.1., above, the approval authority may provide that rights shall be vested for a period exceeding two (2) years, but not exceeding five (5) years, where warranted considering all relevant circumstances including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic

cycles and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site-specific vesting plan is approved.

3. Multi-phased developments of 25 acres or more are vested with the land development regulations in place at the time a site plan approval is granted for the initial phase of the development and remain vested for a period of seven years from the time site plan approval is granted.
 4. Upon issuance of a building permit, the expiration provisions of G.S. § 160D-1111 and the revocation provisions of G.S. § 160D-403(F) and 160D-1115 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.
- F. Termination. A zoning right that has been vested as provided in this section shall terminate:
1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
 2. With the written consent of the affected landowner;
 3. Upon findings by the Town Council, by ordinance after notice and a legislative public hearing, that natural or manmade hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as contemplated in the site-specific vesting plan;
 4. Upon payment to the affected landowner of compensation for all costs, expenses and other losses incurred by the landowner including, but not limited to, all fees paid in consideration of financing and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property, which is caused by such action;
 5. Upon findings by the Town Council, by ordinance after notice and legislative hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site-specific vesting plan; or
 6. Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific vesting plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a legislative hearing.
- G. Voluntary Annexation. A petition for annexation filed with the town under G.S. §§ 160A-31 or 160A-58.1 shall contain a signed statement declaring whether any zoning vested right with respect to the properties subject to the petition has been established under G.S. § 160D-108 and 160D-108.1. A statement that declares that no zoning vested right has been established under G.S. §§ 153A-344.1 or 160A-385.1 shall be binding on the landowner, and any such zoning vested right shall be terminated.
- H. Limitations. Nothing in this section is intended or shall be deemed to create any vested right other than those established pursuant to G.S. §§ 160D-108 and 160D-108.1.
- I. Repealer. In the event that G.S. §§ 160D-108 and 160D-108.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.
- J. Effective Date. This section shall be effective March 31, 2017 and shall only apply to site specific development plans approved on or after March 31, 2017.

(Ord. of 2-14-17(2))

Sec. 17-681. – Permit Choice.

- A. Purpose. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development

regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

- B. **Applicability.** This section applies to all development permits issued by the State and by local governments.
- C. **Conditions.** If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.
- D. **Multiple Permits for Development Projects.** Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.
- E. **Expiration.** If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the local or State government for a period of six consecutive months or more, the application review is discontinued and the development regulations in effect at the time permit processing is resumed apply to the application.
- F. **Definitions.** For purposes of this section, the following definitions apply:
 - 1. **Development.** – Without altering the scope of any regulatory authority granted by statute or local act, any of the following:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - b. Excavation, grading, filling, clearing, or alteration of land.
 - c. The subdivision of land as defined in G.S. 160D-802.
 - d. The initiation of substantial change in the use of land or the intensity of the use of land.

2. Development permit. – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:
 - a. Zoning permits.
 - b. Site plan approvals.
 - c. Special use permits.
 - d. Variances.
 - e. Certificates of appropriateness.
 - f. Plat approvals.
 - g. Development agreements.
 - h. Building permits.
 - i. Subdivision of land.
 - j. State agency permits for development.
 - k. Driveway permits.
 - l. Erosion and sedimentation control permits.
 - m. Sign permit.

 3. Land development regulation. – Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:
 - a. Unified development ordinance.
 - b. Zoning regulation, including zoning maps.
 - c. Subdivision regulation.
 - d. Erosion and sedimentation control regulation.
 - e. Floodplain or flood damage prevention regulation.
 - f. Mountain ridge protection regulation.
 - g. Stormwater control regulation.
 - h. Wireless telecommunication facility regulation.
 - i. Historic preservation or landmark regulation.
 - j. Housing code. (2014-120, s. 16(a); 2015-246, s. 5(a); 2019-111, s. 1.1; 2020-25, s. 2.)

 4. Definition of Submitted Application. A submitted application is defined as one that is complete and ready to undergo the development review process at the time of submittal.
- G. Appeals. Any person aggrieved by the failure of a State agency or local government to comply with this section or G.S. 160D-108(b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the offending agency or local government, and the court may issue that order. Actions brought pursuant to any of these sections shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

Secs. 17-68217-699. - Reserved.

ARTICLE X. - FLOOD DAMAGE PREVENTION

Sec. 17-1000. - Statutory authorization, findings of fact, purpose and objectives.

- A. Statutory Authorization. The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7 and 11 of Chapter 160D; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Selma, North Carolina, does ordain as follows:

B. Findings of Fact.

1. The floodprone areas within the planning and development regulation jurisdiction of the Town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in floodprone areas of uses vulnerable to floods or other hazards.

C. Statement of Purpose. It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within floodprone areas by provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives. The objectives of this ordinance are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in floodprone areas;
6. Help maintain a stable tax base by providing for the sound use and development of floodprone area;
7. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area;
8. Minimize damage to private and public property due to flooding;

9. Make flood insurance available to the community through the National Flood Insurance Program; and
10. Maintain the natural and beneficial functions of floodplains.

(Ord. of 2-14-17(2); Ord. of 3-13-18(1))

Sec. 17-1001. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. In the event of conflict, the definitions found in Article II control in all uses except under this article.

Accessory Structure (Appurtenant Structure): A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building): An extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal: A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding: A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: See Special Flood Hazard Area (SFHA).

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building: See Structure.

Chemical Storage Facility: A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design Flood: See "Regulatory Flood Protection Elevation."

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity: Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM): The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal: As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Elevated Building: A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment: The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure: Any building and/or structure for which the "start of construction" commenced before September 14, 1999.

Existing Manufactured Home Park or Manufactured Home Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM): An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated: This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance: The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (See also DFIRM)

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood-Prone Area: See Floodplain.

Flood-resistant material: Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but

dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Flood Zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain: Any land area susceptible to being inundated by water from any source.

Floodplain Administration: The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit: Another name for a Zoning Permit, which is the type of permit required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations: This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway Encroachment Analysis: An engineering analysis of the impact a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries, base flood elevations, and floodway surcharge elevations. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Freeboard: The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Regulatory Flood Protection Elevation.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous Waste Management Facility: As defined in G.S. ch. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG): The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the 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 local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. **Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. **Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck: Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG): The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-Encroachment Area: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Post-FIRM: Construction or other development for which the "start of construction" occurred on or after October 20, 2000, the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM: Construction or other development for which the "start of construction" occurred before October 20, 2000, the effective date of the initial Flood Insurance Rate Map.

Principally Above Ground: That at least fifty-one (51) percent of the actual cash value of the structure is above ground.

Public Safety and/or Nuisance: Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV): A vehicle, which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- E. Is fully licensed and ready for highway use.

Reference Level: The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, A99 or AO.

Regulatory Flood Protection Elevation: The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

Remedy a Violation: To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid Waste Disposal Facility: Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

Solid Waste Disposal Site: As defined in G.S. § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA): The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether that alteration affects the external dimensions of the building.

Structure: A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage: Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 subsection E. of this ordinance.

Technical Bulletin and Technical Fact Sheet: A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance: A grant of relief from the requirements of this ordinance.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles IV, V, VI and XIV is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE): The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. of 2-14-17(2); Ord. of 3-13-18(1))

Sec. 17-1002. - General provisions.

- A. Lands to Which This Ordinance Applies. This ordinance shall apply to all Special Flood Hazard Areas within the planning and development regulation jurisdiction of the Town of Selma.
- B. Basis for Establishing the Special Flood Hazard Areas. The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 20, 2018 for Johnston County and associated DFIRM panels, including any digital data developed as part of FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Selma are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.
- C. Establishment of Zoning Permit. A Zoning Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 17-1002B. of this ordinance.
- D. Compliance. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
- G. Considered as minimum requirements;
- H. Liberally construed in favor of the governing body; and
- I. Deemed neither to limit nor repeal any other powers granted under State statutes.
- J. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

- K. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special use permits, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this Flood Damage Prevention Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Selma from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 2-14-17(2); Ord. of 3-13-18(1))

Sec. 17-1003. - Administration.

- A. Designation of Floodplain Administrator. The Director of Planning and Economic Development, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.
- B. Zoning Permit for Floodplain Development and Certification Requirements.
1. Application Requirements. Application for a Zoning Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - 1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - 2) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 17-1002B., or a statement that the entire lot is within the Special Flood Hazard Area;
 - 3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 17-1002B.;
 - 4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 17-1002B.;
 - 5) The Base Flood Elevation (BFE) where provided as set forth in Section 17-1002B.; Section 17-1003C.; or Section 17-1004D.;
 - 6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - 7) The certification of the plot plan by a registered land surveyor or professional engineer.
 - b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - 1) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - 2) Elevation in relation to NAVD 1988 any non-residential structure in Zones A, AE, AH, AO, A99 will be flood proofed; and
 - 3) Elevation in relation to NAVD 1988 any proposed utility systems will be elevated or flood proofed.

- c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34 (7/12)) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - 1) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - 2) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 17-1004B.4.c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
 - e) Usage details of any enclosed areas below the lowest floor.
 - f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 17-1004B.6. and 7. of this ordinance are met.
 - i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
2. Permit Requirements. The Zoning Permit shall include, but not be limited to:
- a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 17-1002B.
 - c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 - e) All certification submittal requirements with timelines.
 - f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
3. Certification Requirements.
- a) Elevation Certificates.
 - 1) An Elevation Certificate (FEMA Form 086-0-33 (7/12)) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder

prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- 2) An Elevation Certificate (FEMA Form 086-0-33 (7/12)) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - 3) A Construction Elevation Certificate (FEMA Form 086-0-33 (7/12)) is required after construction is completed and prior to Certificate of Zoning Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Zoning Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Zoning Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.
- b) Floodproofing Certificate. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34 (7/12)), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 17-1004B.3.b).
 - d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the

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

- e) Certification exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - 1) recreational vehicles meeting requirements of Section 17-1004B.6.a);
 - 2) temporary structures meeting requirements of Section 17-1004B.7.; and
 - 3) accessory structures less than one hundred fifty (150) square feet meeting requirements of Section 17-1004B.8.
4. Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Johnston County Building Official, shall:
 - a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.
- C. Duties and Responsibilities of the Administrator. The Administrator shall perform, but not be limited to, the following duties:
 1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
 2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 3. Notify adjacent communities and the N.C. Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
 5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 17-1004F. are met.
 6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 17-1003 B.3.

7. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with the provisions of 17-1003.B.3.
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Sec. 1003.B.3.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sections 17-1003B.3. and 17-1004B.2.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section 17-1002B., obtain, review, and reasonably utilize any BFE data, along with floodway or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 17-1004D.2.b), in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 17-1002B., obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended and G.S. Ch. 132.
15. Make on-site inspections of work in progress. As the work, pursuant to a floodplain development permit progresses, the Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Administrator may order the work to be immediately stopped according to the provisions of Section 17-1503. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke zoning permits for floodplain development as required. The Administrator may revoke the zoning permit under the provisions of Section 17-1505. Any zoning permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Administrator and each member of the planning department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Section 17-1003D.
20. Review, provide input, and make recommendations for variance requests.

21. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 17-1002.B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
 22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- D. Corrective Procedures. When the Administrator finds violations of applicable State and local laws, the procedures found in Article XV, Enforcement and Review, shall be followed.
- E. Variance Procedures.
1. The Zoning Board of Adjustment as established by Article XVI, Part 3 of this chapter, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this article. The appeal board shall follow the standards and procedures of Article XIV Appeals, Variances, Reasonable Accommodations, , Interpretations and Evidentiary Hearing Procedures, of this chapter.
 2. Variances may be issued for:
 - a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b) Functionally dependent facilities if determined to meet the definition as stated in Section 17-1001 of this article, provided provisions of Sections 17-1003E.9.b), c), and e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c) Any other type of development, provided it meets the requirements of this article.
 3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a) The danger that materials may be swept onto other lands to the injury of others;
 - b) The danger to life and property due to flooding or erosion damage;
 - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity to the facility of a waterfront location as defined under Section 17-1001 of this ordinance as a functionally dependent facility, where applicable;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The compatibility of the proposed use with existing and anticipated development;
 - h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4. A written report addressing each of the above factors shall be submitted with the application for a variance.
5. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
8. Conditions for Variances:
 - a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d) Variances shall only be issued prior to zoning or other development permit approval.
 - e) Variances shall only be issued upon:
 - 1) A showing of good and sufficient cause;
 - 2) A determination that failure to grant the variance would result in exceptional hardship; and
 - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:
 - a) The use serves a critical need in the community.
 - b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - d) The use complies with all other applicable Federal, State and local laws.
 - e) The Town has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

(Ord. of 2-14-17(2); Ord. of 3-13-18(1))

Sec. 17-1004. - Provisions for flood hazard reduction.

- A. General Standards. In all Special Flood Hazard Areas, the following provisions are required:
1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
 3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
 4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located so as to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
 - a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
 9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 17-1003E.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 17-1003B.3.
 10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
 11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law,

including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
 15. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.
- B. Specific Standards. In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 17-1002B., or Section 17-1004D., the following provisions, in addition to the provisions of Section 17-1004A., are required:
1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 17-1001 of this ordinance.
 2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 17-1001 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 17-1004G.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 17-1003B.3., along with the operational plan and the inspection and maintenance plan.
 3. Manufactured Homes.
 - a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Section 17-1001 of this ordinance.
 - b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 17-1004B.4.
 - d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the Johnston County Emergency Management Coordinator.
 4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for

parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- b) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation;
- c) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - 1) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - 2) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - 3) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - 4) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - 5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - 6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements.

- a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - 1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - 2) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - 1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - 2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which

equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

- 1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - 2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
6. Recreational Vehicles. Recreational vehicles shall either:
- a) Temporary Placement.
 - 1) Be on site for fewer than one hundred eighty (180) consecutive days; or
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions)
 - b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
 - d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - b) Accessory structures shall not be temperature-controlled;
 - c) Accessory structures shall be designed to have low flood damage potential;
 - d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e) Accessory structures shall be firmly anchored in accordance with the provisions of Section 17-1004A.1;

- f) All service facilities such as electrical shall be installed in accordance with the provisions of Section 17-1004A.4; and
- g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 17-1004B.4.c).

An accessory structure with a footprint less than one hundred fifty (150) square feet or that is a minimal investment of three thousand dollars (\$3,000.00) or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 17-1004B.2. Elevation or floodproofing certifications in accordance with Section 17-1003B.3. are required for all other accessory structures exceeding the minimum size or minimal investment.

- 9. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation, securely attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 17-1004B.2. shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - 1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - 2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- 10. Other Development. Prior to the issuance of a zoning permit for development of a temporary structure in a floodplain, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 17-1004F. of this ordinance.
 - b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 17-1004F. of this ordinance.
 - c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

11. Reserved.
12. Standards for Floodplains Without Established Base Flood Elevations. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article X, Section 17-1002B., where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 17-1004A., shall apply:
 - a) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - b) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - 1) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 17-1004A. and B.
 - 2) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 17-1004B. and F.
 - 3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 17-1002B. and utilized in implementing this ordinance.
 - 4) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 17-1001. All other applicable provisions of Section 17-1004B. shall also apply.
- E. Standards for Riverine Floodplains With Base Floor Elevations But Without Established Floodways or Non-Encroachment Areas. Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
 1. Standards of Sections 17-1004A. and B.; and
 2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- F. Floodways and Non-Encroachment Areas. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 17-1002B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 17-1004A. and B., shall apply to all development within such areas:
 1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

- a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.
- 2. If Section 17-1004F.1. is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- 3. Manufactured homes may be permitted provided the following provisions are met:
 - a) The anchoring and the elevation standards of Section 17-1004B.3.; and
 - b) The encroachment standards of Section 17-1004F.1.
- G. Standards for Areas of Shallow Flooding (Zone AO). Located within the Special Flood Hazard Areas established in Section 17-1002B., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A. and B., all new construction and substantial improvements shall meet the following requirements:
 - 1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
 - 2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 17-1004G.1. so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 17-1003B.3. and Section 17-1004B.2.
 - 3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. of 2-14-17(2); Ord. of 3-13-18(1))

Sec. 17-1005. - Legal status provisions.

- A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance. This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted September 14, 1999 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Selma enacted on September 14, 1999, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Johnston County is September 30, 1983.

The date of the initial Flood Damage Prevention Ordinance for the Town of Selma is is September 14, 1999.

- B. Effect upon Outstanding Floodplain Development Permits. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her

authorized agents before the time of passage of this Flood Damage Prevention Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

- C. Severability. If any section, clause, sentence, or phrase of the Flood Damage Prevention Ordinance, is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.
- D. Effective Date. The Flood Damage Prevention Ordinance, as amended herein, shall become effective March 13, 2018.

(Ord. of 2-14-17(2); Ord. of 3-13-18(1))

Secs. 17-1006—17-1099. - Reserved.

ARTICLE XI. - SIGNS

Sec. 17-1100. - Purpose.

The purposes of this section are as follows:

- A. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.
- B. To promote and maintain visually attractive residential, agricultural, retail, commercial, historic, open space and industrial districts.
- C. To provide for reasonable and appropriate communication and identification for on-premises signs in commercial and industrial districts to foster successful businesses.
- D. To encourage the use of creative and visually attractive signs.
- E. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian, bicycle and vehicular environment.
- F. To protect property values.
- G. To promote public health, safety, and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.
- H. To enable maintenance of rights-of-way and public property.
- I. To protect and preserve the aesthetic quality and physical appearance of the town.

(Ord. of 2-14-17(2))

Sec. 17-1101. - Permit required, permitting procedures.

- A. No sign shall be constructed, erected, placed or replaced until a zoning permit has been issued by the administrator. In addition to the procedures and requirements of Article VI, Part 1, the applicant shall submit a sign plan showing the location, size, height, style and method of illumination (if any). No permit shall be issued by the Administrator until the applicant can provide the proper state permits have been obtained from the NCDOT (if required).
- B. Common Sign Plan. Where multiple building-mounted signs of the same type (including wall, ground and awning signs) are proposed for display on a building or group of buildings situated upon the same property or within a common development, such as a shopping center, the owner or developer shall

submit a common signage plan that details a uniform approach to the permitted sign material(s), type of illumination and style of signage. Following the submission of the common signage plan, all signs installed within the area covered by the plan shall conform to the submitted plan. Common signage plans may only be altered following their submission if the original applicant or their successor agrees to modify all affected signage within the area covered by the plan to meet the new standard.

- C. Revocation of Permit. Any valid permit issued for a lawful outdoor advertising structure may be revoked by the planning director or town council for any one (1) of the following reasons:
1. Mistake of material facts by the issuing authority for which had the correct facts been made known, the zoning permit in question would not have been issued.
 2. Issuance of a permit based on an error of law.
 3. Misrepresentation of material facts by the applicant on the zoning permit application.
 4. Failure to pay all applicable fees.
 5. Failure to construct a sign and affix the permanent permit tag within one hundred eighty (180) days from the date of issuance of the zoning permit.
 6. Any alteration of a sign for which a permit has previously been issued which would cause that sign structure to fail to comply with the provisions of this chapter or the N.C. General Statutes or Administrative Code (if applicable).
 7. Any alteration of a nonconforming sign not made in accordance with the provisions of Article XIII, "Nonconformities."
 8. Unlawful destruction of trees or shrubs or other growth located on a right-of-way to increase or enhance the visibility of a sign. This includes destruction of plants without authorization from the Town of N.C. D.O.T.
 9. Unlawful violation of the control of access on interstate, freeway and other controlled-access facility. Failure to maintain a sign such that it reaches a state of dilapidation, disrepair or disuse. Such determination shall be made by the Town.
 10. Abandonment, discontinuance or destruction of a sign.

(Ord. of 2-14-17(2))

Sec. 17-1102. - Definitions.

As used in this article and chapter, the following words, except where the context clearly indicates otherwise, are defined as follows. Where a sign type could be considered a subset of another type of sign, the most specific definition will control the regulatory standards that are applied. The definitions in this section are not repeated in Article II.

- A. **Air-Activated Signs, Moving Signs:** Any temporary sign which in part or in total rotates, revolves or other-wise is in motion that is not a flag or temporary blade sign.
- B. **Animated Signs:** Any electronic sign displaying flashing, intermittent or color changing light or lighting.
- C. **Awning:** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
- D. **Balloon Signs, Inflatable Signs:** Any air or gas-filled balloon, figure, or object attached to a definite or fixed location.
- E. **Banner Signs:** A temporary sign made of flexible materials and supported along more than one (1) side or at two (2) or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

- F. **Blade Signs, temporary:** A type of air-activated temporary sign, mounted on a pole perpendicular to the normal flow of traffic.
- G. **Blade Signs, Projecting Signs, permanent:** A permanent projecting sign mounted on a building facade that is perpendicular to the normal flow of traffic.
- H. **Canopy:** An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by one or more stanchions attached to the ground. It is comprised of a rigid structure over which a covering is attached. If the stanchions are attached to the building, "Canopy" is indistinguishable from "Awning."
- I. **Canopy Sign:** A wall sign that is located on the roof, fascia, soffit or ceiling of a canopy.
- J. **Cornerstone:** A ceremonial masonry stone (block) or replica set into a prominent location in the exterior wall of a building. The cornerstone is considered a structural component of the building and is not a sign.
- K. **Electronic Changeable Message:** A permanent electronic sign with changeable copy, is programmable, and has a digital display.
- L. **Feather Flags:** See "blade signs, temporary."
- M. **Flags:** Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. May include federal, state and local flags as well as nongovernmental flags, but does not include temporary blade signs otherwise known as feather flags.
- N. **Freestanding Permanent Signs:** Any permanent sign supported wholly or in part by some structure other than a building. Pole signs and ground-mounted signs are types of permanent signs.
- O. **Glare:** The sensation produced by luminance within the visual field that are sufficiently greater than the luminance to which eyes are adapted which causes loss in vision or visibility.
- P. **Government Signs:** A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
- Q. **Ground Sign:** A sign entirely attached to and supported by the earth. Ground signs include pole signs and monument signs. Ground signs may be temporary or permanent.
- R. **Marquee:** A permanent, roofed structure attached to and supported by the building and projecting over public property. Marquees are part of the building. They are distinct from canopies and awnings as those structures are attached to the building but are not structurally part of the building.
- S. **Marquee Sign:** A wall sign mounted flat against the front face of the marquee and projecting no more than twelve (12) inches from the face.
- T. **Monument Signs:** A freestanding sign where the base of the sign structure is on the ground. A pole mounted sign where the sign is within twelve (12) inches of adjacent grade shall be considered a monument sign.
- U. **Moving Signs:** See air-activated signs and animated signs.
- V. **Off-Premises Sign:** A sign on a property on which there is no building.
- W. **Outdoor Advertising Sign:** Any permanent outdoor sign which is designed, intended or used to advertise or inform which is visible from any place on the main-traveled way of Interstate highway 95 or U.S. Highway 70. Such signs are also known as billboards. See G.S. § 136-128

- X. **People Sign, Human Billboard, Sign Walker, Sign Twirler:** A person who applies a sign to his or her person, or costume, who wears a sandwich board sign, who carries a sign, and who may wear a costume.
- Y. **Pole Signs:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is eight (8) feet or more above grade.
- Z. **Political Sign:** Any sign that advocates for political action. The term does not include a commercial sign.
- AA. **Portable Message Sign:** A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.
- BB. **Projected Image Signs:** Visual images projected against structures by an external projection device, typically visible at night.
- CC. **Projecting Signs:** See "Blade sign, projecting signs, permanent."
- DD. **Roof Signs:** Signs placed on or above rooflines of buildings. Permanent building projections below the top roofline of a building are considered marquees. Signs attached below the roofline on a projection are considered canopies, awnings, or marquee signs.
- EE. **Sandwich Board Sign, A-Sign:** A type of portable message sign constructed in such a manner as to form an "A".
- FF. **Sign:** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs not exposed to view from a street or public access area are not signs for the purpose of these regulations.
- GG. **Snipe Signs:** Signs placed upon or attached to any curb, sidewalk, utility pole, post, fence, hydrant, bridge, another sign or other surface, bench, street light, mailbox, or natural objects such as trees or rocks, located on, over or across any public street or public property.
- HH. **Temporary Signs:** Signs for which the entire structure is temporary or portable. Signs not intended as a permanent installation.
- II. **Utility Pole Signs:** A type of snipe sign, typically made of cardboard, attached to public utility such as light poles.
- JJ. **Vehicle Message Sign:** A type of portable message sign that is attached to or painted on a vehicle that is parked on or adjacent to any property where the principal use of the vehicle is to display the sign and not to be used for transportation.
- KK. **Wall Signs:** A sign mounted flat against and projecting no more than twelve (12) inches from the wall. Canopy, awning and marquee signs are considered to be types of wall signs.
- LL. **Window Signs:** A sign affixed to the interior or exterior of a window, excluding merchandise to attract the attention of persons outside the building.
- MM. **Yard Signs** (also known as road signs, lawn signs, election signs, real estate signs): A temporary sign generally designed with metal or wood supports designed to be inserted into a grassed or dirt surface.
- NN. **Examples of Temporary Signs:**

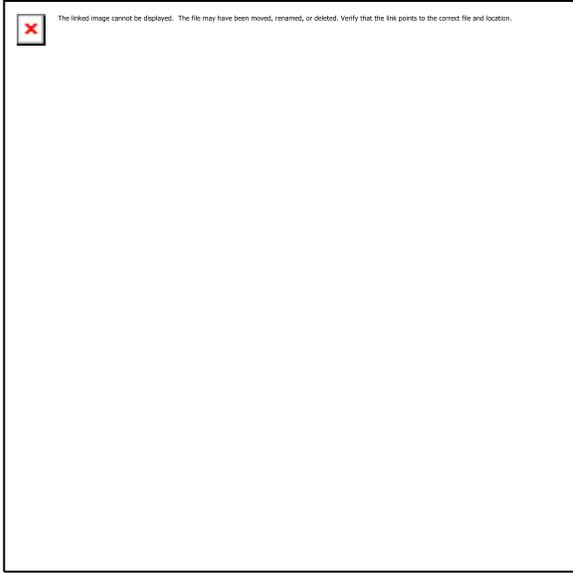


Figure 1 Blade Signs, Feather Flags



Figure 2 Sandwich Board Sign



Figure 3 Portable Sign

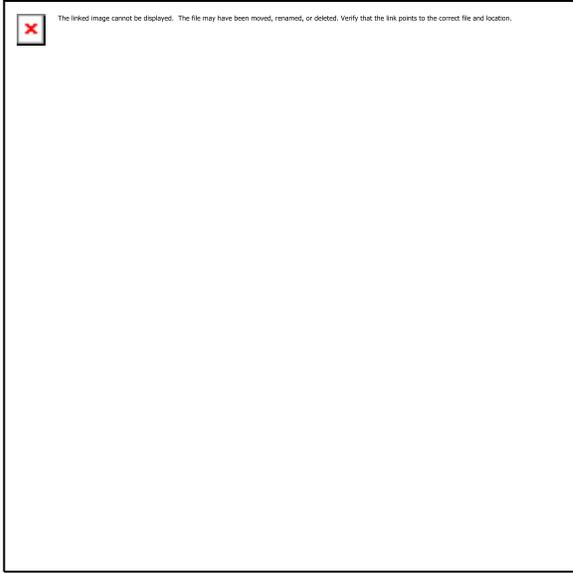


Figure 4 Banner

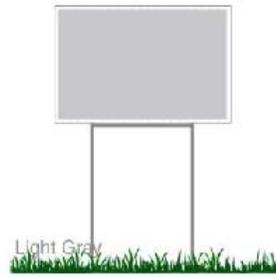


Figure 5 Lawn/Yard Sign

OO. Examples of Permanent Sign Designs:

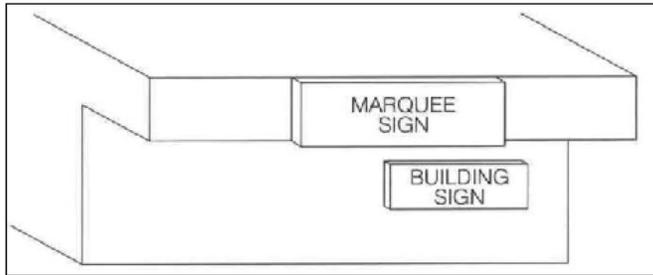
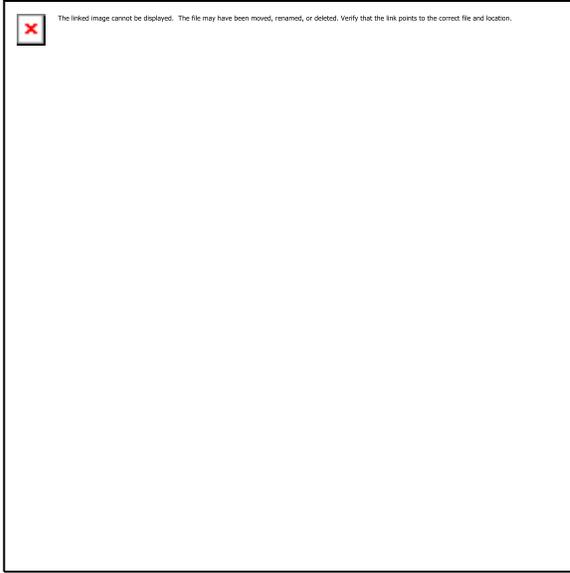


Figure 1 Building Signs

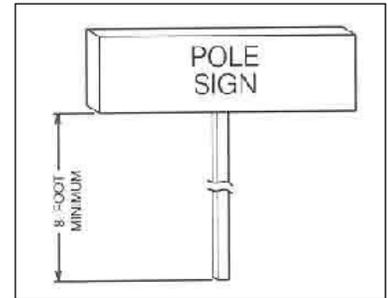


Figure 2 Pole Sign

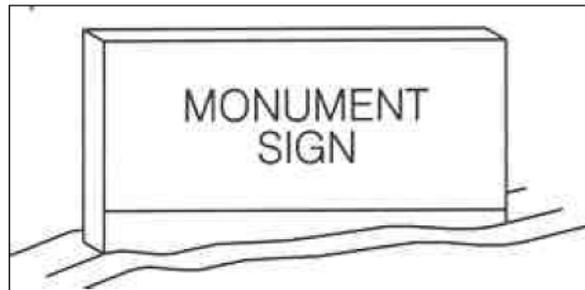


Figure 3 Monument/Ground Sign

(Ord. of 2-14-17(2))

Sec. 17-1103. - Substitution clause.

Signs containing noncommercial speech are permitted anywhere that commercial signs are permitted, subject to the same regulations applicable to such signs.

(Ord. of 2-14-17(2))

Sec. 17-1104. - Severability clause.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

(Ord. of 2-14-17(2))

Sec. 17-1105. - Prohibited signs.

Unless such signs serve a governmental purpose as identified in Section 17-1106, the following signs are prohibited in the Town of Selma.

- A. Roof signs.
- B. Snipe signs, including utility pole signs.
- C. Simulated or unofficial public safety, warning or traffic signs.
- D. Animated and Electronic Message Signs that change more frequently than every eight (8) seconds.
- E. Motion signs including air-activated and balloon signs but not including temporary blade signs or signs allowed in residential districts.
- F. Vehicle message signs, permanent or temporary.
- G. Signs located within sight triangles of intersections.
- H. Signs emitting glare that causes discomfort or pain or reduces visibility.
- I. Flags consecutively strung together.
- J. Obscene signs and hate-speech signs.
- K. Off-premises signs greater than thirty-two (32) square feet.
- L. Projecting signs less than eighty-four (84) inches (seven (7) feet) in height.
- M. Portable message signs.

(Ord. of 2-14-17(2))

Sec. 17-1106. - Government signs.

These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government, Johnston County or the Town of Selma or any other government agency or entity. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

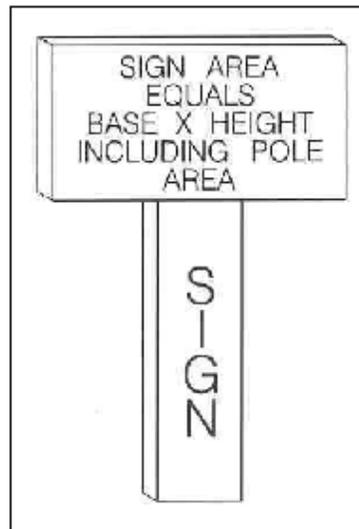
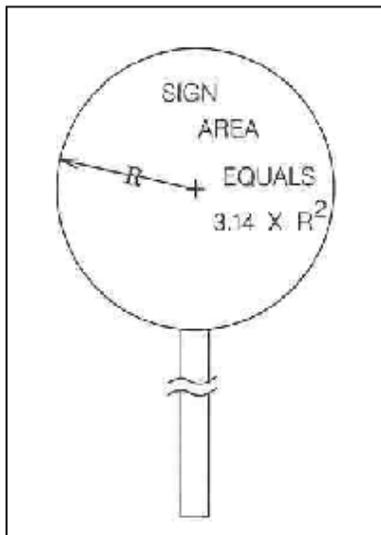
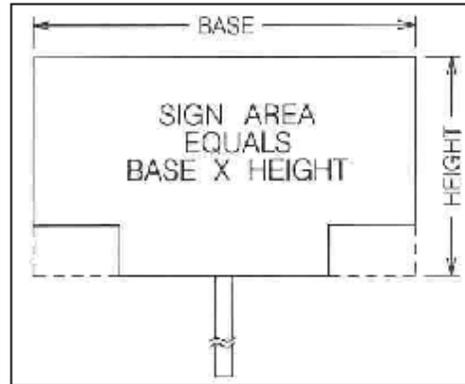
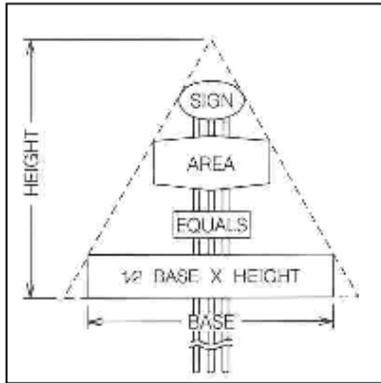
(Ord. of 2-14-17(2))

Sec. 17-1107. - Calculations and measurements necessary to determine sign dimensions.

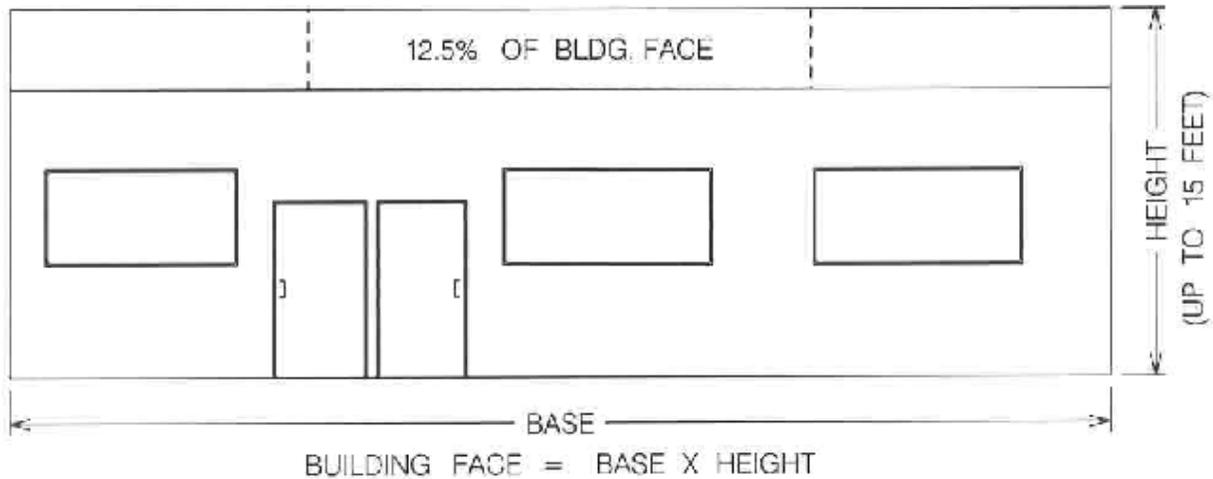
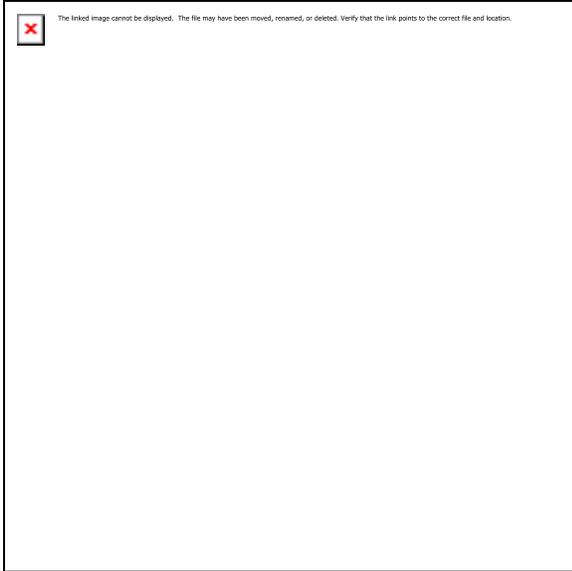
- A. Sign areas shall be computed as follows.



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**When the pole area constitutes more than just support*



- B. The measurement of frontage necessary to determine the area of freestanding signs is the horizontal distance between the side lot lines as measured at the front setback. When a corner lot allows for two (2) freestanding signs, the calculations shall be based off each frontage. If a corner lot elects to place one (1) sign at the corner, the sign size may be based off the longest side.
- C. The measurement of building frontage necessary to determine allowable wall signage shall be based off the frontage of the building dedicated to the particular use for which the sign is requested.
- D. Sign height for freestanding signs shall not extend above twenty-five (25) feet from grade, unless otherwise permitted by this article.

(Ord. of 2-14-17(2))

Sec. 17-1108. - Temporary sign regulations by district.

- A. The following table reflects temporary signs allowed by district subject to time and manner regulations. "P" denotes the sign type is allowed. "X" denotes the sign type is not allowed. Sign types not included in the table are presumed to be disallowed unless addressed elsewhere in this article.

Table 11.1 Temporary Sign Types By Zoning District

Zoning Districts:	RA	R-20	R-10	R-8	TR	MHP	IN	N-B	C-B	GB	IB	I-1	I-2
Sign Types:													
Air Activated	P	P	P	P	P	P	X	X	X	X	X	X	X
Balloon/Inflatables	P	P	P	P	P	P	X	X	X	X	X	X	X
Banner	P	P	P	P	P	P	X	P	P	P	P	P	P
Blade/feather	X	X	X	X	X	X	X	X	P	P	P	X	X
Construction Fence Wraps	P	P	P	P	P	P	P	P	P	P	P	P	P
Flags	P	P	P	P	P	P	P	P	P	P	P	P	P
People	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable Message	X	X	X	X	X	X	X	X	X	X	X	X	X
Projected Image	P	P	P	P	P	P	P	P	X	X	X	X	X
Sandwich Board	X	X	X	X	X	X	P	P	P	P	P	P	P
Utility Pole	X	X	X	X	X	X	X	X	X	X	X	X	X
Yard Signs	P	P	P	P	P	P	X	P	P	X	X	X	X
Window Signs	P	P	P	P	P	P	P	P	P	P	P	P	P

- B. Number, duration and location of temporary signs. For the purposes of this section, the following districts are deemed to be residential districts: RA, R-20, R-10, R-8, TR, MHP and Residential Planned Unit Developments. All remaining zoning districts are deemed to be non-residential districts.
- C. Residential Districts: The following numbers of signs and their allowed duration is identified below. Temporary signs not listed below are not allowed.

Table 11.2

Sign Type	Number	Duration	Size	Permit Required
Air Activated, Balloon, Inflatable	3	One month, continuous. Not more than 3 months per year.	Unlimited	No
Construction Fence Wrap	1 per fence	*	After 24 months, maximum size is 24 square feet *	Not for First 24 Months *
Flags	3	Unlimited.	Maximum of 15 square feet each not to exceed 20 feet in height.	No
Projected Image	1	1 month, continuous. Not more than 3 months per year.	Shall not exceed the size of the wall space against which it is projected.	No
People Signs	1	Unlimited.	Unlimited	No
Yard Signs	Two per 5 acres or portion thereof	Unlimited.	Maximum of 2 square feet for properties less than 5 acres in size. Maximum of 32 square feet for properties greater than 5 acres in size.	No
Window Signs	1 per residence	Unlimited.	1 Square foot	No

* See footnote following next table.

D. Non-residential Districts. The following numbers of signs and their allowed duration is identified below. Temporary signs not listed below are not allowed.

Table 11.3

Sign Type	Number	Duration	Size	Permit Required
-----------	--------	----------	------	-----------------

Banner	1	21 days	24 square feet	Yes
Blade (feather)	1 per 50 linear feet of frontage. A maximum of 4 per lot.	Maximum 1 month, continuous. Not more than 90 days per year.	14' tall, 27 "wide	Yes
Construction Fence Wrap ¹	1 per fence	*	After 24 months, maximum size is 24 square feet *	Permit required 24 months from installation of sign *
Flags	3	Unlimited	24 square feet each not to exceed 25 feet in height.	No
People	No Limit	Unlimited	Unlimited	No
Projected Image	1	1 month, continuous. Not more than 90 days per year.	Shall not exceed the size of the wall space against which it is projected.	No
Sandwich Board	1 per business on property	Daily. Must be removed at the end of each business day	Maximum size of 3' x 5' per side	No
Yard Signs	1 per lot or 1 per 400 linear feet of frontage.	30 continuous days	4 square feet	No
Window Signs	Unlimited	Unlimited	Shall not cover more than 25% of each individual window inclusive of internal and external signage ²	No

¹ Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage under this article until the certificate of occupancy is issued for the

final portion of any construction at that site for twenty-four (24) months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of twenty-four (24) months from the time the fence wrap was installed, the town may regulate the signage but must continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required. G.S. §160D-908.

²Windows of non-residential buildings that do not contain an operating permanent or temporary use or business may have one hundred (100) percent window coverage by signs or blank materials such as paper, wood, fabric or others.

- E. Temporary yard signs, blade (feather) signs and flags may not be placed in rights-of-way. Signs must be placed at least thirty (30) feet from the centerline of the road that divides the lane of traffic closest to the property boundary. The purpose is to ensure that the signs are not in the way of vehicles mowing rights-of-way.

(Ord. of 2-14-17(2))

Sec. 17-1109. - Permanent signs.

- A. Permanent signs in all non-residential districts and permanent ground-mounted signs for subdivisions, apartment complexes, mobile home parks or neighborhoods are required to have a permit prior to installation. All other permanent signs are not required to have a permit.
- B. All freestanding signs located within parking or vehicular use areas, and not in yard areas, shall stand in a bed of landscaping at least thirty (30) square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs, and shall be bordered by acceptable curbing materials as specified in this ordinance.
- C. Residential Districts. The following permanent signs are permissible in the RA, R-20, R-10, R-8, TR, MHP and Residential PUD districts.
 - 1. Wall Signs. One (1) wall sign per structure is allowed maximum of one (1) square foot in size. No permit is required.
 - 2. Ground-Mounted Signs. One (1) ground-mounted sign is allowed per lot, maximum of two (2) square feet in size. No permit is required.
 - 3. Ground-Mounted: Subdivision, Apartments, Mobile Home Parks or Neighborhood. One (1) ground-mounted sign to be placed at the entrance to subdivisions, apartment complexes, mobile home parks or established neighborhoods not to exceed thirty-two (32) square feet in size per side per face, for a total of sixty-four (64) square feet. Pole signs are not permitted.
 - 4. Residential Districts—Electronic Message Signs.
 - a. Electronic Message Signs are permissible only for non-residential uses. Non-residential uses in the residential zoning districts include, but are not limited to, churches and schools; and
 - b. A Special Use Permit issued by Town Council is required; and
 - c. The maximum size of electronic message signs is thirty-two (32) square feet or fifty (50) percent of the permitted sign area, whichever is less; and
 - d. No sequential messages are permitted.
 - e. The standards of Section 17-1111 "Illumination" must be met.
 - f. Electronic message signs must be turned off between 11:00 p.m. and 6:00 a.m.

- D. Non-residential Districts. The non-residential zoning districts are the IN, NB, CB, GB, IB, I-1, I-2 and non-residential PUDS. The following table reflects permanent signs allowed by non-residential district. "PwP" denotes the sign type is allowable with a permit. "P" denotes the sign type is allowable without a permit. "X" denotes the sign type is not allowed. Sign types not included in the table are presumed to be disallowed unless addressed elsewhere in this article.

Table 11.4 Sign Types by Non-Residential Zoning District

Sign Types		IN	NB	CB	GB	IB	I-1	I-2
Building:								
	Wall	PwP						
	Marquee	PwP						
	Canopy	PwP						
	Awning	PwP						
Ground-Mounted:								
	Monument	PwP	X	X	PwP	PwP	PwP	PwP
	Pole	X	X	X	PwP	PwP	PwP	PwP
	Electronic Messaging *	X	X	X	PwP	PwP	PwP	PwP
	Additional SF Allowed and Amount	P 10 SF	P 10 SF	P 10 SF	P 15 SF	P 15 SF	P 15 SF	P 15 SF

;adv=6; * Animation and special effects shall not be used when changing the message on an electronic message sign.

1. Wall Signs.

- a) The total square footage of signage allowed on a building shall not exceed an aggregate sign area equal to twelve and one-half (12.5) percent of the square footage of the first fifteen (15) feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than fifteen (15) feet, the allowable building sign area is equal to twelve and one-half (12.5) percent of the square footage of the actual height of the wall face upon which the sign is located. Buildings designed to contain more than one (1) business shall have allocated a wall sign for each business such that the aggregate total area may still be achieved, but not exceeded.

- b) Whenever a sign permit is requested for a property that includes more than one (1) business, the owner or applicant shall identify the total amount of signage in use per business.
2. Ground-Mounted Signs. Ground-mounted signs shall be based on the frontage of the property on which they are located

Table 11.5

Linear Feet of Lot Frontage	Maximum Sign Area	Setback From Side Property Lines	Setback from Edge of Rights-of-Way
Less than 200 Feet	55 Square Feet	10 feet	12 feet
More than 200 Feet	80 Square Feet	10 feet	12 feet

- a) Each property is allowed one (1) principal sign that is a monument, pole or electronic message sign (except as provided in subsection c. below).
 - b) In addition to the maximum sign area listed above for the principal ground sign, additional square footage is allocated as shown in Table 11.5 above is allowed for other signs. Examples of this type of signage are directional signs, entrance, exit, etc.
 - c) A second ground sign per frontage is allowed for properties with two (2) street frontages subject to the Table 11.5 above.
 - d) A second ground sign is permitted for lots having one hundred (100) or more feet of street frontage; if the total area of both signs is no more than eighty (80) square feet.
3. Alternative Pole Signs in the IB District. Each property in the IB zoning district may have one (1) monument sign meeting the standards of subsection b. above and one (1) pole sign meeting the standards of this section.

Table 11.6

Maximum Height of Sign	Maximum Sign Area	Setback From Side Property Lines	Setback from Edge of Rights-of-Way
50 feet	200 Square Feet Per Sign Face; No More Than 2 Sign Faces	20 feet	20 feet

- a) Additional square footage is allocated as shown in Table 11.6 above is allowed for other signs. Examples of this type of signage are directional signs, entrance, exit, etc.
- b) Illumination of the alternate pole sign is limited to internal illumination, lighted from behind to silhouette letters and figures.

(Ord. of 2-14-17(2))

Sec. 17-1110. - Outdoor advertising sign overlay district.

- A. Location: Outdoor advertising signs are permitted on any property zoned I-1, I-2, IB or GB within three hundred (300) feet of the nearest edge of the rights-of-way of I-95 or U.S. 70.
- B. Standards:
1. NCDOT outdoor advertising permit is required;
 2. All outdoor advertising signs shall be visible from the rights of way of U.S. 70 or I-95; and
 3. The standards of Table 11.7 shall be met; and

Table 11.7

Type of Sign	Maximum Height of Sign Structure	Max. Height X Width of Sign Face	Maximum Sign Area ³	Sign Separation ⁴	Setback from Edge of Rights-of-Way and all property lines
Monopole	50 feet	30 X 60 feet ⁵ (including border and trim)	600 square feet per sign face; No more than 2 sign faces back-to-back or V-type	At least 500 feet on I-95; 1,500 feet on U.S. 70	50 feet
All others, except digital outdoor advertising signs ⁶	50 feet	30 X 60 feet	300 square feet per sign face; No More Than 2 Sign Faces back-to-back or V-type	At least 500 feet on I-95; 1,500 feet on U.S. 70 ⁷	50 feet
Digital Monopole signs, including conversions	50 feet	30 X 60 feet	600 square feet per Sign Face on I-95. 500 square feet per sign face on U.S. 70; No More Than 2 Sign Faces back-to-back or V-type; Only one sign per sign face	At least 1,000 ⁸ feet on the same side of the highway	50 feet

³ Provided that V-type signs are connected at one (1) point and no more than fifteen (15) feet apart at the furthest point of separation.

⁴ Measured from the nearest edge of the paved rights-of-way directly opposite the signs along each side of the highway and also measured from signs located across the rights-of-way.

⁵ Outdoor Advertising on controlled routes says max height of sign thirty (30) feet, maximum length sixty (60) ft., maximum height of sign structure excepting "cut outs" is fifty (50) ft. 19A NCAC 02E.0203

⁶ Only monopole signs are allowed on U.S. 70.

⁷ Outdoor Advertising on controlled routes says three hundred (300) feet. 19A NCAC 02E.0203

⁸ Id.

4. Signs shall not obscure or physically interfere with the view of a government sign, signal or device, nor obstruct or physically interfere with a driver's view of traffic or a road; and
5. No sign may be located closer than one thousand (1,000) feet from any parcel of land containing a residential structure that is zoned in a residential zoning district.
6. Double-decking of sign faces so that one (1) is on top of the other is prohibited.

(Ord. of 2-14-17(2))

Sec. 17-1111. - Illumination.

- A. Illuminated signs are permitted only in non-residential zoning districts or where approved as part of unified signage in a non-residential Planned Unit Development.
- B. Illuminated signs erected in a non-residential district contiguous to a residential district shall be so shielded or directed so that light brightness shall not exceed one (1) footcandle at the property boundary.
- C. No illumination or glare shall be emitted directly onto a public street or roadway so as to constitute a hazard or impediment to motorist or public safety.
- D. No revolving or rotating beam or beacon of light shall be permitted as part of any sign.
- E. Flashing signs and flashing lighting shall not be permitted upon a sign.
- F. Electronic message signs are allowed where permitted provided the message does not change more frequently than every eight (8) seconds and the message completes the change within two (2) seconds. Only one (1) electronic message sign per lot is allowed.
- G. No exposed reflective or incandescent bulb which exceeds eleven (11) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- H. Tube lights on the outside of windows are not allowed. Tube lights on the inside of windows are allowed, but are limited to the maximum window coverage of twenty-five (25) percent. They may not flash.

(Ord. of 2-14-17(2))

Sec. 17-1112. - Signs regulated by other agencies.

It is the responsibility of the sign owner to ensure that the requirements of signs regulated by other agencies, such as but not limited to NCDOT and the Johnston County Board of Elections, are satisfied. It is not the intent of this ordinance to regulate the standards of those agencies.

(Ord. of 2-14-17(2))

Sec. 17-1113. - Election or political signs in the rights-of-way. [¶](#)

- A. Political Signs Permitted. During the period beginning on the thirtieth day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the tenth day after the primary or election day, persons may place political signs in the right-of-way of the Town or State highway system as provided in this section. Signs must be placed in compliance with subsection B. of this section and must be removed by the end of the period prescribed in this subsection.
- B. Sign Placement. Signs must be placed in accordance with the following:
 - 1. No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - 2. No sign shall be closer than three (3) feet from the edge of the pavement of the road.
 - 3. No sign shall obscure motorist visibility at an intersection.
 - 4. No sign shall be higher than forty-two (42) inches above the edge of the pavement of the road.
 - 5. No sign shall be larger than eight hundred sixty-four (864) square inches.
 - 6. No sign shall obscure or replace another sign.
- C. Permission. Persons placing signs must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Persons must obtain permission to place signs on private property.

(Ord. of 2-14-17(2))

Footnotes:

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G.S. Ann. § 136-32(f) Application Within Municipalities. —Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply.

Sec. 17-1114. - Discontinuation of use.

When a sign ceases use, the support structure may remain as long as it is in good condition and does not present a threat to public health, safety or welfare. Electronic signs are to be turned off. Sign faces shall either be reversed to the blank side or painted a solid color. A boot or sock may be used to cover the sign face for a period not to exceed six (6) months.

(Ord. of 2-14-17(2))

Secs. 17-1115—17-1199. - Reserved.

ARTICLE XII. - OPEN SPACE

Sec. 17-1200. - Purpose.

The Town Council finds that when land is developed for residential purposes, the public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as usable open space. The preservation of usable open space serves the following important objectives to the benefit of the residents of such developments as well as the general public: the preservation of open vistas; pedestrian connections to community facilities; providing relief from urban and suburban landscapes; the preservation of environmentally sensitive lands; the preservation of habitat for wildlife; the preservation of historically or archaeologically significant areas; and the provision of areas for passive recreation, such as walking or jogging.

(Ord. of 2-14-17(2))

Sec. 17-1201. - General requirements.

Except as provided in this article, all residential development shall be required to provide usable open space. For the purposes of this article, "subdivision" shall refer to the entire project developed on a single tract or contiguous multiple tracts under common ownership or control, regardless of whether the subdivision is constructed in phases or stages.

(Ord. of 2-14-17(2))

Sec. 17-1202. - Usable open space.

A. Usable Open Space Required. Except as otherwise exempted by this section, all residential developments shall be developed so that, at a minimum, the following amounts of the development remain permanently as usable open space:

Type of Development	Minimum Open Space Required
Single-Family Residential ¹	20%
Manufactured Home Parks	20%

¹ For Planned Unit Developments - Residential see Section 17-550 F., "Open Space and Recreation Facilities." For "Planned Unit Developments-Business and Industrial," see Section 17-553.

B. Exemptions:

1. Existing lots developed for single family purposes shall be exempt from the requirements of this section. This exemption is intended to apply to infill development only and shall not exempt entire subdivisions, or any portion thereof, or any other development which otherwise would have to comply with the requirements of this section.
2. The following subdivisions shall be exempt from the requirements of this section:
 - a) Any subdivision that does not qualify as a "subdivision," as defined in Article II, Section 17-200 Definitions, "Subdivision"; and

- b) Any subdivision that qualifies as a subdivision pursuant to Section 17-652, "Special Purpose Subdivisions."
- 3. The open space requirement for multi-family developments (which includes the multi-family portions of developments that have both single-family and multi-family dwelling units), residential planned unit developments, and business and industrial planned unit developments are set forth in subsections 17-550, "Multi-Family Development," F. "Open Space and Recreational Facilities," 17-552, "Planned Unit Development-Residential," D. "Open Space and Recreational Facilities," and 17-553 Planned Unit Developments—Business and Industrial," C. "Designation of Permanent Common Open Space," respectively. Notwithstanding the foregoing sentence, the definition of "usable open space" set forth in subsections 17-1202C. and D. below shall apply to multi-family developments and all planned unit developments.
- C. For purposes of this section, "usable open space" refers to an area that:
 - 1. Is not encumbered with any substantial structure;
 - 2. Is not devoted to use as a roadway, parking area, or sidewalk;
 - 3. Is not part of a roadway median;
 - 4. Is not part of any privately owned lot that is used or intended for use for residential purposes;
 - 5. Is legally and practicably accessible to the general public or to the residents of the development where the open space is located; and
 - 6. Does not consist of multiple small, noncontiguous pieces of land which are, as a practical matter, inaccessible to all or most of the residents of development.
- D. Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space within the meaning of this section unless such areas:
 - 1. Are at least fifty (50) feet in width and function or will function as a substantial visual buffer. Greenway trails are presumed to require a minimum fifty (50) foot wide parcel or strip of property; or
 - 2. Are configured or improved (e.g. through the installation of trails) in such a way as to be conducive to actual use for pedestrian connections to community facilities and for recreational purposes (i.e. walking or jogging) by the residents of the development where the land is located.
 - 3. The following areas shall be regarded as usable open space if such areas satisfy at least the criteria set forth in subsections C.1., 2., 3., and 4. of this section:
 - a) Utility easements located outside of street rights-of-way;
 - b) Cemeteries located on a tract prior to its development; and
 - c) Areas used for the growing of crops, such as hay, corn, or vegetables, if and to the extent that such uses occur within an area that is subject to the control of a homeowner's association or similar organization and such uses are approved by that association or organization.
 - 4. Except as required by this subsection, the choice as to the areas to be set aside as usable open space shall remain with the developer.
- E. Water bodies, such as ponds or lakes, and wetland areas associated with recreational trail systems may also be counted toward open space requirements, provided that:
 - 1. Such areas satisfy at least the criteria set forth in subsections C.1., 2., 3., and 4. of this section; and
 - 2. The amount of open space comprising wetlands, riparian buffers or stream buffers shall comprise no more than one-third (1/3) (33.3 percent) of the twenty (20) percent common open space.

- F. No more than thirty (30) percent of usable open space may be devoted to active recreational uses (for example soccer fields and swimming pools) without approval of the permit-issuing authority.

(Ord. of 2-14-17(2))

Sec. 17-1203. - Payment-in-lieu fees.

- A. When the Town Council determines (upon the recommendation of the town Parks and Recreation Director) that the open space and recreational needs of a development required by this section to set aside open space could also be adequately met by public open space and/or facilities constructed on town property that is located close enough to such development to reasonably serve its residents, the town may authorize the developer to pay a fee to the town's open space fund in lieu of providing some or all of the required open space. For purposes of this subsection, "town property" means property that is owned by the town or that the town has made plans to acquire within a reasonable time.
- B. The minimum amount of the fee paid under this section shall be determined by multiplying the acreage of open space that would otherwise be required of the development by the greater of the dollar value per acre established in:
 - 1. An appraisal accepted by the Town, including the Johnston County Tax Assessors calculation of the value of land per acre providing that the property has been appraised by Johnston County no more than four (4) years before the date of application of the development; or
 - 2. Eight hundred dollars (\$800.00) per dwelling unit multiplied by the total number of lots or dwellings proposed per acre.However, nothing herein shall prevent a developer from paying a fee that exceeds the minimum fee established pursuant to this section, and the town's willingness to allow a payment of fees in lieu of the on-site provision of open space may depend upon the developer's agreement to pay fees in excess of the minimum.
- C. With respect to any development that is authorized by this section to pay a fee in lieu of providing some or all of the required open space, no use may be commenced, lot sold, or building occupied unless the fee has been paid. If a development is intended to be sold or occupied on a phase-by-phase basis, payment of the fee relating to each phase must first be made.

(Ord. of 2-14-17(2))

Sec. 17-1204. - Flexibility in administration authorized.

- A. The requirements set forth in this article concerning the amount, size, location and nature of usable open space to be provided in connection with residential developments are established by the Town Council as standards that presumptively will result in the provision of that amount of usable open space that the Council has determined to be reasonable and necessary for these developments. The Council recognizes, however, that due to the particular nature of a tract of land or other factors, the underlying objectives of this section may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that:
 - 1. The objectives underlying these standards can be met without strict adherence to them, and
 - 2. Because of peculiarities in the developer's tract of land, it would be unreasonable to require strict adherence to these standards.
- B. Whenever the Town Council or Planning Director authorizes some deviation from the standards set forth in this article pursuant to subsection A., above, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

(Ord. of 2-14-17(2))

Secs. 17-1205—17-1299. - Reserved.

ARTICLE XIII. - NONCONFORMING SITUATIONS

Sec. 17-1300. - Intent.

It is the intent of this article to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformance with the provisions of this chapter is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses or structures that would violate the provisions of this chapter. It is also the intent of this article that any elimination of nonconformities shall be effected so far as to avoid any unreasonable invasion of established private property rights.

(Ord. of 2-14-17(2))

Sec. 17-1301. - Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter. If any definitions in this section conflict with those in Article II, the definitions in Article II control.

- A. **Dimensional Nonconformity:** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- B. **Effective Date of this ordinance:** Whenever this article refers to the effective date of this ordinance, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.
- C. **Expenditure:** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- D. **Nonconforming Lot:** A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.
- E. **Nonconforming Project:** Any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
- F. **Nonconforming Sign:** A sign that, on the effective date of this chapter, does not conform to one or more of the regulations set forth in this chapter, particularly those of this article.
- G. **Nonconforming Situation:** A situation that occurs when, on the effective date of this chapter, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance, or because land or buildings are used for purposes made unlawful by this chapter.
- H. **Nonconforming Use:** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is

located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

- I. **Permit Issuing Authority:** Either the Town Council, Planning Director or other Board or Commission who has the authority to issue a development-related permit required by this ordinance.

(Ord. of 2-14-17(2))

Sec. 17-1302. - Continuation of nonconforming situations and completion of nonconforming projects.

- A. Unless otherwise specifically provided in this ordinance and subject to the restrictions and qualifications set forth in Sections 17-1303 through 17-1308, nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued.
- B. Nonconforming projects may be completed only in accordance with the provisions of Section 17-1308.

(Ord. of 2-14-17(2))

Sec. 17-1303. - Nonconforming lots.

- A. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Section 17-432, "Minimum Lot Area," then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a conforming lot.
- B. When the use proposed for a nonconforming lot is one (1) that is conforming in all other respects but the applicable setback requirements (see Section 17-435, "Building Setback Requirements") cannot reasonably be complied with, then the entity authorized by this ordinance to issue a permit for the proposed use may allow deviations from the applicable setback requirements if it finds that:
 1. The property cannot reasonably be developed for the use proposed without such deviations,
 2. These deviations are necessitated by the size or shape of the nonconforming lot, and
 3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.
- C. For purposes of subsection B., compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. Mere financial hardship, however, does not constitute grounds for finding that compliance is not reasonably possible.
- D. This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 17-1306.
- E. Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one (1) or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

(Ord. of 2-14-17(2))

Sec. 17-1304. - Extension or enlargement of nonconforming situations.

- A. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - 1. An increase in the total amount of space devoted to a nonconforming use; or
 - 2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.
- B. Subject to subsection D., a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Section 17-1308 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.
- C. Subject to Section 17-1308 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten (10) percent or more of the earth products had already been removed on the effective date of this ordinance.
- D. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.
- E. Notwithstanding subsection A., any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 17-1307, "Abandonment and Discontinuance of Nonconforming Situations."
- F. Notwithstanding subsection A., whenever: (i) there exists a lot with one (1) or more structures on it, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking or loading requirements of Section 17-505, "Off-Street Parking and Loading," of this chapter that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section 17-505 and Appendix C in regard to "Satellite Parking," if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or special use permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

(Ord. of 2-14-17(2))

Sec. 17-1305. - Repair, maintenance and reconstruction.

- A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation (i.e., work estimated to cost more than sixty (60) percent of the appraised valuation of the structure to be renovated) may be done only in accordance with a zoning permit pursuant to this section.
- B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed sixty (60) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a certificate of zoning compliance just as they may be enlarged or replaced as provided in Section 17-1304E.
- C. For purposes of subsections A. and B.:
 - 1. The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement;
 - 2. The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work and no person may seek to avoid the intent of subsections A. and B. by doing such work incrementally; and
 - 3. The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or a sealed appraisal or estimate determined by a professionally recognized property appraiser.
- D. The Administrator shall issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:
 - 1. No violation of Section 17-1304 will occur; and
 - 2. The permittee will comply to the extent reasonably possible with all provisions of this ordinance applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use).

Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

(Ord. of 2-14-17(2))

Sec. 17-1306. - Change in use of property where a nonconforming situation exists.

- A. A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special use permit in accordance with Section 17-600, "Permits Required," may not be made except in accordance with subsections B. through D. However, this requirement shall not apply if only a sign permit is needed.
- B. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this ordinance is achieved, the property may not revert to its nonconforming status.
- C. If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this ordinance to issue a permit

for that particular use issues a permit authorizing the change. This permit may be issued if the permit-issuing authority finds, in addition to any other findings that may be required by this ordinance, that:

1. The intended change will not result in a violation of Section 17-1304; and
2. All of the applicable requirements of this ordinance that can reasonably be complied with will be complied with.

Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

- D. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized by this ordinance to issue a permit for that particular use issues a permit authorizing the change. The permit-issuing authority may issue the permit if it finds, in addition to other findings that may be required by this ordinance, that:
1. The use requested is one (1) that is permissible in some zoning district with either a zoning or special use permit; and
 2. All of the conditions applicable to the permit authorized in subsection C. of this section are satisfied; and
 3. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

(Ord. of 2-14-17(2))

Sec. 17-1307. - Abandonment and discontinuance of nonconforming situations.

- A. When a nonconforming use is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.
- B. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (i) discontinued for a consecutive period of one hundred eighty (180) days or (ii) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.
- C. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

- D. When a structure or operation made nonconforming by this chapter is vacant or discontinued at the effective date of this chapter, the one-hundred-eighty-day period for purposes of this section begins to run on the effective date of this chapter.
- E. Exemption for Existing Single-Family Residential Uses. Notwithstanding the foregoing, so long as a lawful nonconforming single-family dwelling is not used for commercial purposes, it shall not lose its lawful nonconforming status, even if the dwelling is vacant for more than one hundred eighty (180) days.

(Ord. of 2-14-17(2))

Sec. 17-1308. - Completion of nonconforming projects.

- A. All nonconforming projects on which construction was begun at least 180 days before the effective date of this ordinance as well as all nonconforming projects that are at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of this ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction.
- B. Except as provided in subsection A., all work on any nonconforming project shall cease on the effective date of this chapter, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a zoning, special use, or sign permit issued in accordance with this section by the permit-issuing authority authorized by this chapter to issue permits for the type of development proposed. The Town Council shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this chapter and thereby would be unreasonably prejudiced if not allowed to complete his or her project as proposed. In considering whether these findings may be made, the permit-issuing authority shall be guided by the following, as well as other relevant considerations:
 - 1. All expenditures made to obtain or pursuant to a validly issued and unrevoked building, zoning, sign or special use permit shall be considered as evidence of reasonable reliance on the land-use law that existed before this chapter became effective;
 - 2. Except as provided in subsection B.1., no expenditures made more than 180 days before the effective date of this ordinance may be considered as evidence of reasonable reliance on the land-use law that existed before this chapter became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure;
 - 3. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property;
 - 4. To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures;
 - 5. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (i) the total estimated cost of the proposed project and (ii) the ordinary business practices of the developer;
 - 6. A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land-use law affecting the proposed development site could not be attributed to him; and
 - 7. Even though a person had actual knowledge of a proposed change in the land-use law affecting a development site, the permit-issuing authority may still find that he acted in good faith if he did

not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit-issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that: (i) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development; and (ii) the developer had legitimate business reasons for making expenditures.

- C. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under subsection B. In addition to the matters and subject to the guidelines set forth in subsections B.1. through 7., the Town Council shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following, in addition to other relevant factors:
1. Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work;
 2. Whether any improvements, such as streets or utilities, have been installed in phases not yet completed; and
 3. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.
- D. The permit-issuing authority shall not consider any application for the permit authorized by subsection B. that is submitted more than sixty (60) days after the effective date of this chapter. The permit-issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.
- E. The Administrator shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen (15) days before the effective date of this ordinance.
- F. The permit-issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of this ordinance, so that construction work is not needlessly interrupted.

(Ord. of 2-14-17(2))

Secs. 17-1309—17-1399. - Reserved.

ARTICLE XIV. - APPEALS, VARIANCES, AND EVIDENTIARY HEARING PROCEDURES

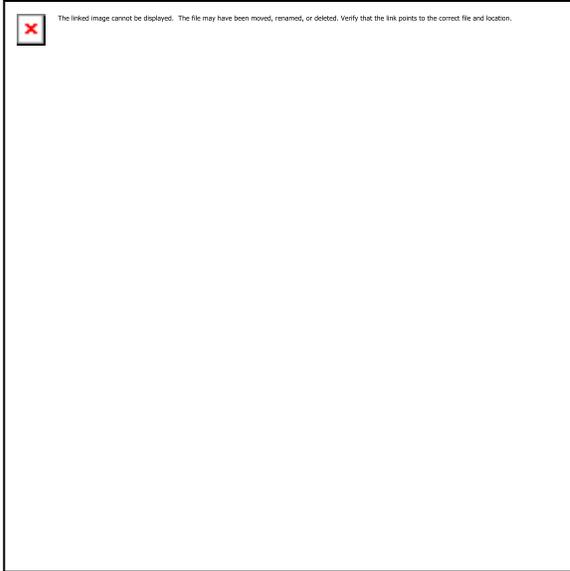
PART 1. – APPEALS AND VARIANCES

Sec. 17-1400. - Appeals.

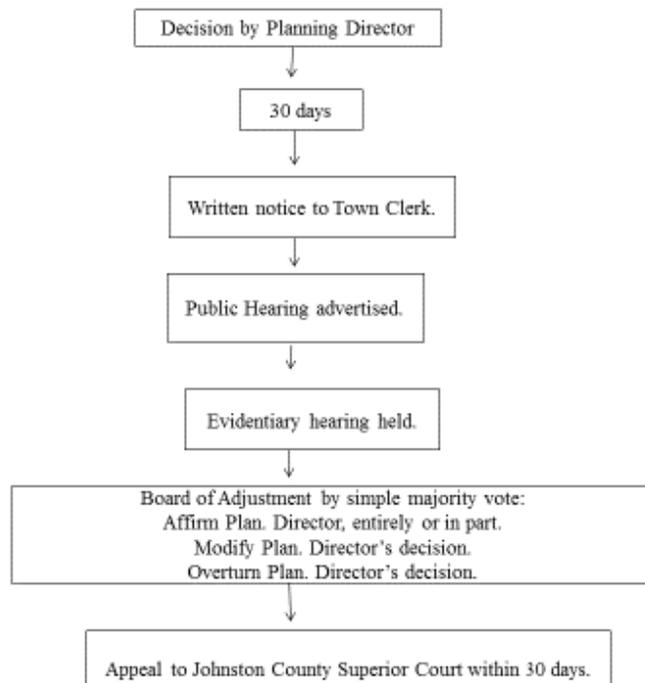
- A. Making an Appeal to the Board of Adjustment.
1. An appeal from any order, requirement, decision or determination of the Administrator, Town Manager or their designee made in the administration of the provisions of this chapter may be taken to the Board of Adjustment by any aggrieved person. Persons who may appeal are:

- a) The owner of the property.
 - b) The party who sought the decision.
 - c) Any person who has standing as described in section F. below.
 - d) The Town.
2. An appeal is taken by filing a written notice of appeal with the Town Clerk specifying the grounds of the appeal. A notice of appeal shall be considered filed with the Land Use Administrator and the Board of Adjustment when delivered to the Town Clerk, and the date and time of filing shall be entered on the notice by the Town Clerk.
 3. This subsection shall not apply to appeals of the approval or denial of a minor subdivision plat, which decision must be appealed to the Johnston County Superior Court in accordance with G.S. § 160D-1403.
- B. Notice of Appeal; Time to Appeal. The Administrator or official who made the decision shall give written notice to the owner of the property that is the subject of the administrative decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. An appeal must be taken by the owner within thirty (30) days after the date of the receipt of the final written decision or order appealed from. The party who sought the decision (if not the owner) and any other person with standing to appeal under subsection F. below must take their appeal within thirty (30) days of actual or constructive notice of the decision. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" "Appeal" or "Subdivision Decision" in letters at least six (6) inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least ten (10) days. Posting of signs is not the only form of constructive notice. Additional Public Notice requirements for all evidentiary hearings are found in Section 17-1451 "Notice of Evidentiary Hearing". An appeal must be taken within thirty (30) days after the date of the decision or order appealed from.
- C. Whenever an appeal is filed, the Administrator shall forthwith transmit to (i) the Board of Adjustment (ii) the person(s) making the appeal (the appellant) and (iii) the property owner (if the property owner did not make the appeal) all the documents and exhibits constituting the record relating to the action appealed from.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator (or other official who made the decision being appealed) certifies in an affidavit to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the affidavit a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the Administrator a request for an expedited evidentiary hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- E. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, administrative decision, or determination appealed from, and shall make any order, requirement, quasi-judicial decision, or determination that in its opinion ought to be made. To this end the board shall have all the powers of the Administrator or officer from whom the appeal is taken.
- F. Other Persons with Standing to Appeal:
1. Any person meeting any of the following criteria:

- a) Has an ownership interest in the property that is the subject of the administrative decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
 - b) Has an option or contract to purchase the property that is the subject of the administrative decision being appeal.
 - c) Was an applicant before the decision-making board whose administrative decision is being appealed.
2. Any other person who will suffer special damages as the result of the administrative decision being appealed.
 3. An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one (1) of the members of the association would have standing as an individual to challenge the administrative decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
 4. The Town when Town Council believes that an official made an administrative decision that is otherwise inconsistent with the proper interpretation of this Unified Development Ordinance.



FLOW CHART APPEALS of Order of the Planning Director (Plan.), Requirement or Interpretation of the UDO



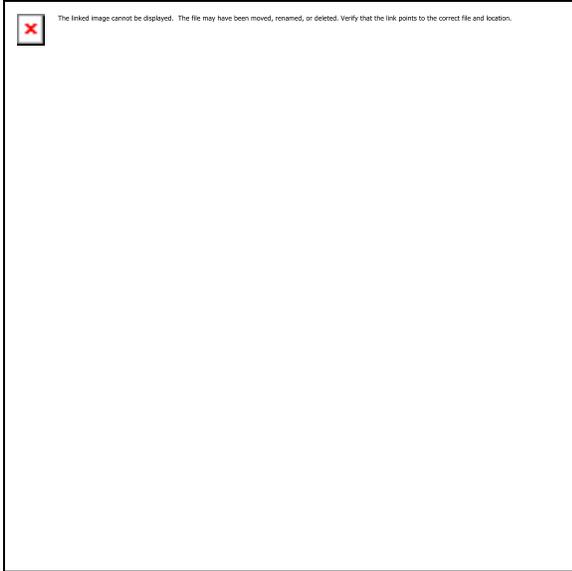
[Art. XIV – Appeals, Variances, Special Exceptions, Interpretations and Hearing Procedures, §17-1400 Appeals and §17-1402 Interpretations Conditional Zoning District Rezoning.]

(Ord. of 2-14-17(2))

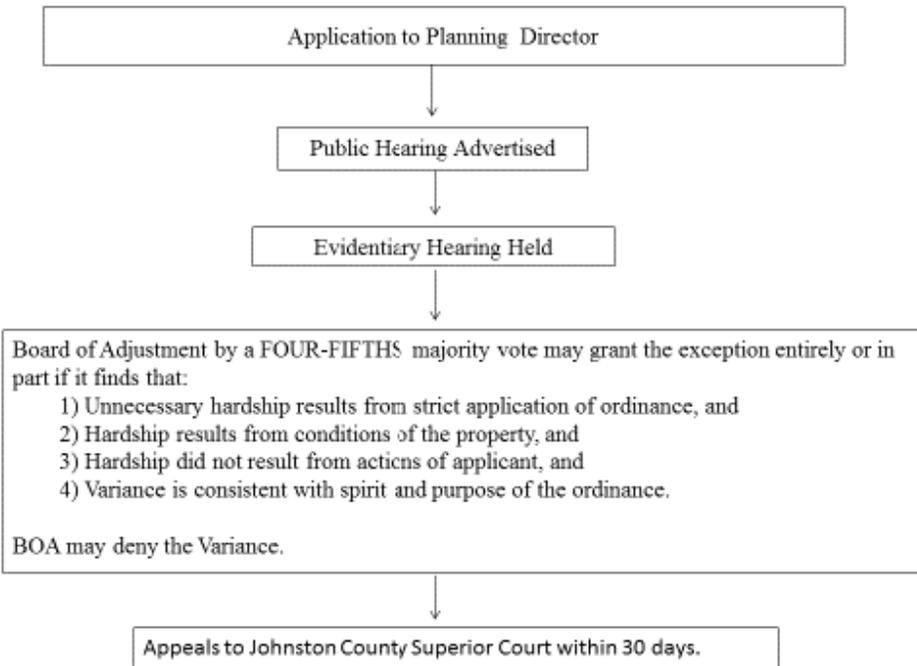
Sec. 17-1401. - Variances.

- A. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. Applications shall conform to Section 17-602, "Who May Submit Permit Applications," and Section 17-603, "Applications to Be Complete."

- B. When presented to the Board of Adjustment at the evidentiary hearing, the application for a variance shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 17-503 and the other requirements of this chapter. If the staff proposes a finding or conclusion that the application fails to comply with Section 17-603 "Applications to be Complete", the report shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- C. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in unnecessary hardships for the applicant upon a showing of all of the following:
 - 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability; and
 - 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- D. An applicant need not meet the criteria of subsections C.1. and 2. if he or she can prove to the satisfaction of the Board that (i) the need for the variance arises out of an error by the town staff (i.e. the applicant relied in good faith upon an error made by the town staff), (ii) in the absence of the variance the applicant will suffer significant hardship, and (iii) the variance will not have an adverse effect on the surrounding properties.
- E. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
- F. A variance may be issued for an indefinite duration or for a specified duration only.
- G. The nature of the variance and any conditions attached to it shall be entered on the face of the certificate of zoning compliance, or the certificate of zoning compliance may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.



FLOW CHART VARIANCES



[Art. XIV – Appeals, Variances, Special Exceptions, Interpretations and Hearing Procedures, § 17-1401 Variances]

(Ord. of 2-14-17(2))

Sec. 17-1402. - Reserved.

Sec. 17-1403. Reserved.

(Ord. of 2-14-17(2))

Sec. 17-1404. – Reserved.

Sec. 17-1405. - Requests to be heard expeditiously.

As provided in Article VI, Section 17-621, "Applications to Be Processed Expeditiously," the Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with article VII of this chapter, and obtain the necessary information to make sound decisions.

(Ord. of 2-14-17(2))

Sec. 17-1406. - Burden of proof in appeals and variances.

- A. When an appeal is taken to the Board of Adjustment in accordance with Section 17-1400, "Appeals," the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- B. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 17-1401C. "Variances," as well as the burden of persuasion on those issues remains with the applicant seeking the variance.

(Ord. of 2-14-17(2))

Sec. 17-1407. - Board action on appeals and variances.

- A. With respect to appeals and interpretations, a motion to reverse, affirm, or modify the order, requirement, administrative decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify an administrative decision on appeal is not made or fails to receive a simple majority vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by more than one-half ($\frac{1}{2}$) of the Board's membership (excluding vacant seats).
- B. With respect to variances, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to grant a variance is not made or fails to receive the four-fifths ($\frac{4}{5}$) vote necessary for adoption, then a motion to deny the variance shall be in order. This motion is adopted as the Board's decision if supported by more than one-fifth ($\frac{1}{5}$) of the Board's membership (excluding vacant seats).

A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) criteria set forth in Section 17-1401, "Variances," are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it.

1. Before granting a variance, the Board must take a separate vote and vote affirmatively (by a four-fifths ($\frac{4}{5}$) majority) on each of the four required findings stated in Section 17-1401C. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Section 17-1401C. shall include a statement of the specific reasons or findings of fact supporting such motion.
2. A motion to deny a variance may be made on the basis that any one or more of the four (4) criteria set forth in Section 17-1401C. are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that

support it. This motion is adopted as the Board's decision if supported by more than one-fifth (1/5) of the Board's membership (excluding vacant seats).

(Ord. of 2-14-17(2))

Sec. 17-1408. - Fees for appeals and variance requests.

A fee shall be paid to the town for each application for an appeal, interpretation or variance. The fee shall be adopted and periodically amended by the Town Council as needed to cover the administrative costs and advertising associated with the appeal or variance. A copy of the fee schedule shall be available for review in the office of the Town Clerk.

(Ord. of 2-14-17(2))

Secs. 17-1409—17-1449. - Reserved.

PART 2. - HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Sec. 17-1450. - Hearing required on appeals and applications.

- A. Before making a quasi-judicial decision on an appeal or an application for a special use permit, variance, or a petition from the planning staff to revoke a special use permit, the Town Council or Board of Adjustment, as the case may be, shall hold an evidentiary hearing on the appeal or application.
- B. Subject to subsection C., the evidentiary hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- C. The Town Council or Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- D. The Board may continue the evidentiary hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final quasi-judicial decision is made. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement
- E. The official who made the decision appealed from (usually the Administrator) shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(Ord. of 2-14-17(2))

Sec. 17-1451. - Notice of hearing.

The Administrator shall give notice of any hearing required by Sections 17-1600 Town Council, 17-1614 "Powers and Duties of Planning Board", 17-1622 "Powers and Duties [of the Board of Adjustment]", 17-1631 "Powers and Duties [of the Appearance Commission]", 17-1642 "Powers and Duties [of the Historic Preservation Commission]", 17-1400, "Appeals", 17-1401 "Variances", , 17-610 "Special Use Permits", and 17-1404 "Interpretations" as provided in Section 17-1703 "Hearing Required, Notice [for Zoning Map or Text Amendments]".

(Ord. of 2-14-17(2))

Sec. 17-1452. - Evidence.

- A. The provisions of this section apply to all hearings for which a notice is required by Section 17-1451.
- B. All persons who intend to present evidence to the permit-issuing board, rather than arguments only, shall be sworn.
- C. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (i.e. crucial findings) shall be based upon competent, material and substantial evidence.
- D. Competent evidence:
 - 1. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.
 - 2. Competent evidence shall not include the opinion testimony of lay witnesses as to any of the following:
 - a) The use of property in a particular way would affect the value of other property;
 - b) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; or
 - c) Matters about which only expert testimony would generally be admissible under the rules of evidence.

(Ord. of 2-14-17(2))

Sec. 17-1453. - Modification of application at hearing.

- A. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning Board, Town Council or Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- B. Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

(Ord. of 2-14-17(2))

Sec. 17-1454. - Record.

- A. A tape or digital recording shall be made of all hearings required by Section 17-1450, and such recordings shall be kept for at least two (2) years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.

(Ord. of 2-14-17(2))

Sec. 17-1455. - Written decision.

- A. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and conclusions of law and their application to the applicable standards.
- B. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(Ord. of 2-14-17(2))

Sec. 17-1456. - Appeals of quasi-judicial decisions.

Every quasi-judicial decision shall be subject to review by the Johnston County Superior Court by proceedings in the nature of certiorari pursuant to G.S. § 160D-1402. A petition for review shall be filed with the clerk of superior court by the later of thirty (30) days after the decision is effective or after a written copy thereof is given in accordance with Section 17-1407 "Board Action on Appeals and Variances". When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

(Ord. of 2-14-17(2))

Secs. 17-1457—17-1499. - Reserved.

ARTICLE XV. - ENFORCEMENT AND REVIEW

Sec. 17-1500. - Complaints regarding violations.

Whenever the Administrator receives a written, signed complaint alleging a violation of this ordinance, he or she shall investigate the complaint, take whatever action is warranted.

(Ord. of 2-14-17(2))

Sec. 17-1501. - Persons liable.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(Ord. of 2-14-17(2))

Sec. 17-1502. - Procedures upon discovery of violations.

- A. If the Administrator finds that any provision of this chapter is being violated, he or she shall send a written notice to the owner and other person responsible for such violation, if applicable. The notice shall indicate the nature of the violation and order the action necessary to correct it. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Additional written notices may be sent at the Administrator's discretion.

- B. The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 17-1400, "Appeals", except in the case of violations of Article X, Flood Damage Prevention, where the procedure outlined in the following subsection C. shall also apply. In most cases the notice shall direct that the violation be corrected in fifteen (15) calendar days, unless a different period is warranted by facts or law. Nothing shall prevent the Administrator from ordering an immediate correction in cases of emergency or danger to life. Nothing in this paragraph shall prevent the Administrator from ordering a correction of temporary recurring violations by other reasonable deadlines.
- C. Actions in Event of Failure to Take Corrective Action for Violations of Article X only. The notice required in subsection (B) above shall be sent by certified or registered mail to the owner's last known address or by personal service. The Administrator shall include in the written notice the following statements:
 - 1. The building or property is in violation of Article X, Flood Damage Prevention; and
 - 2. A hearing will be held before the Administrator or designee at a stated time and place, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - 3. That following the hearing the Administrator may issue an order to alter, vacate or demolish the building or to remove fill as applicable.
- D. If, upon a hearing held pursuant to the notice prescribed above, the Administrator shall find that the building or development is in violation of the Article X, Flood Damage Prevention she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible. In addition, the Administrator may issue any penalty of fine authorized by Sections 17-1503 and/or 17-1504.
- E. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 17-1504.
- F. The Administrator shall issue stop work orders in accordance with Section 17-1503.

(Ord. of 2-14-17(2))

Sec. 17-1503. - Stop work orders.

- A. Whenever the Administrator determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this chapter and that injury to public health and safety will occur if the violation is not terminated immediately, the Administrator may order the specific part of the work that constitutes, creates, or results in a violation of this chapter to be immediately stopped.
- B. A stop work order issued under this section shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. A copy of the stop work order shall also be sent forthwith to the owner of the property where the work is taking place and the developer, if different from the owner.
- C. Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment pursuant to Section 17-1400, "Appeals." However, notwithstanding Section 17-1400D., stop work orders shall remain in effect during an appeal, except as provided in subsection D. of this section.
- D. The Board of Adjustment shall meet and act upon the appeal within fifteen (15) working days after receipt of the appeal notice. If the Board fails to comply with this requirement, the stop work order shall

be stayed automatically beginning on the day following the expiration of this fifteen (15) working-day period, and the stay shall remain in effect until the Board of Adjustment meets and acts on the appeal.

- E. The notice of hearing requirements set forth in Section 17-1451 shall not apply to appeals of stop work orders. However, the staff shall orally notify the appellant of the date, time, and place of the hearing as soon as it has been scheduled and shall send to the appellant a written confirmation of this notice as soon as possible.
- F. Neither the person upon whom a stop work order is served nor an owner or developer served with a copy under subsection B. may thereafter cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under subsection D.

(Ord. of 2-14-17(2))

Sec. 17-1504. - Penalties and remedies for violations.

- A. Violations of the provisions of this chapter 17 or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances, special use permits, or conditional zoning districts and violations of stop work orders, shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.
- B. Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances, special use permits, or conditional zoning districts, shall also subject the offender to a civil penalty of up to three hundred dollars (\$300.00) per violation per day.
- C. The Administrator, code enforcement officer or any designee of the Administrator may issue civil penalties of violations of this chapter as follows:
 - 1. First offense: one hundred (\$100.00) dollars.
 - 2. Second offense: two hundred (\$200.00) dollars.
 - 3. Third offense: three hundred (\$300.00) dollars.
 - 4. The Town may seek reimbursement of the costs to remedy a violation, including the costs of abating nuisances. The minimum cost for reimbursement is twenty-five (\$25.00) dollars. Twenty-five dollars (\$25.00) is the minimum administrative cost to remedy a violation. Additional costs will be based on the actual charges as documented by the Administrator of Administrator's designee.
- D. In the event of serious violations of this chapter, the Administrator may assess the maximum penalty of three hundred dollars (\$300.00) at the first or second offense. In determining the amount of the civil penalty assessment, the Administrator shall consider the following factors, and the administrative decision levying a civil penalty shall cite those factors deemed applicable:
 - 1. Whether the violation poses or could pose a threat to the public health or to private property;
 - 2. The duration and gravity of the violation;
 - 3. The cost of rectifying the damage;
 - 4. The amount of money saved by noncompliance;
 - 5. Whether the violation was committed willfully or intentionally, negligently, or as the result of an unforeseeable or unavoidable accident;
 - 6. Whether the violator promptly ceased the violation upon notice by the Town and took whatever steps were reasonably possible to limit or correct any damage caused by the violation;
 - 7. The prior record of the violator in complying or failing to comply with the provisions of this chapter or any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances, special use permits, or conditional zoning districts;

8. The cost to the Town of the enforcement procedures;
 9. The scope and the scale of the project where the violation occurs; and
 10. Whether the civil penalty is levied for a single day's violation or a single event or whether it is levied daily for a continuing violation, as authorized under Section 17-1504F. Civil penalties levied daily may cumulatively exceed the three hundred dollar (\$300.00) cap set forth in this subsection;
- E. A notice of civil penalty shall inform the violator that the penalty is due upon receipt of the notification and, if applicable, that successive civil penalties of a specified amount shall accrue each day that the violation continues. The notice shall also inform the violator that if the civil penalty is not paid within ten (10) days of receipt of the notice, the penalty may be recovered by the Town in a civil action in the nature of debt.
- F. Appeals.
1. A civil penalty may be appealed to the Board of Adjustment in accordance with Section 17-1400, except that such appeal must be filed within ten (10) days after receipt by the violator of the notice of civil penalty.
 2. An appeal stays further efforts to collect a civil penalty but does not stay the accrual of daily civil penalties.
 3. If a civil penalty is levied for a violation about which the violator was previously sent a final notice of violation in accordance with Section 17-1502, and the violator did not appeal to the Board of Adjustment within the prescribed time the Administrator's determination as to the existence of the violation, an appeal of the civil penalty under this subsection presents only the issue of whether the Administrator erred in setting the amount of the civil penalty, not the issue of whether the violation occurred or the violator's responsibility for the violation.
- G. This chapter may also be enforced by any appropriate equitable action, including but not limited to injunction and orders of abatement.
- H. Each day's continuing violation shall be a separate and distinct offense.
- I. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(Ord. of 2-14-17(2))

Sec. 17-1505. - Permit revocation and denial.

- A. A zoning, sign, or special use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed by the permit-issuing authority.
- B. Before a special use permit may be revoked, all the notice and evidentiary hearing and other requirements of Articles VI and XIV of this chapter shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
- C. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection A. shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
- D. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or finding of fact that support the motion.
- E. Except in cases of emergency or immediate danger to life and property, before a zoning or sign permit may be revoked, the Administrator shall give the permit recipient ten (10) days' notice of intent to revoke the permit. The Administrator shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the

Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

- F. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign or special use permit after such permit has been revoked in accordance with this section.
- G. Zoning permits required pursuant to G.S. §§ 160D-403 and 160D-1110 may be denied for lots that have been illegally subdivided. No Zoning permit may be denied, however, if the permit applicant can show that he or she purchased the lot in good faith (i.e. he or she did not know and had no reasonable way of knowing that the lot was illegally subdivided) and for value.

(Ord. of 2-14-17(2))

Sec. 17-1506. - Judicial review.

- A. Every quasi-judicial decision of the Town Council granting or denying a special use permit and every final quasi-judicial decision of the Board of Adjustment or Historic Preservation Commission shall be subject to review by the Superior Court of Johnston County by proceedings in the nature of certiorari.
- B. The petition for the writ of certiorari must be filed with the Johnston County Clerk of Court within thirty (30) days after the later of the following occurrences:
 - 1. A written copy of the Council's or other decision-making bodies (see Section 17-1455, "Written Decision") has been filed with the Town Clerk; or
 - 2. A written copy of the Council's or Board's decision (see Section 17-1455) has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
- C. A copy of the writ of certiorari shall be served upon the Town of Selma.

(Ord. of 2-14-17(2))

Secs. 17-1507—7-1599. - Reserved.

ARTICLE XVI. - ADMINISTRATIVE MECHANISMS

PART 1. - TOWN COUNCIL

Sec. 17-1600. - Town Council.

- A. Responsibilities of the Town Council. The Town Council shall have the following responsibilities in relation to the administration of this chapter:
 - 1. Hear and decide applications for amendments to the text and zoning map portions of this chapter;
 - 2. Hear and decide applications for conditional use zoning districts and special use permits;
 - 3. Establish rules and procedures for the conduct of hearings and other procedures before the Town Council;
 - 4. Make the necessary appointments to the Planning Board and Board of Adjustment; Appearance Commission and other boards and commissions; and
 - 5. Provide by appropriation funds for the administration of this chapter.
- B. In considering proposed amendments to the text of this chapter or to the zoning map, the Town Council acts in its legislative capacity and shall observe the procedural requirements set forth in Article XVII of this chapter.

C. In considering special use permit applications, the Town Council acts in a quasi-judicial capacity and, accordingly, shall observe the procedural requirements set forth in Articles XIV of this chapter and shall also follow the rules of the Board of Adjustment set out in subsection D., below. D. Unless otherwise specifically provided for in this chapter, the Town Council, in acting upon a conditional zoning district, special use permit application or in considering amendments to this chapter or the zoning map, shall observe the quorum and other requirements set forth in the code of ordinances and Town Councils administrative policy.

E. A failure to vote on a development permit found in this chapter by a member of Town Council who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall not be recorded as an affirmative vote. ¹□

(Ord. of 2-14-17(2))

Footnotes:

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G.S. 160A-75, effective 8/1/2015

Secs. 17-1601—17-1609. - Reserved.

Sec. 17-1610. - Reserved.

Secs. 17-1616—17-1649. - Reserved.

PART 6. - STAFF

Sec. 17-1650. - Land Use Administrator.

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned by the Town Manager to one or more individuals, and this individual or individuals shall be referred to herein as the "Land Use Administrator" or "Administrator." The terms "staff," "Planning Director" and "Director of Planning & Economic Development" are sometimes used interchangeably with the term "Administrator." Should the Town Manager not otherwise assign such responsibilities, the Director of Planning and Economic Development, and those to whom he or she has delegated responsibility, shall have the primary responsibility for administering and enforcing this chapter.

(Ord. of 2-14-17(2))

Sec. 17-1651. - Planning and Economic Development Director.

The Director of Planning and Economic Development is the administrative head of the Planning Department.

(Ord. of 2-14-17(2))

Sec. 17-1652. - Technical Review Committee.

A committee composed of representatives of various Town departments shall meet periodically to review site plans, development plans and other development-related documents for compliance with the

Unified Development Ordinance, the Design Manual, the Standard Engineering Specifications and Details, and the N.C. Administrative Code. The Chair of the Committee is the Director of Planning and Development. The Planning and Economic Development Director may appoint members of the Committee including representatives of the police, fire, and public works departments. The Planning Director may invite representatives from other organizations, such as the Johnston County Building Inspections Department.

Sec. 17-1653. – Staff Conflicts of Interest.

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person, or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(Ord. of 2-14-17(2))

Secs. 17-1654—17-1699. - Reserved.

ARTICLE XVII. - AMENDMENTS

PART 1. - GENERAL USE DISTRICT REZONING AND TEXT AMENDMENTS

Sec. 17-1700. - Amendments in general; non-substantive errors.

- A. Amendments. Amendments to the text of this chapter (i.e., Selma Municipal Code Chapter 17, "Unified Development Ordinance") or to the Zoning Map may be made in accordance with the provisions of this part, or in the case of non-substantive editorial changes, may be made administratively by the Administrator, as described in subsection B.
- B. Non-Substantive Errors. The Administrator may correct typographical errors, numerical reference errors, spelling errors and errors in section or page numbering and may make other non-substantive editorial changes to the text of this ordinance without formal adoption by the Town Council, provided the changes necessary to correct such errors do not change the meaning of the ordinance. Any correction made pursuant to this section must be documented to the Town Council and made a part of the Town Council's regular meeting minutes.

(Ord. of 2-14-17(2))

Sec. 17-1701. - Initiation of amendments.

- A. A request to amend this chapter may be initiated by:
 - 1. The Town Council on its own motion;
 - 2. The Planning Board, Board of Adjustment, Historic Preservation Commission, Appearance Commission or Town Manager on the submittal of a request to the Town Council;

3. Any other person on submittal of an application to the Planning Director. The application, among the information deemed relevant by the Planning Department:
 - (a) The name, address and phone number of the applicant;
 - (b) A description of the land affected by the amendment if a change in zoning district classification is proposed;
 - (c) A description of the proposed map changes or a summary of the specific objective(s) of any proposed change in the text of this chapter; and
 - (e) A concise statement of the reasons why the petitioner believes the proposed map or text amendment would be reasonable and in the public interest and explain how the request is consistent with the Comprehensive Plan. If the request is not consistent with the Comprehensive Plan, a statement explaining why the Plan should be amended and how it is reasonable and in the public interest to do so.
 - (f) Any other information deemed relevant by the Planning Department and the fee set by the Town Council.
- B. Upon receipt of an application as provided in subsection A. above, the Planning staff shall prepare an amendment to the text (if one is requested) and a written report on the effects of the proposed text or map amendment to the Planning Board; unless the application:
 1. Is from a private person under subsection A.3. above; and
 2. The Planning Director believes the proposed text amendment does not have significant merit and would not benefit the general public interest; and/or
 3. The application requires the expenditure of significant staff time and resources or an amendment to the Planning Department's budget in order to analyze and prepare an amendment or report. In this case the Planning Director will forward the application to the Town Council with or without written comment for a determination of whether an ordinance should be drafted and a legislative public hearing set in accordance with subsection C. below.
- C. Upon initiation of a proposed ordinance as provided in subsection A.1. above, the Town Council may establish a date for a legislative public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection A.2. or B. above, the Council may summarily deny the petition, or set a date for a public hearing on the requested amendment and order the attorney or the Planning staff to draft an appropriate ordinance and submit it to the Planning Board.

(Ord. of 2-14-17(2); Ord. of 11-14-17(1))

Sec. 17-1702. - Planning board consideration of proposed amendments.

- A. If the Town Council sets a date for a public legislative hearing on a proposed amendment as provided in Section 17-1701, it shall also refer the proposed amendment to the Planning Board for its consideration.
- B. If the Planning Director receives an application directly as provided in Section 17-1701A.3., the Planning Director shall refer the proposed amendment to the Planning Board and request that a public hearing date be set.
- C. The Planning Board shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Town Council at the legislative public hearing on the amendment. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the Town Council to delay final action on the amendment until such time as the Planning Board can present its recommendations.
- D. Prior to consideration by the Town Council of the proposed amendment (zoning map or text amendment), the Planning Board shall advise and comment on whether the proposed amendment is

consistent with the Comprehensive Plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

- E. If no written report is received from the Planning Board within thirty (30) days of referral of the amendment to that board, the Town Council may proceed in its consideration of the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.
- F. A member of the Planning Board may not vote on any advisory or legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(Ord. of 2-14-17(2); Ord. of 11-14-17(1))

Sec. 17-1703. - Hearing required, notice.

- A. The Town Council has the discretion to decline to take any legislative action including holding a legislative public hearing. However, no ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance. The City Council delegates setting the public hearing to the Town Manager or his designee for all applications received directly by the Planning Director under Section 17-1701B.3.
- B. The Planning staff shall publish a notice of the legislative public hearing on any ordinance that amends the text of this chapter or the zoning map(s) once a week for two (2) successive weeks in a newspaper having general circulation in the Selma area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. This period is to be computed in accordance with G.S. § 160D-601 and Section 17-110, which provide that the date of publication is not counted but the date of the hearing is.
- C. With respect to all map amendments, the Planning staff shall mail, by certified mail, written notice of the public hearing to the record owners of all properties whose zoning classification would be changed by the proposed amendment as well as the owners of all parcels of land abutting the property rezoned by the amendment. For purposes of this section, the term "owners" shall mean the persons shown as owners in the Johnston County tax records. This notice shall be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The staff member mailing such notices shall certify to the Town Council that the notices have been mailed, and such certification shall be deemed conclusive in the absence of fraud.
- D. With respect to all map amendments, the Planning staff shall prominently post a notice of the legislative public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Planning staff shall post sufficient notices to provide reasonable notice to interested persons.
- E. The planning staff may take any other action deemed by the Planning Director to be useful or appropriate to give notice of the legislative public hearing on any proposed amendment.
- F. The notice required or authorized by this section shall:
 - 1. State the date, time and place of the public hearing;
 - 2. Summarize the nature and character of the proposed change;

3. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
 4. State that the full text of the amendment can be obtained from the Planning staff; and
 5. State that substantial changes in the proposed amendment may be made following the public hearing.
- G. The Planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Town Councils' intention that no failure to comply with any of the notice provisions, except those set forth in Section 17-1703B. above, shall render any amendment invalid.
- H. Alternative Notice for Zoning Map Change if More Than Fifty (50) Property Owners Affected. The certified mail notice required under subsection C. of this section shall not be required if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners and the town elects to use the expanded published notice provided for in this subsection. In this instance, the town may elect to either make the mailed notice provided for in subsection C. of this section or may as an alternative elect to publish notice of the legislative hearing as required by G.S. § 160D-601, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Johnston County land records system listing for the affected property, shall be notified by certified mail according to the provisions of subsection C. of this section. The person or persons mailing the notices shall certify to the Town Council that fact, and such certification shall be deemed conclusive in the absence of fraud.
- I. Fee. A fee shall be paid to the town for each application for an amendment. The fee shall be adopted and periodically amended by the Town Council as needed to cover the costs of advertising and other administrative expenses. A copy of the fee schedule shall be posted in the office of the Planning Department. If the Town Council, Planning Board, Board of Adjustment, Historic Preservation Commission, Appearance Commission, or town Administration initiate a change, they are exempt from this fee.
- J. Zoning Amendments Initiated by Someone Other than the Town or the Property Owner.
1. Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the staff that the owner of the parcel of land as shown on the Johnston County tax listing has received actual notice of the proposed amendment and a copy of the notice of legislative public hearing. The Planning staff shall present the certification to the Town Council at the public hearing.
 2. Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection J.1. of this section shall be by any manner permitted under G.S. § 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. § 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the town or the owner of the parcel of land to which the amendment would apply.
 3. No map or text amendment that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by the town. "Down-zoning" means
 - A) decreasing the development density of the land to be less dense than was allowed under its previous usage and/or;
 - B) reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

(Ord. of 2-14-17(2))

Sec. 17-1704. - Town council action on amendments.

- A. At the conclusion of the legislative public hearing on a proposed amendment, the Town Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- B. Prior to adopting or rejecting any zoning map or text amendment, the Council shall adopt one of the following statements, which shall not be subject to judicial review:
 - 1. A statement approving the zoning amendment (zoning map amendment or text amendment) and describing its consistency with an adopted Comprehensive Plan explaining why the action taken is reasonable and in the public interest;
 - 2. A statement rejecting the zoning amendment (zoning map amendment or text amendment) and describing its inconsistency with an adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.
 - 3. A statement approving the zoning amendment (zoning map or text amendment) and containing at least all of the following:
 - a) A declaration that the approval is also deemed an amendment to the Comprehensive Plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan. The Selma Town Council shall not require any additional request or application for amendment to the Comprehensive Plan,
 - b) An explanation of the change in conditions by the governing board, the Selma Town Council, took into account in amending the zoning ordinance to meet the development needs of the community.
 - c) Why the action was reasonable and in the public interest.
 - 4. As used in this section "Comprehensive Plan" refers to the Town of Selma 2040 Land Use Plan.
- C. A Council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(Ord. of 2-14-17(2); Ord. of 11-14-17(1))

Sec. 17-1705. - Ultimate issue before the council on amendments.

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the legislative public hearing may be declared irrelevant by the mayor and be excluded. In particular, when considering proposed general district rezonings:

- A. The Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in

the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification; and

- B. The Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.

(Ord. of 2-14-17(2))

Sec. 17-1706. - Reconsideration of zoning map amendments.

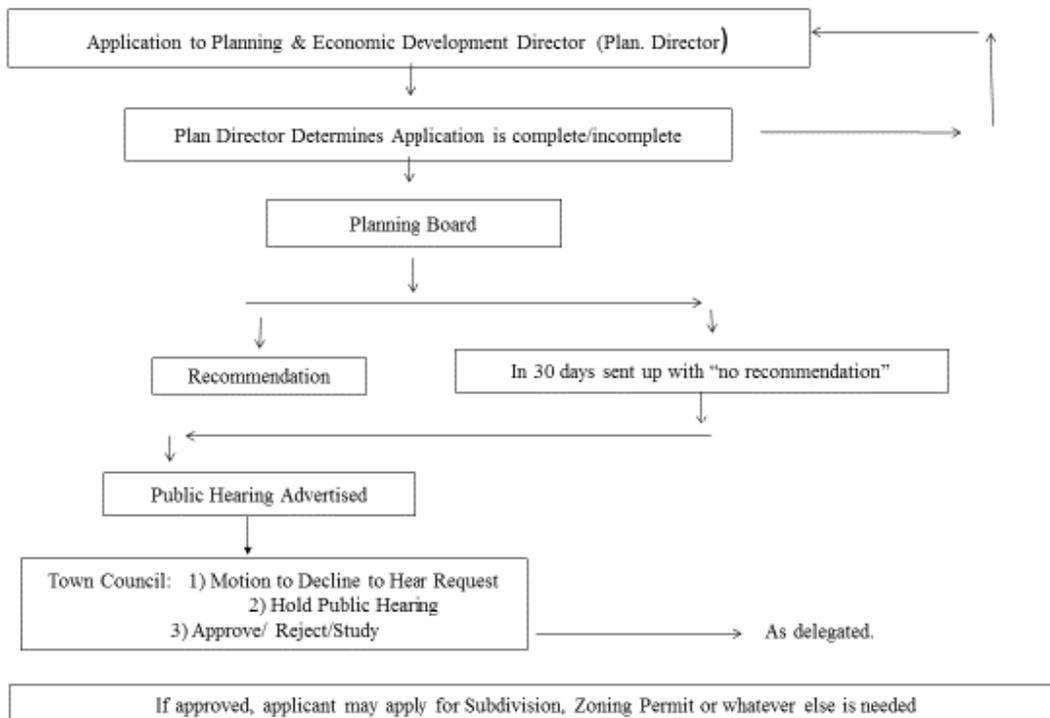
Whenever the Town Council holds a legislative public hearing on an application for a zoning map amendment initiated by a party other than the town itself (i.e., the Town Council, the Planning Board, Board of Adjustment or Town Administration), and on the day of or after the public hearing either the applicant withdraws the application or the Town Council approves or denies the rezoning, then the town will not accept an application for a zoning map amendment affecting the same property or any portion thereof submitted by any party other than the town itself within one (1) year from the date such application was withdrawn, approved or denied.

(Ord. of 2-14-17(2))

Sec. 17-1707. - Public comments.

Written statements received from the public by the Town Clerk prior to a legislative public hearing for a text or map amendment shall be provided to the Town Council.

FLOW CHART ZONING MAP OR TEXT AMENDMENT



(Ord. of 2-14-17(2))

Secs. 17-1708—17-1749. - Reserved.

PART 2. - CONDITIONAL ZONING DISTRICT REZONING

Sec. 17-1750. - Plans and other information to accompany petition.

- A. Property may be rezoned to a conditional zoning district only in response to and consistent with a petition submitted by the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan that complies with the requirements of appendix A and a master plan that specifies any proposed rules, regulations, and conditions and any proposed ordinances that will govern the development and use of the property in conjunction with the requirements of this Unified Development Ordinance and/or in lieu of specified portions of this Unified Development Ordinance.
- B. The Town Council may require more information to be submitted according to the needs of a particular application, but the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information than that set forth in appendix A should be submitted.
- C. In the course of evaluating the proposed use, the Administrator, Planning Board or the Town Council may request additional information from the petitioner. This information may include the following:
 1. Proposed number and general location of all structures;
 2. Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 3. Existing and approximate proposed topography, if available, at ten (10) foot contour intervals or less;
 4. Scale of buildings relative to abutting property;
 5. Height of structures;
 6. Exterior features of proposed development;
 7. Proposed number and location of signs; and
 8. Any other information needed to demonstrate compliance with this chapter.
- D. The site plan and any supporting text shall constitute part of the petition for all purposes under this part.
- E. The Administrator or his or her designee may require the petitioner to submit more than one copy of the petition and site plan in order to have enough copies available to circulate to other town departments or other government agencies for review and comment.

(Ord. of 2-14-17(2))

Sec. 17-1751. - Approval of conditional zoning district.

- A. Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions.
- B. In considering any petition for a conditional zoning district, Sections 17-1700 "Amendments in General; Non-Substantive Errors" and 17-1702 through 17-1706 shall apply. Section 17-1707 "Public Comments" shall apply to conditional zoning district petitions to the extent permitted by G.S. § 160D-603.

(Ord. of 2-14-17(2))

Sec. 17-1752. - Conditions on approval of petition.

- A. In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend and the Town Council may request that reasonable and appropriate conditions be attached to approval of the petition.
- B. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use of the site to town ordinances and all relevant officially adopted plans. Conditions and site-specific standards may also address the impacts reasonably expected to be generated by the development or use of the site. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the Town Council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the town, county or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The Town Council may approve conditions that vary or impose higher standards than those that would ordinarily apply were the property at issue rezoned to something other than a conditional zoning district.
- C. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Council. Only those conditions mutually approved by the Town Council and the petitioner in writing may be incorporated into the petition.

(Ord. of 2-14-17(2))

Sec. 17-1753. - Effect of approval

- A. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the town Zoning Map.
- B. If a petition is approved, the petitioner shall comply with all requirements of the Selma Town Code and General Statutes, including those for obtaining a zoning permit and a building permit and a certificate of occupancy or a certificate of compliance. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. The location of structures may be changed pursuant to Section 17-1754, "Modification of Approval," provided that changes to the site plan layout will not increase the number of structures.
- C. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the town Zoning Map by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letter "C" (for example a General Commercial Conditional Zoning District would be designated as "GC-C").

(Ord. of 2-14-17(2))

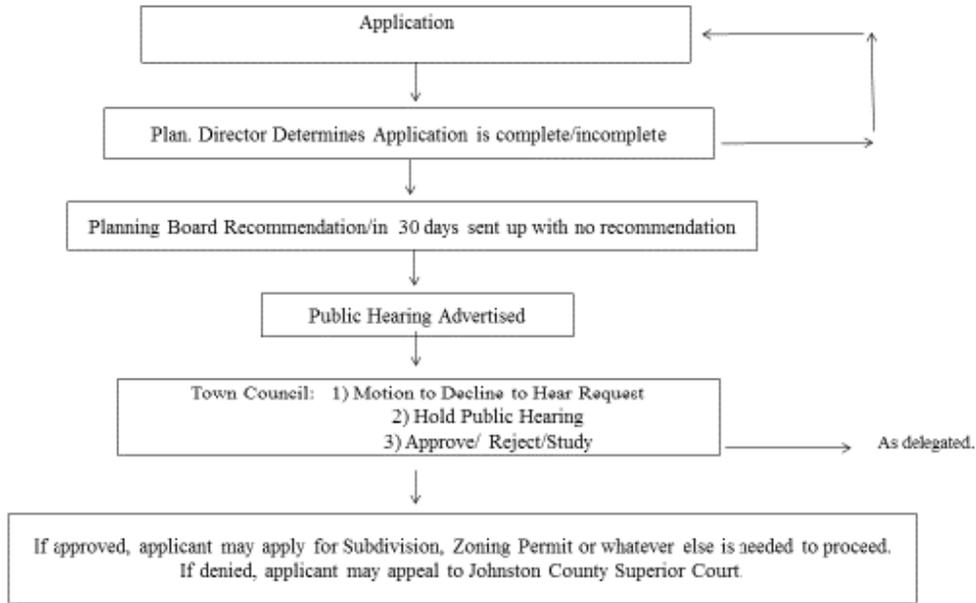
Sec. 17-1754. - Modification of approval.

- A. Changes to an approved petition for conditional zoning or to the conditions attached to an approved petition for conditional zoning shall be treated the same as amendments to the text of this ordinance or to the official Zoning Map and shall be processed in accordance with the requirements of this article. Notwithstanding the foregoing, the Town Council may, as part of the conditions imposed on the conditional zoning district, include the list of minor modifications in subsection B. that may be approved by the Administrator or other appropriate town staff without further review by the Town Council.

B. List of Minor Modifications:

1. Increases in the number of parking spaces and vehicular use areas of no more than 10%. (Staff may not change any impervious surface ratio that changes a development from a low density to a high density development on any property in a Water Supply Watershed Overlay District.); or
2. Changes to the amount or kind of landscaping, including the designated species; or
3. Changes to the facade of buildings or structures (except in a designated Historical District.)

FLOW CHART CONDITIONAL ZONING DISTRICT



(Ord. of 2-14-17(2))

PART 3. – DEVELOPMENT AGREEMENTS

Sec. 17-1755. - Authorization.

- A. The Town of Selma may enter into development agreements with developers, subject to the procedures of Article 10 of G. S. 160D. In entering into such agreements, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law.
- B. This provision is supplemental to the powers conferred upon the Town and does not preclude or supersede rights and obligations established pursuant to other law regarding development approvals, site-specific vesting plans, or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the Town’s development regulations. When the Town

Council approves the rezoning of any property associated with a development agreement executed and recorded pursuant to this section, the plan consistency requirements of 17-1704(B) apply.

- C. Development authorized by a development agreement shall comply with all applicable laws, including all ordinances, resolutions, regulations, permits, policies, and laws affecting the development of property, including laws governing permitted uses of the property, density, intensity, design, and improvements.

Sec. 17-1756. – Definitions.

The following definitions apply in this section:

- A. Development. - The planning for or carrying out of a building activity, the making of a material change in the use or appearance of any structure or property, or the dividing of land into two or more parcels. When appropriate to the context, "development" refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.
- B. Public facilities. - Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Sec. 17-1757. – Approval of Town Council required

- A. The Town may establish procedures and requirements, as provided in Article 10 of G. S. 160D, to consider and enter into development agreements with developers. A development agreement must be approved by the Town Council following the procedures specified in section 17-1759.
- B. The development agreement may, by ordinance, be incorporated, in whole or in part, into any development regulation adopted by the Town. A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement. A development agreement may be concurrently considered with and incorporated by reference with a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under a zoning regulation. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

Secs. 17-1758. - Size and duration.

The Town may enter into a development agreement with a developer for the development of property as provided in this section for developable property of any size. Development agreements shall be of a reasonable term specified in the agreement.

Secs. 17-1759. - Hearing.

Before entering into a development agreement, the Town shall conduct a legislative hearing on the proposed agreement. The notice provisions applicable to zoning map amendments shall be followed for this hearing. The notice for the hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.

Secs. 17-1760. - Content and modification.

- A. A development agreement shall, at a minimum, include all of the following:
1. A description of the property subject to the agreement and the names of its legal and equitable property owners.
 2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
 3. The development uses permitted on the property, including population densities, and building types, intensities, placement on the site, and design.
 4. A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards.
 5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.
 6. A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.
 7. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- B. A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period of time. If required by ordinance or in the agreement, the development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008 but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.

- C. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement. A local or regional utility authority may also be made a party to the development agreement.
- D. The development agreement also may cover any other matter, including defined performance standards, not inconsistent with this Chapter. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.
- E. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement. What changes constitute a major modification may be determined by ordinance adopted pursuant to G.S. 160D-1003 or as provided for in the development agreement.
- F. Any performance guarantees under the development agreement shall comply with G.S. 160D-804.1

Sec. 17-1761. – Vesting.

- A. Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.
- B. Except for grounds specified in G.S. 160D-108(c) or G.S. 160D-108.1(f), the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.
- C. In the event State or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the development agreement.
- D. This section does not abrogate any vested rights otherwise preserved by law.

Sec. 17-1762. – Breach and cure.

- A. Procedures established pursuant to G.S. 160D-1003 may include a provision requiring periodic review by the zoning administrator or other appropriate officer of the local government, at which time the developer shall demonstrate good-faith compliance with the terms of the development agreement.

- B. If the Town finds and determines that the developer has committed a material breach of the agreement, the Town shall notify the developer in writing setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and providing the developer a reasonable time in which to cure the material breach.
- C. If the developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the development agreement, provided the notice of termination or modification may be appealed to the board of adjustment in the manner provided by G.S. 160D-405.
- D. An ordinance adopted pursuant to G.S. 160D-1003 or the development agreement may specify other penalties for breach in lieu of termination, including, but not limited to, penalties allowed for violation of a development regulation. Nothing in this Article shall be construed to abrogate or impair the power of the local government to enforce applicable law.
- E. A development agreement shall be enforceable by any party to the agreement notwithstanding any changes in the development regulations made subsequent to the effective date of the development agreement. Any party to the agreement may file an action for injunctive relief to enforce the terms of a development agreement.

Sec. 17-1763. - Amendment or termination.

Subject to the provisions of G.S. 160D-1006(e), a development agreement may be amended or terminated by mutual consent of the parties.

Sec. 17-1764. – Change of jurisdiction.

- A. Except as otherwise provided by this Article, any development agreement entered into by a local government before the effective date of a change of jurisdiction shall be valid for the duration of the agreement or eight years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.
- B. A local government assuming jurisdiction may modify or suspend the provisions of the development agreement if the local government determines that the failure of the local government to do so would place the residents of the territory subject to the development agreement or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

Sec. 17-1765. - Recordation.

The developer shall record the agreement with the Johnston County register of deeds within 14 days after the local government and developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded. The

burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Sec. 17-1766. - Applicability of procedures to approve debt.

In the event that any of the obligations of the Town constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt.

Secs. 17-1767—17-1799. - Reserved.

APPENDIX A - INFORMATION REQUIRED WITH APPLICATIONS

§ A-1. - Information required with applications.

Prior to the issuance of a zoning compliance permit, special use permit, or a building permit for any use and prior to the approval of any conditional zoning district, the developer shall submit a site specific development plan for review by the Administrator and, where specified in the ordinance, by other Town Boards, including but not limited to the Planning Board and the Town Council.

The site plan may also be the "preliminary plat" for subdivision approvals if it contains all the information required for subdivision approval. Information required for subdivision plats begins on page 5.

All site plans and subdivision plats shall be drawn by a registered engineer, architect or surveyor and be sealed by the same and shall include the following information:

(A) Information Required for Both Site Plans and Subdivision Plats.

- (1) Site plans shall include a location map that shows the location of the project in the broad context of the town or planning and development regulation jurisdiction.
- (2) Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Large developments may require that plans show the development in sections. The objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. Also, an applicant may use a narrative or master plan to describe and define those site plan elements that cannot be readily depicted in a graphic format.
- (3) Development site plans shall show on the first page the following information:
 - (a) Name of applicant.
 - (b) Name of development (if any).
 - (c) North arrow.
 - (d) Legend.
 - (e) Scale.
- (4) Existing Natural, Man-Made and Legal Features.
 - (a) Tree line of wooded areas.
 - (b) Streams, ponds, drainage ditches, swamps, boundaries of flood ways and flood plains.
 - (c) Existing storm drainage patterns.
- (5) Existing man-made features:
 - (a) Public streets, sidewalks and other walkways, all designated by the type of surface material.

- (b) Curbs and gutters, curb inlets and curb cuts and drainage grates.
 - (c) Stormwater and drainage facilities.
 - (d) Underground utility lines, including water, sewer, electric, telephone, gas and cable.
 - (e) Above ground utility lines and other utility facilities.
 - (f) Fire hydrants.
 - (g) Buildings, structures (including dimensions).
 - (h) The location of any areas previously used for landfill or other waste disposal purposes that are known or reasonably should be known to the applicant.
- (6) Existing legal features:
- (a) Zoning of the subject property and surrounding properties.
 - (b) Property lines of the tract to be developed (with dimensions identified).
 - (c) Street right-of-way lines.
 - (d) Utility or other easement lines.
 - (e) Deed book and page reference demonstrating ownership of property. If the applicant does not yet own the property, the applicant shall include a written statement describing the applicant's legal authority to make application for the requested permit or conditional zoning.
- (7) Show all proposed changes in existing natural, man-made and legal features, including but not limited to the following:
- (a) Lot dimensions.
 - (b) The location, dimensions and footprints of all buildings on the property, including the distances of all buildings from property lines, streets or street right-of-way lines; (subdivisions may show building setback lines).
 - (c) The location and dimensions of all recreational areas.
 - (d) The location and dimensions of all areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
 - (e) Street names (labeled by classification) showing linear feet, street paving widths and typical street cross-sections.
 - (f) Curbs and gutters (constructed using the same specifications as used by the NC Department of Transportation), curb cuts and drainage grates as required by town policy;
 - (g) If required, a stormwater management plan, as approved by the State of North Carolina, or Town in the Water Supply Watershed Overlay District and drainage facilities.
 - (h) All new proposed storm drainage patterns.
 - (i) Sidewalks and walkways, showing widths and surface material.
 - (j) Bridges.
 - (k) Underground utility lines or easement areas for said lines, including water, sewer, electric, telephone, gas and cable.
 - (l) Above ground utility lines and other facilities.
 - (m) Fire hydrants.

- (n) Vehicle accommodation areas including parking areas, loading areas and circulation areas, all designated by the type of surface material and dimensions of proposed parking spaces. The total number of parking spaces and the total number of parking spaces for disabled persons (i.e. handicapped spaces) shall be indicated;
 - (o) For properties in the Water Supply Watershed Overlay District provide the proposed total impervious surface area and the calculations showing how the impervious surface area was found;
 - (p) The location and description of all yards, buffers, screening, landscaping and plantings or devices (i.e. fences, berms, etc.) proposed for compliance with screening requirements of Appendix C, "Landscaping". Plans shall label trees and shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width.
 - (q) Proposed phasing, if any. Phasing plans shall provide a description of the facilities to be built in each phase.
- (8) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person, such as a Deed book and page reference demonstrating ownership of property. If the applicant does not yet own the property, the applicant shall include a written statement describing the applicant's legal authority to make application for the requested permit or conditional zoning.
 - (9) Certifications from the appropriate agencies that all necessary easements have been provided; and
 - (10) If any street or driveway is proposed to intersect with a State maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveways Regulation.
- (B) Additional Information Required for Site Plans.
- (1) Existing topography at ten (10) foot or other appropriate contour intervals, as approved by the Land Use Administrator.
 - (2) Individual trees twelve (12) inches in diameter or more, identified by common or scientific name.
 - (3) Other individual trees the applicants intends to preserve.
 - (4) Location of exterior light fixtures, with type and intensity of lighting fixtures sufficiently identified.
 - (5) The proposed use or uses of all land within the subject property.
 - (6) The scale of buildings relative to abutting property.
 - (7) The total number of residential units and the total square footage of any nonresidential development.
 - (8) Building elevations for all accessory structures, except for accessory structures to single family residences, duplexes and townhouses approved under the N.C. Single Family Building Code.
 - (9) All refuse facilities (including dumpsters and their screens), mechanical equipment and utility equipment.
 - (10) Vehicle accommodation areas including parking areas, loading areas and circulation areas, all designated by the type of surface material and dimensions of proposed parking spaces. The total number of parking spaces and the total number of parking spaces for disabled persons (i.e. handicapped spaces) shall be indicated. SITE and SUBDIVISIONS in the Water Supply Watershed Overlay District.

- (11) Building elevations for typical units of new buildings or exterior remodeling of existing buildings showing building heights, widths, and materials (except single family, duplex or townhouse buildings approved under the NC Residential Building Code for One- and Two-Family Dwellings).
- (12) The location and dimensions, including height, of all signs, including the distances of all signs from property lines, streets or street right-of-way lines. If applicable, this information may be included as part of a sign plan.
- (13) Any other facilities to be constructed or otherwise provided as part of the development.
- (C) Additional Information Required Only for Subdivision Plats.
 - (1) The number of square feet in every lot created by a new subdivision and the total number of lots created.
- (D) Number of Copies of Plans and Documents.
 - (1) With respect to all site plans submitted pursuant to this appendix, the applicant shall submit a minimum of two (2) copies of full-size plans (i.e., twenty-four (24) inches by thirty-six (36) inches) and two (2) copies of plans drawn on ledger size paper (eleven (11) inches by seventeen (17) inches). Other documents required by this appendix shall be submitted on letter size paper (8.5 inches by eleven (11) inches) or legal-size paper (8.5 inches by fourteen (14) inches).
 - (2) The applicant shall submit a minimum of two (2) copies of all other documents required by this appendix.
 - (3) The applicant shall submit all documents in Adobe format or other software approved by the Planning Director

APPENDIX B - STREETS, SIDEWALKS ACCESS AND CIRCULATION

1. Required Access. All development shall be located on a zoning lot that has vehicular, and pedestrian access that abuts on a public street that is approved by the Town of Selma and following Town standards or State standards, where applicable, and is currently maintained by the Town or the State of North Carolina.

Nothing in the above definition of access shall be deemed to preclude the Town's authority to require improvement of substandard access ways to applicable standards.
2. General Standards.
 - a) Relationship to Town Plans: Streets, including associated bikeways, sidewalks, trails, and transit amenities, shall be arranged, designed, and located in conformance with the Land Use Plan, Thoroughfare Plan, and Street Classification Plan
 - b) Relationship to Surrounding Access Ways: Streets and sidewalks shall be arranged to and coordinated with surrounding existing and proposed roadways and transportation patterns. Roadways, and pedestrian ways shall connect where necessary to permit the convenient and safe movement of traffic. While street connections are encouraged, local connector streets should be designed to minimize their use by through traffic. If the scale of new improvements is small in relation to the amount of surrounding existing development, new improvements should be designed to blend with existing conditions wherever possible unless existing improvements are inadequate.
3. Relationship to Arterial or Collector Roads. Where a development is proposed adjacent to an arterial or collector road, appropriate turning, storage and/or deceleration lane(s) may be required.

Where a development is proposed adjacent to an arterial or collector road that has an inadequate right-of-way, the property owner shall dedicate such right-of-way along its property as is necessary to bring the right-of-way up to standard for that portion of the arterial or collector

road. (In most circumstances, it is customary to require one-half of the total right-of-way, measured from the centerline, to be required along the subject property frontage.

4. Arrangement of Streets. Principal vehicular access points to the development shall be designed to encourage smooth traffic flow and minimize hazards to vehicular traffic and pedestrians. Accommodation of controlled turning movements into and out of the development and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access and traffic flow shall be provided for emergency, school and service vehicles.

Subdivisions and all other developments located on an arterial or collector road shall be so designed so that no subdivided lot shall have a direct individual driveway access onto an arterial or collector road unless it can be determined that the proposed subdivision cannot be feasibly designed, or that no reasonable alternative exists, to prohibit direct driveway access onto an arterial or collector street.

5. Roadway Design. The arrangement, character, extent, width, grade and location of all roadways should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roadways and existing and potential uses in adjoining areas. All streets are required to be built to Town standards to ensure that fire, rescue, refuse collection and other utility vehicles will have adequate access. If the refuse collection access exceeds a grade of 15% or a length of one-hundred fifty feet (150') on any newly proposed lot the developer should contact the Town of Selma Public Works Department to determine if an alternative receptacle location can be determined that would permit residential refuse collection
6. Appropriate Speed. Local streets should be designed to discourage excessive vehicular speeds. Traffic calming techniques are encouraged whenever practical and appropriate, including curved and/or narrow streets, offsets at intersections, traffic islands, chokers, raised crosswalks, speed humps, traffic circles, chicanes, etc.
7. Vertical Alignment. Streets should be designed to provide gradual grade changes and to avoid a "roller-coaster" effect. Where possible streets should be designed to avoid deep cuts and fills.
8. Horizontal Alignment. Streets should be designed to provide long curves and to avoid sharp curves at the end(s) of straight sections or flat curves. Compound curves and "S" curves are to be avoided.
9. Barriers. Physical barriers (such as guardrails) should be provided along roadway edges and in medians where warranted due to potential roadway safety hazards such as structures, embankments, ditches, or bodies of water. Guardrails shall be constructed within the right-of-way wherever the Town Manager determines that guardrails are necessary for public safety.

Reflectorized barriers shall be installed at the end of pavement on all streets which are temporarily dead-ended or where "T" turnarounds are constructed.

10. Intersections. Intersections of streets should be designed to minimize the number of potential conflicts among vehicular movements; to give preference to the heaviest and fastest traffic flows; to coordinate the location and alignment of driveways; to discourage dangerous vehicular movements; to avoid multiple and compound merging and diverging maneuvers; and to provide adequate sight distances.
11. Sight Line Triangles at Intersections. Sight line triangles at intersections should be designed to assure adequate visibility for vehicles and pedestrian using the intersection. Signs, trees, shrubs, etc. should not interfere with these sight lines. The property owner shall dedicate sight line easements as necessary (including driveways serving non-residential and multi-family developments).
12. Dead-End Streets. Street designed to be permanently dead-end shall terminate in a turnaround of adequate size to accommodate vehicles expected to use the street. Streets designed to be

dead-end temporarily (such as in a phased development or where a street is to be extended) can terminate in a paved circular turnaround or a paved "T" turnaround. Under special circumstances, a "T" turnaround may be acceptable as a permanent improvement.

A separate, pole mounted "Dead End" sign shall be placed at the closest intersection to the dead end. Also, temporary dead end streets expected to be extended in the future shall include a sign located at the temporary dead-end stating "This Roadway is Subject to Future Extension".

Based on the results of soils investigations, previously observed conditions, and/or conditions encountered in the field; additional requirements for street construction may include increased pavement and/or base thickness, dewatering drain systems, excavation of unsuitable materials, installation of geotextile materials, and other enhancements as may be deemed necessary to assure that streets will not experience premature failure. The use of the curb and gutter section for street development has been determined to require the least amount of grading, clearing, right-of-way, and maintenance of all alternative roadway sections. Therefore, to preserve the natural environment and to minimize erosion and sedimentation, the Town will typically require the use of curb and gutter roadway section except as noted in the paragraph below. In areas where poor subsoil drainage and periodic flooding is determined to be a problem by the Town Manager, the developer may be required to use a roadside swale-type street construction. If curb and gutter is deleted, additional right of way may be required. Roll-type curbs may be considered under certain conditions on local streets, subject to submittal of technical support data and justification for approval by the Town Manager.

13. **Phased Completion of Streets.** The Developer shall synchronize the probable completion of houses or other building construction with the completion of the streets serving those buildings. The intent is to prevent unreasonable inconvenience to the building occupants from dust, mud, or hazardous conditions and to avoid unsightly appearance along the access to these buildings.

In all cases, streets will be accepted on as provided in the following three Sections: 17-608 Authorizing Use or Occupancy Before Completion of Development Under a Certificate of Zoning Compliance; 17-657 Protection Against Defects and 17-658 Maintenance of Dedicated Areas Until Acceptance.

In all cases where construction is not completed, the developer will provide a performance bond until the streets are accepted by the City or NC DOT for maintenance.

14. **Grassing Within Rights-of-Way.** All portions of the roadway, including medians, remaining unpaved shall be grassed in accordance with Town specifications. Grass shall be installed in all rights-of-way at a time determined by the Town Manager, providing, however, that it shall be installed and established prior to the release of the performance bond.

All work herein referred to shall be maintained in accordance with Appendix B and shall be kept at a height no greater than six (6) inches (except on embankments) until the roadway has been accepted by the Town Council and the improvement bond has been released.

15. **Traffic Control Devices.** Where warranted to ensure motorist, or pedestrian safety and/or to control vehicular and pedestrian traffic; traffic signals, signs, and markings shall be provided in accord with the standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways. Installation of all traffic devices shall be approved by the Town Manager (of his designee), and the North Carolina Department of Transportation where applicable.
16. **Extension and Completion of Access Ways.**
 - a) **Extension to Boundaries.** Streets, and pedestrian ways to be extended onto adjacent property or into subsequent approved phase(s) of a single development shall be constructed to the common property line or phase boundary. Where necessary to facilitate traffic flow or accommodate emergency vehicles, a temporary turnaround may be required at the end of a street pending its extension.

- b) Improvement of Substandard Access Ways. Where a development impacts, abuts or contains an existing street, bikeway, or pedestrian way that provides required access but does not meet the standards contained herein, improvement of such access way to applicable standards may be required if the development is expected to increase traffic volume and/or affect the capacity of the existing facility. Partial width access ways are prohibited and abutting existing partial width access ways shall be completed to applicable standards.

17. Public and Private Access Ways.

- a) Public Access Ways. Public access ways are streets, bikeways, and pedestrian ways (greenways) located within publicly dedicated rights-of-way or easements and accepted for maintenance by the Town of Selma or the State of North Carolina. Public access ways shall not be accepted for maintenance unless they meet all applicable standards.
- b) Private Access Ways Providing Required Access. Private access ways are bikeways, and pedestrian ways (greenways) other than the above. Where private access ways provide required access, they shall meet all applicable standards. Provision for their continued maintenance shall be approved by the Town Manager and recorded with the County Register of Deeds in a legally valid and binding instrument that describes the properties, which the private access way serves, and which runs with the land. The maintenance agreement shall apply to all properties, which the private access ways serve.

18. Names, Identification and Addresses for Public Streets.

- a) Street Names - Names of streets shall reflect the continuity of streets (i.e., that a proposed street obviously in alignment with an existing street or planned as a continuation of an existing street be given the same name as the existing street) and shall be neither wholly or partially duplicative nor phonetically similar to the name of an existing street within the County.
- b) Street Identification Signs - Street identification signs shall be provided at all street intersections as part of street construction. The location and design of street identification signs shall be approved by the Town Manager as in accord with the standards set forth in the Manual on Uniform Traffic Control Devices for Street and Highways. The developer may purchase these signs from the Town and may have the Town install them with reimbursement.
- c) Street Addresses - Street addresses are assigned to properties by the Town Manager. Street identification signs shall include assigned block numbers in addition to street names.

19. Minimum Street Elevations. Minimum Elevations for crown of major and minor arterial pavements shall be two (2') feet above the one hundred (100) year flood elevation as shown in the FEMA Flood Boundary and Floodway Maps and Flood Insurance Report.

20. Guardrails and Barriers.

- a) Guardrails shall be constructed within the right-of-way wherever the Town Manager determines that guardrails are necessary for the protection of the public.
- b) Reflectorized barriers shall be installed at the end of pavement on all streets or drives which are temporarily dead-ended or when a "T" turnaround is installed. The type(s) of barrier required will be as necessary for public safety and shall be determined by the Town Manager.

21. Street Classifications and Geometric Standards.

Introduction and Purpose Street classifications and geometric design standards are outlined in the following Table 1 and Table 2. Information regarding existing streets and their classifications is available in the Selma Planning Department. All streets within the Town limits are classified primarily by function and/or operational characteristics, rather than by specific geometric criteria.

The street design standards represent specific interpretations of the general intentions embodied in the Selma Unified Development Ordinance. Because the terrain of Selma varies from level to hilly, the standards have been written as broadly as possible. The notion of limiting cut and fill within the limits of public safety has been important in developing these standards.

The conscientious designer may occasionally find that street design in specific areas could be better accomplished in a manner, which does not coincide with every standard in Table 1 and/or Table 2. In such cases, the Town Manager will consider justification that strict adherence to all standards would create significantly undesirable conditions and/or that deviation from the standards would produce a significantly better improvement. Similarly, the Town Manager may not allow the use of every standard if public safety considerations dictate otherwise under specific conditions.

The standards in Table 1 and Table 2 are presumptive. They are intended to be valid in most cases, but it is understood that the public good may be better served in certain unique situations by allowing some flexibility in the standards. New streets should be designed in a manner that balances functional and safety needs with the objective of preserving as much of the existing terrain and vegetation as is practicable.

Street Classifications. Streets in Selma are classified by their functional relationship to through-traffic service and land-access service. The three street classifications are:

- a) Arterial. Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated, but traffic controls and street design are intended to provide efficient through-traffic movement.
- b) Collector. Collector streets penetrate neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal proportions, often linking the local street system to the arterial street system.
- c) Local. Local streets primarily serve land-access functions. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design.

The relationship between functional street classifications is a continuous one, without specific clear-cut boundaries. Streets are classified by the Town Engineer based on technical judgment and observed function of the street.

Some existing streets are classified. They are shown in Table 1 below.

TABLE 1: STREET CLASSIFICATIONS

Arterial Streets			
U.S. 70	U.S. 301	N.C. 96	Industrial Drive
U.S. 70A Bypass	N.C. 39		Buffalo Road

Collector Streets

U.S. 70A	East Preston Street	Old Beulah Road
Campground Road	Fire Tower Road	River Road
Crocker Street	Lizzie Mill Road	West Noble Street
East Anderson Street	North Webb Street	West Oak -U.S. 70 to N.
Forest	East: West	Ricks Road
East Lizzie Street	North Noble Street	

Local Streets	Outlet Center Drive
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All other existing public streets, not included above in the Arterial and Collector street list, are classified as local streets.

TABLE 2. MINIMUM STREET CLASSIFICATIONS and DIMENSIONS

	Arterial	Collector	Local
Design Volume (ADT)	20,000—40,000+	7,500—20,000	< 7,000
Design Speed	45—55	35—45	25
Overall Length	Unlimited	< 2 miles	< 1 mile typical
No. Travel Lanes (1)	4 Typical	2 Typical	2 Typical
Right-of-Way Width	70—200 feet	60—100 feet	50—60 feet
Pavement Width			

Curb & Gutter	44—52 feet (6)	32—44 feet (6)	18—28 feet (6)
Non-Curb & Gutter	40—48 feet (6)	28—40 feet (6)	18—24 feet (6)
Cul-de-sac			70 feet (6)
Turnaround			
Turn Lanes	Right/Left @ Intersections & major driveways (12' width typ.) (9' min width)	As warranted by turning traffic volume & safety criteria (11' width type; 9' width min.)	As warranted by turning traffic volume & safety criteria (10' width typ. & 9' width min)
On-street Parking	Not permitted	As warranted-controlled adjacent to street/driveway intersections	Controlled adjacent to street/driveway intersections
4-Way Intersection Spacing (2)	1,000' Minimum	400' Minimum	200' Minimum
Driveway Spacing (3)	750' Min. between driveways. 250' between driveway & street intersections.	200' Min. between driveways and between driveway & street intersections	50' Min between driveways and between driveway & street intersections (5)
Access Control	No access if alternative possible to street of a lower classification (4)	No access if alternative possible to street of a lower classification (4)	

Notes to Table of Street Standards

(1) The number of travel lanes necessary for each street classification may vary depending on traffic volumes.

(2) Intersection spacing is measured along centerline of street between the v=centerline of intersecting streets.

(3) Measured between the closest edges of driveway connections and intersecting roadways. Additional spacing may be required by the Planning Director under special conditions.

(4) Non-residential uses may be restricted access to local streets under special circumstances if alternative access is possible.

(5) Driveway spacing may be reduced in Planned Unit Developments.

(6) Or as specified by the North Carolina Department of Transportation as appropriate.

TABLE 3. MINIMUM STREET CLASSIFICATIONS and DIMENSIONS
SIDEWALK CHART

Land Use (Roadway Classification)	New Streets	Existing Streets
Commercial & Industrial (All Streets)	In town-both Sides	Both sides. Every effort should be made to add sidewalks where they do not exist and to complete missing links.
Residential (Arterials)	Both sides	Both sides
Residential (Collectors)	Both sides	Multi-family—both sides. Single family- prefer both sides; require 1 side
Residential (Local) More than 4 units per acre	Both sides—in town	Prefer both sides; require 1 side
Residential (Local) 1 to 4 units per acre	Prefer both sides; require 1 side	1 side preferred; at least 4' level shoulder provided 1 side
Residential (Local) less than 1 unit per acre	1 side preferred; 4' level shoulder on both sides	1 side preferred; 4' level shoulder on both sides
Residential Cul-de-sac with 8 or more units	1 side	1 side
Residential Cul-de-sac less than 8 units	Not required	Not required

Sidewalks may be omitted on one side of new streets where that side clearly cannot be developed and where there are no existing or anticipated uses that would generate pedestrian traffic.

Where there are service roads, the sidewalk adjacent to the main road may be eliminated and replaced by a sidewalk adjacent to the service road on the side away from the main road. For rural roads, a shoulder of at least 4 feet in width, preferably 8 feet on primary highways should be provided. Surface material should provide a stable, mud-free walking surface.

APPENDIX C - LANDSCAPING

1. This Appendix is divided into topics, generally by location in the proposed site or development. Each topic corresponds to a different subsection. Every development shall have all of the following kinds of landscaping as indicated in the sections below. Flexibility in administration of this Appendix is required. For example, if a commercial development provides exterior and street-side buffers, parking lot landscaping the Town Council may waive the requirement for foundation plantings.

The topics/subsections are:

- Exterior Buffers and Street Yards
- Parking Lot (Vehicular Use Area) Landscaping
- Foundation Plantings
- Fences and Walls
- Loading Area Requirements
- Miscellaneous - Combination Use
- Plant Species / Planting / Maintenance

2. Exterior Buffers and Street Yards

Buffer Requirements: The following Tables indicate the minimum landscape planting requirements for a development site. Table 1 provides the required landscaped areas along streets. Table 2 shows the required buffers on all sides of a property except the street side. Table 3 shows the required width of each type of buffer and the number of trees and shrubs that must be planted or preserved in each 100 linear feet of buffer or street yard. The arrangement of plants within each landscaped area should be integral to the design concept of the project as a whole, as well as responsive to the landscapes of adjacent properties. The room required for plants to develop their natural form, especially large trees, should also be considered when determining plant spacing. Allowing greater than minimum planting widths can therefore provide more landscape design flexibility. To meet planting height requirements, the Town Council, in its discretion, may approve the use of a landscaped earthen berm, or fences or walls or a combination of berms fences and walls. The minimum size of plants at installation is shown in Table 4 and the expected height at maturity is shown in Section 8.

TABLE 1: Required Landscaped Street Yards

	Landscape Area Types	Adjacent Street Type or Existing ⁽³⁾ Principal Uses
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Proposed Principal Uses:		Railroad	Arterial Street	Collector Street	Local Street
	Residential Subdivision in RA, R20, R 10	C	B	A	NONE
	Residential R8, TR, MHP, IN	C	C	B	A
	Automotive repair, Storage-supply yard	NONE	B	A	A
	Business use	A	B	B	A
	Industrial Use, Includes Solar Farms	NONE	C	B	A

TABLE 2: Required Landscape Buffers on All Property Boundaries except for Streets

		Adjacent ⁽¹⁾ Existing ⁽²⁾ Principal Uses (Not on Street)					
Proposed Principal Uses:		Residential, RA, R20, R10 (Except multi-family apartments)	Residential R8, TR, IN	Mobile Home Park, Multi-Family Apartments	Automotive repair, Storage-supply yard	Business Use	Industrial, Solar Farm
	Residential Subdivision in RA, R20, R10 (Except multi-family apartments)	NONE	A	B	C	B	C
	Residential R8, TR, IN	A	NONE	A	C	B	C
	Mobile Home Park, Multi-Family Apartments	B	B	A	B	B	C

Automotive repair, Storage-supply yard	C	C	B	NONE	A	A or none
Business use	B	B	B	A	NONE	A
Industrial Use	C	C	C	A	A	NONE

- (1) *Adjacent land uses and vacant lands include uses and land across a street from the proposed use.*
- (2) *Existing uses included uses approved as part of development for which Special Use Permit or Zoning Permit has been issued.*

The landscape area locations shown in the following chart refer to whether the landscape areas are adjacent to a street or adjacent to some other property line (internal).

TABLE 3: Plants Per 100 Linear Feet of Landscape Area

Landscape Area Type	Landscape Area ⁽¹⁾	Location ⁽²⁾	Large Trees	Small Trees	Shrubs
"A:"	15'	Internal	2	4	8
	10'	Street	2	4	8
"B"	20'	Internal	4	8	20 ⁽³⁾
	10'	Street	3	6	20 ⁽³⁾
"C"	30'	Internal	4	10	30 ⁽³⁾
	15'	Street	3	12	30 ⁽³⁾

- (1) *Minimum distance between property line and structure or parking lot/internal driveway to be used for landscape area. The minimum distance can be reduced depending upon the location of the property and the type of landscape and/or the utilization of an architectural treatments such as walls and earth berms.*
- (2) *Refers to property line. "Internal" refers to Table 2 above. "Street" refers to Table 1 above.*
- (3) *Can be combined with parking lot landscaping requirements adjacent to property line.*

TABLE 4: Size of Plants at Installation

Minimum planting sizes are listed below. Larger sizes may be required, however, for specific screening or landscaping applications:

Ground Cover: 2" pots	Shrubs: 18" in height
Small Trees: 5' in height	Large Trees: 2" caliper Trees planted 12' in height

3. Parking Lot (Vehicular Use Area) Landscaping.

a) Parking Lot Landscape Requirements and Standards: All parking lots shall be landscaped as set out in this Appendix.

b) Except for single- or two-family dwellings, all parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements:

Parking facilities, unless located on or within a structure, shall be separated from the exterior wall of a building, exclusive of a paved pedestrian walkway or entranceway or loading area, by a landscape strip (park strip) at least five (5) feet in width, which shall be planted with a groundcover.

c) Driveway and Median Requirements: Entry drives and medians separating lanes of traffic shall be a minimum of 4' in width measured from the back of paved roadway, or curb. Islands and medians within a public right-of-way must be approved by the Town or the North Carolina Department of Transportation where appropriate.

Trees and shrubs required for interior planting can be planted within required property line planting areas. These plants, however, cannot be counted to meet both property line and interior planting requirements.

d) Landscaping Parking Lots (Vehicular Surface Areas).

All vehicular surface areas containing more than four spaces shall be landscaped in accordance with the following minimum standards:

1) At least nine percent of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape such as a square, rectangle or triangle.

2) Trees and shrubbery planted pursuant to this section shall include at least one tree a minimum of eight feet in height and six shrubs at least 18 inches in height at planting.

3) In support of the above, the following standards shall apply to interior plantings:

i. All plantings shall be evenly distributed throughout the parking facility so that no parking stall shall be located farther than 50 feet from the trunk of a tree.

ii. All interior plantings shall be curbed or otherwise physically protected.

iii. Consecutive parking spaces shall incorporate landscape peninsulas no more than 15 spaces apart and at least the ends of all parking rows. Peninsulas shall contain at least 100 square feet in area and at least eight feet in width, measured from back of curb/barrier to back of curb/barrier.

- 4) For parking facilities containing five to 24 spaces or stalls, a perimeter landscape strip may be provided in lieu of interior landscaping, subject to the following requirements:
 - i. The minimum width of such strip shall be five feet.
 - ii. For every 50 linear feet or fraction thereof the perimeter landscape strip shall contain one canopy tree of at least five feet in height, and a continuous row (at least six) of evergreen shrubs.
 - iii. Where a perimeter landscape strip overlays a street yard or buffer yard required elsewhere in this section, the more stringent requirements shall apply.

All perimeter landscaping strips shall be planted with a combination of live vegetation, groundcover, grass, trees, and/or shrubs. Vegetation planted pursuant to this section shall be maintained to ensure continued growth.
- 5) Where more than 200 parking spaces are required, planting areas may be interspersed throughout the site so that no parking stall shall be located farther than 75 feet from the trunk of a shade tree in a planting area with two or more trees, provided a minimum planting area of 400 square feet or more is provided.
- 6) The Town Council may waive all or part of the requirements of this section for any facility which is limited to periodic or intermittent use for vehicular parking, such as parking lots for churches or recreational facilities, provided the facility is completely covered by grass or otherwise presents a landscaped effect.
- 7) The Town Council may waive the requirements of this section for temporary parking lots when determined that a waiver is necessary to relieve hardship and will not violate the purposes of this section. Any such waiver shall not exceed one (1) year.
- 8) In providing the landscaping required in this Appendix, the retention of existing significant vegetation is and shall be encouraged.

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 following minimum standard shall apply:

- a) The area of the building face adjacent to the parking area or internal drive isle shall be calculated and multiplied by a minimum of 12%. The resultant total square footage shall be planted as landscaped areas of sufficient variety, height, and approved by the Planning Department.
- b) Exemptions from these requirements may be granted when the following circumstances exist or when any of the following conditions are proposed on the site:
 - 1) For those portions of buildings which have drive-up windows or services along any side or rear of the building. (Such examples would include but not be limited to Pharmacies, Banks, Fast Food Restaurants, Dry Cleaners, and Photo shops.)
 - 2) On the rear side of a building when less than 10% of the total required parking is in the rear of the building and the rear is not adjacent to any public right-of-way.

If the requirements of this section conflict with any other requirements from other sections of this ordinance, the more stringent shall apply.

5. Fences and Walls.

- a) See Section 17-435 Building Setbacks for permissible structures in setbacks.

- b) A fence, wall or shrubbery screen (collectively referred to in this section as "fences") may be in any yard for the purposes of privacy and/or security, provided the requirements of this section are met. 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.
- c) The following types of fences are allowed:
- 1) Open picket fence,
 - 2) Post and rail fence,
 - 3) Solid plank fence,
 - 4) Wrought iron fence,
 - 5) Brick or stone (solid or pierced) fence, and
 - 6) Open wire fencing (such as hurricane and chain link). Except as otherwise provided by this section, open wire fencing in a front yard or adjacent to a street in a residential zoning district shall be screened from view from nearby public streets using a planted hedge.
- d) Restrictions on placement and dimensions of fences.
- 1) Solid plank, brick or stone fences in front yards may not exceed four (4) feet in height.
 - 2) Solid plank, brick or stone fences in side or rear yards may not exceed six (6) feet in height.
 - 3) Open picket, post and rail, wrought iron or open wire fences in front, side or rear yards may not exceed six (6) feet in height.
 - 4) Notwithstanding the provisions of this section, a solid fence up to eight (8) feet in height shall be permitted between any residential use and any business, commercial or industrial use.
 - 5) Notwithstanding the provisions of subsections c)3) and 4) of this section, an open wire fence up to ten (10) feet in height shall be permitted for safety reasons around towers, electrical substations, and similar uses. At a minimum, the bottom four (4) feet of such fencing shall be screened from view from nearby public streets using a planted hedge.
 - 6) No fence, post or required hedge shall be installed to obstruct visibility at a street intersection or driveway entrance. See also Section 17-435 "Building Setback Requirements."
 - 7) A fence used primarily for recreational purposes (for example golf driving ranges) may exceed the height limits established in this section, but a special use permit will be required for any such fence.
 - 8) No open wire fencing of a type that could inflict injury from casual contact (such as barbed wire fencing) is permitted below a height of seven (7) feet in any zoning district.
 - 9) The height of a fence and vegetative screen shall be measured from the average level of the ground adjacent to the fence or screening.
 - 10) Fences shall be maintained, level and plumb.
 - i. Fences must be erected with the posts, supports, stringers and all unfinished materials facing the owner's property and residence or other primary structure.
 - ii. A zoning permit is required before erecting a fence.
 - iii. A fence must be completed within ninety (90) days of the issuance of the certificate of zoning compliance.

- iv. Minimum Berm Size and Slope: Earth berms used for screening shall have a minimum crown width of 2', maximum side slopes of 3:1, and be covered with approved vegetation.

6. Loading Area Requirements.

- a) All loading areas shall have a minimum width of 12' and be screened from public rights-of-way and all adjacent properties.
- b) All standards applicable to landscaping parking lots shall be required of loading area screening, and the screening height shall be a minimum of 6' above existing grade.

7. Miscellaneous - Combination Use.

- a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on Table 1 above and interpreted in the light of Table 4.
- b) When two or more principal uses are combined to create a combination use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in Table 1.
- c) Utility Service Area Requirements: All utility service areas, adjacent to, or affixed to buildings, shall be screened from public right-of ways and all adjacent properties.
- d) All standards applicable to landscaping parking lots shall be required of utility service areas, and the screening height shall be equal to or greater than the structure to be screened.
- e) Landscaping shall be located to provide adequate access and work space for the utility structure. The installation of plants with thorns or pointed leaves is discouraged adjacent to the service area.
- f) Existing vegetation can be used to satisfy some or all of the landscaping requirements. In these cases, the existing vegetation shall be in good health and be protected during the development process.

8. Plant Species / Planting / Maintenance.

- a) Large Trees: All trees reaching a mature height of thirty-five (35) feet or more shall be planted a minimum of:
 - 1) 3½ feet from back of curb, or edge of street pavement and driveways (allow for any proposed future street widening);
 - 2) 3½ feet from sidewalks and other paved pedestrian surfaces except where urban conditions would prohibit any planting;
 - 3) 10 feet from all buildings;
 - 4) 15 feet from street lights, utility poles and above-ground utility wire;
 - 5) 10 feet from all underground utilities; and
 - 6) 10 feet from utility vaults and ground level utility surfaces.
- b) Small Trees: All trees reaching a mature height of less than 35 feet shall be planted a minimum of:
 - 1) 10 feet from back of curb, or edge of street pavement, and driveways (allow for any proposed future street widening);
 - 2) 2½ feet from sidewalks and other paved pedestrian surfaces;
 - 3) 5 feet from all buildings;

- 4) 10 feet from street lights and utility poles;
- 5) 5 feet from all underground utilities; and
- 6) 5 feet from utility vaults and ground level utility structures (10 feet from door side).

c) Tree Species Restrictions:

- 1) Above Ground Utility Wire: The following tree species, due to the brittleness of their wood, shall not be planted within 25 feet of any existing or proposed above-ground utility line:

Acer saccharinum - Silver Maple	Catalpa speciosa - Northern Catalpa
Populus alba - White Poplar	Paulownia tomentosa- Royal Pawlownia
Ulmus pumila - Siberian Elm	

- 2) Public Rights-of-Way: No trees, which by the nature of their fruit, root system, brittleness of wood or susceptibility to disease are deemed undesirable by the Town, shall be planted on any public right-of-way. Those trees included in the preceding list along with the following represent the majority of restricted trees:

Asimina triloba - Pawpaw	Carya illinoensis - Pecan
Diospyros virginiana - Persimmon	Ginkgo biloba - Ginkgo (female)
Juglans nigra - Black Walnut	Liquidambar styraciflua - Sweetgum
Salix babylonica - Weeping Willow	

- 3) Sewer Lines and Retention/Detention Basins: The following tree species shall not be planted within 25 feet of any stormwater or wastewater sewer line:

Acer spp. - Maples

Salix spp. - Willows

Ulmus spp. - Elms

No woody plant material of any kind shall be planted or be permitted to become established in any retention or detention basin. In addition, an area free of woody plants shall be maintained to provide service access to all retention and detention basins.

d) Recommended Species

The following list includes trees and shrubs hardy in Johnston County. However, because of the large number of site-specific variables (exposure, moisture, soils, etc.), all plants on

this list may not prosper on any given site. The Town recommends that applicants contact a landscape professional for assistance with plant selection. In addition, there are many plants not included in this list that are suitable for Johnston County landscapes if they are appropriately sited, and the Town encourages their use. Whatever plants are selected, sources for the plants should be located during the site/development design process to assure that when a plan is approved, it can be realized.

The list is broken down into three sections: 1) large trees; 2) small trees; and 3) shrubs, that correlate with the categories found in the Town's landscape requirements. Small trees are particularly well suited for planting where there are space limitations (such as under utility lines, near buildings, and in undersized planters). In the list of shrubs, those plants preceded with an asterisk (*) are evergreens that routinely will reach six feet in height within two growing seasons if properly sited, and therefore are for fulfilling the County's landscaping requirements, such as between parking lots and residential properties, and around loading zones.

Shrubs listed with two asterisks (**) are typically somewhat smaller and are generally appropriate components of a planting plan to fulfill the County's landscaping requirement between parking lots and public rights-of-way. Most un-designated shrubs need to be used with fences or on earth berms to satisfy specific landscaping requirements, but can be considered as a part of required landscape areas when planted along with larger materials.

LARGE TREES

Acer rubrum Red Maple	Liriodendron tulipifera Tulip Tree	Quercus palustris Pin Oak
Acer saccharum Sugar Maple	Magnolia grandiflora Southern Magnolia	Quercus phellos Willow Oak
Cedrus deodora Deodora Cedar	Nyssa sylvatica Black Gum	Quercus rubra Red Oak
Cercidiphyllum japonicum Katsura Tree	Pinus taeda Loblolly Pine	Quercus virginiana Live Oak
Cryptomeria japonica Cryptomeria	Pinus virginiana Virginia Pine	Sophora japonica Scholar Tree
Fraxinus Americana White Ash	Platanus x acerifolia London Plane tree	Taxodium distichum Bald Cypress
Fraxinus pennsylvanica Green Ash	Platanus occidentalis Sycamore	Tilia cordata Little-leaf Linden
Gingko biloba (male only) Gingko	Quercus acutissima Sawtooth Oak	Tsuga canadensis Canadian Hemlock

Gleditsia tricanthos inermis Thornless Honey Locust	Quercus alba White Oak	Ulmus parviflora Chinese Elm
Ilex opaca American holly	Quercus coccinea Scarlet Oak	Zelkova serrata Zelkova
Juniperus virginiana Easter Red Cedar	Quercus laurifolia Laurel Oak	

SMALL TREES

Acer campestre Hedge Maple	Ilex deciduas Possumhaw	Prunus serrulata Japanese Flowering Cherry
Acer palmatum Japanese Maple	Common Myrtle	Prunus subhirtella Higan Cherry
Amelanchier arborea Serviceberry	Lagerstromia x faurei Hybrid Crepe Myrtle	Ilex latifolia Lusterleaf Holly
Carpinus caroliniana Ironwood	Magnolia x soulangiana Loebner Magnolia	Ilex x "Nellie R. Stevens" Nellie Stevens Holly
Cercis Canadensis Eastern Redbud	Magnolia x soulangiana Saucer Magnolia	Koelreuteria paniculata Golden Raintree
Chionanthus virginicus White Fringetree	Magnolia virginiana Sweet bay	Lagerstroemia indica Crape Myrtle
Cornus Florida Flowering Dogwood	Ostrya virginiana American Hophornbeam	Prunus x edoensis Yoshino Cherry
Cornus kousa Kousa Dogwood	Oxydendrum arboretum Sourwood	Stewartia psuedocamellia Japanese Stewartia
Cornus mas Cornelian Cherry	Parrotia persica Persian Parrotia	Styrax japonicas Japanese Snowbell

Halesia Carolina Carolina Silverbell	Persea bourbonia Red Bay	Vitex agnus-castus Lilac Chastetree
Ilex x attenuate "Fosteri" Foster's Holly	Pinus thunbergiana or thunbergii Japanese Black Pine	
Ilex x cassine Dahoon Holly	Prunus caroliniana Carolina Cherry Laurel	

SHRUBS

** Abelia grandiflora Glossy Abelia	Gardenia jasminoides Gardenia	** Nandina domestica Nandina
** Aucuba japonica Japanese Aucuba	Hammamelis vernalis Early Witchhazel	* Osmanthus x fortune Fortune's Tea Olive
Aesculus parviflora Bottlebrush Buckeye	Hammamelis virginiana Common Witchhazel	Philadelphus coronarius Sweet Mock Orange
** Berberis julianae Wintergreen Barberry	Hibiscus syriacus Rose-of-Sharon	Pieris japonica Japanese Pieris
Berberis thunbergii Japanese Barberry	Hydrangea quercifolia Oakleaf Hydrangea	Punica granatum Common Pomegranate
Buddleia davidii Butterfly Bush	Hypericum calycinum Aaronsbeard St. Johnswort	* Prunus laurocerasus Common Cherrylaurel
Buxus sempervirens Common Box	** Ilex cornuta 'Rotunda' Dwarf Horned Holly	** Raphiolepis umbellata Indian Hawthorn
Calycanthus floridus Carolina Allspice	** Ilex crenata Japanese Holly	Rhododendron x Hybrid Rhododendrons
Callicarpa dichotoma Beautyberry	* Ilex cornuta 'Burfordii' Burford Holly	Spiraea bumalda Bumald Spiraea

* <i>Camellia japonica</i> Common Camellia	** <i>Ilex glabra</i> "nana" Dwarf inkberry	<i>Spiraea cantoniensis</i> Double Reeve's Spiraea
* <i>Camellia sasanqua</i> Sasanqua Camellia	** <i>Ilicium floridanum</i> Florida Anise-tree	<i>Spiraea prunifolia plena</i> Bridalwreath Spiraea
<i>Chaenomeles speciosa</i> Common Flowering Quince	* <i>Ilicium parviflora</i> Anise	<i>Spiraea thunbergii</i> Thunberg spiraea
<i>Chimonanthus praecox</i> Wintersweet	<i>Itea virginica</i> Virginia Sweetspire	<i>Spiraea vanhouttei</i> Vanhoutte Spiraea
<i>Clethra alnifolia</i> Summersweet	<i>Jasminum nudiflorum</i> Winter Jasmine	<i>Punica granatum</i> Common Pomegranate
* <i>Cleyera japonica</i> Cleyera	<i>Juniperus chinensis</i> Chinese juniper (cultivars)	* <i>Prunus Laurocerasus</i> Common Cherrylaurel
<i>Cornus sericea</i> Red Osier Dogwood	<i>Kerria japonica</i> Japanese Kerria	** <i>Thuja occidentalis</i> Arborvitae (cultivars)
<i>Cotinus coggygria</i> Common Smokebush	<i>Kalkwizia amabilis</i> Beauty Bush	<i>Viburnum burkwoodii</i> Burkwood Viburnum
<i>Deutzia gracilis</i> Slender Deutzia	* <i>Ligustrum japonicum</i> Japanese Privet	<i>Viburnum carlesii</i> Korean Spicebush
<i>Euonymus alatus</i> Burning Bush	* <i>Lonicera fragrantissima</i> Winter Honeysuckle	<i>Viburnum dentatum</i> Arrowwood Viburnum
* <i>Euonymus japonicas</i> Evergreen Euonymus	** <i>Loropetalum chinense</i> Loropetalum	<i>Viburnum plicatum tomentosum</i> Double file Viburnum
<i>Exochorda racemosa</i> Common Pearlbush	<i>Magnolia stellata</i> Star Magnolia	* <i>Viburnum rhytidophyllum</i> Leatherleaf Viburnum
<i>Forsythia intermedia</i> Border Forsythia	<i>Mahonia bealei</i> Oregon Grape Holly	<i>Weigela florida</i> Weigela

Forsythia suspense Weeping Forsythia	* Myrica cerifera Southern Waxmyrtle	
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e) Landscape Installation and Maintenance Specifications

- 1) Materials Requirements. The American Standard for Nursery Stock published by the American Society of Nurserymen shall be used for determining caliper, heights, widths and ball sizes, unless otherwise specified for all plants. Plant material shall be free of any diseases, funguses or insect infestations.
- 2) Planting Requirements:
 - i. Planting Seasons. Trees and shrubs should be planted prior to May 15 and after September 15.
 - ii. Weather Conditions. Digging and planting operations shall be performed only when the soil temperature at each planting area and of all backfill materials is above 32 degrees F.
 - iii. Following a period of precipitation, planting operations shall resume only when the full depth of the planting pits top twelve has satisfactorily drained.
- 3) Handling Plant Materials. Provide shade and a light watering to all delivered material during dry weather and mulch the balls of B&B materials if they are to remain unplanted for over 24 hours. Heel in bare root plants immediately upon delivery.
- 4) Excavating Planting Pits. Excavate and completely remove all soil from planting pits. Prevent water from entering excavated areas. If water does collect remove it immediately to maintain a dry condition always.

Depth of planting pit should be equal to or slightly less than the height of the planting ball.

Loosen and roughen the sides of the planting pit to facilitate the movement of roots into the surrounding soil.

Do not place gravel in the bottom of the planting pit to provide extra drainage unless a drainage outlet is provided.
- 5) Setting Balled-and-Burlapped and Container Plants. The top of the plant root ball should be set level with the finished grade after settlement. All plant material greater than 3 feet in height should be set plumb regardless of the slope of finished grade. Plants smaller than 3 feet in height may be set perpendicular to the slope.
- 6) Setting Bare Root Plants. Prune all large roots which are bruised or broken with a clean cut before planting. Place bare root plants in proper position in the center of the pit on compacted backfill. Carefully work loose, friable backfill in among roots and thoroughly settle with water.
- 7) Staking Trees. Provide support for all trees 10 feet high or taller unless planted in sheltered environments.

Do not use ground-to-tree guy wires to secure a tree.

Secure trees using vertical stakes. Drive the stakes into the ground outside the planting pit.

Webbing, hose-protected wire or other material that will not abrade or become imbedded in trunk shall be used for constraining line. Provide slack in each constraining line.

Maintain tree support for a period of one year after planting. Support should be removed after one year unless tree is excessively weak.

8) Pruning Requirements.

i. General Pruning. Pruning shall consist of the removal of dead, dying, diseased, interfering, obstructing and weak branches and selective thinning to lessen wind resistance and improve the appearance of trees and shrubs.

ii. The following pruning specifications are recommended:

All cuts shall be made close to the trunk or parent limb without leaving a protruding stub and without cutting into the branch collar or the branch bark ridge. Clean cuts shall be made always.

Directional pruning and drop-crotch pruning shall be used to prune live branches.

Trees limbs too heavy to handle by hand shall be precut above the final cut to prevent splitting or peeling of the bark. Where necessary to prevent tree or property damage, branches shall be lowered to the ground with ropes or equipment.

Treatment of cuts and wounds with tree wound dressing is discouraged except for cosmetic purposes in highly visible areas. If such treatment is made, materials non-toxic to the cambium layer must be used and care shall be taken to treat only the exposed wood with a thin coat of dressing.

Climbing spurs shall not be used unless the tree is dead or is to be removed.

9) General Maintenance Requirements.

i. Plant Establishment. All newly planted trees and shrubs shall receive water at a minimum rate of one inch per week from a combination of natural rainfall and irrigation between June 1 and October 1 for a minimum of one year after planting.

ii. Landscape Maintenance Schedule. To assure healthy plant growth, the property owner shall provide services necessary to maintain and enhance the grounds. This should include weeding edging, watering, removal or dead/unattractive plant materials, and general clean-up of the grounds.

APPENDIX D - WATER, SEWER AND ELECTRIC UTILITIES AND EASEMENTS

1. Interrelation of Utility Lines. The installation and location of any utility line shall be integrated with that of all other utility lines in the vicinity so as to avoid cross-connections, minimize trenching and tunneling, and keep incompatible systems separate. Notwithstanding, sufficient preparation shall be provided as possible to minimize digging that would result in customer service interruption and to minimize adverse operating environments for other utilities.
2. Underground Lines. Where underground utility lines are to be provided beneath street roadways, sidewalks, or other paved access ways, all such lines shall be consolidated, where practical, in a contiguous area so as to optimize excavation for installation consistent with good operations and maintenance. Where underground utility lines are to be located within a street right-of-way, lateral lines shall be provided from the trunk lines to the right-of-way line for all lots and/or development sites along the street, and shall be installed concurrent with the installation of the trunk line to minimize cutting and repairing of street sub surfaces, base courses and paving.

3. Surface Appurtenances. Surface appurtenances such as pump stations, transformer boxes, pedestal-mounted thermal boxes, and meter cabinets shall be located so as to minimize safety hazards, visual impact, and noise effects.
4. Sewage Collection System. A system of sanitary sewers, together with all necessary pumping station and appurtenances, shall be provided to serve all parcels of the subdivision or principal building of the development. The system shall be designed to accommodate all reasonably anticipated future construction and occupancies. The collection system shall conduct the sewage in sewers of adequate capacity to an approved treatment facility. Where connection to public sewer system is infeasible as determined by the Town Manager. Provisions for Future Service Areas Where adjacent property is in the same drainage basin as the property being developed, lines shall be designed to accommodate development of other properties in the same drainage basin. Easements or other rights-of-way should be consistent with the potential needs for future extensions as well as the project under consideration.

Design and Construction Standards and Materials. The sewage collection system shall conform to all requirements and minimum standards of the Town and of the applicable County and State regulatory agencies, unless more stringent standards are provided herein.

5. Water Distribution System. A water distribution system, providing potable water from an approved treatment facility, shall be provided to serve all parcels of the subdivision or principal buildings of the development. The pipes shall be sized to provide fire protection and an adequate supply of domestic water for all reasonably anticipated construction and occupancies.
 - a) Provisions for Future Service Areas. Developers may be required to install additional linear footage of water mains and/or of larger size to provide for water service to property outside the project under consideration. Easements and rights of ways should be provided for lines installed by the developer and provisions shall be available for extensions to other adjacent properties.
 - b) Design and Construction Standards. The water distribution system shall conform to all requirements and minimum standards of the Town and of the applicable State and County regulatory agencies, unless more restrictive standards apply.

Final determination of required fire flow rate(s) will be determined by the Town Fire Chief based on size, type, location, use, etc. of each proposed development. If the required flows cannot be obtained from the existing Town systems, it is the developer's responsibility to make improvements to the system, with Town approval, as necessary to comply with Town fire flow requirements.

- c) Fire Hydrants. Fire hydrants shall be spaced at the more restrictive of (i) the NC State Building Code or (ii) so that the furthest portion of all principal buildings, divisions thereof or dwelling units therein, and all building areas of site plan and parcels within five hundred feet (as a fire hose would normally be deployed) of a hydrant.

Fire hydrants shall be located on loop main line systems with two (2) sources of flow when reasonably possible as determined by the Town Manager.
- d) Location of Valves. All intersections of lines shall be adequately valved as determined by the Town Manager.
- e) Water Meters- Residential. All single family, two-family, triplex, fourplex or quadraplex residential dwelling units, or structures, shall be served by an individual water meter to each dwelling unit. Multifamily owner occupied residential dwellings shall be served a by an individual water meter. Multifamily residential developments for rental shall be served by one meter with the property owner, or property management company of the development responsible for billing from the Town of Selma.

- f) Automatic Sprinkler Systems - Non-Residential. An automatic fire sprinkler-system meeting the requirements of NFPA Standard #13 may be required to be installed in non-residential construction if:
- i. the building has more than 6,000 square feet of floor area, or
 - ii. 20% or more of the total floor area is more than 200 feet of travel distance from the nearest access point for a fire truck, or
 - iii. the building exceeds two stories or 24 feet in height from the height from the average grade of the lot to the windows on the topmost occupied floor. In addition, all connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm-monitoring service.

Upon the occupancy of any new, renovated or expanded structure subject to this section, no person shall shut off or disable such automatic fire sprinkler system and no owner or resident of such building shall fail to prevent the shutting off or disabling of such a system. Provided, however, that a sprinkler system may be shut off to perform maintenance work on the system during the time that qualified maintenance personnel are on the premises performing necessary maintenance work. Such maintenance work shall only be conducted after notice to and approval by the Town and the Fire Chief.

Multi-Family. An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 or #13R may be required to be installed in new multi-family construction, renovations and additions of ten or more attached housing units if:

- i. the building has more than 12,000 square feet of floor area, or
- ii. 20% or more of the total floor area is more than 200 feet of travel distance from the nearest access point for a fire truck, or
- iii. the building exceeds two stories or 24 feet in height from the average grade of the lot to the windows on the topmost occupied floor.

In addition, all connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm-monitoring service.

Upon the occupancy of any new, renovated or expanded structure subject to this section, no person shall shut off or disable such automatic fire sprinkler system and no owner or resident of such building shall fail to prevent the shutting off or disabling of such a system. Provided, however, that a sprinkler system may be shut off in order to perform maintenance work on the system during the time that qualified maintenance personnel are on the premises performing necessary maintenance work. Such maintenance work shall only be conducted after notice to and approval by the Town Fire Department.

6. Sewage Collection - Private Septic Tank System. In areas within the Town of Selma's extraterritorial planning and development regulation jurisdiction where no municipal sewer is available, private septic tank and sewage drainage fields are allowed. All septic tank - drainage field collection systems shall be approved by the Johnston County Department of Environmental Health prior to the approval of a subdivision or property Final Plat, and prior to the issuance of a building permit. The Town of Selma does not allow "off-site" septic tank or drainage fields to service any lot(s). In addition, no septic tank drain field can be more than 500 feet from a septic tank. If a drain field cannot be located within 500 feet of the septic tank and can be placed on the same lot, a determination can be made by the Planning Director consistent with the purpose and compliance provisions as set out in Article 1 of this chapter.

7. Easements. All utility infrastructure shall be located on Town-owned property or on easements approved by the Town Manager and accepted by the Town Council. Easements shall be in a form acceptable to the Town Attorney and shall be recorded in the Johnston County Register of Deeds office following acceptance by the Town Council

APPENDIX E - LIGHTING

1. Street Lighting Service Levels.

It is the Town's objective to provide street lighting in accordance with the Illumination Engineering Society (IES) standards for various classes of streets. These nationally recognized standards acknowledge such key variables as use of streets, prevalence of entering and exiting right-of-way, parking and existing physical conditions on or near the streets. Standards relate to amount of light, noted in terms of footcandles, and uniformity of light, stated as a ratio of average to minimum footcandles along a given distance. These standards result in service levels that increase according to use. Higher levels of lighting correspond to higher usage by motorists and/or pedestrians.

Allowances are made for differences in the intensity of use and safety needs. Selective reduction of service levels for certain classes of streets, primarily those classed as residential, is necessary because of high costs involved with conversion to full IES standards.

2. Street Classifications.

IES's "Illumination Guide" groups streets into different classes — expressway, commercial, intermediate and residential. These area classes are further subdivided into major, collector and local categories with standards established for each. These categories correspond to Selma street classifications with the IES "major" category corresponding to our "arterial" classification.

3. Street Lighting Guidelines.

Provision of lighting along Town streets enhances the safe movement of motorists, pedestrians and other users of public right-of-way. The Town's street light system is designed to support the following guidelines:

IES standards should be used town wide as the basis for establishment of lighting levels for new lighting installation along non-residential streets. These streets should be lighted to 100% of IES standards. Residential streets should be lighted at 220-foot intervals, with amendments as needed to consider local conditions such as topography, traffic volumes, number of intersections, crime rates and other factors. Town streets are being classified based on operational definitions of lighting by IES and consistent with street classifications within this Design Manual. Conversion to IES standards for existing non-residential streets and to spacing at 220-foot intervals for residential streets town wide will be phased over several years. Priority for implementation will be based on use, with commercial, intermediate and residential area classes being converted in that order.

High-pressure sodium luminaries should be installed on all streets, with lamps suggested by IES according to classification. The Town standard for residential street lighting is a typical 9,500 lumen economical traditional luminaries, mounted on a 12-foot fiberglass pole or a 9,500-lumen cut-off cobra luminary, mounted on a 25-foot wood pole. Exceptions to this standard may be approved by the Town Manager when a duly authorized officer of a neighborhood group requests another configuration of hardware, provided any additional hardware costs are paid by the developer or representative prior to installation of the lights; and provided the alternative configuration results in the same operational costs to the Town as the Town standard fixtures. Underground wiring should be provided for all new fixture installations.

The Town Manager will determine those circumstances in which implementation guidelines will be waived. Examples include, but are not limited to, adjustments for areas with particularly high

incidence of crime; significant public demand for additional services; and physical conditions associated with conversion of existing lighting. If there are permanent overhead utility lines, the Town Manager may waive the requirement for underground lines for new lights.

4. Street Lighting Standards.

The following standards and specifications are to assist developers in the placement and selection of street lights for use on streets classified as residential only. For information on lighting for streets with higher classifications, contact the Public Works Department. Where appropriate, a street lighting plan should be prepared as a part of a development application for approval by the Town Manager.

a) Placement.

- 1) Street lights should be located an average of 220' apart. A minimum of one street light should be located at every intersection and at the end of every cul-de-sac.
- 2) Where possible any street light not located at an intersection should be located on a property line.
- 3) On streets with a width of 44' or greater (back of curb to back of curb), street lights should be staggered on either side of the street.
- 4) On streets with a lesser width, street lights should be located on the side with a sidewalk if only one sidewalk exists. They should be staggered if sidewalks do not exist or if there are sidewalks on both sides of the street.
- 5) Street lights should be located within the road right-of-way a minimum of 3 feet from the back of curb or edge of road pavement.
- 6) Street lights should be located a minimum of 3' from the edge of any paved sidewalk.

b) Fixture selection.

- 1) The Town's standard residential lighting fixture is the 9,500 lumen "economical traditional" luminaire provided by Duke Power Company. The luminaire should be mounted on a 12' black fiberglass pole.
- 2) A 9,500-lumen cut-off lens cobra fixture can also be used when mounted on a 25' wooden pole.
- 3) Other ornamental fixtures may be selected if they provide a comparable lighting level and are approved by the Town. If there are any additional costs for installation and maintenance, the developer will pay "up front" such costs.

5. 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.

- a) **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.
- b) **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:

- 1) 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.
 - 2) 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.
 - 3) 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. Non-color corrected high pressure sodium lamps are prohibited. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.
 - 4) 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.
 - 5) 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.
- c) Illumination Levels. All site lighting shall be designed so that the level of illumination as measured in footcandles (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.

Light Level (Footcandles)			
Type of Lighting	Minimum	Average	Maximum
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.

- d) 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.
 - 1) All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles 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.
 - 2) Lighting shall not be oriented to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
 - 3) Fixtures used to accent landscaping or art shall be located, aimed, or shielded to minimize light spill into the night sky.
 - 4) Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature.
6. 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.

E. SIGNS AND MARKINGS STANDARDS

The following standards and specifications are to assist developers in the placement and selection of signs, traffic signs and markings on all public streets. Where appropriate, a sign and marking plan should be prepared as part of a development application for approval by the Town Manager. This plan should include a note indicating that prior to the installation of any street or traffic sign, the developer will contact the Traffic Program Supervisor in the Department of Public Works for approval of final sign design and placement.

Placement

Where warranted by the need to ensure motorist or pedestrian safety and/or to control vehicular, and pedestrian traffic, traffic signals, signs, and markings shall be provided in accord with the standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways. Installation of all traffic devices shall be approved by the Town Manager, and NCDOT where applicable.

The developer of any new street is required to install all necessary signs prior to Town acceptance of the street. If the required sign(s) are deemed necessary prior to the acceptance of the street for Town maintenance and damage occurs to them in the interim, the developer will be responsible for repairs and/or replacement.

Standards

The Town standard for a traffic sign (stop sign, speed limit, etc.) pole is a twelve foot 3 lb./ft. U-channel post. Town standard street name sign posts are ten and half foot round aluminum. If other styles of poles and sign hardware are desired, they must be approved by the Town Manager prior to installation.

For information about the specific design and size of required signs, contact the Public Works Department. Signs that do not meet Town design and size requirements will need to be replaced with approved signs prior to acceptance of any new street for Town Maintenance.

All pavement markings shall be of a thermoplastic material with a minimum thickness of 0.125 mils and should be installed by the developer. Placement for such markings should be approved by the Town. If the Town elects to install the markings, costs will be assessed to the developer. If markings are necessary prior to the acceptance of the street for Town maintenance and damage occurs to them in the interim, the developer will be responsible for repairs and/or replacement.