# BUILDING, PLANNING AND DEVELOPMENT REGULATIONS FOR THE CITY OF GREENVILLE, NORTH CAROLINA

THROUGH

SEPTEMBER 30, 2006

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## Article A. Adoption of Regulatory Codes by Reference

### Sec. 9-1-1. Scope of chapter and codes.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

(1) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to such building or structure;

(2) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems and all fixtures and appurtenances thereof;

(3) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances thereof; and

(4) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

**Sec. 9-1-2. Building code adopted.**

The current edition of the North Carolina State Building Code, (Volume I, General Construction), as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by the reference as fully as though set forth herein.

**Sec. 9-1-3. Plumbing code adopted.**

The current edition of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing) as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

**Sec. 9-1-4. Heating code adopted.**

The current edition of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating) as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

**Sec. 9-1-5. Electrical code adopted.**

The current edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical), as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

**Sec. 9-1-6. Residential building code.**

The current edition of the North Carolina Uniform Residential Building Code (North Carolina State Building Code, Volume I-B, Residential), as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein.

**Sec. 9-1-7. Amendments to codes--generally.**

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein shall be effective in the city at the time such amendments are filed with the city clerk or building inspector as provided in section 9-1-12.

**Sec. 9-1-8. Same--Electrical code; conduits, steel, metallic tubing or metal molding required in fire district and public buildings.**

All electrical repairs or permanent interior work done within the fire district and public buildings of the city shall be done either in conduit, steel or metallic tubing or metal molding. (Code 1971, § 13-12)

**Sec. 9-1-9. Same--Temporary electric service structures.**

(a) All temporary electric service structures shall be strongly built to withstand the strains imposed by the service wires and attached equipment under all existing conditions, and may be either of two (2) types, as follows:

(1) Pole type, minimum standards. Pole twenty-five (25) to thirty (30) feet overall, set five (5) feet in the ground, bottom diameter ten (10) inches, top diameter six (6) inches. Meter six (6) feet above ground.
(2) Built-up type, minimum standards. Upright four (4) inches by six (6) inches or equivalent, supported by two (2) two-inch by six-inch braces properly located, with braces locked six (6) feet above the ground. Meter six (6) feet above ground.

(b) All temporary service structures shall be located within seventy-five (75) feet of the pole from which service connection is to be made.

(c) The height of all temporary service structures and wires shall be such that a minimum clearance of nineteen (19) feet shall, at all times, be maintained over all streets, driveway, alleys and areas accessible to motor vehicles, and a minimum clearance of ten (10) feet over sidewalks and lawns.

(d) The specifications and requirements as to the installation of meters, groundings, clearance and wiring methods shall be the same as is provided by law for permanent installation.

(e) Each temporary electrical service structure shall have at least one (1) 115-volt three-pole grounded receptacle and at least one (1) 230-volt polarized grounded receptacle. Any additional receptacles shall be three (3) pole grounded or polarized type receptacles.

(f) All temporary electrical structures shall be inspected by the electrical inspector before any connection is made with any electrical service line, and upon the issuance of a certificate of approval by the electrical inspector, the property owner or the electrical contractor shall be required to pay the electrical inspection fee as set out in the Manual of Fees set out for the City of Greenville. (Code 1971, §§ 13-13, 13-14; Ord. No. 2641, § 1, 6-10-93)

**Sec. 9-1-10. Same--Plumbing code.**

Homogeneous bituminized fiber sewer pipe is hereby added to the approved materials listed in Table 505 of the North Carolina State Building Code, Volume II, Plumbing, for use within the city. Installations must meet the current standards of model plumbing codes, specifically the current Southern Standard Plumbing Code. (Code 1971, § 26-93.1)

**Sec. 9-1-11. Compliance with codes.**

(a) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina State Building Code, General Construction, Volume I or the North Carolina State Building Code, Volume I-B, Residential, whichever is applicable, or of both if both are applicable.

(b) Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired or reconstructed in accordance with the minimum standards, requirements and other provisions of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing).

(c) All mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating).

(d) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical).

**Sec. 9-1-12. Copies of codes filed with clerk.**

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the city clerk or building inspector. Such copies shall be the official copies of the codes and the amendments.

**Secs. 9-1-13--9-1-20. Reserved.**

## Article B. Fire Limits

### Sec. 9-1-21. Fire district.

Pursuant to and for the purposes of section 160A-435 of the General Statutes of North Carolina, the fire limits are hereby declared to be all areas designated as such on the official map of the City of Greenville, North Carolina, which is on file in the office of the city clerk. Each time the city council takes action establishing, altering or abolishing any part of the fire limits the city manager shall promptly direct an appropriate city officer to amend such official map to reflect the action of the city council. (Code 1971, § 8-9)

### Sec. 9-1-22. Conformity of structures within fire limits to law.

All structures within the fire limits shall conform to sections 160A-436 and 160A-437 of the General Statutes of North Carolina.

### Sec. 9-1-23. Structures partly within and partly without fire district--Compliance with state law.

Whenever any warehouse, residence or other structure of any kind shall be erected within the city, any part of which shall be within the fire limits when completed, then each and every part of such building and the land upon which such building shall be erected shall, for the purposes of this section and the following section, be considered to be within the fire limits, and the construction of such warehouse, residence or other structure shall be subject to all the building regulations as set forth in the General Statutes of North Carolina. (Code 1971, § 8-11)

### Sec. 9-1-24. Same--Correction of defects upon notice.

It shall be unlawful for the owner or builder erecting any warehouse, residence or other structure, which when completed shall be partly in the fire limits and partly outside the limits, upon notice from the building inspector, to fail or refuse to comply with the terms of the notice by correcting the defects pointed out in the notice, so as to make the entire building comply with the law as regards new buildings. Every week during which any defect in the building is willfully allowed to remain after notice from the local building inspector shall constitute a separate and distinct offense. (Code 1971, § 8-12)

### Secs. 9-1-25--9-1-30. Reserved.

## Article C. Inspection Department*

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***State law reference(s)--**Inspection department, G.S. 160A-411 et seq.

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### Sec. 9-1-31. Organization of department; county electrical inspector.

The inspection department of the city shall consist of a building inspector, and may also include a, plumbing inspector, a heating-air conditioning inspector, an electrical inspector and such other inspectors or deputy or assistant inspectors as may be authorized by the governing body. The head of the inspection department shall be appointed by the city manager. (Ord. No. 1930, § 1, 12-8-88)

### Sec. 9-1-32. General duties of department and inspectors.

It shall be the duty of the inspection department to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this chapter and such codes are being met, excepting for the provisions of this chapter designated to be enforced by the code enforcement coordinator or officer. (Ord. No. 97-89, § 16, 8-14-97)

### Sec. 9-1-33. Conflicts of interest.

No officer or employee of the inspection department shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or any part thereof, or in the making of plans or specifications therefor, unless he is the owner of such building. No officer or employee of the inspection department shall engage in any work which is inconsistent with his duties or with the interests of the city.

### Sec. 9-1-34. Reports and records.

The inspection department, and each inspector, shall keep complete, permanent and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, and all other work and activities of the inspection department. Periodic reports shall be submitted to the town board, and to other agencies, as required.

### Sec. 9-1-35. Inspection procedure.

(a) *Inspections.* The inspection department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes.

(1) When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of such organization.

(2) All holders of permits, or their agents, shall notify the inspection department and the appropriate inspector at each of the following stages of construction so that approval may be given before work is continued:

a. *Foundation inspection.* To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles and similar types of foundations shall be inspected as installed.

b. *Framing inspection.* To be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member.

c. *Fireproofing inspection.* To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

d. *Final inspection.* To be made after building or structure has all doors hung, fixtures set, and is ready for occupancy, but before the building is occupied.

(b) *Calls for inspection.*

(1) Request for inspections may be made to the office of the inspections department or to the appropriate inspector. The inspection department shall make inspections as soon as practicable after request is made therefor, provided such work is ready for inspection at the time the request is made.
(2) Reinspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

(c) *Street or alley lines.* Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley or other public place, he shall secure a survey of the line of such street, alley or other public place, adjacent to the property upon which such building or structure is to be erected before proceeding with construction of such building or structure. It shall be the duty of the building inspector to see that the building does not encroach upon such street, alley or other public place.

(d) *Certificate of occupancy.* No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the inspection department has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his agent after all final inspections have been made for new buildings, or, in the case of existing buildings, after supplying the information and data necessary to determine compliance with this ordinance, the appropriate regulatory codes and the zoning ordinance for the occupancy intended. The inspection department shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of this ordinance, the regulatory codes and the zoning ordinance for the occupancy intended.

**Sec. 9-1-36. Oversight not to legalize violation.**

No oversight or dereliction of duty on the part of any inspector or other official or employee of the inspection department or the code enforcement division of the community development department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted. (Ord. No. 97-89, § 17, 8-14-97)

**Sec. 9-1-37. Powers of inspection officials.**

(a) *Authority.* Inspectors are hereby authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes herein adopted, excepting for the provisions of this chapter designated to be enforced by the code enforcement coordinator or officer.

(b) *Right-of-entry.* With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right-of-entry on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the applicable regulatory codes.

(c) Stop orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provision of this part or any other town ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order such work to be immediately stopped. Such order shall be in writing to the owner of the property or to his agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed. (Ord. No. 97-89, § 18, 8-14-97)

**Secs. 9-1-38--9-1-50. Reserved.**

## Article D. Enforcement

### Sec. 9-1-51. Enforcement of building inspection services and housing standards in extraterritorial jurisdiction of city.

Pursuant to article 19 of chapter 160A of the General Statutes of North Carolina, the city council hereby authorizes the extension and enforcement of building inspection services and minimum housing standards into the city's extraterritorial jurisdiction. (Code 1971, § 8-23.1)

**State law reference(s)--**Extraterritorial jurisdiction, G.S. 160A-360.

### Sec. 9-1-52. Registration of contractors.

Every person carrying on the business of building contractor, plumbing contractor, heating-air conditioning contractor or electrical contractor within the city shall register at the office of the inspection department, giving name and place of business.

### Sec. 9-1-53. Permits required.

(a) *Building permit.*

(1) No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure, or any part thereof, without a written permit therefor from the building inspector; provided, however, that no building permit shall be required for work the total cost of which does not exceed $100 and which does not involve any change of the structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. County board of health approval of a septic tank is required.
(2) In all cases of removal or demolition of a building or structure, a good and sufficient bond may be required to be posted by the property owner or by his contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove and clear the premises, after 30 days' notice by the building inspector, shall be cause for forfeiture of such bond.

(b) *Plumbing permit.* No person shall commence or proceed with the installation, extension or general repair of any plumbing system without a written permit therefor from the plumbing inspector; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if such repairs or replacements do not disrupt the original water supply or the waste or ventilating, systems.

(c) *Heating-air conditioning permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any heating or cooling equipment system without a written permit from the heating-air conditioning inspector; provided, however, no permit shall be required for minor repairs or minor burner services or filter replacements of warm air furnaces or cooling systems.

(d) *Electrical permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the electrical inspector; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed; provided, further, no permit shall be required for the installation, alteration or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation for the use of such corporation in the generation, transmission, distribution or metering of electrical energy.

**State law reference(s)--**Permits for construction, alteration or demolition of buildings, G.S. 160A-417 et seq.

**Sec. 9-1-54. Application for permit.**

Written application shall be made for all permits required by this chapter, and shall be made on forms provided by the inspection department. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspector to enable him to determine whether the permit applied for should be issued, shall show the following:

(1) Name, residence and business address of owner;
(2) Name, residence and business of authorized representative or agent, if any; and
(3) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.

**Sec. 9-1-55. Plans and specifications.**

Detailed plans and specifications shall accompany each application for a permit when the estimated total cost of the building or structure is in excess of forty-five thousand dollars ($45,000.00) and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

**Sec. 9-1-56. Limitations on issuance of permits.**

(a) No building permit shall be issued for any building or structure, the estimated total cost of which is more than thirty thousand dollars ($30,000.00) unless the work is to be performed by a licensed general contractor.

(b) No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than forty-five thousand dollars ($45,000.00), unless the plans bear the North Carolina seal of a registered architect or a registered engineer.

(c) Where any provisions of the General Statutes of North Carolina or of any ordinance require that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor.

(d) Where detailed plans and specifications are required under this chapter, no building permit shall be issued unless such plans and specifications have been provided.

**Sec. 9-1-57. Issuance of permit.**

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this ordinance and the appropriate regulatory codes, he shall issue such permit, upon payment of the proper fee or fees as hereinafter provided in section 9-1-62.

**Sec. 9-1-58. Revocation of permits.**

Permits may be revoked in accordance with state law.

**Sec. 9-1-59. Time limitations on validity of permits.**

All permits issued under this chapter shall expire by limitation six (6) months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

**Sec. 9-1-60. Changes in work.**

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory code adopted herein, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate inspector.

**Sec. 9-1-61. Permit fees.**

Fee for buildings permits shall be as fixed from time to time by the city council, a schedule of which shall be maintained on file in the office of the city clerk and building inspector.

**Sec. 9-1-62. Penalties for violation of regulatory codes.**

(a) Any violation of Article A of this chapter, specifically including violation of any regulatory codes adopted in that [article of this] chapter, shall subject the offender to a civil penalty of fifty dollars ($50.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.

(b) Each day's continuing violation shall be a separate and distinct offense.

(c) Notwithstanding subsection (a) above, provisions of article A may be enforced through equitable remedies issued by a court of competent jurisdiction.

(d) In addition to, or in lieu of, remedies authorized in subsections (a) and (c) above, violations of article A may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. (Ord. No. 1382, § 1, 3-8-84)

**Secs. 9-1-63--9-1-70. Reserved.**

## Article E. Repair, Closing or Demolition of Abandoned Structures*

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***State law reference(s)--**Repair or demolition of dwellings unfit for human habitation, G.S. 160A-441 et seq.

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### Sec. 9-1-71. Finding; intent.

It is hereby found that there exist within the City of Greenville abandoned structures which the city council finds to be hazardous to the health, safety and welfare of the residents of the City of Greenville due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. 160A-441, it is the intent of this article to provide for the repair, closing or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation. (Ord. No. 756, 2-9-78)

### Sec. 9-1-72. Duties of code enforcement coordinator and officer.

The code enforcement coordinator and officer are hereby designated as the city officers to enforce the provisions of this article. It shall be the duty of the code enforcement coordinator and officer:

(1) To locate abandoned structures within the city and determine which structures are in violation of this article;

(2) To take such action pursuant to this article as may be necessary to provide for the repair, closing or demolition of such structures;

(3) To keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this article; and

(4) To perform such other duties as may be prescribed herein or assigned to him by the city council. (Ord. No. 756, 2-9-78; Ord. No. 97-89, §§ 6, 7, 8-14-97)

### Sec. 9-1-73. Powers of code enforcement coordinator and officer.

The code enforcement coordinator and officer are authorized to exercise such powers as may be necessary to carry out the intent and provisions of this article, including the following powers in addition to others herein granted:

(1) To investigate the conditions of buildings within the city in order to determine which structures are abandoned and in violation of this article;

(2) To enter upon premises for the purpose of making inspections;

(3) To administer oaths and affirmations, examine witnesses and receive evidence; and

(4) To designate such other officers, agents and employees of the city as he deems necessary to carry out the provisions of this article. (Ord. No. 756, 2-9-78; Ord. No. 97-89, §§ 6, 8, 8-14-97)

### Sec. 9-1-74. Standards for enforcement.

(a) Every abandoned structure within the city shall be deemed in violation of this article whenever such structure constitutes a hazard to the health, safety or welfare of the City of Greenville citizens, as a result of:

(1) The attraction of insects or rodents;
(2) Conditions creating a fire hazard;
(3) Dangerous conditions constituting a threat to children; or
(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.

(b) In making the preliminary determination of whether or not an abandoned structure is in violation of this article, the code enforcement coordinator or officer may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects;
(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;
(3) Violations of the state building code, the state electrical code, the fire prevention code, which constitute a fire hazard in such structure;
(4) The collection of garbage, rubbish or combustible material which constitutes a fire hazard in such structure.
(5) The use of such structure or nearby grounds or facilities by children as a play area;
(6) Violations of the state building code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and
(7) Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating. (Ord. No. 756, 2-9-78; Ord. No. 97-89, § 6, 8-14-97)

**Sec. 9-1-75. Procedure for enforcement.**

(a) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the code enforcement coordinator or officer by at least five (5) residents of the city charging that any structure exists in violation of this article or whenever it appears to the code enforcement coordinator or officer, upon inspection, that any structure exists in violation hereof, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such structure a complaint stating the charges and containing a notice that a hearing will be held before the code enforcement coordinator or officer at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement coordinator or officer.

(b) *Procedure after hearing.* After such notices and hearing, the code enforcement coordinator or officer shall state in writing his determination whether such structure violates this article. If the code enforcement coordinator or officer determines that the dwelling is in violation he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such structure or else remove or demolish the same within specified period of time not to exceed ninety (90) days.

(c) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any structure shall fail to comply with an order of the code enforcement coordinator or officer within the time specified therein, the code enforcement coordinator or officer may submit to the city council at its next regular meeting a resolution directing the city attorney to petition the superior court for an order directing such owner to comply with the order of the code enforcement coordinator or officer, as authorized by G.S. 160A-446(g).
(2) *In rem remedy.* After failure of an owner of a structure to comply with an order of the code enforcement coordinator or officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (1), the code enforcement coordinator or officer shall submit to the city council an ordinance ordering the code enforcement coordinator or officer to cause such structure to be removed or demolished, as provided in the original order of the code enforcement coordinator or officer and pending such removal or demolition, to placard such dwelling as provided by G.S. 160-443.

(d) Petition to superior court by owner. Any person aggrieved by an order issued by the code enforcement coordinator or officer shall have the right, within thirty (30) days after issuance of the order to petition the superior court for a temporary injunction restraining the code enforcement coordinator or officer pending a final disposition of the cause, as provided by G.S. 160A-446(f). (Ord. No. 756, 2-9-78; Ord. No. 97-89, § 6, 8-14-97)

**Sec. 9-1-75.1. Vacated and closed structures.**

(a) If the city council shall have adopted an ordinance, or the code enforcement coordinator or officer shall have issued an order, ordering an abandoned structure to be repaired, altered, or improved as provided in section 9-1-75, and if the owner has vacated and closed such structure and kept such structure vacated and closed for a period of six (6) months pursuant to the ordinance or order, then if the city council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the structure and that the continuation of the structure in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the structure would continue to deteriorate, and would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, and would cause or contribute to blight and the deterioration of property values in the area, then in such circumstances, the city council may, after the expiration of such six (6) month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If it is determined that the repair of the structure can be made at a cost not exceeding fifty (50) percent of the then current value of the structure, the ordinance shall require that the owner either repair or demolish and remove the structure within ninety (90) days; or
(2) If it is determined that the repair of the structure cannot be made at a cost not exceeding fifty (50) percent of the then current value of the structure, the ordinance shall require that the owner demolish and remove the structure within ninety (90) days.

(b) An ordinance adopted pursuant to this section shall be recorded in the office of the register of deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the code enforcement coordinator or officer shall effectuate the purpose of the ordinance. The cost to repair or demolish and remove the dwelling shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. Article 10, Chapter 160A. (Ord. No. 97-89, § 13, 8-14-97; Ord. No. 05-106, § 1, 9-8-05)

**Sec. 9-1-76. Methods of service of complaints and orders.**

(a) Complaints and orders issued by the code enforcement coordinator or officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud.

(b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement coordinator or officer in the exercise of reasonable diligence, and the code enforcement coordinator or officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. (Ord. No. 756, 2-9-78; Ord. No. 1252, § 1, 2-10-83; Ord. No. 97-89, §§ 6, 12, 8-14-97)

(c) Authorized agent. Each owner of rental property located within the city shall authorize a person residing in Pitt County to serve as his agent for the purpose of accepting service of process under this section. The owner shall provide, on a form supplied by the city clerk, the authorized agent's name and address. The owner shall notify the city clerk of any changes in the information provided not less than ten (10) days after such changes have occurred. Nothing in this subsection shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides within Pitt County. The initial failure of an owner to authorize an agent, as required in this subsection, will not result in the imposition of a civil penalty as hereinafter authorized, however, a civil penalty will be imposed if an owner fails to authorize an agent and fails to provide to the city clerk, on the form supplied by the city clerk, the authorized agent's name and address not less than ten (10) days after being notified by the code enforcement coordinator or officer that such a designation is required under this subsection. Any violation of the provisions of this subsection or a failure to comply with any of its requirements will subject the offender to a civil penalty in the amount of fifty dollars ($50.00). Each ten (10) day period or part thereof in which a violation continues shall be considered a separate violation for the purpose of the civil penalty provided by this subsection. (Ord. No. 01-121, § 1, 9-13-01)

**State law reference(s)--**Service of complaints and orders, G.S. 160A-445.

**Sec. 9-1-77. In rem action by code enforcement coordinator or officer; placarding.**

(a) After failure of an owner of a structure to comply with an order of the code enforcement coordinator or officer issued pursuant to the provisions of this article, and upon adoption by the city council of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and subsection 9-1-75(c) of this article, the code enforcement coordinator or officer shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the city council and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(b) Each such ordinance shall be recorded in the office of the register of deeds of Pitt County, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5). (Ord. No. 756, 2-9-78; Ord. No. 97-89, § 6, 8-14-97)

**Sec. 9-1-78. Costs; a lien on premises.**

As provided by G.S. 160A-443(6), the amount of the cost of any removal or demolition caused to be made or done by the code enforcement coordinator or officer pursuant to this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes. (Ord. No. 756, 2-9-78; Ord. No. 97-89, § 6, 8-14-97)

**Sec. 9-1-79. Alternative remedies.**

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (Ord. No. 756, 2-9-78)

**Secs. 9-1-80--9-1-90. Reserved.**

## Article F. Minimum Housing Code*

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***State law reference(s)--**Minimum housing standards, G.S. 160A-441 et seq.

**Editor's Note** - This section was completely rewritten by Ord. No. 99-15, 2-11-99. With the exception of Section 9-1-95(b), which has an effective date of January 1, 2000, the remainder of the Article has an effective date of April 5, 1999.)

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**Sec. 9-1-91. Finding; Purpose**.

(a) Pursuant to G. S. 160A-441, it is hereby found and declared that there exists in the City of Greenville dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the City of Greenville.

(b) In order to protect the health, safety and welfare of the residents of the City of Greenville as authorized by Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G. S. 160A-444.

**Sec. 9-1-92. Definitions**.

The following definitions shall apply in the interpretation and enforcement of this article:

(1) *Basement* shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

(2) *Cellar* shall mean a portion of a building which is located partly or wholly underground, having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

(3) *Deteriorated* shall mean that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50% of its value, as determined by the finding of the code enforcement coordinator or officer.

(4) *Dilapidated* shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50% of its value, as established by the finding of the code enforcement coordinator or officer.

(5) *Dwelling* shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

(6) *Dwelling unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(7) *Extermination* shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food or by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the code enforcement coordinator or officer.

(8) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) *Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or connecting corridors, closets, and storage spaces.

(10) *Infestations* shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or the public.

(11) *Code enforcement coordinator or officer* shall mean a code enforcement coordinator or officer of the City of Greenville or any agent of the code enforcement coordinator or officer who is authorized by him to enforce the provisions of this article.

(12) *Multiple dwelling* shall mean any dwelling containing more than two dwelling units.

(13) *Occupant* shall mean any person over one (1) year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

(14) *Operator* shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

(15) *Owner* shall mean any person who alone, or jointly, or severally with others:

(a) Shall have title in fee simple to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(16) *Plumbing* shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(17) *Public Authority* shall mean the Greenville Housing Authority or any officer who is in charge of any department or branch government of the City of Greenville or of Pitt County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the City of Greenville.

(18) *Rooming units* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.

(19) *Rooming house* shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the owner or operator.

(20) *Rubbish* shall mean combustible and non-combustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

(21) *Supplied* shall mean paid for, furnished, or provided by or under the control of the owner or operator.

(22) *Temporary housing* shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

(23) *Unfit for human habitation* means a residential building which contains any of the following conditions which the Code enforcement coordinator or officer shall have found render such building dangerous or injurious to the health or safety of the occupants of the dwelling or neighboring dwellings or other residents of the City of Greenville:

(a) Interior walls or vertical studs which seriously lean or buckle to such an extent as to render the building unsafe.

(b) Supporting member or members which show thirty-three (33) percent or more damage or deterioration or nonsupporting enclosing or outside wall or covering which shows fifty (50) percent or more of damage or deterioration.
(c) Floors or roofs which have improperly distributed loads which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
(d) Such damage by fire, wind or other causes as render the building unsafe.
(e) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety or general welfare of the occupants of the dwelling or neighboring dwellings or other residents.
(f) Inadequate facilities for egress in case of fire, accident or other calamities.
(g) Defects significantly increasing hazards of fire, accident or other calamities.
(h) Lack of adequate ventilation, light, heating or sanitary facilities to such an extent as to endanger the health, safety, or general welfare of the occupants or other residents of the city.
(i) Lack of proper electrical heating or plumbing facilities required by this article which constitute a health or safety hazard.
(j) Lack of adequate weatherization.
(k) Lack of an operable smoke detector.
(l) Any combination of substandard items which in the judgment of the code enforcement coordinator or officer renders any building dangerous or injurious to the health, safety, or general welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city.

*(24) Meaning of certain words. Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof".*

**Sec. 9-1-93. Minimum Standards of Fitness for Dwellings and Dwelling Units**.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all the minimum standards of fitness for human habitation and all of the requirements of Sections 9-1-94 through 9-1-104 of this article. No person shall occupy as owner or occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all the minimum standards of fitness for human habitation. Only approved building materials for specific purposes may be used in making necessary repairs.

**Sec. 9-1-94. Minimum Standards for Structural Condition**.

(a) Foundation

(1) A foundation wall system shall support the building at all points and shall be free of holes, cracks, and loose mortar or masonry which would admit rodents, water or dampness to the interior of the building or which lessen the capability of the foundation to support the building.
(2) Crawl space shall be graded so as to prevent any water standing.
(3) Foundation walls and footings shall be free of defects such as cracks, holes and loose mortar.
(4) Piers shall be sound with no loose mortar or masonry.

(b) Floors

(1) There shall not be decayed, termite-damaged, fire-damaged, broken, overloaded or sagging sills that adversely affect the structural integrity of the building framing system.
(2) Joists shall not be decayed or broken so as to adversely affect the structural integrity of the floor framing system.
(3) Flooring shall be weathertight without holes or cracks which permit excessive air to penetrate rooms.
(4) There shall be no loose flooring.
(5) Bathroom and kitchen flooring surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such flooring to be easily kept in a clean and sanitary condition.
(6) All floor covering shall be constructed and maintained as not to constitute a trip hazard and kept in a clean and sanitary condition.
(7) There shall be no use of the ground for floors, or wood floors on the ground.

(c) Exterior Walls

(1) There shall be no broken, cracked or fire damaged structural members.
(2) All siding shall be weathertight, with no holes or excessive cracks or decayed boards which permit excessive air or moisture to penetrate rooms.
(3) There shall be no loose siding.
(4) Exterior surfaces not inherently resistant to deterioration shall be treated with a protective coating or covering and maintained in good repair to prevent deterioration.

(d) Interior Walls

(1) The interior finish shall be free of holes and cracks.
(2) All interior walls shall be treated and maintained so as to be easily kept in a clean and sanitary condition
(3) No loose plaster, loose boards or other loose wall materials shall be allowed.
(4) There shall be no decayed or termite-damaged studs.
(5) There shall be no broken or cracked studs or other broken or cracked structure members allowed.

(e) Ceilings

(1) There shall be no joists which are decayed or broken, sagging, or improperly supported.
(2) There shall be no holes or excessive cracks which permit air to penetrate rooms.
(3) There shall be no loose plaster, boards, gypsum wall board, or other ceiling finish.
(4) There shall be no evidence of water damage.

(f) Roof

(1) There shall be no rafters which are decayed or broken.
(2) No rafters shall be damaged by fire.
(3) Sheathing shall not be loose.
(4) No loose roof covering shall be allowed, nor shall there be any holes or leaks which could cause damage to the structure.
(5) There shall be proper flashing at walls and roof penetrations.
(6) There shall be no chimneys or part thereof which are defective, deteriorated or in danger of falling, or in such condition to constitute a fire hazard.

**Sec. 9-1-95. Minimum Standards for Basic Equipment and Facilities**

(a) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewer disposal system.
(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and an adequate supply of both cold water and hot water. All systems must be connected to a potable water supply.
(3) All plumbing fixtures shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and good working order.
(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
(5) Water closet shall be functional and free of leaks.
(6) Water closet shall not be loose from floor or leaking.
(7) Tub and shower stall floors and walls shall be watertight.
(8) Fixtures shall not be cracked or broken and function as designed.
(9) Sewer and water lines shall be properly supported, with no broken or leaking lines.

(b) Heating system.

(1) Every dwelling and dwelling unit shall provide central heat or other approved permanent source of heating.
(2) Central and electric heating system. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected a minimum temperature of 68 degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
(a) All ducts, pipes and tubes should be free of leaks and functioning properly.
(3) Other heating facilities. Where central or electric heating system are not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances are connected so as to heat all habitable rooms with a minimum temperature of 68 degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
(a) All floor, wall or room heaters must comply with standards of Chapter 16 Volume VII of the State Building Code.
(b) Chimneys shall have no loose bricks or mortar and shall have a flue.
(c) Flues shall have no holes.
(d) Open masonry fireplaces shall only be used as supplemental heat and not as a primary source of heating.
(e) No portable kerosene space heater may be used as a primary source of heat.
(f) If fireplace opening is closed, the closure shall be of noncombustible material and airtight.
(g) No hanging chimneys will be allowed.

(c) Electrical System.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the North Carolina Electric Codes. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall type electric fixture for lighting. In the event wall or ceiling light fixtures are not provided in any habitable room, then such habitable room shall contain at least three floor or wall type electric convenience receptacles.
(2) Every common hall and stairway in every multiple dwelling shall have adequate lighting by electric lights at all times when natural lighting is not sufficient.
(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair and installed in accordance with the State Electrical Code (Volume IV of the State Building Code).
(4) All receptacles shall have outlet covers installed.
(5) All light switches shall have covers installed.
(6) Each dwelling unit shall have electric service from a separately metered delivery system provided by a licensed utility company. No drop cords, extension cords or similar wiring mechanism may be utilized in any fashion other than in conformance with the purposes in which it was designed.

**Sec. 9-1-96. Minimum Standards for Smoke Detectors**

(a) Every owner of a residential dwelling unit shall have UL approved smoke detectors installed, mounted on or near the ceiling on every level, at a point centrally located in the corridor or area giving access to each group of rooms used for sleeping purposes. Where bedrooms are not centrally located more than one smoke detector may be required.

**Sec. 9-1-97. Minimum Standards for Ventilation**.

(a) All habitable rooms shall be provided with aggregate glazing area of not less than eight percent (8%) of the total floor area of such rooms. One-half of the required area of glazing shall be openable. For the purpose of determining the light and ventilation requirement, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 sq ft., whichever is greater. Exceptions to this standard are as follows:

(1) The glazed areas need not be openable where the opening is not required by Section 310 of Volume VII of the State Building Code and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of

supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

(2) The glazed areas may be omitted in rooms where the opening is not required by Section 310 of Volume VII of the State Building Code and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom, and artificial light is provided capable of producing an average illumination of 6 foot candles (6.46 L/s) over the area of the room at a height of 30 inches above the floor level.

(b) All exterior windows and doors shall be reasonably weathertight, shall have no broken glass, and shall have adequate operable locks and hardware.

(c) All interior windows and hardware shall be in good repair.

(d) Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.

(e) Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less that 3 square feet, one-half of which must be openable. An exception to this standard is as follows:

(1) The glazed areas shall not be required where artificial light and an approved mechanical ventilation system capable of producing a change of air every 12 minutes are provided. Bathroom exhausts shall be vented directly to the outside.

**Sec. 9-1-98. Minimum Standards for Space, Use, and Location.**

(a) Room Size.

(1) Every dwelling unit shall have at least one habitable room which shall have not less than 150 square feet of floor area. Other habitable rooms shall have an area of not less than 70 square feet. Every kitchen shall not have less than 50 square feet of floor area. Habitable rooms except kitchens, shall not be less than 7 feet in any horizontal dimension.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

(b) Ceiling Height.

Habitable rooms, except kitchens, shall have a ceiling height of not less than 7 feet 6 inches for at least 50 percent of their required areas. Not more than 50 percent of the required area may have a sloped ceiling less than 7 feet 6 inches in height with no portion of required areas less than 5 feet in height. If any room has a furred ceiling, the prescribed ceiling height is required for at least 50 percent of the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet. A portion of a room with a sloping ceiling measuring less than 5 feet 0 inches or a furred ceiling measuring less than 7 feet 0 inches from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room. Exceptions to this standard are as follows:

(1) Beams and girders spaced not less than 4 feet on center may project not more than 6 inches below the required ceiling height.

(2) All other rooms including kitchens, baths and hallways may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling.

(3) Ceiling height in basements without habitable spaces may not be less than 6 feet 8 inches clear except for under beams, girders, ducts or other obstructions where the clear height shall be 6 feet 4 inches.

(c) Cellar.

(1) No cellar shall be used for living purposes.

(d) Basements.

(1) No basement shall be used for living purposes unless:
(a) The floor and walls are substantially watertight.
(b) The total window area, total openable window area, and ceiling height are equal to those required for habitable rooms.
(c) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or access way.

**Sec. 9-1-99. Minimum Standards for Safe and Sanitary Maintenance.**

(a) *Exterior foundation, walls, curtain wall and roofs*. Every foundation wall, exterior curtain wall, and exterior roof shall be substantially weathertight and rodent proof, shall be kept in sound condition and good repair, shall be capable to affording privacy and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or weather.

(b) *Interior floors, walls and ceilings*. Every floor, interior wall, and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(c) *Windows and doors*. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weathertight, watertight, and rodent proof, and shall be kept in sound working condition and good repair.

(d) *Stairs, porches, and appurtenances*. Every outside and inside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(e) *Bathroom floors*. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) *Supplied facilities*. Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed so that it will function safely and effectively and shall be maintained in satisfactory working condition.

**Sec. 9-1-100. Minimum Standard to Means of Egress.**

(a) Every dwelling shall have safe, unobstructed means of egress with a minimum ceiling height of 7 feet leading to a safe and open space at ground level.

(b) Every exterior, cellar or basement door and hatchway shall be substantially weathertight and rodent proof, and shall be kept in sound working condition and good repair.

(c) Every exterior door shall be provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure as intended by the manufacturer of the door and attached hardware.

(d) Exterior door frames shall be properly maintained and shall be affixed with weatherstripping and thresholds as required to be substantially weathertight, watertight and rodent and insect resistant when the door is in a closed position.

(e) Exterior door jams, stops, headers and molding shall be securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.

(f) All exterior doors shall have manufactured locks specifically designed for use with exterior doors requiring a key to be unlocked from the outside.

(g) Every sleeping room shall have at least one openable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of a key or tool. Where windows are provided as a means of egress or rescue they shall have a sill height of not more than 44 inches above the floor.

(h) All egress or rescue windows from sleeping rooms must have a net clear opening of 4.0 square feet. The minimum net clear opening height shall be 22 inches. The minimum net clear opening width shall be 20 inches. Each egress window from sleeping rooms must have a minimum total glass area of not less than 5.0 square feet in the case of a second story window.

(i) Bars, grills, screens or other obstructions placed over emergency escape windows shall be releasable or removable from the inside without the use of a key or tool.

**Sec. 9-1-101. Minimum Standards for Porches or Raised Platform.**

(a) Foundation flooring, ceiling and roofing for porches and raised platforms shall be equal to standards set forth in Section 9-1-94 except sills and joists need not be level if providing drainage of floor and floors need not be weathertight.

(b) Roof post and attached railings shall be structurally sound.

(c) Every porch terrace or raised platform located at least forty (40) inches above the adjacent finished grade shall be equipped with guardrails not less than thirty-six (36) inches high. Open guardrails shall have intermediate rails such that a six inch sphere cannot pass through any opening.

**Sec. 9-1-102. Minimum Standards for Stairs and Steps.**

(a) Stairs and steps shall not be decayed and shall be in good repair.

(b) Every rail shall be firmly fastened and maintained in good condition.

(c) No flight of stairs more than one (1) inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.

(d) Supports shall be structurally sound.

(e) Where steps and stairs that must be replaced due to deterioration, construction must comply with State Building Code standards.

(f) Stairways having four or more risers above a floor or finished ground level shall be equipped with handrails located not less than 30 inches nor more than 38 inches above the leading edge of a tread. An exception from this standard is that handrails that form part of a guardrail may be 42 inches high.

(g) Gripping surfaces shall be continuous without interruption.

**Sec. 9-1-103. Minimum Standards for Control of Insects, Rodents, and Infestations.**

(a) *Screens*. In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device, where an air condition is not provided. Every window or other device with openings to outdoor space shall be supplied with screens where an air condition is not provided.

(b) *Rodent Control*. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

(c) *Infestation*. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any structure or in the shared or public parts of any structure containing two or more dwelling units, extermination shall be the responsibility of the owner.

(d) *Garbage storage and disposal*. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers as required by the Greenville City Code and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of garbage. At least one 32 gallon outside garbage can will be required for single family residents.

**Sec. 9-1-104. Minimum Standards Applicable to Rooming Houses; Exceptions.**

All the provisions of this article, and all of the minimum standards and requirements of this article, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subsections:

(1) *Water closet, hand lavatory and bath facilities*. At least one (1) water closet, lavatory basin, and bathtub or shower, properly connected to an approved water system and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(2) *Minimum floor area for sleeping purposes*. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age or older and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

(3) *Sanitary facilities*. Every water closet, flush urinal, lavatory basin, bathtub, or shower required by subsection (1) of this section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from habitable rooms, which are accessible from a common hall and without going outside the rooming house or through any other room therein.

(4) *Sanitary conditions*. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; he shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

**Sec. 9-1-105. Responsibilities of owners and occupants.**

(a) *Public areas*. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition, the shared or public areas of the dwelling and the premises thereof.

(b) *Cleanliness*. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit and the premises thereof which he occupies or controls.

(c) *Rubbish and garbage*. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(d) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(e) *Care of facilities, equipment, and structure*. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

**Sec. 9-1-106. Special Historic Buildings and Districts**

All exterior alterations or repairs required by the provisions of this article to structures that are identified and classified by the city council as a designated landmark or being within a historic district must meet the requirements of the City of Greenville as administered by the Historic Preservation Commission

**Sec. 9-1-107. Duties of Code Enforcement Coordinator or Officer.**

The code enforcement coordinator or officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. It shall be the duty of the code enforcement coordinator or officer:

(1) To investigate the dwelling conditions and to inspect dwellings and dwelling units located in the City of Greenville in order to determine which dwellings and dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this article with respect to such dwellings or dwelling units;

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(3) To keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and

(4) To perform such other duties as may be herein prescribed.

**Sec. 9-1-108. Powers of the Code Enforcement Coordinator or Officer.**

The code enforcement coordinator or officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the City of Greenville in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths and affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and

(4) To appoint and fix duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article.

**Sec. 9-1-109. Inspections; Duty of owners and occupants.**

For the purpose of making inspections, the code enforcement coordinator or officer is hereby authorized to enter, examine, and survey at all reasonable times, all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the code enforcement coordinator or officer free access to such dwelling, dwelling unit, rooming unit, and its premises at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

**Sec. 9-1-110. Procedure for enforcement.**

(a) Preliminary investigation; Notice; Hearing.

(1) Whenever a petition is filed with the code enforcement coordinator or officer by a public authority or by at least five (5) residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the code enforcement coordinator or officer, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, cause to be served upon the owner and the parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the code enforcement coordinator or officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one person signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement coordinator or officer.

(b) Procedure after hearing.

(1) After such notice and hearing, the code enforcement coordinator or officer shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.
(2) If the code enforcement coordinator or officer determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter,
and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article or to vacate and close the dwelling within a specified period of time not to exceed ninety (90) days.
(3) If the code enforcement coordinator or officer determines that the dwelling is dilapidated, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either remove or demolish the same within a specified period of time not to exceed ninety (90) days.
(4) If the code enforcement coordinator or officer determines that the dwelling or dwelling unit does not meet any of the requirements of Sections 9-1-94 through 9-1-105 of this article but is not unfit for human habitation, then he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served on the owner thereof an order directing and requiring the owner to repair, alter or improve the dwelling to comply with the minimum standards of fitness established by this article within a specified period of time not to exceed ninety (90) days.

(c) Failure to comply with order.

(1) *In Personam Remedy*. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order to the code enforcement coordinator or officer to repair, alter, or improve or to vacate or close the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the code enforcement coordinator or officer to remove or demolish the same within the time specified therein, the code enforcement coordinator or officer may submit to city council a resolution directing the city attorney to petition the Superior Court for an order directing such owner to comply with the order of the neighborhood service coordinator or officer, as authorized by G. S. 160A-446(g).
(2) *In Rem Remedy*. After failure of an owner of a deteriorated dwelling or of a dilapidated dwelling to comply with an order of the code enforcement coordinator or officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subparagraph (1), the code enforcement coordinator or officer shall submit to the city council an ordinance ordering the code enforcement coordinator or officer to cause such dwelling or dwelling unit to be repaired, altered, or improved, or vacated and closed or to be removed or demolished as provided in the original order of the code enforcement coordinator or officer. The code enforcement coordinator or officer may cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: “This

building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor.

(3) *Civil Penalty*. If the owner of a dwelling or dwelling unit determined not to comply with any of the minimum standards of fitness established by this article but not determined to be unfit for human habitation shall fail to comply with an order of the code enforcement coordinator or officer to repair, alter, or improve the same within the time specified therein, then the code enforcement coordinator or officer may impose the civil fines authorized by Section 9-1-119.

(d) Appeals from orders of the code enforcement coordinator or officer.

(1) An appeal from any decision or order of the code enforcement coordinator or officer may be taken by any person aggrieved thereby. Any appeal from the code enforcement coordinator or officer shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the code enforcement coordinator or officer and with the board of adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement coordinator or officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the code enforcement coordinator or officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement coordinator or officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the code enforcement coordinator or officer certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant) a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the code enforcement coordinator or officer, by the board, or by a court of record upon petition made pursuant to G. S. 160A-446 (f) and subsection (e) of this section.

(2) The board shall fix a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the code enforcement coordinator or officer, but the concurring vote of four-fifths of the members of the board shall be necessary to reverse or modify any decision or order of the code enforcement coordinator or officer. The board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.

(e) Petition to Superior Court by owner. Any person aggrieved by an order issued by the code enforcement coordinator and officer or a decision rendered by the board of adjustment shall have the right within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the code enforcement coordinator or officer pending a final disposition of the cause, as provided by G. S. 160A-446(f).

**Sec. 9-1-111. Vacated and closed dwellings.**

(a) If the city council shall have adopted an ordinance, or the code enforcement coordinator or officer shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in section 9-1-110, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of six (6) months pursuant to the ordinance or order, then if the city council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state, then in such circumstances, the

city council may, after the expiration of such six (6) month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty (50) percent of the then current value of the dwelling**,** the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or
(2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty (50) percent of the then current value of the structure, the ordinance shall require that the owner demolish and remove the structure within ninety (90) days.

(b) An ordinance adopted pursuant to this section shall be recorded in the office of the register of deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the code enforcement coordinator or officer shall effectuate the purpose of the ordinance. The cost to repair or demolish and remove the dwelling shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by Article 10, Chapter 160A of the North Carolina General Statutes. (Ord. No. 05-108, § 2, 9-8-05)

**Sec. 9-1-112. Methods of service of complaints and orders.**

(a) Complaints or orders issued by the code enforcement coordinator or officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner or service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud.

(b) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement coordinator or officer in the exercise of reasonable diligence, and the code enforcement coordinator or officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(c) Authorized agent. Each owner of rental property located within the city shall authorize a person residing in Pitt County to serve as his agent for the purpose of accepting service of process under this section. The owner shall provide, on a form supplied by the city clerk, the authorized agent's name and address. The owner shall notify the city clerk of any changes in the information provided not less than ten (10) days after such changes have occurred. Nothing in this subsection shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides within Pitt County. The initial failure of an owner to authorize an agent, as required in this subsection, will not result in the imposition of a civil penalty as hereinafter authorized, however, a civil penalty will be imposed if an owner fails to authorize an agent and fails to provide to the city clerk, on the form supplied by the city clerk, the authorized agent's name and address not less than ten (10) days after being notified by the code enforcement coordinator or officer that such a designation is required under this subsection. Any violation of the provisions of this subsection or a failure to comply with any of its requirements will subject the offender to a civil penalty in the amount of fifty dollars ($50.00). Each ten (10) day period or part thereof in which a violation continues shall be considered a separate violation for the purpose of the civil penalty provided by this subsection. (Ord. No. 01-121, § 2, 9-13-01)

**Sec. 9-1-113. In rem action by the code enforcement coordinator or officer.**

After failure of an owner of a dwelling or dwelling unit to comply with an order of the code enforcement coordinator or officer issued pursuant to the provisions of this article and upon adoption by the city council of an ordinance authorizing and directing him to do so, as provided by G. S. 160A-443(5) and section 9-1-110 (c) or section 9-1-111 of this article, the code enforcement coordinator or officer shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the city council.

**Sec. 9-1-114. Costs, a lien on premises.**

As provided by G. S.160A-443(6), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the code enforcement coordinator or officer pursuant to section 9-1-110 (c) or section 9-1-111 shall be a lien against the real property upon which such costs were incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the North Carolina General Statutes.

**Sec. 9-1-115. Filing of ordinances.**

An ordinance adopted by city council pursuant to sections 9-1-110 and 9-1-111 of this article shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index, as provided by G. S. 160A-443(5).

**Sec. 9-1-116. Alternative remedies.**

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the City of Greenville to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4, and Section 9-1-119 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

**Sec. 9-1-117. Board of adjustment to hear appeals**.

All appeals which may be taken from decisions or orders of the code enforcement coordinator or officer pursuant to section 9-1-110 (d) of this article shall be heard and determined by the board of adjustment. As the appeals body, the board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by Section 9-1-110 (d) and shall keep an accurate journal of all its proceedings.

**Sec. 9-1-118. Conflict with other provisions**.

In the event any provision standard, or requirement of this article is found to be in conflict with any other ordinance or code of the city, the provisions which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the residents of the city shall prevail.

**Sec. 9-1-119. Violations; penalty.**

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the code enforcement coordinator and officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 9-1-110 of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, improvement, or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) The violation of any provisions of this article shall constitute a misdemeanor, as provided by G. S. 14-4.

(c) In addition to or in lieu of the other remedies provided by this article, any owner of a dwelling or dwelling unit that fails to comply with an order of the code enforcement coordinator or officer within the time specified therein, shall be subject to a civil penalty in the amount of fifty dollars ($50.00) for the first offense, one hundred dollars ($100.00) for the second offense in the calendar year, and two hundred fifty dollars ($250.00) for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of $250.00. Each thirty (30) day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense. (Ord. No. 99-15, §§ 1-2, 2-11-99)

**Sec. 9-1-120. Reserved.**

## Article G. Reserved*

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***Editor's note--**At the direction of the city, the provisions of Art. G, H 9-1-121--9-1-129, were deleted as obsolete. Such provisions pertained to insulation contractors and derived from Ord. No. 739, adopted Dec. 1, 1977.

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**Secs. 9-1-121--9-1-140. Reserved.**

## Article H. Regulation of the Use, Handling and Storage of Gas*

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***Editor's note--**G.S. 119-49 establishes state-wide standards for the use, handling and storage of liquefied petroleum gases and authorizes municipalities to adopt and enforce safety codes dealing with those functions, provided local safety codes are in accordance with the standards as set forth by the state.

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**Secs. 9-1-141--9-1-150. Reserved.**

## Article I. Housemovers

### Sec. 9-1-151. Reserved.

**Editor's note--**At the direction of the city, the provisions of former § 9-1-151 were deleted as being covered by provisions of the building code adopted in § 9-1-2. Former § 9-1-151 pertained to a deposit required of housemovers and derived from Ord. No. 1025, adopted Nov. 30,1980.

### Sec. 9-1-152. Use of bond for damages or expenses.

If damages occur to any city-owned, -occupied or -maintained property as a result of the moving activities, or if such activities cause the use of city personnel for traffic control or other ancillary assistance, the cost of repairs or expenses will be retained by the city from the bond. However, the mover is liable for all such damages and expenses and his or her liability is not limited to the amount of bond. (Ord. No. 1025, 11-13-80)

### Sec. 9-1-153. Return of unused bond.

After verification by the building inspector and police that no damages or expenses occurred in the moving, the entire bond will be returned to the mover. If damages or expenses were incurred, the amount of the bond remaining, if any, after payment of such damages and expenses, will be returned to the mover. (Ord. No. 1025, 11-13-80)

## CHAPTER 2. PLANNING AND ZONING COMMISSION*

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***State law reference(s)--**Municipal planning agencies, G.S. 160A-361 and 160A-387.

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Sec. 9-2-1. Created.
Sec. 9-2-2. Composition, appointive members, extraterritorial representatives, ex-officio members, and secretary.
Sec. 9-2-3. Terms of members; when appointments made.
Sec. 9-2-4. Election of officers; appointment of secretary.
Sec. 9-2-5. Quorum.
Sec. 9-2-6. Adoption of rules.
Sec. 9-2-7. Records.
Sec. 9-2-8. Statutory powers.
Sec. 9-2-9. Legal efficacy of recommendations.

### Sec. 9-2-1. Created.

A municipal commission to be known and designated as "The Planning and Zoning Commission of the City of Greenville," referred to in this code as the planning and zoning commission, is hereby created for the city. (Code 1971, § 2-26)

### Sec. 9-2-2. Composition, appointive members, extraterritorial representatives, ex-officio members, and secretary.

(a) The planning and zoning commission shall consist of nine (9) regular members, and three (3) alternate members. Seven (7) of the regular members and two (2) alternate members shall reside within the corporate limits of the city. They shall be appointed by the city council. Two (2) of the regular members and the other alternate member shall reside outside of the corporate limits of the city, but within the limits of the extraterritorial jurisdiction of the city. They shall be appointed by the board of commissioners of Pitt County. Current membership existing on the effective date of this ordinance shall remain in effect provided any future appointment or reappointment of members shall be in accordance with the requirements of this section.

(b) The extraterritorial representatives have equal rights, privileges, and duties with the city members of the commission, and are required to vote on each question, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

(c) Each alternate member, while attending any special meeting of the commission and serving in the absence of any regular member, shall have and may exercise all powers and duties of a regular member.

(d) The director of public works and the director of utilities shall be ex-officio advisors to the commission. The ex-officio advisors shall act as technical advisors to the commission without the right to vote.

(e) The director of community development shall serve as secretary to the commission without the right to vote.

(f) Appointments of members of the planning and zoning commission by city council shall be made to promote the representation of a variety of interests. This representation should include some members with environmental, neighborhood preservation, development, and business interests. (Ord. No. 1116, 7-9-81; Ord. No. 03-114, 11-13-03, §§ 1, 2; Ord. No. 06-75, 8-10-06, §1)

**State law reference(s)--**Extraterritorial representation for planning agencies, G.S. 160A-362.

### Sec. 9-2-3. Terms of members; when appointments made.

(a) Seven (7) of the regular members and two (2) alternate members appointed by the city council shall be appointed for a three (3) year term beginning June 1 of the year of their appointment to a full term.

(b) Two (2) of the regular members and one (1) alternate member appointed by the board of commissioners of Pitt County shall be appointed for a three (3) year term beginning June 1 of the year of their appointment to a full term.

(c) In appointing the original members of the commission, or in filling of vacancies caused by the expiration or resignations of the terms of existing members, the city council and the board of commissioners may appoint certain members for less than three (3) years to the end that thereafter the terms of all members shall not expire at the same time.

(d) A regular or an alternate member, representing either the city or the extraterritorial area, shall not serve more than two (2) consecutive three- (3) year terms; except, that an appointed member who shall have finished an unexpired term of another member may be appointed to as many as two (2) full, subsequent terms of three (3) years each.

(e) The ex-officio members and secretary of this commission shall serve concurrently with their respective terms of office or employment. (Ord. No. 1116, 7-9-81; Ord. No. 03-114, 11-13-03, § 3)

**Sec. 9-2-4. Election of officers; appointment of secretary.**

The planning and zoning commission shall elect from its membership a chairman, a vice chairman and such other officers as it may determine to be necessary, who shall serve for one (1) year terms, with eligibility for reelection.

**Sec. 9-2-5. Quorum.**

A quorum shall be a majority of the members of the commission.

**Sec. 9-2-6. Adoption of rules.**

The planning and zoning commission shall adopt rules, not inconsistent with state law or this code, for the transaction of business. (Code 1971, § 2-33)

**Sec. 9-2-7. Records.**

The secretary of the planning and zoning commission shall keep a record of the attendance of its members and of its proceedings, resolutions, discussions, findings and recommendations, which shall be a public record. (Code 1971, § 2-34)

**Sec. 9-2-8. Statutory powers.**

The planning and zoning commission shall have such rights, privileges, duties and authority and shall exercise such functions as are conferred or authorized by state law. (Code 1971, § 2-37)

**State law reference(s)--**Powers and duties of municipal planning agencies, G.S. 160A-361, 160A-363 and 160A-387.

**Sec. 9-2-9. Legal efficacy of recommendations.**

The recommendations of the planning and zoning commission shall be advisory to the city council and shall be without legal efficacy until approved by the city council. (Code 1971, § 2-39)

## CHAPTER 3. AIRPORT ZONING*

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***State law reference(s)--**Authority to adopt, 63-31.

**Editor's note—**The original airport zoning chapter that was taken from Code 1971 and revised by Ordinance No. 704, § 1, 7-7-77 was rewritten by Ordinance No. 04-45 dated May 13, 2004)

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Sec. 9-3-1. Definitions.
Sec. 9-3-2. Short title.
Sec. 9-3-3. Airport hazard zoning map.
Sec. 9-3-4. Airport zones.
Sec. 9-3-5. Airport zone height limitations.
Sec. 9-3-6. Use restrictions.
Sec. 9-3-7. Nonconforming uses, structures and trees.
Sec. 9-3-8. Permits.
Sec. 9-3-9. Application for permits and variances.
Sec. 9-3-10. Appeals.
Sec. 9-3-11. Director of community development interprets.
Sec. 9-3-12. Duties of city council.
Sec. 9-3-13. Enforcement and appeals.
Sec. 9-3-14. Permits required.
Sec. 9-3-15. Certificate of occupancy.
Sec. 9-3-16. Remedies.
Sec. 9-3-17. Revocation of permits and certificates.
Sec. 9-3-18. Penalties for violation.

### Sec. 9-3-1. Definitions.

As used in this chapter, the following words shall have the meanings ascribed to them unless the context otherwise requires:

(1) *Airport.* The Pitt-Greenville Airport located in the northwestern section of the city limits contiguous to the Tar River and US 13-NC 11.

(2) *Airport elevation.* The highest point of the airport's landing surfaces measured in feet above mean sea level, i.e. 27.0 feet for Pitt-Greenville Airport.

(3) *Airport hazard.* Any object violating the Federal Aviation Regulations (FAR) part 77, navigable airspace depicted on the "Airport Hazard Zoning Map."

(4) *Airport reference point (ARP).* The geometric center of the active runway configuration. For Pitt-Greenville Airport the ARP is latitude 35 degrees 38 minutes 03.73 seconds North and longitude 77 degrees 07.73 minutes 00 seconds West.

(5) *Airport zone.* An area that begins at the end of the primary surface for each active runway and extends outward and upward for the distance and angle specified in the Federal Aviation Regulations (FAR) part 77 and depicted on the "Airport Hazard Zoning Map."

(6) *Conical surfaces.* An area extended outwardly from the inner horizontal surface an additional 4,000 feet and upward at a slope of 20:1. Therefore, the conical surface extends from 177.0 feet above mean sea level to 377.0 feet above mean sea level as depicted on the "Airport Hazard Zoning Map."

(7) *Inner horizontal surface.* A horizontal plane 150 feet above the airport elevation, i.e. 177.0 feet for Pitt-Greenville Airport. The horizontal surface is inscribed within 10,000 feet radii arcs from the ends of the primary surfaces as depicted on the "Airport Hazard Zoning Map."

(8) *Nonconforming use.* Any man-made structure, or object of natural growth or use of land or activity that is inconsistent with the provisions of this chapter or any amendment thereto.

(9) *Primary surface.* A plane of varying elevation 1,000 feet wide for the precision approach runway and 500 feet wide for the non-precision approach and visual runways, centered on the respective runways and extending 200 feet beyond each runway end. The elevation of any point on the primary surface is equal to the runway elevation at that station measured along the runway centerline. The elevation of any point on the primary surface 200 feet beyond each runway end is equal to the centerline elevation of the runway end.

(10) *Runway*. For Pitt-Greenville Airport there are three (3) active Runways, all constructed of asphaltic concrete and identified as follows:

| | |
|---|---|
| Runway 2-20 – 6500’ x 150’ | Precision Approach |
| Runway 8-26 – 4997’ x 150’ | Non-Precision Approach |
| Runway 15-33 – 2500’ x 150’ | Visual Approach |

(11) *Runway-precision*. A runway having an existing or planned instrument approach procedure utilizing an instrument Landing System (ILS) or Precision Approach Radar (PAR) or Global Positioning System (GPS), which provides for approaches to a Decision Height (DH) of not less than 200 feet Above Ground Level (AGL) with a visibility of not less than ½ mile or a Runway Visual Range (RVR) of not less than 2400 feet.

(12) *Runway-non-precision*. A runway having an existing or planned Instrument Approach procedure which provides for approaches at a Decision Height (DH) and visibility minimums greater than as defined for a precision approach.

(13) *Runway-visual.* A runway intended solely for aircraft operating under visual flight and approach procedures.

(14) *Transitional surfaces*. An area extending upward from the sides of the primary surface for each active runway at a slope of 7:1 to the limit of the inner horizontal surface, and the area extending from the sides of precision approach zones outward 5,000 feet and upward at a slope of 7:1 (Refer to airport hazard zoning map).

**Sec. 9-3-2. Short title.**

This chapter shall be known and may be cited as the “Pitt-Greenville Airport Zoning Ordinance.”

**Sec. 9-3-3. Airport hazard zoning map.**

The airport hazard-zoning map is hereby incorporated as an administrative supplement by reference and made a part of this chapter. A copy of said map is on file in the office of the director of community development. A digital copy of said map shall be maintained in the city’s graphic information system (GIS) that shall be utilized for purposes of administration of this chapter. The airport hazard zones as illustrated on said map are a depiction of the regulatory surfaces as provided herein and said map shall be automatically amended by addition, alteration or extension of the associated physical facility. (Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-3-4. Airport zones.**

There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, inner horizontal and conical surfaces, as defined herein, as they apply to Pitt-Greenville Airport and which are depicted on the airport hazard zoning map.

**Sec. 9-3-5. Airport zone height limitations.**

(a) Except as otherwise noted in this chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this chapter to a height in excess of the limiting height of the applicable zone represented by the conical surfaces, inner horizontal surface, primary surface and transitional surfaces herein established.

(b) Limiting height for each zone shall be depicted on the airport hazard-zoning map through the use of intermediate aerial contours superimposed over existing ground contours.

**Sec. 9-3-6. Use restrictions.**

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, or in any way impair the visibility of pilots using the airport, or otherwise create a hazard to aircraft intending to use the airport.

**Sec. 9-3-7. Nonconforming uses, structures and trees.**

(a) *Regulations, not retroactive*. The regulations prescribed by this chapter shall not be construed as to require the removal or alteration of any tree or structure not conforming to these regulations as of May 4, 1944, the date of enactment of the ordinance codified in this chapter. Nothing contained herein shall require any change in construction or use of any structure begun prior to the above-referenced date.

(b) *Marking or lighting.* The owner of any aforementioned existing nonconforming structures or trees is hereby required to permit the installation, operation and maintenance thereon of such markers and/or lights as deemed necessary by the airport authority; to clearly indicate the presence of such obstructions or hazards to air navigation. All such markers and/or lights shall be installed, operated and maintained at the expense of the airport authority.

**Editor's note--**The "date of enactment of the ordinance codified in this chapter" given as May 4, 1944, refers to the enactment of the former airport zoning ordinance, which has been superseded by these provisions.

**Sec. 9-3-8. Permits.**

(a) *Future uses.*

(1) No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted as required by this chapter.
(2) However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred (4,200) feet from each end of runway except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.
(3) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation that it was on the effective date of this chapter or any amendments thereto or greater than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the zoning enforcement officer determines that a nonconforming tree or structure has been abandoned or more than fifty (50) percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in a practical difficulty or unnecessary hardship and relief would not be contrary to the public interest but will do substantial justice and be in accordance with the intent of this chapter.

(e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport authority, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

**Sec. 9-3-9. Application for permits and variances.**

It shall be the duty of the director of community development, or authorized representative, to accept applications for permits and variances, consider each and enforce the applicable provisions prescribed herein. (Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-3-10. Appeals**.

Any person aggrieved or affected by any decision of the director of community development, or authorized representative, made in the administration of this chapter, may appeal to the board of adjustment in accordance with applicable procedure and law. (Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-3-11. Director of community development interprets.**

It is the intent of this chapter that all questions of interpretation shall be the responsibility of the director of community development or authorized representative. (Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-3-12. Duties of city council.**

(a) It is further the intent of this chapter that the duties of the city council in connection with this chapter shall be to:

(1) Consider, and act upon proposed amendments to this chapter.

(b) The duties of the city council shall not include hearing and deciding questions of interpretation and enforcement that arise.

**Sec. 9-3-13. Enforcement and appeals.**

The zoning enforcement officer shall be responsible for the enforcement of this chapter. The zoning enforcement officer may provide for the enforcement of this chapter by means of withholding permits and/or issuance of civil citation(s) as provided herein. The zoning enforcement officer may provide for enforcement by instituting injunction, mandamus or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to correct or abate such violation; or to prevent the occupancy of said building, structure or land. If a decision of the zoning enforcement officer is questioned, the aggrieved person may appeal such decision to the board of adjustment in accordance with applicable procedure and law.

**Sec. 9-3-14. Permits required.**

No land, building or structure shall be used, no building, sign or structure shall be erected, and no existing building, sign, or structure shall be moved, expanded, enlarged or altered until the director of community development, or authorized representative, has approved such use or construction in accordance with the provisions of this chapter. **(**Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-3-15. Certificate of occupancy**.

A certificate of occupancy issued by the building inspector is required in advance of occupancy or use of a building hereafter erected, altered or moved; and for a change of use of any building or land. It shall be unlawful to occupy any building or structure without a certificate of occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or structure conforms to the applicable provisions of these regulations.

**Sec. 9-3-16. Remedies**.

Where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the zoning enforcement officer, building inspector, any other appropriate city authority, or any person who would be damaged by such violation, may, in addition to other remedies, institute an action for injunction, mandamus or other appropriate action or proceeding to prevent such violation.

**Sec. 9-3-17. Revocation of permits and certificates**.

A stop work order may be issued or a building permit or certificate of occupancy may be revoked by the building inspector when the method of moving, construction, alteration, repair or use violates any provision of these regulations or any state or local law, ordinance or resolution. Upon notice, any further work upon the moving, construction, alteration or repair of a building or structure, or further use of a building, structure or land shall be deemed a violation.

**Sec. 9-3-18. Penalties for violation.**

(a) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

(1) In the amount of fifty dollars ($50.00) for each offense on the first day of such offense; and

(2) In the amount of one hundred dollars ($100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and

(3) In the amount of two hundred and fifty dollars ($250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

(b) Violators shall be issued a written citation that must be paid within seventy-two (72) hours. If a person fails to pay the civil penalty within seventy-two (72) hours, the city may recover the penalty together with all costs by filing a legal action in the general court of justice in the nature of a suit to collect a debt.

(c) This chapter may also be enforced by any appropriate equitable action.

(d) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the zoning enforcement officer may invoke the escalating civil penalties authorized by subsection (a) whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(f) 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.

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# CHAPTER 4. ZONING

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## Article A. General Provisions*

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***Editor's note--**Section 1 of Ord. No. 2337, adopted June 13, 1991, deleted the former zoning ordinance (Ch. 32), based on Ord. No. 332, as amended, which was not printed herein, and enacted a new zoning ordinance as set out in this chapter. The ordinance was printed substantially as enacted, with only minor stylistic changes to conform to Code format. Material added by the editor for clarity is enclosed in brackets.

**Cross reference(s)--**Public works, Title 6; public utilities, Title 8; planning and zoning commission, § 9-2-1 et seq.; airport zoning, § 9-3-1 et seq.; subdivisions, § 9-5-1 et seq.; flood damage prevention, § 9-6-1 et seq.; soil erosion and control, § 9-8-1 et seq.; storm drainage, § 9-9-1 et seq.

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**Sec. 9-4-1. Title.**

This chapter shall be known and may be cited as the "Zoning Ordinance for Greenville, North Carolina" and may be referred to as the zoning ordinance. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-2. Purpose.**

These regulations are adopted to promote development of the land within the city and within the extraterritorial area of the city in a manner which will best promote the health, safety, and the general welfare of the people, and for the following specific purposes:

(1) To provide for efficiency and economy in the process of development;

(2) To make adequate provisions for traffic;

(3) To secure safety from fire, panic, and other hazards;

(4) To provide for light and air;

(5) To prevent the overcrowding of land;

(6) To avoid undue concentration of population;

(7) To facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;

(8) To promote desirable living conditions and the sustained stability of neighborhoods;

(9) To protect property against blight and depreciation;

(10) To promote the aesthetic quality of the community; and

(11) For other purposes in accordance with the comprehensive plan for the city and its extraterritorial area. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-3. Interpretation and application.**

(a) In interpreting and applying these regulations, the requirements contained herein are the minimum requirements necessary to carry out the purpose of this chapter.

(b) Except as provided herein, these regulations shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants, deed restrictions or other agreements between parties.

(c) Wherever the provisions of these regulations impose greater restrictions upon the use of land or buildings or require a larger percentage of lot to be left unoccupied than other provisions of this Code or other ordinances, rules, regulations, permits, or any easements, covenants, deed restrictions, or other agreements between parties, the provisions of these regulations shall govern. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-4. Jurisdiction.**

These regulations shall govern the use and the development thereon of all lands within the city and within the extraterritorial area of the city as defined in this chapter and shown on the official zoning map for the city. However, agricultural cultivation shall not be affected by these regulations. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-5. Same--Adopted by reference and incorporated in chapter.**

The map which is on file in the office of the city clerk and which is identified by the words "This is to certify that this is the official zoning map referred to in the Zoning Ordinance for the City of Greenville, North Carolina," the date of adoption and the signature of the mayor, and which is attested by the city clerk and the city seal, together with all notes officially entered thereon, is hereby adopted by reference as the official zoning map of the city and the extraterritorial area within the zoning jurisdiction of the city, and it is hereby incorporated in and made a part of this section as though it were fully set out herein. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, § 3, 8-14-97)

**Sec. 9-4-6. Same--Where available to public.**

The official zoning map shall remain on file in the office of the city clerk and shall be available to the public for inspection and use during all regular business hours. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-7. Same--Maintenance in current status.**

The director of community development shall be responsible for the maintenance and revision of the official zoning map. Upon notification by the city council that a zoning change has been made, the director of community development shall make the necessary changes on the official zoning map within a reasonable time. Failure to make the changes in a timely manner shall not affect the validity of the zone change. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-8. Same--Replacement.**

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the city council may by ordinance adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the same officials as the original and shall bear the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map replaced) and referred to in the zoning ordinance for the City of Greenville, North Carolina." The date of adoption of the new official zoning map shall be shown also. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-9. Land and buildings regulated.**

No land, building or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity with these regulations or any other applicable regulations. However, the application of these regulations shall not affect agricultural cultivation. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-10. Only one principal use upon any lot; exceptions.**

There shall be no more than one (1) principal use upon any lot in a residential district, or on a lot with a permitted residential use, except as expressly provided in this regulations. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-11. Reduction or change in lot size prohibited.**

No lot shall be reduced or changed in size so that the total area; minimum frontage; front, side, or rear setbacks; lot area per dwelling unit; or other dimensions, areas or open spaces required by these regulations are not maintained. No lot shall be subdivided so as to produce an additional lot which is not in conformity with these or other applicable regulations, unless such lot is combined with other land to produce a conforming lot or unless said lot is deeded, dedicated, and accepted for public use. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-12. Maintenances of open space.**

No yard shall be encroached upon or reduced in any manner except in conformity with these regulations. No yard for any principal building shall be considered as a yard for any other principal building. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-13. Uses prohibited.**

Unless a use of land is specifically allowed in a zoning district, either as a matter of right or as a special use, then such use shall be prohibited in the district. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-14. Airport zoning ordinance.**

All uses, including agricultural cultivation, made of land within any zoning district established by the Pitt-Greenville Airport zoning ordinance shall be in conformance with the use restrictions set forth in Title 9, Chapter 3 of the City Code. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-15. Reenactment of prior zoning provisions; saving provisions.**

(a) This chapter in part carries forward by reenactment some of the provisions of the prior zoning ordinance of the city (adopted by the city council, as amended), and it is not the intention of the city council to repeal, but rather to reenact; and continue in force all provisions adopted May 8, 1969 so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the City of Greenville enacted on June 17, 1947, as amended, which are not reenacted herein are hereby repealed.

(b) All suits at law or in equity and all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of North Carolina or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter but shall be prosecuted to their finality the same as if this chapter had not been adopted; any and all violations of the exiting zoning ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending or which may heretofore have been instituted or prosecuted. (Ord. No. 2337, § 1, 6-13-91)

**Secs. 9-4-16--9-4-20. Reserved.**

## Article B. Definitions

### Sec. 9-4-21. Usage.

(a) The numbers, abbreviations, terms and words used in these regulations shall be used, interpreted, and defined as this article provides; words or terms not defined shall have their customary dictionary definition. Words or terms defined in other articles shall have the definitions provided in that article.

(b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; words used in the singular include the plural; the word "herein" means "in these regulations;" the word "regulations" means "these regulations;" words of any gender shall be applicable to all genders.

(c) A "person" includes a corporation, a partnership, and an incorporated or unincorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" includes a "structure;" a "building" or "structure" includes any part thereof.

(d) When any requirement of these regulations result in a fraction of a number or unit, then a fraction of one-half (1/2) or more shall be considered as the next higher whole number or unit, and a fraction of less than one-half (1/2) shall be disregarded. This provision shall apply to numbers including but not limited to parking requirements, numbers of dwelling units, vegetation requirements, and square footage computations. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-22. Words and terms defined.

[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:]

*Accessory building.* A subordinate building or structure located on the same lot as, and detached from, the principal building, the use of which is an accessory use to that of the principal building.

*Accessory use.* A use which meets the following conditions: (1) a use located on the same lot as the principal use, whether located in the same building, in an accessory building or as an accessory use of land; (2) is incidental to and subordinate to the principal use; (3) is dependent to the principal use; (4) is customarily associated with the principal use; and (5) will not create a nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of such accessory use.

*Adult use.* Any principal or accessory use which excludes minors by reason of age. This definition shall not apply to any exclusion due to applicable alcoholic beverage control laws or voluntary restrictions of the motion picture industry.

*Airport zoning ordinance terms and definitions.* See Title 9, Chapter 3, Greenville City Code.

*Alley.* A public vehicular or pedestrian way which affords only a secondary means of access to abutting property.

*Animal boarding; outside facility.* Any facility for the purpose of boarding domesticated animals on a commercial basis or as an accessory use to district uses. This definition does not include livestock sales pavilions, auditoriums, yards, distribution facilities, transhipment facilities or slaughterhouses.

*Article.* The term "Article" as used herein shall refer to those Articles found within this chapter, Title 9, Chapter 4, Zoning Ordinance for Greenville, North Carolina unless otherwise referenced.

*Athletic club.* A commercial establishment engaged in providing a variety of apparatus and facilities, to individuals and/or groups of persons, for purposes of physical exercise, athletic competition, and related recreational, educational and personal development activities. An athletic club may include the following accessory activities: racquetball courts, basketball courts, volleyball courts, tennis courts and the like; swimming pools, lap pools, diving pools, water slides and the like; roller skating, roller blading, ice skating, skate boarding and the like, soccer fields, baseball/softball fields and the like; track and field event facilities; exercise programs including aerobic and strength training; personal training, fitness evaluation, massage therapy treatment by members in the American Massage Therapy Association or equivalent

per Title 11, Chapter 10, Article B, section 11-10-11 of the city Code, as amended, wellness and health education programs; ancillary food services such as an employee and/or patron cafeteria or eating area.

*Automobile graveyard.* An establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be an automobile graveyard. See also "junkyard."

*Automobile, truck, recreational vehicle, motorcycle and boat sales.* Establishments engaged in the retail and/or wholesale of new and/or used automobiles, trucks, recreational vehicles and campers, motorcycles and motor boats including other watercraft, trailers, marine supplies and outboard motors, collectively referred to as vehicles for purposes of this definition. These establishments frequently maintain repair departments (see also major and minor repair) and carry stocks of replacement parts and accessories. For purposes of interpretation, the concurrent display for sale of not more than any five (5) such vehicles upon a lot containing a legal nonresidential principal use may be considered an accessory use in accordance with applicable conditions set forth by definition. Specifically, the concurrent display for sale of not more than any five (5) such vehicles upon any lot containing a legal vehicle related major or minor repair establishment, or a bank, savings and loan or other lending institution engaged in the repossession of vehicles shall be considered an accessory use to such principal use.

*Bed and breakfast inn home occupation.* A single-family dwelling within which the resident owner offers temporary overnight accommodations to visitors for compensation. Such use may be allowed as an accessory use home occupation to a single-family dwelling upon special use permit approval of the board of adjustment and in accordance with the additional conditions and requirements of Section 9-4-86(v)

*Best management practices (BMPs).* See Article L.

*Billiard parlor; pool room.* Any establishment that has more than four (4) billiard/pool tables or whose principal purpose is the operation of a billiard parlor or pool room regardless of the total number of billiard/pool tables.

*Board of adjustment.* See Article S.

*Boarding or rooming house.* Any single family dwelling, in which space is let by the owner occupant to not more than four (4) persons who are not related by blood, adoption or marriage to the owner occupant. See also "family."

*Buffer; water supply watershed.* 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 infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of bank of each side of streams or rivers.

*Bufferyard.* See Article G.

*Building.* A structure with a roof which is designed or intended for the shelter, support, protection or enclosure of persons, animals, or property of any kind.

*Building inspector.* The person, officer or official or his authorized representative, whom the city council has designated as its agent for the enforcement of the provisions of Title 9, Chapter 1, Inspections and Code Enforcement, of the Greenville City Code and the administration of duties as further provided under this chapter.

*Built-upon area.* Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

*Catalogue processing center.* An establishment engaged in the processing of mail/phone orders from merchandise catalogue(s) for on-site and/or remote transhipment of goods. All other principal and/or accessory use activities, including, but not limited to, retail/wholesale sales, manufacturing, storage, warehousing and the like, conducted in conjunction with any catalogue processing center shall be subject to independent approval in accordance with district regulations.

*Catering service.* An establishment engaged in the preparation and retail sale of food in a ready to consume state, for delivery and/or carry out service, for off-site consumption at remote locations. Such use shall not offer drive-through or drive-in services. See also “Restaurant, conventional” and “Restaurant, fast food.”

*Chapter.* The term “chapter” as used herein shall refer to this chapter, Chapter 4, Zoning Ordinance for Greenville, North Carolina, unless otherwise referenced.

*Church or place of worship.* A building in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship and holding a certificate of nonprofit organization from the secretary of state.

*City council.* The governing body of the city as provided by the Charter of the City of Greenville, North Carolina. The mayor and council on behalf of the city, and in conformity with applicable laws, provide for the exercise of all municipal powers and are charged with the general government of the city.

*Civic organization.* A community oriented humanitarian and social organization holding a certificate of nonprofit organization from the secretary of state.

*Convenience store.* Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock fresh vegetables, produce, poultry or meats.

*County government operation center.* A planned and unified development owned and operated by the county for the purpose of governmental service delivery to county residents. Such development shall contain not less than one hundred (100) contiguous gross acres exclusive to itself and its various subparts contained therein. The term shall include offices, fire station, sheriff department, county jail, court, library, museum, recreation and craft facilities, park, auditorium, gymnasium, vehicle and equipment minor and major repair, indoor and outdoor storage, warehouse, health and/or social service clinic, adult education, adult and child day care, cooking and dining facilities, group care facilities and social and civic meeting rooms. Uses not specifically listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district.

*County, state or federal government building or use.* Any building, structure or use of the county, state or federal government or their various subparts. The term shall include offices, libraries, fire stations, sheriff department, court, recreation facilities, and parks. Uses not listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district.

*Day care; adult.* An establishment which provides for the care and supervision of six (6) or more aged, handicapped or disabled adults away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

*Day care; child.* An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

*Director of community development.* The person, officer or official, or his authorized representative, whom the city council has designated as its agent for the acceptance, coordination and approval of all plans and permits required by this chapter, unless otherwise specifically provided in the particular case. The director of community development shall, excepting city manager authority, have final administrative interpretation concerning the meaning, requirement or extent of any section, graphic or description set forth by this chapter, unless otherwise specifically provided in the particular case.

*District; zoning.* A section of the city or its extraterritorial area within which the zoning regulations are uniform.

*Dormitory.* A building or group of buildings where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one (1) room, or in a series of closely associated rooms under joint occupancy and single management, such as a college dormitory or privately owned dormitory intended for use by college students.

*Drive-through facilities.* Facilities which are accessory to a principal use whereby goods or services may be offered directly to customers in motor vehicles by means which eliminate the need for customers to leave their motor vehicles.

*Driveway and related terms.* See Title 6, Chapter 2, Article B, Driveway Construction, of the Greenville City Code.

*Durable goods.* Any commodity whose useful life is expected to exceed three (3) or more years.

*Dwelling.* A building or a portion thereof which is wholly or partly used for or intended to be used for temporary or permanent residential occupancy.

*Dwelling unit.* A single independent housekeeping unit with sanitation, living, dining, sleeping, and permanently installed kitchen facilities for use by one (1) family.

*Dwelling; single family.* A separate and detached structure containing one (1) dwelling unit designed for occupancy by one (1) family on an individual lot exclusive to such unit and its accessory use.

*Dwelling; two-family attached (duplex).* A separate and detached structure containing two (2) attached dwelling units, each designed for occupancy by one (1) family on an individual lot exclusive to such units and their accessory uses.

*Dwelling; multifamily.* A separate and detached structure or group of structures containing three (3) or more total dwelling units on a common lot and sharing common facilities; or two (2) or more single family or two-family attached dwellings located on a common lot; or one (1) or more attached dwelling units on a common lot and sharing common facilities with a nonresidential use. Excluded from this definition are “mobile home parks” and “residential quarters for resident manager, supervisor or caretaker.”

*Extraterritorial jurisdiction.* The area beyond the corporate limits within which the planning, zoning and building regulations of the city apply in accordance with state law. Such area is delineated on the official zoning map for the City of Greenville.

*Family.* An individual living alone, or two (2) or more persons related by blood, adoption, or marriage, or a group of not more than three (3) unrelated persons living together as a single housekeeping unit in a shared dwelling unit. See also “room renting.”

For purposes of this definition the term “persons related by blood, adoption or marriage” shall constitute the following:

(1) *Blood relations.*

a. Parents (including grandparents).
b. Sons and daughters.
c. Siblings.
d. Uncles and aunts (including great uncles and aunts).
e. Nephews and nieces (children of a brother or sister).
f. First cousins (children of brothers and/or sisters).

(2) *Marriage relations.*

a. Spouse.
b. Step relations (mother/father, son/daughter, brother/sister).
c. Half relations (brother/sister).
d. In-laws (mother/father, son/daughter, brother/sister).

(3) *Adoption.*

a. As provided by law.
b. Foster parent/child, custody consent order, or other legally recognized form of guardianship.

Specifically, the individual or combination of persons listed herein may occupy a dwelling unit under this definition.

(1) One (1) individual living alone;
(2) Up to three (3) unrelated individuals;
(3) Two (2) or more individuals related by blood, adoption or marriage (i.e. family); or
(4) One (1) family ((3) above) and up to two (2) unrelated individuals (i.e. room renting); or
(5) One (1) family ((3) above) and up to two (2) related individuals (i.e. room renting).

*Family care home.* An establishment defined under G.S. 168-20 through 168-23 as amended, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) residents who are handicapped. "Handicapped persons" means a person with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance and orthopedic impairments but not including mentally ill persons who are dangerous to others. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. The following shall be considered a "handicapped person" for the purpose of this definition:

(1) An elderly and disabled person suffering from Alzheimer's, senile dementia, organic brain syndrome.
(2) A recovering alcoholic or drug addict who is not currently using an illegal controlled substance.
(3) A person with human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS), who is in ambulatory condition.

Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

*Farmers market.* A structure or location wherein space is provided to multiple independent operators for the purpose of retail and/or wholesale trade of raw agricultural products. Provided, however, such use shall not include the processing of any product or the sale of poultry, fish, shellfish, pork, beef or other wildlife or domesticated meat products.

*Farming.* Establishments (farms, ranches, dairies, nurseries, orchards, hatcheries, etc.) primarily engaged in the production of crops, plants, vines, or trees (excluding saw mills); and the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products, for livestock increase, or for value increase. Livestock as used here includes cattle, sheep, goats, hogs and poultry. Also included are animal specialties such as horses, rabbits, and fish in captivity. Agricultural production also includes establishments primarily engaged in the operation of sod farms, mushroom cellars, poultry hatcheries, and in the production of bulbs, flower seeds, and vegetable seeds.

A farm may consist of a single tract of land, or a number of separate tracts which may be held under different tenures. It may be operated by the operator alone or with the assistance of members of his household or hired employees, or it may be operated by a partnership, corporation, or other type of organization.

*Flood damage prevention ordinance.* An ordinance adopted by the City of Greenville found in Title 9, Chapter 6 of the City Code regulating development within flood hazard areas as designated by the Federal Emergency Management Agency.

*Fraternity or sorority house.* A dwelling and associated grounds occupied by and maintained for college or university students who are affiliated with a social, honorary, or professional organization recognized by a college or university or within which the functions of such an organization are conducted.

*Game center.* Any establishment that has more than five (5) coin/token operated or other amusement devices or whose principal purpose is the operation of a game center regardless of the total number of amusement devices. For purposes of this definition the term “amusement devices” shall include electronic games and similar machines, and any other game table or device. Bingo parlors shall be considered as game centers regardless of the number of participants. See also “billiard parlor; pool room.”

*Group care facility.* An establishment qualified for a license by the State of North Carolina for provision of resident services to more than six (6) but not more than twenty-five (25) residents who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment and persons recuperating from mental or emotional illness. This definition shall not include mentally ill persons who are dangerous to others. “Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Guest house; college and other institutions of higher learning. A building and accessory structure(s) designed for residential occupancy and containing rooms, suites, separate or connecting units, where without compensation lodging is provided on a short term basis to guests of the associated institution. For purposes of this definition the words “short term basis” shall include only daily or weekly periods. No persons shall utilize, consider or reference any room, suite or unit within any “guest house” as a secondary or primary place of residence. This definition shall not include “hotel or motel” and/or “bed and breakfast inns.”

*Hazardous.* Any use, product, operation, material, compound or reaction which by its known or reasonably expected nature creates excessive noise, odor, smoke, dust, danger of fire or explosion, emission of gas, particles, solids or other objectionable or toxic characteristics which may adversely impact the public’s health, safety and general welfare. Nonhazardous shall include those attributes which by their nature do not qualify under the above definition.

*Hazardous material.* Any substance listed as such in SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances) as amended. See also “toxic substance.”

*Height of structure.* The vertical distance from grade to the highest finished roof surface in the case of flats roofs or to a point at the average height of the highest roof having a pitch. For purposes of this definition the term “grade” shall be construed as the average street side ground elevation at the base of a structure. Any decorative roof structure or parapet wall extending above an exterior wall line shall be included in and count toward the calculation of allowable height. The average height of a pitch roof shall be the midpoint of a vertical line extending from the top of the exterior wall to the highest point of the finished roof surface.

*Historic preservation commission terms and definitions.* See Title 9, Chapter 10, Greenville City Code.

*Home occupation.* An activity conducted for financial gain as an accessory use to a detached single-family dwelling unit by a member of the family residing in the dwelling unit.

Home occupation shall meet all of the following characteristics:

(1) Shall only be permitted within detached single-family dwelling units;
(2) Shall not be permitted within any accessory building;
(3) Shall constitute an accessory use to the principal use;
(4) Shall not occupy more than twenty (20) percent of the mechanically conditioned enclosed floor space of the dwelling unit;
(5) Shall not employ more than one (1) person other than those persons legally residing within the principal use dwelling;
(6) Shall not be visible from any public right-of-way or adjacent property line;
(7) Shall not involve the on-site sales of products;
(8) Shall not involve any outside storage of related materials, parts or supplies;
(9) Shall have signage in accordance with Article N, Signs; and

(10) Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

The following permitted limited in-home services and/or business activities shall not constitute a home occupation and shall be construed as an incidental accessory residential use within any dwelling, for purposes of regulation under this chapter, provided that: (i) not more than one (1) person is engaged in the conduct of the listed activity, (ii) the person that is engaged in the conduct of the activity shall be a permanent resident within the subject dwelling, (iii) not more than two (2) customer/clients shall be allowed on the premises at any one time, (iv) no on-site signage shall be displayed in connection with the limited in-home service and/or business activity, and (v) the activity is compliant with characteristics (2), (3), (4), (6), (7), (8), and (10) above:

(1) Music or dance instructor, provided all associated amplified and/or non-amplified sound is not plainly audible, within any adjacent area dwelling unit or beyond the adjacent property line;
(2) Educational tutoring;
(3) Accountant, tax and/or financial advisor, stockbroker;
(4) Attorney at Law;
(5) Counseling, including psychologist, marriage and similar professional counselor;
(6) Doctor, physical therapist or other similar health care professional;
(7) Consultant, including public relations, advertising, computer science, engineering, architect and other similar professional consultant;
(8) Clothes alteration seamstress; excluding garment manufacturing, shoe repair and sales of clothing items;
(9) Catalogue ordering sales consultant business wherein retail products are ordered by the end customer from a catalogue and/or by reference to limited samples displayed at off-site locations remote to the business address;
(10) Artist, photographer/videographer, graphic designer, writer;
(11 Real estate broker/realtor;
(12) Real estate/personal property appraiser;
(13) General contractor including building, painting, electrical, plumbing, mechanical, landscape, and cleaning/janitorial service, excluding any on-site: (i) physical display and/or storage of products, and materials, (ii) manufacture or assembly, (iii) storage of construction or service delivery equipment including trucks, trailers, excavators, tractors, and mowers of a type and number uncommon to typical domestic residential use, provided however a personal transportation vehicle customarily associated with residential use, shall be permitted; and
(14) The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages or mail, record or bookkeeping, filing, address listing for applicable privilege license or tax identification and other similar activities, which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services.

*Hotel, motel, bed and breakfast inn; extended stay lodging.* A building or group of buildings containing guest rooms, suites, separate or connecting units where for compensation lodging is provided on an extended stay basis. For purposes of this definition, the words “extended stay basis” shall include daily, weekly or monthly periods not to exceed ninety (90) continuous days. See also definition of “hotel, motel, bed and breakfast inn; limited stay lodging”.

*Hotel, motel, bed and breakfast inn; limited stay lodging.* A building or group of buildings containing guest rooms, suites, separate or connecting units where for compensation lodging is provided on a limited stay basis. For purposes of this definition, the words “limited stay basis” shall include only daily or weekly periods not to exceed thirty (30) continuous days. See also definition of “hotel, motel, bed and breakfast inn; extended stay lodging”.

*Incidental assembly; accessory.* The process of blending or assembling previously manufactured components or parts into finished products, for wholesale and/or retail trade from the point of assembly.

*Internal service facility.* Facilities incidental to the permitted nonresidential principal use(s), including cafeterias, snack bars and similar retail activities conducted solely for the convenience of employees, patients, patrons, or occasional visitors provided that such facilities are housed within the principal or related buildings and provided that neither the facility itself nor any advertising display is visible beyond the premises.

*Junk yard.* Use of land or buildings or other structures for indoor and outdoor storage, collection, demolition, dismantling, processing, abandonment, sale, or resale of junk including scrap metal, rags, paper, other scrap materials, used lumber, used building materials, salvaged house wrecking, salvaged structural steel, salvaged materials, salvaged equipment, automobiles, and boats or other vehicles or machinery or parts thereof. This definition shall also include automobile graveyards.

*Kennel.* A use of land or buildings for the keeping of four (4) or more dogs.

*Landfill.* A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes as amended. For the purpose of this ordinance, this term does not include composting facilities.

*Land development administrative manual.* An administrative manual which specifies the procedures and application requirements necessary to insure compliance with the minimum ordinance standards established by city council for various land use and development activities. Such manual is incorporated herein by reference.

*Land use intensity (LUI).* See Article K.

*Laundries; commercial.* Establishments engaged in the dry cleaning or power machine washing of bed linens, table covers, hand towels, uniforms, diapers, furs, or other personal use items on a contract or fee basis.

*Laundries; industrial.* Establishments engaged in the dry cleaning or power machine washing of rugs, mats, carpets, upholstery, drapery or other nonpersonal use items on a contract or fee basis.

*Lot.* A parcel of land or a division or combination of a parcel or parcels of land either existing on the effective date of this chapter as provided by section 9-4-15 or as created by and in accordance with applicable subdivision regulations of the appropriate authority.

*Lot coverage.* The ground area of a lot which is encompassed by the exterior foundation limits, including any supports, of a building or other covered or enclosed structure. Parking areas, drives, exterior storage areas, stormwater detention structures, and the like shall not be included under this definition.

*Lot depth.* The horizontal distance between front and rear lot lines.

*Lot, corner.* A lot which has frontage on at least two (2) intersecting streets; provided, that the interior angle of such intersection is less than one hundred thirty-five (135) degrees.

*Lot, double frontage.* A lot which fronts on two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

*Lot, frontage.* The distance between side lot lines measured along the street right-of-way or easement.

*Lot line.* A line that marks the boundary of a lot.

*Lot line, front.* The common boundary line between a street right-of-way or easement line and the lot line.

*Lot width.* The distance between side lot lines measured along the minimum public or private street setback line unless otherwise provided.

*Lot of record.* A lot which is a part of a subdivision or plat which has been recorded in the office of the register of deeds of Pitt County, or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds in accordance with the subdivision regulations in effect at the time of recordation.

*Manual of Standard Designs and Details.* The Manual of Standard Designs and Details is a supplement to the subdivision regulations. Such supplement contains engineering designs and details relative to plat layout; storm drainage design; sedimentation control; basins; pipes and manholes; ending walls and retaining walls; street standards; pavement design; ground cover; driveways; parking; storm water detention and other uniform design standards.

*Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission.* The Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission is a supplement to the subdivision regulations. Such supplement contains design considerations, submittal requirements, material specifications and project guidelines for water and sanitary sewer system extensions.

*Manufactured building.* A structure consisting of one or more transportable sections built and labeled within a manufacturing plant facility in accordance with the appropriate state or federal construction code which governs the structure's intended usage when erected on a building site.

*Manufacturing.* Establishments engaged in the mechanical or chemical transformation of materials or substances into new products. These establishments are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins, or liquors.

The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining, and quarrying as well as products of other manufacturing establishments. The new product of a manufacturing establishment may be "finished" in the sense that it is ready for utilization or consumption, or it may be "semifinished" to become a raw material for an establishment engaged in further manufacturing.

The materials used by manufacturing establishments may be purchased directly from producers, obtained through customary trade channels, or secured without recourse to the market by transferring the product from one (1) establishment to another which is under the same ownership. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

*Massage parlors.* An establishment wherein the manipulation of body muscle or tissue is performed by rubbing, stroking, kneading or tapping by hand or mechanical device and as further defined and regulated pursuant to Title 11, Chapter 10, Article B of the Greenville City Code.

*Mining.* The extraction of minerals occurring naturally: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas. The term "mining" is also used in the broad sense to include quarrying, well operation, milling (crushing, screening, washing, flotation, etc.), and other preparation customarily done at the mine site, or as a part of mining activity.

*Mobile home.* A manufactured building designed to be used as a single-family dwelling unit which has been constructed and labeled indicating compliance with the HUD-administered National Manufactured Housing Construction and Safety Standards Act of 1974.

*Mobile home park; conforming.* See Article H.

*Mobile home park; nonconforming.* A parcel of land containing two (2) or more mobile home dwelling units where such placement or improvements do not conform to the minimum requirements of this chapter.

*Mobile home site or lot.* A parcel of land in a mobile home park designed to accommodate one (1) mobile home and its accessory building or uses for the exclusive use of the occupants.

*Mobile home stand.* That area of a mobile home site or lot which has been reserved for the placement of a mobile home.

*Modular building.* A manufactured building constructed in accordance with the North Carolina State Building Code.

*Modular building (nonresidential and multi-family).* A manufactured building designed to be used as a multi-family dwelling (three (3) or more units) or as a nonresidential structure which has been constructed and labeled indicating compliance with the North Carolina State Building Code.

*Modular component.* Any sub-system, sub-assembly, or other system designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety and is usually of "closed construction."

*Modular home.* A manufactured building designed to be used as a detached single-family dwelling or two-family attached dwelling (duplex) which has been constructed and labeled indicating compliance with the North Carolina State Uniform Residential Building Code, Volume VII, as amended.

*Multi-purpose center.* A facility owned and operated, by a governmental unit and/or private association holding a certificate of nonprofit organization from the Secretary of State, for the purpose of providing community support activities including health screening (excluding treatment), library and museum extensions, adult education, child and adult day care, cooking and dining facilities, recreation and crafts, social and civic meeting rooms, and other closely related community support activities which are found to be compatible with surrounding and area properties.

Due to the general/multiple use nature of such facility each and every activity, including the method and extent of operation, proposed for inclusion at each separate location shall be specifically considered by the board of adjustment. Activities not specifically approved by the board of adjustment shall be prohibited.

Specifically prohibited under this definition are: Shelters for homeless or abused, family care facilities, group care facilities, college and other institutions of higher learning, business or trade schools, vocational rehabilitation center, auditorium, theatre, and commercial activities including but not limited to retail sales.

*Municipal government building or use.* Any building, structure or use of the City of Greenville or its various subparts. This term shall include, fire stations, police stations, municipal offices, libraries, recreation facilities and parks, civic centers or auditoriums. Uses not listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district. Where municipal operated facilities to be used for athletic events and/or night programs are to be located in residential areas, a public hearing shall be properly advertised and conducted before city council for the purpose of hearing and considering any comments by the public as to the location under consideration.

*Noncommercial park or recreational facility.* An accessory use recreation area and related improvements commonly associated with a residential subdivision or development which has been reserved for the private use of members of a common property owners and/or tenants association and their guests. Such use may include clubhouse facilities, swimming pools, ball courts and/or fields, play lots and equipment, walking or fitness trails, picnic shelters and/or tables and the like. All such facilities shall be owned and operated by the aforesaid association on a not for profit basis, provided however, dues or other fees may be collected for maintenance and related expenses, from the membership and/or their guests.

*Nonconformity.* Any dimensional, area, use, or other situation, which does not comply with the requirements, standards or conditions set forth by the zoning ordinance, whether existing on the effective date of this chapter or following any amendment thereto.

*Nonprofit; use.* Any use holding a certificate of nonprofit organization from the secretary of state for social, literary, political, civic, religious, fraternal, recreational, or charitable purposes, which is not operated for profit or to render a service which is customarily conducted as a business.

*Nursing, convalescent or maternity home; major care facility*. A health care establishment licensed by the State of North Carolina for care, supervision and provision of resident services to seven (7) or more individuals on a temporary or permanent basis. Such establishment may contain the following onsite activities and/or facilities for the exclusive use of resident occupants: health care; food preparation and eating; recreation and exercise; counseling, social work and education; and living quarters for resident manager(s). Maximum occupancy shall be regulated by the North Carolina State Building Code and/or applicable license. The following uses shall not be considered under this definition: family care home; group care facility; retirement center; and shelter for homeless or abused.

*Nursing, convalescent or maternity home; minor care facility*. A health care establishment licensed by the State of North Carolina for care, supervision and provision of resident services to six (6) or less individuals on a temporary or permanent basis. Such establishment may contain the following onsite activities and/or facilities for the exclusive use of resident occupants: health care; food preparation and eating; recreation and exercise; counseling, social work and education; and living quarters for resident manager(s). Maximum occupancy shall be regulated by the North Carolina

State Building Code and/or applicable license provided however not more than eight (8) persons, including both resident individuals receiving care and any resident manager(s), shall occupy any minor care facility. The following uses shall not be considered under this definition: family care home; group care facility; retirement center; and shelter for homeless or abused.

*Open space.* The natural, vegetated or landscaped portions of a lot. Open drainage ditches, ponds and the like may count toward any open space requirement. Except as specifically provided, portions of a lot covered by buildings, structures, parking areas, drives, exterior storage areas, swimming pools, ball courts, decks, patios, porches, and the like shall not be construed as open space.

*Operation/processing center.* An office facility engaged in providing operation and data processing services to other remote office, commercial or industrial uses including parent, subsidiary or independent operations. Activities may consist of providing specialized services such as bank transaction and coupon processing or making data processing equipment available to others. All other principal and/or accessory use activities, including, but not limited to, professional/business/medical offices, retail/wholesale sales, manufacturing, storage, warehousing and the like, conducted in conjunction with any operation/processing center shall be subject to independent approval in accordance with district regulations.

*Pawnbroker*. Any person who loans money on the security of personal property pledged in his keeping.

*Pet shop.* An establishment which sells domesticated animals to be kept for pleasure rather than for utility. Pet shops are completely enclosed operations which utilize outside storage of animals only pursuant to further approval under the "animal boarding; outside facility" provision contained herein.

*Planned center.* A development which meets any of the following conditions:

(1) A lot of record held in singular or joint ownership which contains two (2) or more principal uses; or
(2) Any two (2) or more units held pursuant to the North Carolina Condominium Act; or
(3) Any two (2) or more lots which have been platted pursuant to the subdivision regulations as a townhouse division. For purposes of this section, the term "townhouse division" shall constitute the division of land containing attached units within one (1) or several structures and may include the reservation of common area and which are restricted to internal access through the original lot, common area(s) or easements.
(4) A development platted pursuant to the subdivision regulations involving any outparcel which is dependent on the original development tract or other outparcel for compliance under Article G. Bufferyards and/or Article P. Vegetation Requirements contained herein. Mutually dependent lots or outparcels shall be construed as a planned center.

*Planned unit development (PUD).* See Article J.

*Planning and zoning commission.* The planning and zoning commission is that body created by city council in section 9-2-1 of the City Code, pursuant to N.C.G.S. 160A-361 and 160A-367, to act as a planning agency for the city council on planning and zoning matters within the City of Greenville's planning and zoning jurisdiction.

*Portable temporary storage unit.* Any temporary and portable accessory use container, trailer, cart, sled or other portable structure that exceeds ten (10) square feet in floor surface storage area, that is owned, leased or rented for the purpose of temporary storage and/or transport of personal property, items and materials and which is located on any lot, other than the unit owner's commercial storage lot or facility, for more than three hundred and thirty-six (336) continuous hours. This definition shall include motorized and non-motorized units, enclosed and unenclosed units, and wheeled and non-wheeled units. Exempt from this definition are licensed motor vehicles and trailers customarily associated with the on-site principal use and approved garbage and waste containers located on non-residential or multi-family sites.

*Porch.* An attached, open, unenclosed (including screening and the like) roofed entrance to a building, including necessary supports.

*Principal use.* The primary purpose for which a building structure or lot is designed, arranged or intended and for which it is or may be used under these regulations.

*Public or private club.* An establishment of which the principal use is entertainment and which:

(1) May be open to the general public;
(2) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
(3) May provide live or recorded amplified music;
(4) May provide a floor show;
(5) May provide a dance area;
(6) May offer a full service bar;
(7) May offer food services;
(8) May provide food attendant (waiter/waitress) table ordering and busboy services; and
(9) Does not qualify under the definition of "restaurant, fast food" or "restaurant, conventional" as contained herein.

*Public utility building or use.* Any above ground building or use necessary for the delivery of electric, water, sanitary sewer, storm drainage, gas, telephone, cable TV or other utility service system which meets any one (1) of the following conditions:

(1) Utilizes structures in excess of one hundred (100) total square feet;
(2) Utilizes any structure in excess of fifteen (15) feet in height;
(3) Requires any on-site permanent maintenance or service attendant;
(4) Requires or utilizes three (3) or more parking spaces; and
(5) Creates noise, smoke, dust, odor, glare or any other condition which may have an adverse impact on area properties or uses.

*Recreational vehicle or travel trailer (camper).* Any vehicle equipped with some or all facilities normally found in a dwelling unit and designed to serve temporarily as a substitute dwelling for short periods of time.

*Repair; major.* The following activities shall be considered major repair:

(1) Engine overhaul or dismantling of subparts;
(2) Body or frame repair;
(3) Windshield or glass replacement;
(4) Transmission, starter, alternator or other subpart rework service;
(5) Welding or metal cutting; and
(6) Any other repair other than "minor repair."

*Repair; minor.* The following activities shall be considered minor repair:

(1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;
(2) Change and rotate tires;
(3) Brake services;
(4) Electrical system services;
(5) Radiator services;
(6) Muffler services; and
(7) Battery service.

*Residential cluster development.* (RCD). See Article M.

*Residential use.* The use of land and buildings for domestic occupancy within dwelling units, including single family, two-family attached, multifamily, boarding house, rooming house, family care home and land use intensity (rating 50) development, by the persons authorized to occupy such units. Uses not listed above shall be considered as nonresidential uses for purposes of Article D, Part 3, Permitted and special uses.

*Restaurant, conventional. An eating establishment open to the general public which:*

(1) Does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
(2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month;
(3) May offer food in disposable containers;
(4) Does provide sit down dining area(s);
(5) Does provide table cleaning and clearing (busboy) services;
(6) Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with section 9 below;
(7) May offer carry-out and/or off-site delivery services;
(8) Does not offer drive-in attendant services;
(9) May exhibit one (1) but not both of the following operational functions or characteristics:
(a) Drive thru service.
(b) Over the counter service. For purposes of this section the term "over the counter service" shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils, etc., from a order/delivery station or counter remote to the on-site place of consumption; and
(10) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

*Restaurant, fast food. An eating establishment open to the general public which:*

(1) Does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
(2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month;
(3) Does not qualify as a conventional restaurant by definition; and
(4) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show, and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.
(5) The following is not considered a "restaurant, fast food" under this definition.
(a) Ancillary or accessory food service for a permitted principal use where such food service is open to the general public such as an employee and/or patron cafeteria or eating area;
(b) Temporary food service as part of permitted temporary uses such as carnivals, fairs, street fairs, circuses, athletic events, community events, concerts, nonprofit fund raising events, emergency shelters, and the like; or
(c) Any establishment where the preparation of food is merely incidental to the sale of food such as a grocery store or food market and the like.

*Restaurant; outdoor activities.* A principal and/or accessory use area associated with or utilized in conjunction with a restaurant (conventional or fast food) which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one (1) or more sides or which is without a complete roof structure. For purposes of this section all areas not constituting "mechanically conditioned area" as determined by the building inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens absent a functional window shall be considered open and unenclosed for purposes of this section.

*Restaurant; regulated outdoor* activities. Any "restaurant; outdoor activity", as defined herein, which is located within three hundred (300) feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.

*Retail sales.* Establishments engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of goods. Establishments are classified by kind of business according to the principal lines of commodities sold (apparel), or the usual trade designation (shoe store). Characteristics of retail trade establishment are: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such

processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal or household use.

*Retail sales; incidental.* Retail sales accessory and incidental to the permitted nonresidential principal use including sales of: manufactured products; goods distributed at wholesale; repair and/or replacement parts; products and/or goods resulting from, utilized in and related to commercial, medical, professional or personal services and recreational activities. Such incidental retail sales shall meet all of the following requirements: (1) Shall be an accessory use to the principal use; (2) Shall be housed completely within the principal or related accessory structure; (3) Shall not occupy more than ten (10) percent of the floor area of the principal or related accessory structure; (4) Shall not constitute more than twenty (20) percent of the gross income produced by the associated principal use during any month; and (5) Neither the activity itself nor any advertising display shall be visible beyond the premises.

*Retirement center.* A facility which provides housing, meals, recreational and educational activities, and medical care for retired people. This term shall include the following uses within a retirement facility: dwelling units in accordance with district standards, nursing facilities or infirmaries, food preparation and services for the occupants, administrative offices, recreational facilities, and assembly halls.

*Room renting.* Accessory residential occupancy within an owner occupied dwelling unit wherein space is let, by the resident owner, to persons who are not related to the resident family by blood, adoption or marriage, provided that the total dwelling unit occupancy shall be limited to not more than two (2) persons in addition to the resident owner and persons related to the resident owner by blood, adoption, or marriage who constitute a family. For purposes of this definition, the term family" and the term "persons related by blood, adoption, or marriage" shall be as defined in the definition of family contained in this section.

*Satellite dish antennae.* A structure capable of receiving communications from a transmitter relay located in planetary orbit.

*School.* A use of land or buildings for academic instruction authorized and administered by the Pitt County School System or other comparable private schools.

*Section.* The term "section" as used herein shall refer to those sections found within this chapter, Title 9, Chapter 4, Zoning Ordinance, for Greenville, North Carolina unless otherwise referenced.

*Service; general.* A useful labor that does not produce a commodity.

*Service; personal.* Labor of a physical, communicative, individualized or domestic nature that directly benefits an individual.

*Service; professional.* Labor of a technical, clerical, administrative or artistic nature that directly benefits an individual or a commercial, institutional or industrial operation.

*Setback lines.* The lines which parallel any public street right-of-way, private street easement, side and rear property line or peripheral boundary line which delineates the area of a lot upon which a building may be constructed or expanded.

*Shelter, fallout.* An accessory structure or portion of a structure that provides protection to human life during periods of danger, including nuclear fallout, air raids, storms, or other emergencies.

*Shelter for homeless or abused.* An establishment operated by a governmental or nonprofit organization intended to be used solely for temporary occupancy by homeless or abused persons.

*Signs.* See Article N.

*Soil erosion and sedimentation control ordinance terms and definitions.* See Title 9, Chapter 8, Greenville City Code.

*Special use.* A use of land, buildings or structures that requires special and individual control over number, area, location, design, methods of operation, and relationship to surrounding uses in order to promote the public health, safety and general welfare.

*Sports ramp.* Any elevated outdoor use, facility or structure which is designed and/or utilized for principal or accessory recreational purposes or activities including bike ramps, skateboard ramps or any other ramp, tract or slide designed for use by fixed or free motion vehicle(s), device(s) or apparatus. For the purpose of this definition the terms "vehicle(s), device(s) or apparatus" shall include all motorized, self-propelled, manual or gravity assisted conveyances. For the purpose of this definition the term "sports ramp" shall include facilities or structures constructed from building materials, pre-fabricated or specialized kits or compacted earth mounds

*Stable.* A building or structure designed or used for maintaining livestock or horses or for the storage of manure or soil fertilizer.

*Stockyard or livestock sales pavilion.* A place, establishment, or facility consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, goats or fowl are received, held or kept for sale or shipment in commerce. The terms, "stockyard" and "livestock sales pavilion" as used in this article shall not be interpreted to mean a place, establishment, facility or farm where livestock is reared by an individual producer such as a farmer, dairyman, or livestock breeder for agricultural purposes.

*Storm drainage ordinance terms and definitions.* See Title 9, Chapter 9, Greenville City Code.

*Story.* That portion of a building between the upper surface of a floor and upper surface of the floor or roof next above. Attic space which is arranged, built, finished or intended for business occupancy or habitation shall be considered as a floor for purposes of this definition. Where no floors exist (e.g., water towers, observation towers, grandstands, stadiums, belfries) each twelve (12) feet of height shall constitute one (1) story.

*Streets.* Streets are those areas delineated by dedicated rights-of-way or common property easements upon which improvements have been made for use by and open to the public.

*Streets; public.* Public streets are streets that have been accepted for permanent maintenance by either the State of North Carolina or the City of Greenville.

*Streets; private.* Private streets are streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by law. Such streets shall be maintained by the property owner or pursuant to recorded agreements.

*Subdivision.* The division of a parcel or tract of land in accordance with the subdivision regulations.

*Subdivision regulations.* See Title 9, Chapter 5, Subdivisions of the Greenville City Code.

*Temporary use.* Any use intended for temporary and limited duration, operated as an accessory or principal use. Except as further provided under Article F., section 9-4-103, the maximum frequency of such temporary use shall not exceed five (5) separate occurrences within any twelve-month period and the maximum duration of such temporary use shall not exceed sixty (60) days within any twelve-month period. For purposes of this definition the duration of each separate occurrence shall be measured in continuous days. Such use shall be subject to applicable location, setback, parking, land use and other standards for the district. Included in this definition are transient merchants, itinerant merchants and vendors, farm produce sales, Christmas tree sales, seafood sales, auto sales, furniture sales and the like, as well as social, religious, political or similar participatory activities. Temporary uses shall be exempt from the vegetation and parking lot surface improvement standards; provided however, where the director of community development due to extended duration or frequency of operation finds that the use or reuse no longer qualifies under this definition all applicable standards and requirements shall apply. No permanent building shall be located on any lot for the exclusive purpose of operating any temporary use.

*Townhouse type development.* The division of land containing attached units within one (1) or several structures and may include the reservation of common area and which may be restricted to internal access through the original lot, common area(s) or shared easements.

*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 (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects. See also "hazardous material."

*Trade or business organization.* A noncommercial association of employees, owners, participants and/or representatives of a common commercial or industrial interest which provides occupational support services to the various membership. Activities of such use shall not produce a commodity or provide any service to interests outside the organization.

*Use.* Any purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained; or any activity, conducted, or intended to be conducted, in a building, structure or on a tract of land.

*Variance.* A relaxation of a specific provision of these regulations granted by the board of adjustment.

*Water dependent structure.* Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

*Watershed.* The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

*Water supply watershed; critical and protected areas.* See Article L.

*Wayside market.* A temporary shelter, stand or location maintained and operated for the purpose of point of production retail sales of raw vegetables. Vegetables produced at a remote location shall not be offered for sale at any wayside market. Such use may be operated on a continuous or intermittent basis during the growing and harvest season of the vegetables being offered for sale.

*Wellness center.* A facility designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness and nutrition education. The programs shall be coordinated by a physician consultant, who shall oversee the content and conduct of each program.

*Wholesale trade.* Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

In addition to selling, wholesale establishments may maintain inventories of goods (warehouse), physically assemble, sort and grade goods, deliver goods and refrigerate goods.

*Yard.* A required open space unoccupied and unobstructed by any structure or portion of a structure, from ground to sky, except as may be specifically provided in these regulations.

*Yard, front.* A yard extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right-of-way or easement line and the building line.

*Yard, rear.* A yard extending across the full length of a lot from side lot line to side lot line and lying between the rear property line and the building line.

*Yard sale.* A one- or two-day activity occurring at a residential dwelling no more than two (2) times in any given twelve-month period where items which the residents have no further use for are being resold to the general public. Yard sales do not include items which were originally obtained to be resold to the general public. Yard sales shall be considered an accessory use.

*Yard, side.* A yard extending from the side of a structure to the side lot line and lying between the front corner and the rear corner of the structure.

*Zoning enforcement officer.* The person, officer or official or his authorized representative, whom the city council has designated as its agent for the enforcement of the regulations contained within Title 9, Chapter 4, Zoning, of the Greenville City Code.

*Zoning map; official.* The official zoning map for the City of Greenville, North Carolina.

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 2355, § 1, 8-9-91; Ord. No. 2357, § 1, 8-8-91; Ord. No. 2368, § 1, 9-12-91; Ord. No. 2383, § 1, 11-7-91; Ord. No. 2384, § 1, 11-7-91; Ord. No. 2389, § 1, 12-12-91; Ord. No. 2390, § 1, 12-12-91; Ord. No. 2434, § 1, 3-12-92; Ord. No. 2435, § 1, 3-12-92; Ord. No. 2436, § 1, 3-12-92; Ord. No. 2451, § 1, 4-9-92; Ord. No. 2468, § 1, 6-8-92; Ord. No. 2488, § 1, 7-9-92; Ord. No. 2489, § 1, 7-9-92; Ord. No. 2544, § 1, 11-12-92; Ord. No. 2640, § 3, 6-10-93; Ord. No. 2725, § 4, 10-14-93; Ord. No. 94-41, § 4, 3-10-94; Ord. No. 94-133, § 1, 10-13-94; Ord. No. 94-135, § 1, 10-13-94; Ord. No. 95-51, § 1, 5-11-95; Ord. No. 95-79, §§ 1--3, 8-10-95; Ord. No. 95-118, § 1, 11-9-95; Ord. No. 96-45, § 1, 6-13-96; Ord. No. 96-80, § 3, 8-8-96; Ord. No. 97-37, §§ 1--3, 4-10-97; Ord. No. 97-38, § 1, 4-10-97; Ord. No. 97-81, § 1, 8-14-97; Ord. No. 97-86, §§ 1, 2, 8-14-97; Ord. No. 97-93, §§1, 2, 9-11-97; Ord. No. 98-143, § 1, 11-12-98; Ord. No. 99-75, § 1, 6-10-99; Ord. No. 04-95, § 1, 8-12-04; Ord. No. 04-96, § 1, 8-12-04; Ord. No. 04-122, § 1, 10-14-04; Ord. No. 05-65, §§ 1-2, 6-9-05; Ord. No. 05-88, §§ 1-2, 8-11-05; Ord. No. 05-89, § 1, 8-11-05; Ord. No. 06-25, § 1, 3-9-06; Ord. No. 06-75, §1, 8-10-06)

**Secs. 9-4-23--9-4-27. Reserved.**

## Article C. Nonconforming Situations

### Sec. 9-4-28. Continuation of nonconforming situations and completing nonconforming projects.

(a)--(f) Reserved.

(g) Unless specifically provided in these regulations and subject to the restrictions and qualifications set forth in these regulations, nonconforming situations that were otherwise lawful on the effective date of these regulations may be continued.

(h) Nonconforming projects may be completed only in accordance with the provisions of section 9-4-34. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-29. Extension or enlargement of nonconforming situations.

(a) Except as specifically provided in this section, the extent of the nonconformity of a nonconforming situation shall not be increased. In particular, the following activities shall be prohibited:

(1) *Nonconforming uses.* An increase in the total amount of space devoted to a nonconforming use; extensions throughout any portion of a building by a nonconforming use; and an increase in volume, intensity or frequency by a nonconforming use.
(2) *Other nonconforming situations.* Greater nonconformity with respect to dimensional restrictions, density requirements, or other regulations such as parking requirements; and enclosing a previously unenclosed area that does not meet all applicable development standards.

(b) Subject to section 9-4-34, a nonconforming use of undeveloped 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 mining operation) 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 these regulations.

(c) Within any zoning district, any mobile home used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a mobile home of the same or larger size provided that:

1. The total number of dwelling units is not increased.
2. The enlargement or replacement does not create additional nonconformities or increase the extent of existing nonconformities with respect to dimensional standards and/or parking requirements.
3. Subject to subsection (2) above, when a single mobile home on an individual lot of record is located in a residential district, single family requirements for the controlling district shall apply.
4. Subject to subsection (2) above, when a single mobile home on an individual lot of record is located in a nonresidential district, R6MH district requirements shall apply.
5. Subject to subsection (2) above, when two (2) or more mobile homes are located on a parcel of land in any zoning district, the provisions of Article H of this chapter shall apply.
6. Accessory buildings and structures shall be subject to the requirements of the applicable district or article in accordance with this section.
7. Parking requirements shall apply in accordance with Article O of this chapter.
8. This section shall be subject to the limitations stated in section 9-4-32. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 98-155, § 1, 12-10-98)

(d) Within any residential zoning district, any dwelling structure used for residential purposes and maintained as a nonconforming use, and any accessory building or structure to such dwelling, shall be exempt from the provisions of section (a)(1) above provided that:

1. The total number of dwelling units is not increased.
2. The enlargement or addition does not create additional nonconformities or increase the extent of existing nonconformities with respect to dimensional standards and/or parking requirements.

3. Subject to subsection (2) above, when located within a single family district, multi-family dwelling structure(s) shall comply with Article I of this chapter or single family requirements for the controlling district, whichever is greater.
4. Subject to subsection (2) above, when located within a single family district, two-family attached (duplex) dwelling structures shall comply with R6A district standards or single family requirements for the controlling district, whichever is greater. (Ord. No. 98-155, § 2, 12-10-98)

**Sec. 9-4-30. Repairs, maintenance and reconstruction.**

(a) If a structure is located on a lot where a nonconforming situation exists, then minor repairs and routine maintenance is permitted subject to the provisions of these regulations.

(b) If a structure is located on a lot where a nonconforming situation exists, such structure may be restored and occupancy or use allowed if that structure is destroyed by fire, wind, flood or other natural disaster, provided that such restoration and occupancy or use complies with the provisions of this chapter. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2356, § 1, 8-8-91)

(c) Notwithstanding the provisions of subsection (b), a mobile home located within the area of special flood hazard which has been damaged due to a flood by at least fifty percent (50%) of its fair market value and which is located within a mobile home park that has been substantially damaged shall not be permitted to be repaired or replaced unless the density of the mobile home park is less than or equal to the maximum density as set forth in section 9-4-132. Prior to repairing or replacing such a mobile home when the density of the mobile home park is greater than the maximum density, all pads, utility services, driveways, and appurtenances available for the placement of mobile homes in excess of the maximum density for said mobile home park shall be removed. For the purpose of this subsection, a mobile home park has been substantially damaged if greater than fifty percent (50%) of the mobile homes located within the mobile home park have been damaged by at least fifty percent (50%) of their fair market value as a result of a flood which occurred on or after September 15, 1999. (Ord. No. 00-19, § 11, 2-10-00)

**Sec. 9-4-31. Change in use of property where a nonconforming situation exists.**

(a) A change of use where a nonconforming situation exists shall be permitted only if the intended change is to a use that is permissible in the district where the property is located.

(b) When a dimensional nonconformity occurs as a result of a change of use, and such dimensional standard cannot be met, then the change of use shall be permitted in accordance with (a) above, except in the following situations:

(1) The intended use requires additional lot size or lot width above the minimums for the district where the property is located except in the case of single-family dwellings in CDF zoning districts;
(2) Specific conversion standards are established for the intended use; or
(3) Specific spacing requirements between uses are established for the intended use. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-32. Abandonment and discontinuance of a nonconforming use.**

(a) A nonconforming use may be continued for an indefinite period, except as provided herein, provided that if the use is discontinued for a period of one hundred eighty (180) consecutive days, such use shall not be reestablished or changed to any other use except to one that is permissible in the district where the property is located.

(b) For purposes of determining whether a right to continue a nonconforming use 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. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-33. Nonconforming lots.**

(a) Any single nonconforming lot of record existing as of the effective date of this ordinance that has eighty (80) percent or more of the minimum required lot area, lot width and/or frontage for the district where the property is located, may be used as a building site, subject to the following exceptions:

(1) The provisions of this subsection shall not apply to uses requiring additional lot size above the minimums for the district where the property is located, except in the case of single-family dwellings in CDF zoning districts;
(2) A two-family attached dwelling (duplex) may be built on a nonconforming lot of record established as of the effective date of this ordinance in R-6, R-6A, R6-MH, CDF and MR zoning district that has at least eighty (80) percent of the minimum required lot width and/or lot frontage required for the use. However, a two-family attached dwelling (duplex) shall not be permitted to locate on a nonconforming lot that is substandard due to inadequate lot area in the above-mentioned zones.
(3) The provisions of this section shall not apply to the conversion or new construction of a bed and breakfast inn approved pursuant to section 9-4-86(v)(3).

(b) Where there are two (2) or more undeveloped adjoining nonconforming lots in one (1) ownership at any time on or after May 8, 1969, and such lots individually are less than the minimum area and/or width required (pursuant to subsection (a) above) for the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located. This section shall apply to the current owner of the adjoining undeveloped nonconforming lots and to any successor(s) in interest of such lot(s).

Prior to development of any building site resulting from the combination of substandard lots under this section, a final plat of such combination shall be approved and recorded in accordance with Title 9, Chapter 5, Subdivision, of the Greenville City Code. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-157, § 1, 12-8-94; Ord. No. 95-29, § 7, 3-9-95; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 98-104, § 1, 8-13-98; Ord. No. 05-89, § 9, 8-11-05)

**Sec. 9-4-34. Completion of nonconforming projects; vested rights.**

(a) When a building permit has been validly issued for construction of a nonconforming project, such project shall be permitted to develop in accordance with the terms of that permit provided the building permit remains unrevoked and unexpired. A permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.

(b) A vested right shall be a deemed established to any property upon the valid approval of a site plan by the authority having planning and zoning jurisdiction over the property. Such vested right shall confer upon the landowner, the right to undertake and complete the development and use of said property under the terms and conditions of the site plan. Nothing in this section shall prohibit the city from revoking the original approval for failure to comply with applicable terms and conditions of the approval.

(c) A site plan shall be deemed approved upon the effective date of the action as noted upon the site plan or other method customarily utilized by the applicable approval authority.

(d) A right which has been vested as provided for in this section shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to any site plan. A right which has been vested as provided in this section shall terminate at the end of the aforesaid vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(e) A vested right, once established as provided for in this section, precludes any zoning action by the City of Greenville which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site plan, except as provided by state or federal law. Applicable new regulations shall become effective with respect to property which is subject to a site plan upon the expiration or termination of the vesting rights period provided for in this section.

(f) Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change, or impair the authority of the City of Greenville to adopt and enforce zoning ordinance provisions governing nonconforming situations, lots or uses.

(g) A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site plan, all successors to the original landowner shall be entitled to exercise such rights as provided herein.

(h) Nothing in this section shall be deemed to conflict with the rights conferred upon a subdivider by the City of Greenville Subdivision Regulations when preliminary subdivision plat approval has been given to a nonconforming project.

(i) Except as provided in this section, no building permit shall be issued, nor shall any site plan approval be vested for a project that does not conform with these regulations. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-35. Removal of certain nonconforming uses required.**

The following uses, if they are or become nonconforming by virtue of the adoption of this ordinance or of subsequent amendments thereto, shall be removed within thirty-nine (39) months after the date of adoption hereof or of such amendment:

(1) Stockyards or livestock sale pavilions. (Ord. No. 2074, 10-5-89; Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-36. Removal of certain nonconforming residential accessory uses and/or structures required.**

The following accessory uses and/or structures, if they are or become nonconforming by virtue of this ordinance or of subsequent amendments thereto, shall be removed within twelve (12) months after the date of adoption hereof or of such amendment:

(1) Sports ramps. (Ord. No. 04-95, § 3, 8-12-04)

**Secs. 9-4-37--9-4-40. Reserved.**

## Article D. Zoning Districts

*Part 1. Interpretation*

**Sec. 9-4-41. Location and boundaries of districts.**

The location and boundaries of the districts established by Part 2 of this article shall be shown on the official zoning map. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-42. Rules for interpretation of boundaries.**

Where the location of district boundaries on the official zoning map is uncertain and where no specific ordinance description is found to exist the following rules shall apply:

(a) *Streets, rights-of-way and easements.* Boundaries indicated on the zoning map as approximately following the center line of a street, highway, railroad right-of-way, utility easement, stream or river bed, or of such lines extended, shall be construed to be such district boundaries.

(b) *Lot lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) *Political boundaries.* Boundaries indicated as approximately following political boundaries shall be construed as following the political boundaries. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-43. Vacation, abandonment, or withdrawal of streets and alleys.**

Where any public street or alley is hereafter officially closed or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-44. Further interpretation by board of adjustment.**

In case any further uncertainty exists, the board of adjustment shall interpret the intent of the map as to location of such boundaries. (Ord. No. 2337, § 1, 6-13-91)

*Part 2. Zoning districts--Purpose*

**Sec. 9-4-45. Zoning districts established.**

In order that the purposes of these regulations may be accomplished, the following zoning districts are hereby established within the jurisdiction area as described in section 9-4-4. The uses prescribed in each zoning district are intended to preserve and enhance the physical character of the area as well as to conserve and stabilize property values. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-46. RA20 residential-agricultural.**

The RA20 district is primarily designed to accommodate a compatible mixture of single-family dwellings and agricultural uses at lower densities. These areas are generally found in areas without sewer service that are not yet appropriate for development at higher densities. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-47. R15S residential-single-family.**

The R15S district is primarily designed to accommodate single-family uses at lower densities. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-48. R9S residential-single-family.**

The R9S district is primarily designed to accommodate single-family dwellings at medium densities. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-49. R9 residential.**

The R9 district is primarily designed to accommodate a compatible mixture of single-family and two-family dwellings at medium densities. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-83, § 1, 8-14-97)

**Sec. 9-4-50. R6S residential-single-family.**

The R6S district is primarily designed to accommodate single-family dwellings at medium densities. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-83, § 2, 8-14-97)

**Sec. 9-4-51. R6 residential.**

The R6 district is primarily designed to accommodate a compatible mixture of single-family, two-family and multi-family dwellings at higher densities. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-51.1. R6A residential.**

The R6A district is primarily designed to accommodate a compatible mixture of single-family, two-family and multifamily dwellings at medium densities. (Ord. No. 95-29, § 1, 3-9-95)

**Sec. 9-4-51.2. R6A restricted residential use (RU) overlay.**

The purpose of the R6A restricted residential use (RU) overlay district is to provide a residential development option designed to encourage single-family and/or two-family attached (duplex) development and to prohibit multi-family development within the underlying R6A district included within such overlay. (Ord. No. 04-123, § 1, 10-14-04)

**Sec. 9-4-52. R6N residential-neighborhood revitalization.**

The R6N district is primarily designed to accommodate single-family dwellings and a limited number of two-family and multi-family dwellings at higher densities. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-53. R6MH residential-mobile home.**

The R6MH district is primarily designed to accommodate a compatible mixture of single-family (including mobile homes), two-family and multi-family dwellings at higher densities. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-54. PUD planned unit development.**

The PUD district is a special use residential zoning district that provides an alternative to traditional development standards and as farther provided under Article J. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-55. MI medical-institutional.**

The MI district is primarily designed to provide areas where the institutionalized care of physically and/or mentally ill people can be provided and where governmental or private agencies, offices, or institutions can provide services of a medical, para-medical, or social service nature. It shall also be the purpose of this district to provide for a healthful environment that is conducive to the care and convalescing of ill people. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-56. MS medical-support.**

The MS district is primarily designed to create areas in which hospitals, rehabilitation centers, medical offices, and clinics may be compatibly mixed, in order that these related uses can be near each other for doctor and patient convenience. The district shall also allow a wider variety of medical support services. In addition, through its permitted uses, the district shall encourage a healthful environment in abutting residential areas, as well as within the health care delivery community. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-57. MO medical-office.**

The MO district is primarily designed to provide for general business, professional offices and institutional uses, as well as to provide additional areas for medical offices and clinics to locate in a professional office environment. In addition, the district shall prohibit commercial and industrial land uses which can generate large traffic volumes, and shall encourage the development of areas that will serve as a buffer for residential zoning districts. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-58. MCG medical-general commercial.**

The MCG district is primarily designed to provide for the sale of convenience goods, for provision of personal services, and for other frequent needs of the trade area within the medical district community in a planned shopping center environment. In addition, it is the purpose of this section to require that development sites of less than four (4) acres be developed in conjunction with larger development sites in such a way that sites of less than four (4) acres are served by internal traffic circulation in conjunction with the larger development site. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-59. MR medical-residential.**

The MR district is primarily designed to accommodate a compatible mixture of single-family, two-family and multi-family dwellings at higher densities. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-60. MCH medical-heavy commercial.**

The MCH district is primarily designed to accommodate commercial developments that will best service the motoring public, as well as uses that will generate large traffic volumes in a development atmosphere that shall encourage compact, convenient shopping. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-61. MRS medical-residential-single-family.**

The MRS district is primarily designed to accommodate a compatible mixture of single family dwellings and agricultural uses at lower densities. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-62. OR office-residential.**

The OR district is primarily designed to accommodate a compatible mix of two (2) family attached and multifamily dwellings and business and professional uses in addition to providing a desirable buffer between commercial and high density residential uses. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-63. O office.**

The O district is primarily designed to accommodate a compatible mix of business, professional and institutional uses, in addition to providing a desirable buffer between commercial and low density residential uses. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-64. CN neighborhood commercial.**

The CN neighborhood commercial district is primarily designed to accommodate convenient shopping facilities consisting primarily of necessary goods and personal services required to serve a neighborhood. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-65. CD downtown commercial.**

The purpose of the CD district is to provide convenient shopping and service facilities by promoting compact development of commercial, office and service uses. High density residential development is encouraged to be compatibly mixed with permitted nonresidential uses. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-66. Reserved.**

**Editor's note--**Section 1 of Ord. No. 94-156, adopted December 8, 1994, repealed § 9-4-66, which pertained to DM downtown mall and derived from Ord. No. 2337, § 1, adopted June 13, 1991.

**Sec. 9-4-67. CDF downtown commercial fringe.**

The purpose of the CDF district is to provide commercial and service activities designed to enhance the downtown commercial area, stimulate redevelopment and encourage a compatible mix of commercial and high density residential development. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-68. CG general commercial.**

The purpose of the CG district is to accommodate a variety of commercial and service activities on an individual lot by lot basis and in a planned center setting. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-69. CH heavy commercial.**

The CH district is primarily designed to provide roadside uses which will best accommodate the needs of the motoring public and of businesses demanding high volume traffic. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-70. IU unoffensive industry.**

The IU district is primarily designed to accommodate those industrial and wholesale, and warehouse uses which, by their nature, do not create an excessive amount of noise, odor, smoke, dust, airborne debris or other objectionable impacts which might be detrimental to the health, safety or welfare of surrounding areas. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-71. PIU planned unoffensive industry.**

The purpose of the PIU district shall be to accomplish those purposes set forth under section 9-4-70 while providing an alternative to traditional industrial development dimensional and subdivision standards designed to:

(a) Promote economical and efficient use of lands;

(b) Reduce initial development costs;

(c) Encourage innovative industrial development design and layout of buildings;

(d) Provide large lot developments which enhance the physical appearance of the area by preserving natural features, open space and existing vegetation; and

(e) Allow ground absorption and filtration of street and site surface drainage thereby reducing negative impacts on downstream water quality. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-72. I industry.**

The I Industry district is primarily designed to accommodate those industrial, wholesale, and warehouse uses which by their nature may create an excessive amount of noise, odor, smoke, dust, airborne debris or other objectionable impacts which might be detrimental to the health, safety or welfare of surrounding areas. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-73. PI planned industry.**

The purpose of the PI Industry district shall be to accomplish those purposes set forth under section 9-4-72 while providing an alternative to traditional industrial development dimensional and subdivision standards designed to:

(a) Promote economical and efficient use of lands;

(b) Reduce initial development costs;

(c) Encourage innovative industrial development design and layout of buildings;

(d) Provide large lot developments which enhance the physical appearance of the area by preserving natural features,
open space and existing vegetation; and

(e) Allow ground absorption and filtration of street and site surface drainage thereby reducing negative impacts on downstream water quality. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-74. WS water supply watershed overlay.**

The purpose of the WS water supply watershed overlay district shall be to protect and manage surface water supply watersheds pursuant to the Water Supply Watershed Act of 1989 and N.C.G.S. 143-214.5 as amended. Such WS overlay district shall include both a (WS-C) critical area and (WS-P) protected area district as defined and regulated pursuant to Article L, Special Districts. (Ord. No. 2640, § 4, 6-10-93)

**Sec. 9-4-75. HD historic district overlay.**

The purpose of the HD historic district overlay district shall be to preserve, protect and manage locally designated historic landmarks pursuant to Article L, Special Districts. (Ord. No. 94-22, § 1, 2-10-94)

**Sec. 9-4-76. CA conservation district overlay.**

The purpose of the CA conservation area overlay district shall be to provide for permanent open space and desirable buffers between proposed uses and incompatible adjacent land uses, environmentally sensitive areas or hazardous areas in excess of minimum standards and to provide a method and means by which such open space and increased buffer areas may be utilized to fulfill zoning requirements applicable to individual lot development pursuant to Article L, Special Districts.

**Secs. 9-4-77. Reserved.**

*Part 3. Permitted and Special Uses*

**Sec. 9-4-78. Table of uses.**

(a) Permitted uses are indicated by the letter P.

(b) Special uses are indicated by the letter S.

(d) Each listed accessory use activity is assigned an asterisk (*) in substitution for a land use classification number. Such, and other accessory use(s) shall be subject to the land use classification number of the associated principal use.

(e) Index to use table categories.

(1) General.
(2) Residential.
(3) Home Occupations.
(4) Governmental.
(5) Agricultural/Mining.
(6) Recreational/Entertainment.
(7) Office/Financial/Medical.
(8) Services.
(9) Repair.
(10) Retail Trade.
(11) Wholesale/Rental/Vehicle - Mobile Home Trade.
(12) Construction.
(13) Transportation.
(14) Manufacturing/Warehousing.
(15) Other Activities (not otherwise listed--all categories).

(f) Table. The following uses shall be allowed only within the respective zoning districts as specified herein:

| (1) General. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Accessory use or building | * | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| b. | Internal service facilities | * | | | | | | | | | | P | P | P | P | | P | | P | P | P | P | P | P | P | P | P | P | P |
| c. | On-premise signs per Article N | * | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| d. | Off-premise signs per Article N | * | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| e. | Temporary uses; of listed district uses | * | | | | | | | | | | | | | | | | | | | P | P | P | | P | P | P | P | P |
| f. | Retail sales; incidental | * | | | | | | | | | | P | P | P | P | | P | | P | P | P | P | P | P | P | P | P | P | P |
| g. | Incidental assembly of products sold at retail or wholesale as an accessory to principal uses | * | | | | | | | | | | | | | | | S | | | | P | P | P | | P | P | P | P | P |

(2) Residential.

| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| a. | Single-family dwelling | 1 | P | P | P | P | P | P | P | P | P | | | | | P | | P | | | | P | | | | | | | |
| b. | Two-family attached dwelling (duplex) | 1 | S | | | | P | P | P | P | P | | | | | P | | | P | | | P | | | | | | | |
| c. | Multi-family development per Article I | 2 | | | | | P | | P | P | P | | | | | P | | | P | | P | P | | | | | | | |
| d. | Land use intensity multifamily (LUI) development rating 50 per Article K | 2 | | | | | | | S | S | | | | | | S | | | S | | | S | | | | | | | |
| e. | Land use intensity dormitory (LUI) development rating 67 per Article K | 2 | | | | | | | S | S | | | S | | | | | | S | | | S | | | | | | | |
| f. | Residential cluster development per Article M | 1 | P | | P | P | | P | P | P | | | | | | P | | P | | | | | | | | | | | |
| g. | Mobile home (see also Section 9-4-103) | 1 | S | | | | | | | | P | | | | | | | | | | | | | | | | | | |
| h. | Mobile home park | 2 | | | | | | | | | P | | | | | | | | | | | | | | | | | | |
| i. | Residential quarters for resident manager, supervisor or caretaker; excluding mobile home | * | | | | | | | | | | S | S | S | S | | S | | S | S | P | S | S | | S | S | S | S | S |
| j. | Residential quarters for resident manager, supervisor or caretaker; including mobile homes | * | | | | | | | | | | | | | | | | | | | | | | | S | S | S | S | S |
| k. | Family care home (see also section 9-4-103) | 1 | P | P | P | P | P | P | P | P | P | | | | | P | | P | P | | | P | | | | | | | |
| l. | Group care facility | 3 | | | | | | | S | S | | P | P | P | | S | | | | | | | | | | | | | |
| m. | Shelter for homeless or abused | 3 | | | | | | | | | | | | | | | | | | | | S | | | | | | | |
| n. | Retirement center or home | 3 | S | | | | | | S | S | | P | P | P | | S | | | P | | P | S | | | | | | | |
| o. | Nursing, convalescent or maternity home; major care facility | 3 | S | | | | | | | | | P | P | P | | S | | | P | | P | S | | | | S | | | |
| o.(1) | Nursing, convalescent or maternity home; minor care facility | 2 | S | | | | | S | S | S | | | | | | S | | | S | | | S | | | | | | | |
| p. | Board or rooming house | 2 | | | | | S | | S | S | | | | | | | | | P | | | | | | | | | | |
| q. | Room renting | * | P | P | P | P | P | P | P | P | P | | | | | P | | P | P | | P | P | | | | | | | |
| r. | Fraternity or sorority house | 2 | | | | | | | S | S | | | | | | | | | S | | | S | | | | | | | |

| (3) Home Occupations (see all categories) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Home occupation; not otherwise listed | * | S | S | S | S | S | S | S | S | S | | | | | S | | S | | | | S | | | | | | | |
| b. | Home occupation; barber and beauty shop | * | S | | | | | | S | S | | | | | | | | | | | | S | | | | | | | |
| c. | Home occupation; manicure, pedicure or facial salon | * | S | | | | | S | S | S | | | | | | | | | | | | S | | | | | | | |
| d. | Home occupation; bed and breakfast inn | * | | | | S | | | | | | | | | | | | | | | | | | | | | | | |

| (4) Governmental. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| USE | | LUC # | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Public utility building or use | 3 | S | S | S | S | S | S | S | S | S | | S | S | S | S | S | S | S | S | P | S | S | S | P | P | P | P | P |
| b. | City of Greenville municipal government building or use (see also section 9-4-103) | 3 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| c. | County or state government building or use not otherwise listed; excluding outside storage and major or minor repair | 3 | | | | | | | | | | | P | P | P | | P | S | P | P | P | P | P | | P | P | P | P | P |
| d. | Federal government building or use | 3 | | | | | | | | | | | P | P | P | | P | | P | P | P | P | P | | P | P | P | P | P |
| e. | County government operation center | 3 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| f. | Correctional facility | 3 | | | | | | | | | | | | | | | | | | | | | | | | | S | | |
| g. | Liquor store, state ABC | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |

| (5) Agricultural/Mining. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USE | LUC # | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Farming; agriculture, horticulture, forestry (see also section 9-4-103) | 1 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| b. | Greenhouse or plant nursery; including accessory sales | 3 | S | | | | | | | | | | | | | | P | S | | | | | | | P | P | P | P | P |
| c. | Wayside market for farm products produced on site | 4 | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. | Farmers market | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | | | |
| e. | Kennel (see also section 9-4-103) | 4 | P | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| f. | Stable; horse only (see also section 9-4-103) | 4 | P | S | | | | | | | | | | | | | | P | | | | | | | | P | P | P | P |
| g. | Stable; per definition (see also section 9-4-103) | 4 | P | | | | | | | | | | | | | | | P | | | | | | | | P | P | P | P |
| h. | Animal boarding not otherwise listed; outside facility, as an accessory or principal use | 4 | P | | | | | | | | | | | | | | | P | | | | | | | P | P | P | P | P |
| i. | Livestock sales pavilion, auditorium, yard, distribution or transhipment facility | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | P |
| j. | Quarrying, mining, excavation and works including material storage and distribution; sand, stone, gravel | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | |
| k. | Sand mining (see also subsection (j) above) | 5 | | | | | | | | | | | | | | | | | | | | | | | | S | | | |

| (6) Recreational/Entertainment. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| USE | | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Golf course; regulation | 1 | S | S | S | S | | S | S | S | | | | | | | | S | | | | | | | | | | | |
| b. | Golf course; par three | 2 | | | | | | | | | | | | | | | | | | | | | | | P | | | | |
| c. | Golf driving range | 3 | | | | | | | | | | | | | | | | | | | | | | | P | | | | |
| c.(1) | Tennis club; indoor and outdoor facilities | 3 | S | S | S | S | | S | S | S | | | | | | S | | S | S | | | | | | P | | | | |
| d. | Game center | 3 | | | | | | | | | | | | | | | | | | | S | S | S | | S | | | | |
| e. | Miniature golf or putt-putt course | 3 | | | | | | | | | | | | | | | | | | | | | | | P | S | S | | |
| f. | Public park or recreational facility | 2 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| g. | Private noncommercial park or recreational facility | 2 | P | P | P | P | P | P | P | P | P | | | P | | P | | P | P | | P | P | | | | P | P | P | P |
| h. | Commercial recreation; indoor only, not otherwise listed | 3 | | | | | | | | | | | | | | | | | S | | P | | P | | P | | | | |
| i. | Commercial recreation; indoor and outdoor, not otherwise listed | 4 | | | | | | | | | | | | | | | | | | | | S | | | P | S | S | | |
| j. | Bowling alleys | 3 | | | | | | | | | | | | | | | | | | | P | | P | | P | | | | |
| k. | Firearm ranges; indoor or outdoor | 4 | | | | | | | | | | | | | | | | | | | | | | | | S | S | S | S |
| l. | Billiard parlor or pool hall | 4 | | | | | | | | | | | | | | | | | | | S | S | S | | S | | | | |
| m. | Public or private club | 4 | | | | | | | | | | | | | | | | | | | S | S | S | | S | | | | |
| n. | Theater; movie or drama, indoor only | 3 | | | | | | | | | | | | | | | | | | | | P | P | | P | | | | |
| o. | Theater; movie or drama, including outdoor facilities | 4 | | | | | | | | | | | | | | | | | | | P | | | | P | | | | |
| p. | Circus, carnival or fairs | 4 | | | | | | | | | | | | | | | | | | | | | | | | P | P | | |
| q. | Circus, carnival or fair, temporary only (see also section 9-4-103) | 4 | | | | | | | | | | | | | | | | | | | | | P | | P | | | | |
| r. | Adult uses | 5 | | | | | | | | | | | | | | | | | | | | | | | S | | | | |
| s. | Athletic club; indoor only | 3 | | | | | | | | | | | | S | P | | P | | | | P | S | P | P | P | | | | |
| t | Athletic club; indoor and outdoor facilities | 3 | | | | | | | | | | | | | S | | S | | | | S | | S | S | P | | | | |

| (7) Office/Financial/Medical. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Office; professional and business, not otherwise listed | 3 | | | | | | | | | | | S | P | P | | P | | P | P | P | P | P | P | P | S | S | | |
| b. | Operation/processing center | 3 | | | | | | | | | | | | | | | | | P | | P | | P | | P | P | P | P | P |
| c. | Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage | 3 | | | | | | | | | | | | | | | S | | P | | P | P | S | | P | P | P | P | P |
| d. | Bank, savings and loan or other savings or investment institutions | 3 | | | | | | | | | | | S | P | P | | P | | P | P | P | P | P | P | P | | | | |
| e. | Medical, dental, ophthalmology or similar clinic, not otherwise listed | 3 | | | | | | | | | | P | P | P | | | P | | P | P | P | P | P | P | P | | | | |
| f. | Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable) | 4 | | | | | | | | | | | | | | | P | | S | | P | | S | | P | P | | | |
| g. | Catalogue processing center | 3 | | | | | | | | | | | | | | | | | | | P | | P | | P | P | P | P | P |

(8) Services.

| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| a. | Child day care facilities | 3 | S | | | | | S | S | S | S | S | S | S | S | S | S | | S | S | S | S | S | S | S | S | S | S | S |
| b. | Adult day care facilities | 3 | S | | | | | S | S | S | S | S | S | S | S | S | S | | S | S | S | S | S | S | S | S | S | S | S |
| c. | Funeral home | 3 | | | | | | | | | | | | | | | | | P | P | P | P | P | | P | | | | |
| d. | Cemetery | 3 | S | S | S | S | S | S | S | S | S | | | | | | | | | | | | | | | | | | |
| e. | Barber or beauty shop | 3 | | | | | | | | | | | | S | P | | P | | P | P | P | P | P | P | P | | | | |
| f. | Manicure, pedicure or facial salon | 3 | | | | | | | | | | | | S | P | | P | | P | | P | P | P | P | P | | | | |
| g. | School; junior and senior high (see also section 9-4-103) | 3 | S | S | S | S | | S | S | S | | | | | | S | | S | P | P | | P | | | | | | | |
| h. | School; elementary (see also section 9-4-103) | 3 | S | S | S | S | | S | S | S | | | | | | S | | S | P | P | | P | | | | | | | |
| i. | School; kindergarten or nursery (see also section 9-4-103) | 3 | S | S | S | S | | S | S | S | | | | | | S | | S | P | P | S | P | | | | | | | |
| j. | College and other institutions of higher learning | 3 | | | | | | | | | | P | S | S | | | S | | P | S | P | | | | | | | | |
| k. | Business or trade schools | 3 | | | | | | | | | | | | | | | | | P | | P | P | | | | | | | |
| l. | Convention center; private | 3 | | | | | | | | | | | S | S | | | S | | S | S | S | S | S | | S | S | S | S | S |
| m. | Multi-purpose center | 3 | | | | | | | S | S | | | | | | | | | | | | | | | | | | | |
| n. | Auditorium | 3 | | | | | | | | | | | | P | | | P | | P | | P | P | | | P | P | P | P | P |
| o. | Church or place of worship (see also section 9-4-103) | 2 | P | P | P | P | P | P | P | P | P | | | | | P | P | P | P | P | P | P | P | P | P | S | | | |
| p. | Library | 3 | | | | | | | | | | | | | | | | | P | P | P | P | | | | | | | |
| q. | Museum | 3 | | | | | | | | | | | | | | | | | P | P | P | P | P | | P | | | | |
| r. | Art gallery | 3 | | | | | | | | | | | | P | | | P | | P | P | P | P | P | | P | | | | |
| s. | Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103) | 3 | | | | | | | | | | | S | S | | | P | | S | | P | P | P | | P | P | P | P | P |

(8) Services (Continued)

| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| s.(1). | Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103) | 3 | | | | | | | | | | | S | S | | | S | | | | | | | | | S | S | S | S |
| t. | Guest house, college and other institutions of higher learning | 3 | | | | | | | S | S | | | | | | | | | | | | | | | | | | | |
| u. | Art studio including art and supply sales | 3 | | | | | | | | | | | | P | | | P | | P | P | P | P | P | | P | | | | |
| v. | Photography studio including photo and supply sales | 3 | | | | | | | | | | | | | P | | P | | P | P | P | P | P | | P | | | | |
| w. | Recording studio | 3 | | | | | | | | | | | | | | | | | P | P | P | P | | | | | | | |
| x. | Dance studio | 3 | | | | | | | | | | | | | | | | | P | | P | S | | P | | | | | |
| y. | Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers | 3 | | | | | | | | | | | | | | | | S | | | P | | | | P | P | P | | |
| y.(1) | Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (See also section 9-4-103) | 3 | | | | | | | | | | | | | | | | | | | | | P | | | | | | |
| y.(2) | Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height (See also section 9-4-103) | 3 | | | | | | | | | | | | | | | | | P | | | | | | | | | | |
| z. | Printing or publishing service including graphic art, maps, newspapers, magazines and books | 3 | | | | | | | | | | | | | P | | | | | | P | P | P | | P | P | P | P | P |
| aa. | Catering service including food preparation (see also restaurant; conventional and fast food) | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | S | P | P | P | P | P |

| (8) Services (Continued) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USE | LUC# | RA 20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R6 MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| bb. | Civic organizations | 3 | | | | | | | | | | | | | | | | | P | S | P | S | | | P | P | | | |
| cc. | Trade or business organizations | 3 | | | | | | | | | | | | | | | | | P | S | P | S | | | P | | | | |
| dd. | Massage establishment | 3 | | | | | | | | | | | | | | | | | | | | | | | S | | | | |
| ee. | Hospital | 3 | S | | | | | | | | | P | | | | | | | | | | | | | | | | | |
| ff. | Mental health, emotional or physical rehabilitation center | 3 | | | | | | | | | | P | P | | | | | | S | | | | | | | | | | |
| gg. | Vocational rehabilitation center | 3 | | | | | | | | | | | S | | | | S | | | | | | | | | P | P | P | P |
| hh. | Exercise and weight loss studios; indoor only | 3 | | | | | | | | | | | | S | P | | P | | | | P | S | P | P | P | | | | |
| ii. | Wellness center; indoor and outdoor facilities | 3 | | | | | | | | | | | | P | P | | P | | | | | | | | | | | | |
| jj. | Health services not otherwise listed | 3 | | | | | | | | | | S | S | S | S | | S | | | | | | | | | | | | |
| kk. | Launderette; household users | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | P | P | | | | |
| ll. | Dry cleaners; household users | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | P | P | | | | |
| ll(1) | Dry cleaners; household Users; drop-off/pick-up station only | 3 | | | | | | | | | | | | S | | | | | | | | | | | | | | | |
| mm. | Commercial laundries; linen supply | 4 | | | | | | | | | | | | | | | | | | | | P | | | P | P | | | |
| nn. | Industrial laundries | 4 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| oo. | Clothes alteration or shoe repair shop | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |
| pp. | Automobile wash | 4 | | | | | | | | | | | | | | | | | | | | P | P | | P | | | | |

| (9) Repair. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Major repair; as an accessory or principal use | 4 | | | | | | | | | | | | | | | | | | | | S | S | | S | S | P | S | P |
| b. | Minor repair; as an accessory or principal use | 4 | | | | | | | | | | | | | | | S | | | | S | S | S | S | P | P | P | P | P |
| c. | Upholsterer; automobile, truck, boat or other vehicle, trailer or van | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| d. | Upholsterer; furniture | 4 | | | | | | | | | | | | | | | | | | | | P | | | P | P | P | P | P |
| e. | Furniture refinishing, stripping or repair facility | 4 | | | | | | | | | | | | | | | | | | | | | | | | | P | | P |
| f. | Appliance; household and office equipment repair | 4 | | | | | | | | | | | | | | | | | | | P | P | | | P | P | P | P | P |
| g. | Jewelry, watch, eyewear or other personal item repair | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | | P | | | | |
| h. | Appliance; commercial and industrial equipment repair not otherwise listed | 4 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |

| (10) Retail Trade. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE | | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | M0 | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Miscellaneous retail sales; nondurable goods, not otherwise listed | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | | P | | | | |
| b. | Gasoline or automotive fuel sales; accessory or principal use, retail | 4 | | | | | | | | | | | | | | | P | | | | S | S | S | S | P | P | P | P | P |
| c. | Grocery; food or beverage, off-premise consumption | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | P | P | | | | |
| d. | Pharmacy | 3 | | | | | | | | | | | P | P | P | | P | | | | P | P | P | P | P | | | | |
| e. | Convenience store (see also gasoline sales) | 4 | | | | | | | | | | | | | | | P | | | | P | P | P | P | P | | | | |
| f. | Office and school supply, equipment sales | 3 | | | | | | | | | | | | S | P | | P | | | | P | P | P | | P | | | | |
| g. | Fish market; excluding processing or packing | 3 | | | | | | | | | | | | | | | | | | | S | S | P | | P | | | | |
| h. | Restaurant; conventional | 3 | | | | | | | | | | | S | S | P | | P | | S | | P | P | P | P | P | P | P | P | P |
| i. | Restaurant; fast food (see also Section 9-4-103) | 4 | | | | | | | | | | | | S | P | | P | | | | P | P | P | S | P | P | P | P | P |
| j. | Restaurant; regulated outdoor activities | 4 | | | | | | | | | | | S | S | S | | S | | S | | S | S | S | S | S | S | S | S | S |
| k. | Medical supply sales and rental of medically related products including uniforms and related accessories | 3 | | | | | | | | | | | S | S | P | | P | | | | | | P | | P | | | | |
| l. | Electronic; stereo, radio, computer, television, etc. sales and accessory repair | 3 | | | | | | | | | | | | | P | | | | | | P | P | P | | P | | | | |
| m. | Appliance; household use, sales and accessory repair, excluding outside storage | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |
| n. | Appliance; commercial use, sales and accessory repair, excluding outside storage | 3 | | | | | | | | | | | | | | | | | | | S | P | S | | S | | | | |
| o. | Appliance; household, commercial or industrial use, sales and accessory repair, including outside storage | 4 | | | | | | | | | | | | | | | | | | | | | | | P | | | | |
| p. | Furniture and home furnishing sales not otherwise listed | 3 | | | | | | | | | | | | | | | P | | | | P | P | P | | P | | | | |
| q. | Floor covering, carpet and wall covering sales | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |
| r. | Antique sales; excluding vehicles | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |

| (10) Retail Trade. (Continued) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE | | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | M0 | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| s. | Book or card store, news stand | 3 | | | | | | | | | | | | P | P | | P | | P | P | P | P | P | | P | | | | |
| t. | Hobby or craft shop | 3 | | | | | | | | | | | | S | P | | P | | | | P | S | P | | P | | | | |
| u. | Pet shop (see also animal boarding; outside facility) | 3 | | | | | | | | | | | | | | | | | | | P | S | P | S | P | | | | |
| v. | Video or music store; record, tape, compact disk, etc. sales | 3 | | | | | | | | | | | | | P | | P | | | | P | P | P | | P | | | | |
| w. | Florist | 3 | | | | | | | | | | | P | P | P | | P | | P | P | P | P | P | | P | | | | |
| x. | Sporting goods sales and rental shop | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |
| y. | Auto part sales (see also major and minor repair) | 3 | | | | | | | | | | | | | | | S | | | | P | P | P | | P | | | | |
| z. | Flea market | 3 | | | | | | | | | | | | | | | | | | | | | | | S | | | | |
| aa. | Pawnbroker | 3 | | | | | | | | | | | | | | | | | | | S | | P | | P | | | | |
| bb. | Lawn and garden supply and household implement sales and accessory service | 3 | | | | | | | | | | | | | | | | | | | | | P | | P | | | | |
| cc. | Farm supply and commercial implement sales | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| dd. | Industrial implement, machinery or tool sales | 4 | | | | | | | | | | | | | | | | | | | | | | | | | P | | P |
| ee. | Christmas tree sales lot; temporary only (see also section 9-4-103) | * | | | | | | | | | | | | | | | | | P | | P | P | P | | P | | | | |

| (11) Wholesale/Rental/Vehicle—Mobile Home Trade. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Wholesale; durable and nondurable goods, not otherwise listed | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| b. | Rental of home furniture, appliances or electronics and medically related products (see also (10)k.) | 3 | | | | | | | | | | | | | | | | | | | | | P | | P | | | | |
| c. | Rental of clothes and accessories; formal wear, etc. | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | | | | |
| d. | Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats | 4 | | | | | | | | | | | | | | | | | | | P | | S | | P | P | P | P | P |
| e. | Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| f. | Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair) | 4 | | | | | | | | | | | | | | | | | | | | P | S | | P | | | | |
| g. | Mobile home sales including accessory mobile home office | 4 | | | | | | | | | | | | | | | | | | | | | | | P | S | | | |

| (12) Construction. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage | 3 | | | | | | | | | | | | | | | P | | P | | P | P | | | | | | | |
| b. | Licensed contractor; general electrical, plumbing, mechanical, etc. including outside storage | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| c. | Construction office; temporary, including modular office (see also section 9-4-103) | * | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| d. | Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage | 4 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| e. | Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage | 4 | | | | | | | | | | | | | | | | | | | | P | P | | P | | | | |
| f. | Hardware store | 3 | | | | | | | | | | | | | | | P | | | | P | P | P | | P | | | | |

| (13) Transportation. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE | | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Railroad freight or distribution and/or passenger station | 5 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| b. | Bus station; passenger and related freight | 4 | | | | | | | | | | | | | | | | | | | P | P | | | | | | | |
| c. | Taxi or limousine service | 3 | | | | | | | | | | | | | | | | | | | P | P | P | | P | S | | | |
| d. | Truck terminal or distribution center | 4 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| e. | Parcel delivery service | 4 | | | | | | | | | | | | | | | | | | | P | P | | | P | P | P | P | P |
| f. | Ambulance service | 3 | | | | | | | | | | | | | | | | | | | | P | | | P | P | P | P | P |
| g. | Airport and related activities; private | 5 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| h. | Parking lot or structure; principal use | 3 | | | | | | | | | | P | P | | | | P | | S | | P | S | P | | P | P | P | P | P |

| (14) Manufacturing/Warehousing. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Ice plant and freezer lockers | 5 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| b. | Dairy; production, storage and shipment facilities | 5 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| c. | Bakery; production, storage and shipment facilities | 5 | | | | | | | | | | | | | P | | P | | | | | P | | | P | P | P | P | P |
| d. | Stone or monument cutting, engraving | 5 | | | | | | | | | | | | | | | | | | | | | | | S | P | P | S | P |
| e. | Mobile home repair or rework facility; no sales allowed | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | |
| f. | Junkyard, automobile graveyard or materials reclamation facility | 5 | | | | | | | | | | | | | | | | | | | | | | | | | S | | |
| g. | Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery | 4 | | | | | | | | | | | | | | | | | | | P | S | | | P | P | P | P | P |
| h. | Engraving; metal, glass or wood | 4 | | | | | | | | | | | | | | | | | | | P | | | | P | P | P | P | P |
| i. | Moving and storage of nonhazardous materials; excluding outside storage | 4 | | | | | | | | | | | | | | | P | | | | | | | | P | | | | |
| j. | Moving and storage; including outside storage | 5 | | | | | | | | | | | | | | | | | | | | | | | S | P | P | P | P |
| k. | Mini-storage warehouse, household; excluding outside storage | 4 | | | | | | | | | | | | | | | | | | | | | S | | P | P | P | P | P |
| l. | Warehouse or mini-storage warehouse, commercial or industrial; including outside storage | 5 | | | | | | | | | | | | | | | | | | | | | | | S | P | P | P | P |
| m. | Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage | 4 | | | | | | | | | | | | | | | S | | | | | | | | P | P | P | P | P |
| n. | Petroleum (bulk) storage facility; excluding retail sales | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | S |
| o. | Feed and grain elevator, mixing, redrying, storage or sales facility | 5 | | | | | | | | | | | | | | | | | | | | | | | | P | P | S | |
| p. | Tobacco redrying or processing plant | 5 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |

(14) Manufacturing/Warehousing. (Continued)

| | USE | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
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| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| q. | Fertilizer or lime manufacture or bulk storage | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | S |
| r. | Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | S |
| s. | Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed | 4 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| t. | Manufacture of nonhazardous medical supplies or medical products, including distribution | 4 | | | | | | | | | | | S | | | | S | | | | | | | | | P | P | P | P |
| u. | Tire recapping or retreading plant | 4 | | | | | | | | | | | | | | | | | | | | | | | P | P | P | S | P |
| v. | Bottling or packing plant for nonhazardous materials or products | 5 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |
| w. | Bottling or packaging plant for hazardous, flammable or explosive materials or products | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | S |
| x. | Sanitary landfill or incinerator; public or private | 5 | | | | | | | | | | | | | | | | | | | | | | | | | S | | S |
| y. | Recycling collection station or facilities | 3 | | | | | | | | | | | | | | | | | | | S | | | | S | P | P | S | P |
| z. | Metallurgy, steel fabrication, welding | 5 | | | | | | | | | | | | | | | | | | | | | | | | S | P | S | P |
| aa. | Meat, poultry or fish processing or packing plant | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | S |
| bb. | Slaughterhouse | 5 | | | | | | | | | | | | | | | | | | | | | | | | | P | | |
| cc. | Manufacture of pharmaceutical, biological, bonanical, medicinal, and cosmetic products, and related materials | 5 | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | P |

| (15) Other Activities (not otherwise listed - all categories) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE | | LUC# | R A20 | R 15S | R 9S | R 6S | R 6N | R 9 | R 6 | R 6A | R 6MH | MI | MS | MO | MCG | MR | MCH | MRS | OR | O | CD | CDF | CG | CN | CH | IU | I | PIU | PI |
| a. | Other activities; personal services not otherwise listed | 3 | | | | | | | | | | | | | | | | | S | | S | S | S | | S | | | | |
| b. | Other activities; professional services not otherwise listed | 3 | | | | | | | | | | | | | | | | | S | | S | S | S | | S | | | | |
| c. | Other activities; commercial services not otherwise listed | 3 | | | | | | | | | | | | | | | | | | | S | S | S | | S | S | S | S | S |
| d. | Other activities; retail sales not otherwise listed | 3 | | | | | | | | | | | | | | | | | | | S | S | S | | S | | | | |
| e. | Other activities; industrial uses not otherwise listed | 4 | | | | | | | | | | | | | | | | | | | | | | | | S | S | S | S |

(g) The following uses may, in addition to other unlisted uses, be subject to special licensing or regulatory approval of city council.

(1) Vehicles for hire; taxi or limousine service.
(2) Parades.
(3) Junk dealers.
(4) Solicitations by charitable organizations.
(5) Auctions of gold, jewels, etc.
(6) Poolrooms.
(7) Bowling alleys.
(8) Pawnshops.
(9) Sexually oriented businesses; massage parlors.
(10) Transient merchants, itinerant merchants and vendors.
(11) Sunday observances; hours of operation.
(12) Municipal buildings, parks or recreation areas to be used for athletic events and/or night programs which are located in a residential area.

(h) It shall be the responsibility of each person, who uses or proposes to use any land(s) subject to this chapter, to have knowledge of all requirements and restrictions applicable to the particular use whether set forth herein or otherwise required by law.

(Ord. No. 2355, §§ 1, 2, 8-9-91; Ord. No. 2365, § 1, 9-12-91; Ord. No. 2366, § 1, 9-12-91; Ord. No. 2367, § 1, 9-12-91; Ord. No. 2368, § 2, 9-12-91; Ord. No. 2381, § 1, 11-7-91; Ord. No. 2383, § 2, 11-7-91; Ord. No. 2390, § 2, 12-12-91; Ord. No. 2408, § 1, 1-9-92; Ord. No. 2409, § 2, 1-9-92; Ord. No. 2410, § 1, 1-9-92; Ord. No. 2417, § 1, 2-10-92; Ord. No. 2421, § 1, 2-13-92; Ord. No. 2422, § 1, 2-13-92; Ord. No. 2433, §§ 1, 2, 3-12-92; Ord. No. 2436, § 2, 3-12-92; Ord. No. 2449, § 1, 4-9-92; Ord. No. 2450, § 1, 4-9-92; Ord. No. 2468, § 2, 6-8-92; Ord. No. 2488, § 2, 7-9-92; Ord. No. 2489, § 2, 7-9-92; Ord. No. 2498, § 1, 8-13-92; Ord. No. 2499, § 1, 8-13-92; Ord. No. 2500, § 1, 8-13-92; Ord. No. 2542, § 1, 11-12-92; Ord. No. 2544, § 1, 11-12-92; Ord. No. 2545, § 1, 11-12-92; Ord. No. 2564, § 1, 1-14-93; Ord. No. 2565, § 1, 1-14-93; Ord. No. 2592, § 1, 2-11-93; Ord. No. 2594, § 1, 2-11-93; Ord. No. 2623, § 1, 4-8-93; Ord. No. 2632, § 1, 5-13-93; Ord. No. 2700, §§ 1, 3, 4, 8-12-93; Ord. No. 2701, § 1, 10-14-93; Ord. No. 2723, § 1, 10-14-93; Ord. No. 2725, §§ 1--3, 10-14-93; Ord. No. 94-78, § 1, 6-9-94; Ord. No. 94-123, § 1, 9-8-94; Ord. No. 94-124, § 1, 9-8-94; Ord. No. 94-132, §§ 1--12, 10-13-94; Ord. No. 94-133, § 2, 10-13-94; Ord. No. 94-134, § 1, 10-13-94; Ord. No. 94-135, § 2, 10-13-94; Ord. No. 94-156, § 2, 12-8-94; Ord. No. 94-158, §§ 1, 2, 12-8-94; Ord. No. 95-10, § 1, 1-12-95; Ord. No. 95-29, §§ 2, 3, 3-9-95; Ord. No. 95-30, § 1, 3-9-95; Ord. No. 95-113, § 1, 11-9-95; Ord. No. 95-134, § 1, 12-14-95; Ord. No. 95-135, § 1, 12-14-95; Ord. No. 95-136, § 1, 12-14-95; Ord. No. 96-43, §§ 1, 2, 6-13-96; Ord. No. 96-46, §§ 1, 2, 6-13-96; Ord. No. 96-76, § 1, 8-8-96; Ord. No. 96-77, §§ 1--8, 8-8-96; Ord. No. 96-80, §§ 1, 2, 8-8-96; Ord. No. 96-89, §§ 1-3, 9-12-96; Ord. No. 97-5, §§ 6--8, 1-9-97; Ord. No. 97-16, § 1, 2-13-97; Ord. No. 97-21, § 1, 2-24-97; Ord. No. 97-36, § 1, 4-10-97; Ord. No. 97-38, §§ 2, 3, 4-10-97; Ord. No. 97-84, §§ 1--3, 8-14-97; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 97-86, §§ 3, 4, 8-14-97; Ord. No. 97-87, § 1, 8-14-97; Ord. No. 97-88, § 1, 8-14-97; Ord. No. 98-143, §§ 2, 3, 11-12-98; Ord. No. 99-153, § 1, 12-9-99; Ord. No. 00-19, § 7, 2-10-00; Ord. No. 00-152, § 1, 11-09-00; Ord. No. 01-13, § 1, 02-08-01; Ord. No. 02-16, § 1-2, 2-14-02; Ord. No. 02-103, § 1, 10-10-02; Ord. No. 03-14, § 1, 2-13-03; Ord. No. 03-31, § 1, 2, 3, 4, 4-10-03; Ord. No. 03-49, §§ 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 06-12-03; Ord. No. 04-43, § 1, 05-13-04; Ord. No. 04-94, § 1, 08-12-04; Ord. No. 04-122, §§ 2, 3, 10-14-04; Ord. No. 04-143, § 1, 11-8-04; Ord. No. 05-64, §§ 1-2, 6-9-05; Ord. No. 05-89, §§ 2-6, 8-11-05; Ord. No. 05-122, § 1, 10-13-05; Ord. No. 06-93, §§ 1,3, 9-14-06)

Part 4. Overlay Districts

**Sec. 9-4-79. Standards for overlay districts.**

Where any lands are located within any overlay district(s) the applicable standards, uses, conditions and restrictions specified under Article L, Special districts, shall be in addition to the standards, uses, conditions and restrictions of the underlaying zoning district(s). Unless otherwise specified, where any conflict exists between any one (1) or more overlay or underlaying district standards, uses, conditions and restrictions, the more restrictive shall apply. (Ord. No. 2640, § 6, 6-10-93)

**Sec. 9-4-80. Reserved.**

## Article E. Standards and Criteria for Special Uses

### Sec. 9-4-81. General criteria.

The board of adjustment may grant permission for the establishment of a listed special use if the board finds from the evidence produced after a study of the complete record that:

(a) Conditions and Specifications.

That the proposed use meets all required conditions and specifications of the Zoning Ordinance and policies of the City for submission of a special use permit. Such conditions and specifications include but are not limited to the following:

1. Compliance with lot area and dimensional standards.
2. Compliance with setback and other locational standards.
3. Compliance with off-street parking requirements.
4. Compliance with all additional specific criteria set forth for the particular use, Section 9-4-84, of this Article.
5. Compliance with all application submission requirements.

(b) Comprehensive Plan.

That the proposed use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

(c) Health and Safety.

That the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

a. Such health and safety considerations include but are not limited to the following:
    1. The safe and convenient location of all on-site parking and drives.
    2. The existing vehicular traffic on area streets.
    3. The condition and capacity of area street(s) which will provide access to the proposed development.
    4. The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
    5. The reasonably anticipated increase in vehicular traffic generated by the proposed use.
    6. The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

(d) Detriment to Public Welfare. That the proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses.

(e) Existing Uses Detrimental. That the proposed use would not be adversely affected by the existing uses in the area in which it is proposed.

(f) Injury to Properties or Improvements. That the proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

(g) Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

1. The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
2. The intensity of the proposed use in relation to the intensity of adjoining and area uses.
3. The visual impact of the proposed use.
4. The method of operation or other physical activities of the proposed use.

5. The noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use.
6. The danger of fire or explosion. (Ord. No. 99-19, § 1, 2-11-99)

**Sec. 9-4-82. Additional restrictions.**

The board of adjustment may impose or require additional conditions, restrictions, and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-83. Revocation of permits after notice and opportunity to be heard.**

Whenever the board of adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the board shall rescind and revoke such permit after giving notice to all parties concerned and granting full opportunities for a hearing. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-84. Specific criteria.**

The board of adjustment may grant permission for the establishment of the uses listed under section 9-4-85 subject to the specific criteria set forth under section 9-4-86 and any conditions which the board may deem necessary to satisfy the general criteria set forth in section 9-4-81. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-85. Listed uses--Index.**

(a) Adult uses.

(b) Major or minor repair facilities.

(c) Banks and savings and loan facilities.

(d) Cemetery.

(e) Child day care facilities.

(f) Private or public club.

(g) Fraternity or sorority.

(h) Greenhouse or plant nursery.

(i) Group care facility.

(j) Hotel or motel.

(k) Junkyard or automobile graveyard.

(l) Manufacture of nonhazardous medical supplies or medical products, including distribution.

(m) Office; professional and business.

(n) Public utility building or use.

(o) Radio and television studios, transmission and/or receiving facilities.

(p) Residential quarters for resident managers or caretakers.

(q) Restaurants; conventional or fast food.

(r) Medical supply sales and rental of medically related products.

(s) Mining and quarrying.

(t) Sanitary landfill or incinerator.

(u) Public or private noncommercial park or recreational facility.

(v) Home occupation.

(w) Retirement center, home or related uses.

(x) School.

(y) Stable.

(z) Boarding or rooming house.

(aa) Nursing, convalescent or maternity home.

(bb) Shelter for homeless or abused persons.

(cc) Multi-purpose center.

(dd) Guest house; college and other institutions of higher learning.

(ee) Church or place of worship.

(ff) Billiard parlor or pool hall.

(gg) Convention center; private.

(hh) Athletic club; outdoor facilities.

(ii) Adult day care facilities.

(jj) Office and school supply, equipment sales.

(kk) Hobby or craft shop

(ll) Dry cleaning; household users, drop-off/pick-up station only.

(Ord. No. 2383, § 3, 11-7-91; Ord. No. 2390, § 3, 12-12-91; Ord. No. 2417, § 2, 2-10-92; Ord. No. 2544, § 2, 11-12-92; Ord. No. 2545, § 2, 11-12-92; Ord. No. 2701, § 2, 8-12-93; Ord. No. 97-38, § 4, 4-10-97; Ord. No. 97-88, § 2, 8-14-97); Ord. No. 03-49, § 1, 06-12-03)

**Sec. 9-4-86. Same--Specific criteria.**

(a) *Adult uses.*

(1) All windows, doors, openings, entries, etc., for all adult uses shall be so located, covered, screened or otherwise treated so the views into the interior of the establishment are not possible from any public or semipublic area, street or way.
(2) No adult use shall be established within five hundred (500) feet of any residentially zoned land or permitted residential use, nor within five hundred (500) feet of any church, school, park, playground, synagog, convent, library, or other area where large numbers of minors regularly travel or congregate.

(3) The lot containing an adult use shall not be located within a five-hundred-foot radius of another lot containing an adult use.

(b) *Major or minor repair facilities.*

(1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
(2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
(3) No vehicle shall be stored on the premises for more than fifteen (15) days.
(4) There shall be no exterior storage of items other than vehicles.
(5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition [of] automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
(6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses provided that all units in excess of four (4) shall be screened from adjoining street right-of-way and property lines in accordance with bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
(7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are within ten (10) feet of the principal structure and outside required bufferyards. Signage displayed in conjunction with such display shall be in accordance with the sign regulations.
(8) All services except fuel sales shall be performed within a completely enclosed building.

(c) *Banks and savings and loan facilities.*

(1) All automatic teller facilities shall be attached to the principal structure.
(2) All drive-through teller services shall be located at the rear of the principal structure.

(d) *Cemetery.*

(1) No gravesite shall be within ten (10) feet of any property line or within twenty-five (25) feet of any street right-of-way.

(e) *Child day care facilities.*

(1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
(2) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).
(3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
(4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
(5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

(f) *Public or private club.*

(1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(l). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.

(b) An annual review shall be conducted by the director of community development or his authorized representative of a public or private club which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the director of community development or his authorized representative as a result of this annual review shall be compiled in a written staff report.

(c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.

(d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a public or private club.

(e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

(2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.

(3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.

(5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f). (Ord. No. 06-75, §1, 8-10-06)

(g) *Fraternity or sorority.*

(1) The minimum lot size shall be twenty thousand (20,000) square feet.
(2) The gross floor area of the structure or structures shall be no less than two hundred fifty (250) square feet per resident.

(3) The total amount of land devoted to structures and parking shall not exceed seventy (70) percent of the total lot area.
(4) No part of any principal structure or accessory shall be located within fifteen (15) feet of any property line or street right-of-way for new construction and conversions.

(h) Greenhouse or plant nursery.

(1) The growing of greenhouse or plant nursery products shall be the principal use. Retail sales shall be considered an accessory use provided no more than twenty-five (25) percent of the retail stock of a nursery shall be of products not grown on the premises.
(2) No power equipment, such as gas or electric lawn mowers and farm implements may be sold wholesale or retail.

(i) *Group care facility.*

(1) The minimum lot size shall be two (2) acres.
(2) The principal and accessory use side and rear setbacks shall be twenty (20) feet for new construction in the case of single building development.
(3) Multifamily development standards shall apply except as provided under (2) above.
(4) Maximum occupancy shall be in accordance with the North Carolina State Building Code not to exceed twenty-five (25) and as provided by definition.

(j) *Hotel or motel.*

(1) Guest rooms, suites or other units utilized for lodging and any accessory or ancillary use(s) which are not listed as permitted uses within the district shall be set back a minimum distance of fifty (50) feet from all property lines and street right-of-way lines.

(k) *Junkyard or automobile graveyard.*

(1) The use shall be set back at least two (2) times the distance from the street right-of-way line as required for the district in which it is located.
(2) The yard shall be fenced with a visual screen eight (8) feet in height in order that no junk or automobiles can be seen from the street or surrounding properties. In no case shall the eight-foot-high fence required by this subsection be substituted for the fence or vegetation required by the bufferyard regulations.

(l) *Manufacture of nonhazardous medical supplies or medical products, including distribution.*

(1) The minimum lot size shall be two (2) acres.
(2) Exterior storage of materials shall be prohibited.
(3) All structures shall be a minimum of seventy-five (75) feet from all exterior property lines.

(m) *Office; professional and business.*

(1) No more than fifty (50) percent of the total number of operations located within the buildings or project may be devoted for business or professional purposes. All remaining operations shall be those that are permitted uses within the zoning district.
(2) Retail sales, pick up or deliveries of merchandise shall not be made from the premises and merchandise shall be displayed only within the building.

(n) *Public utility, building or use.*

(1) Any proposed use shall maintain a residential appearance to the greatest possible extent and shall be consistent in scale and environment with surrounding properties.
(2) Any parking area designed to serve more than four (4) vehicles shall be located in the rear of the principal structure.

(o) *Radio and television studios, transmission and/or receiving facilities.*

(1) The tower base shall be set back from adjoining property lines a minimum of twenty (20) percent of the tower height or thirty (30) feet, whichever is greater.
(2) Guy wire anchors shall be set back from adjoining property lines in accordance with the minimum district setbacks.

(p) *Residential quarters for resident manager or caretaker*.

(1) The quarters shall be incidental and subordinate to the permitted or special use.
(2) Only the caretaker and his immediate family shall permanently reside in the quarters.
(3) The quarters shall be a self contained dwelling unit.
(4) The quarters shall be located within the principal structure except in the case of a mobile home sales lot, where the residential quarters may be located in a separate mobile home.

(q) Restaurant; conventional or fast food.

(1) Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:
   (a) The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
   (b) The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
   (c) The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
   (d) Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the director of community development or the director's authorized representative and such requirements shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the director of community development or representative, substitute for the speaker setback, orientation and direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public.
(2) No new restaurant within any MS zoning district shall be located within five hundred (500) feet of any existing or vested restaurant in any zoning district or within one thousand (1000) feet of any existing or vested restaurant in any MS district, as measured between the nearest enclosed structural part of such establishments.
(3) Within any MO zoning district no fast food restaurant shall be located in a freestanding detached structure exclusive to such use. All fast food restaurants in any MO zoning district shall be located within and be part of an attached multi-unit structure which contains not less than three (3) individual units occupied by, or are available for sale or lease, to separate establishments. (Ord. No. 06-75, §1, 8-10-06)

(r) *Medical supply sales and rental of medically related products.*

(1) No products shall be visible from a public street right-of-way.

(s) *Mining and quarrying.*

(1) No mining, quarrying or excavation activity shall occur closer than one hundred (100) feet to an adjacent residential dwelling.
(2) Access to sites shall be located so as to avoid the routing of vehicles to and from the operation over streets that primarily serve abutting residential development. Maintenance of this access shall be the responsibility of the operator of the site. Measures to control dust along access roads shall be used as needed to maintain a relatively dust-free operation.

(3) Hours of operation may be from 7:00 a.m. to 6:00 p.m. Monday through Saturday except as further provided. Hours of operation, at sites where access is limited to ingress and egress over publicly maintained streets through areas which are residential in nature, shall be 8:00 a.m. to 6:00 p.m. Monday through Friday.
(4) A six-foot-high chain link fence shall be located not less than ten (10) feet from the top edge of any exterior cut slope. Gates, the same height as the fence, shall be installed at all points of vehicular or pedestrian ingress and egress and shall be kept locked when not in regular use.
(5) Upon completion of mining or quarrying excavation activity, the land shall be restored to a condition that is suitable and amenable to existing or prospective uses of surrounding land.

(t) *Sanitary landfill or incinerator.*

(1) No refuse shall be deposited and no building or structure shall be located closer than one hundred (100) feet to a property line or street right-of-way line.

(u) *Noncommercial park or recreation facility; public or private.*

(1) No part of any structure or improvement shall be closer than fifty (50) feet to any part of the principal structure of an adjacent residential use.

(v) *Home occupations.*

(1) Except as otherwise provided, all home occupations shall comply with all of the following standards.

a. Shall only be permitted within single family dwelling units;
b. Shall not be permitted within any detached accessory structure or building;
c. Shall constitute an accessory use to the principal use;
d. Shall not occupy more than twenty (20) percent of the mechanically conditioned enclosed floor space of the dwelling unit;
e. Shall not employ more than one (1) person other than those persons legally residing within the principal use dwelling;
f. Shall not be visible from any public right-of-way or adjacent property line;
g. Shall not involve the on-site sales of products;
h. Shall not involve any outside storage of related materials, parts or supplies;
i. Shall have signage in accordance with Article N, Signs; and
j. Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

(1.1) The following permitted limited in-home services and/or business activities, shall not constitute a home occupation and shall be construed as an incidental accessory residential use within any dwelling, for purposes of regulation under this chapter, provided that: (i) not more than one (1) person is engaged in the conduct of the listed activity, (ii) the person that is engaged in the conduct of the activity shall be a permanent resident within the subject dwelling, (iii) not more than two (2) customer/clients shall be allowed on the premises at any one time, (iv) no on-site signage shall be displayed in connection with the limited in-home service and/or business activity, and (v) the activity is compliant with characteristics b., c., d., f., g., h., and j. of subsection 1., above:

a. Music or dance instructor, provided all associated amplified and/or non-amplified sound is not plainly audible, within any adjacent area dwelling unit or beyond the adjacent property line;
b. Educational tutoring;
c. Accountant, tax and/or financial advisor, stockbroker;
d. Attorney at Law;
e. Counseling, including psychologist, marriage and similar professional counselor;
f. Doctor, physical therapist or other similar health care professional;
g. Consultant, including public relations, advertising, computer science, engineering, architect and other similar professional consultant;
h. Clothes alteration seamstress; excluding garment manufacturing, shoe repair and sales of clothing items;

i. Catalogue ordering sales consultant business wherein retail products are ordered by the end customer from a catalogue and/or by reference to limited samples displayed at off-site locations remote to the business address;
j. Artist, photographer/videographer, graphic designer, writer;
k. Real estate broker/realtor;
l. Real estate/personal property appraiser;
m. General contractor including building, painting, electrical, plumbing, mechanical, landscape, and cleaning/janitorial service, excluding any on-site: (i) physical display and/or storage of products, and materials, (ii) manufacture or assembly, (iii) storage of construction or service delivery equipment including trucks, trailers, excavators, tractors, and mowers of a type and number uncommon to typical domestic residential use, provided however a personal transportation vehicle customarily associated with residential use, shall be permitted; and
n. The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages or mail, record or bookkeeping filing, address listing for applicable privilege license or tax identification and other similar activities, which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services.

*(2) Barber and beauty shop; Manicure, pedicure or facial salon; and other similar personal service activities not otherwise listed.*

a. Shall be limited to not more than one (1) operator or service provider at all times. Concurrent and/or shift employment shall not be permitted.

*(3) Bed and breakfast inn.*

a. Shall be restricted to property that is located both (i) within a R6S zoning district, and (ii) within a locally designated historic district (HD) overlay zoning district.

b. The principal use single family dwelling structure shall have a minimum of three thousand (3,000) square feet of mechanically conditioned enclosed floor area.

c. Not more than sixty (60) percent of the total mechanically conditioned enclosed floor area of the principal use single family dwelling structure shall be utilized as part of the bed and breakfast establishment including guest rooms and associated baths and closets, guest sitting or lounging areas and other interior spaces which exclusively serve such areas and rooms. Common areas utilized by both guests and the resident owner family including but not limited to kitchens, dining rooms, foyers, halls, porches, and stairs, shall not count towards the allowable percentage. A dimensional floor plan of the principal use dwelling shall be included at the time of initial application, which illustrates compliance with this section.

d. The use shall be conducted completely within the single family dwelling and no part of any detached accessory structure or building shall be devoted to such use, provided however a detached garage may be utilized to fulfill parking requirements.

e. Not more than five (5) rooms devoted to such overnight accommodations shall be permitted in addition to bathrooms or other common use areas.

f. All entry and primary exits to the individual tenant occupancy rooms or common use areas shall be through the principal use dwelling area of the owner occupant. Other exits as shall be available or required shall only be utilized by the tenant occupants in the event of an emergency.

g. In addition to the parking requirement of the principal use dwelling, one (1) off-street parking space shall be required for each allowed tenant occupancy. No outdoor, unenclosed parking area associated with such accessory use shall be located in any front yard or any street right-of-way setback area. Such separate or joint parking facility shall comply with applicable design and construction standards.

h. The parking area bufferyard, screening and landscaping requirements for each separate facility shall be established in the individual case, however, no side or rear bufferyard shall be less than Bufferyard B of the bufferyard regulations.

i. The maximum number of days allowed per individual tenancy shall be limited to applicable State and County Health Department standards, however, not to exceed thirty (30) continuous days.

j. Commercial cooking facilities shall not be allowed and breakfast may only be served between the hours of 5:00 a.m. and 11:00 a.m. and shall be the only meal offered to overnight guests. No persons other than overnight guests shall be served food and/or beverages for compensation. No alcoholic permits shall be issued to any such facility.

k. One (1) nonresident person in addition to the resident owner family may be employed in connection with the operation of the establishment. For purposes of this section, the term "person" may be construed to include two (2) or more shift employees provided such employees are not on simultaneous duty.

l. The principal structure or additions thereto which contain such accessory use shall maintain a single family residential character of like scale and design to adjoining and area properties. A certificate of appropriateness shall be required prior to alteration of a locally designated historic property.

m. The single family dwelling and lot that is converted into a bed and breakfast inn shall meet the following minimum district requirements for construction of a new dwelling: lot area, lot width, street frontage, side yard setback and rear yard setback, provided however, where the proposed bed and breakfast inn is located adjacent to a property containing a nonconforming land use the setback requirements of this subsection shall not apply to that adjacent common boundary, at the time of initial application and approval. When a nonconforming adjacent use is converted to a conforming use, at anytime after the initial approval of the bed and breakfast inn, such conversion shall not affect the continued use and/or renewal of the bed and breakfast inn with respect to the requirements of this subsection. The minimum lot area, lot width and lot frontage requirement shall not be reduced in accordance with section 9-4-33, and the minimum requirements set forth in section 9-4-94(e) shall apply for both new construction or conversion.

n. "Room renting", as defined under section 9-4-22, shall not be permitted within any dwelling that contains a bed and breakfast inn.

o. The owner shall request that the building inspector and zoning enforcement officer conduct an inspection of the premises each year during the month of original approval for compliance with applicable codes and conditions of special use permit approval. The owner shall pay any fee associated with such inspection as may be established by city council.

p. The special use permit may be approved for a three (3) year period and continued use shall be subject to renewal in accordance with original submission requirements."

(w) *Retirement center.*

(1) The minimum lot size shall be two (2) acres.
(2) The density requirements of the prevailing zoning district shall apply.
(3) Multifamily development standards shall apply.

(x) *School.*

(1) All structures shall maintain minimum side and rear setbacks of fifty (50) feet and a front yard at least twenty-five (25) feet greater than that required for single-family residences within the district.

(y) *Stable.*

(1) No stable shall be erected closer than one hundred (100) feet to an existing dwelling or residential district.
(2) Stables shall meet the minimum dimensional setbacks required within the applicable district except as provided under (1) above.

(z) *Boarding house or rooming house.*

(1) The total number of unrelated occupants in addition to the resident family shall not exceed four (4) persons.
(2) The minimum lot size shall be nine thousand (9,000) square feet.
(3) No boarding house or rooming house shall be located within a four-hundred-foot radius of another boarding house or rooming house.
(4) No more than two (2) required parking spaces may be located in the front yard.
(5) The total amount of land devoted to structures and parking shall not exceed seventy (70) percent of the lot area.
(6) The use shall be conducted as an accessory use within an owner occupied single-family dwelling.

*(aa) Nursing, convalescent or maternity home*.

(1) Major care facility.
   a. The minimum lot size shall be two (2) acres.
   b. The side and rear setbacks shall be twenty (20) feet for single building development for conversion or new construction.
   c. The public street setback shall be in accordance with the prevailing zoning district for conversion or new construction.
   d. Multi-family development standards shall apply except as provided under (b) and (c) above.
   e. Maximum occupancy shall be in accordance with the North Carolina State Building Code and/or applicable licensing requirements.
(2) Minor care facility.
   a. The minimum lot size and dimension shall be in accordance with two-family attached dwelling (duplex) standards for the prevailing zoning district for conversion or new construction.
   b. The minimum setback of any principal structure shall be in accordance with two-family attached dwelling (duplex) standards for the prevailing zoning district for conversion or new construction.
   c. One (1) parking space shall be required for each resident manager or other on-site employee in addition to two (2) visitor spaces per facility.
   d. Maximum occupancy shall not exceed a total of eight (8) persons, including up to six (6) resident individuals receiving care and any resident manager(s).

(bb) *Shelter for homeless or abused persons.*

(1) The minimum lot size shall be fifteen thousand (15,000) square feet.
(2) Maximum occupancy shall be in accordance with the North Carolina State Building Code or not more than one (1) person per each five hundred (500) square feet of lot area whichever is less.
(3) On-site supervision shall be maintained during all hours of operation.
(4) Single-building development shall be in accordance with single-family standards.
(5) Multiple-building development shall be in accordance with multifamily development standards.
(6) Parking shall be required at a ratio of one (1) space per every two (2) supervisors and one (1) space per each five hundred (500) square feet of habitable floor area.

(cc) *Multi-purpose center.*

(1) Minimum lot area, width and dimension shall be not less than the district minimum.
(2) Each activity, including the method and extent of operation, proposed for inclusion at each separate location shall be specifically considered by the board of adjustment. Activities not specifically approved shall be prohibited.
(3) Specifically prohibited uses are set forth by definition.

(4) Where specific activities are approved for concurrent operation the minimum parking requirement shall be the sum total of all spaces required for all concurrent uses in accordance with Article O.
(5) Where specific activities are not approved for concurrent operation the minimum parking requirement shall be based on the activity which requires the greatest number of spaces in accordance with Article O.
(6) Bufferyards and required vegetation for a classification III use shall apply in accordance with Article G.

(dd) *Guest house; college and other institutions of higher learning.*

(1) No "guest house; college and other institutions of higher learning" shall be located within one-quarter (1/4) mile of any other "guest house; college and other institutions of higher learning" as measured to the nearest lot line.
(2) The minimum lot area, width and dimension shall be not less than the district minimums.
(3) Not more than three (3) rooms devoted to overnight accommodations shall be permitted in addition to bathrooms or other common use areas.
(4) One (1) bathroom shall be required for the private use of each allowed tenant occupancy.
(5) All entry and primary exits to the individual tenant occupancy rooms shall be through commons areas. Other exits as shall be available or required shall only be utilized by the tenant occupants in the event of an emergency.
(6) One (1) off-street parking space shall be required for each allowed tenant occupancy. Parking areas shall be located and improved in accordance with Article O.
(7) The parking facility bufferyard and landscaping requirements for each separate facility shall be established in the individual case, however, no bufferyard shall be less than bufferyard B of the bufferyard regulations. (Article G)
(8) The maximum number of days allowed per individual tenancy shall not exceed fourteen (14) continuous days.
(9) Freestanding and wall signage for such use shall not exceed a combined total of three (3) square feet. Illuminated signs shall not be allowed.
(10) The building(s) or additions thereto which contain such use shall maintain a single-family residential character of like scale and design to adjoining and area properties.
(11) A common kitchen and dining area is permitted, however, no meals shall be served for compensation.
(12) A common social/recreational sitting room accessible to the tenant occupants and other guests and/or representatives of the associated institution may be allowed.
(13) The special use permit shall terminate upon a change of use and/or transfer of title.
(14) The owner shall request that the building inspector conduct an inspection of the premises each year during the month of original approval for compliance with applicable codes and conditions of special use permit approval. The owner shall pay any fee associated with such inspection as may be established by city council.

(ee) *Church or place of worship.*

(1) The special use permit shall be valid for thirty-six (36) months from the date of the order granting such permit. From and after thirty-six (36) months, the permit shall be considered void and of no effect and any reuse or continuance of use under this section shall be subject to reapplication and special use permit approval in accordance with current requirements.

(ff) *Billiard parlor or pool hall.*

(1) A special use permit granted under this section shall be for a period of one (1) year and must be renewed annually.
(2) It shall be the responsibility of the owner/operator to make timely application for permit renewal.

(gg) *Convention center; private.*

(1) Convention centers (private) shall, in addition to other applicable requirements for the district and use, meet the following minimum standard(s) when located within any O & I and/or O & I-II district.
   a. Minimum lot area: ten (10) acres.

(hh) *Athletic club; outdoor facilities.*

(1) With the exception of pedestrian walkways and fitness trails no portion of any outdoor activity or recreation area shall be located within one hundred (100) feet of any residential zoning district boundary. Street right-of-ways shall count toward this requirement.

(ii) *Adult day care facilities.*

(1) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per adult in excess of five (5).
(2) All accessory structures, including but not limited to exercise or recreation equipment and pools must be located in the rear yard.
(3) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
(4) Employee parking shall be at the rear of the structure when a day care facility is located in a residential district.

(jj) Office and school supply, equipment sales.

(1) Shall not exceed five thousand (5000) square feet of gross enclosed floor area per each individual establishment including all associated principal and accessory structures.

(kk) Hobby or craft shop.

(1) Shall not exceed five thousand (5000) square feet of gross enclosed floor area per each individual establishment including all associated principal and accessory structures.

(ll) Dry cleaning; household users, drop-off/pick-up station only.

(1) Shall not include any on-site laundry or dry cleaning process, activity, or facility including but not limited to washing, cleaning, drying, pressing, mending, alteration, sale of apparel or laundry supplies.
(2) Shall not exceed two thousand (2000) square feet of gross enclosed floor area per each individual establishment including all associated principal and accessory structures."

(Ord. No. 2383, § 4, 11-7-91; Ord. No. 2390, § 4, 12-12-91; Ord. No. 2417, § 3, 2-10-92; Ord. No. 2511, § 1, 8-24-92; Ord. No. 2541, § 1, 11-12-92; Ord. No. 2544, § 3, 11-12-92; Ord. No. 2545, § 3, 11-12-92; Ord. No. 2701, § 3, 8-12-93; Ord. No. 94-132, § 13, 10-13-94; Ord. No. 97-38, § 5, 4-10-97; Ord. No. 97-85, § 1, 8-14-97; Ord. No. 97-88, § 3, 8-14-97; Ord. No. 98-143, § 4, 11-12-98; Ord. No. 00-66, § 1, 05-11-00; Ord. No. 03-49, § 2, 06-12-03; Ord. No. 03-49, § 14, 06-12-03; Ord. No. 05-89, § 7, 8-11-05; Ord. No. 05-90, § 1, 8-11-05)

**Secs. 9-4-87--9-4-92. Reserved.**

## Article F. Dimensional Standards, Modifications and Special Standards

### Sec. 9-4-93. Applicability.

Unless otherwise provided in these regulations, the minimum standards and requirements established in this article shall apply to all uses. See also Article E, Standards and criteria for special uses and Article L, Special districts. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2640, § 2, 6-10-93)

### Sec. 9-4-94. Schedule of development standards by zoning district.*

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***Note--**See also section 9-4-103. Special standards for certain specific uses.
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(a) *RA-20 district.*

(1) Lot area (net).
  a. Single-family, without public water: 20,000 square feet
  b. Single-family, with public water: 10,000 square feet
  c. Two-family attached, without public water: 25,000 square feet
  d. Two-family attached, with public water: 15,000 square feet
  e. Mobile home: in accordance with (a) or (b) above
  f. All other uses: in accordance with (a) or (b) above
(2) Lot width (at the MBL).
  a. Single-family: 70 feet
  b. Two-family attached: 90 feet
  c. Mobile home: 70 feet
  d. All other uses: 100 feet
(3) Public street setback (MBL).
  a. Single-family: 30 feet
  b. Two-family attached: 30 feet
  c. Mobile home: 30 feet
  d. All other uses: 30 feet and per Article G. Bufferyards
(4) Side setback.
  a. Single-family: 10 feet
  b. Two-family attached: 12 feet
  c. Mobile home: 12 feet
  d. All other uses: 12 feet and per Article G, Bufferyards
(5) Rear setback.
  a. Single-family: 20 [feet]
  b. Two-family attached: 20 [feet]
  c. Mobile home: 20 [feet]
  d. All other uses: 20 feet and per Article G, Bufferyards
(6) Height (above grade).
  a. Single-family: 35 feet
  b. Two-family attached: 35 feet
  c. Mobile home: 35 feet
  d. All other uses: 65 feet
(7) Lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(b) *R-15S district.*

(1) Lot area (net).
  a. All uses 15,000 square feet
(2) Lot width (at the MBL).
  a. All uses: 80 feet
(3) Public street setback (MBL).
  a. All uses: 30 feet
(4) Side setback.
  a. All uses: 10 feet
(5) Rear setback.
  a. All uses: 15 feet
(6) Height (above grade).
  a. All uses: 35 feet
(7) Lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(c) *R-9S district.*

(1) Lot area (net).
  a. All uses: 9,000 square feet
(2) Lot width (at the MBL).
  a. All uses: 70 feet
(3) Public street setback (MBL).
  a. All uses: 25 feet
(4) Side setback.
  a. All uses: 10 feet
(5) Rear setback.
  a. All uses: 15 feet
(6) Height (above grade).
  a. All uses: 35 feet
(7) Lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(d) *R-9 district.*

(1) Lot area (net).
  a. Single-family: 9,000 square feet
  b. Two-family attached: 13,500 square feet
  c. All other uses: 9,000 square feet
(2) Lot width (at the MBL).
  a. Single-family: 70 feet
  b. Two-family attached: 90 feet
  c. All other uses: 70 feet
(3) Public street setback (MBL).
  a. Single-family: 25 feet
  b . Two-family attached: 25 feet
  c. All other uses: 25 feet and per Article G, Bufferyards
(4) Side setback.
  a. Single-family: 10 feet
  b. Two-family attached: 14 feet
  c. All other uses: 10 feet and per Article G, Bufferyards
(5) Rear setback.
  a. Single-family: 15 feet
  b. Two-family attached: 15 feet
  c. All other uses: 15 feet and per Article G, Bufferyards

(6) Height (above grade).
a. All uses: 35 feet
(7) Lot coverage (excluding drives and parking).
a. All uses: 40 percent

(e) *R-6S district.*

(1) Lot area (net).
a. All uses: 6,000 square feet
(2) Lot width (at the MBL).
a. All uses: 60 feet
(3) Public street setback (MBL).
a. All uses: 25 feet
(4) Side setback.
a. All uses: 8 feet
(5) Rear setback.
a. All uses: 15 feet
(6) Height (above grade).
a. All uses: 35 feet
(7) Lot coverage (excluding drives and parking).
a. All uses: 40 percent

(f) *R-6 district.*

(1) Lot area (net).
a. Single-family: 6,000 square feet
b. Two-family attached: 6,000 square feet
c. Multifamily: per Article I
d. All other uses: 6,000 square feet
(2) Lot width (at the MBL).
a. Single-family: 60 feet
b. Two-family attached: 60 feet
c. Multifamily: per Article I
d. All other uses: 60 feet
(3) Public street setback (MBL).
a. Single-family: 25 feet
b. Two-family attached: 25 feet
c. Multifamily: per Article I
d. All other uses: 25 feet and per Article G, Bufferyards
(4) Side setback.
a. Single-family: 8 feet
b. Two-family attached: 8 feet
c. Multifamily: per Article I
d. All other uses: 8 feet and per Article G, Bufferyards
(5) Rear setback.
a. Single-family: 15 feet
b. Two-family attached: 15 feet
c. Multifamily: per Article I
d. All other uses: 15 feet and per Article G, Bufferyards
(6) Height (above grade).
a. Single-family: 35 feet
b. Two-family attached: 35 feet
c. Multifamily: per Article I
d. All other uses: 35 feet
(7) Lot coverage (excluding drives and parking).
a. All uses: 40 percent

(f).1. *R6A district.*

(1) Lot area (net).
  a. Single-family: 6,000 square feet
  b. Two-family attached: 9,000 square feet
  c. Multifamily: per Article I
  d. All other uses: 6,000 square feet
(2) Lot width (at the MBL).
  a. Single-family: 60 feet
  b. Two-family attached: 70 feet
  c. Multifamily: per Article I
  d. All other uses: 60 feet
(3) Public street (MBL).
  a. Single-family: 25 feet
  b. Two-family attached: 25 feet
  c. Multifamily: per Article I
  d. All other uses: 25 feet and per Article G, Bufferyards
(4) Side setback.
  a. Single-family: 8 feet
  b. Two-family attached: 12 feet
  c. Multifamily: per Article I
  d. All other uses: 8 feet and per Article G, Bufferyards
(5) Rear setback.
  a. Single-family: 15 feet
  b. Two-family attached: 15 feet
  c. Multifamily: per Article I
  d. All other uses: 15 feet and per Article G, Bufferyards
(6) Height (above grade).
  a. Single-family: 35 feet
  b. Two-family attached: 35 feet
  c. Multifamily: per Article I
  d. All other uses: 35 feet
(7) Lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(g) *R-6N district* (per Article L, Special districts)

(1) Lot area (net).
  a. Single-family: 6,000 square feet
  b. Two-family attached: 9,000 square feet
  c. Multifamily: per Article I
  d. All other uses: 6,000 square feet
(2) Lot width (at the MBL).
  a. Single-family: 60 feet
  b. Two-family attached: 70 feet
  c. Multifamily: per Article I
  d. All other uses: 60 feet
(3) Public street setback (MBL).
  a. All uses: 25 feet and per Article G, Bufferyards, and Article L
(4) Side setback.
  a. Single-family: 8 feet
  b. Two-family: 12 feet and per Article L
  c. Multifamily: per Article I and Article L
  d. All other uses: 8 feet and per Article G, Bufferyards, and Article L

(5) Rear setback.
  a. Single-family: 15 feet
  b. Two-family: 15 feet and per Article L
  c. Multifamily: per Article I and Article L
  d. All other uses: 15 feet and per Article G, Bufferyards, and Article L
(6) Height (above grade).
  a. Single-family: 35 feet
  b. Two-family attached: 35 feet
  c. Multifamily: per Article I
  d. All other uses: 35 feet
(7) Lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(h) *R-6MH district* (per Article H, Mobile home parks).

(1) Lot area (net).
  a. Single-family: 6,000 square feet
  b. Two-family attached: 6,000 square feet
  c. Mobile home: 6,000 square feet
  d. Mobile home park units: per Article H
  e. Multifamily: per Article I
(2) Lot width (at the MBL).
  a. Single-family: 60 feet
  b. Two-family attached: 60 feet
  c. Mobile home: 60 feet
  d. Mobile home park units: per Article H
  e. Multifamily: per Article I
(3) Public street setback (MBL).
  a. All uses: 25 feet and per Article G, Bufferyards and Article H
(4) Side setback.
  a. Single-family: 8 feet
  b. Two-family attached: 8 feet
  c. Mobile home: 8 feet
  d. Mobile home park units: per Article H
  e. Multifamily: per Article I
(5) Rear setback.
  a. Single-family: 15 feet
  b. Two-family attached: 15 feet
  c. Mobile home: 15 feet
  d. Mobile home park units: per Article H
  e. Multifamily: per Article I
(6) Height (above grade).
  a. Single-family: 35 feet
  b. Two-family attached: 35 feet
  c. Mobile home: 35 feet
  d. Mobile home park units: per Article H
  e. Multifamily: per Article I
(7) Lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(i) *PUD district.* (per Article J, Planned unit development)

(1) Lot area (net).
  a. All uses: per Article J

(2) Lot width (at the MBL).
a. All uses: per Article J
(3) Public street setback (MBL).
a. All uses: per Article J
(4) Side setback.
a. All uses: per Article J
(5) Rear setback.
a. All uses: per Article J
(6) Height (above grade).
a. All uses: per Article J
(7) Lot coverage (excluding drives and parking)
a. All uses: per Article J

(j) *MI district.*

(1) Lot area (net).
a. All uses: 40,000 square feet
(2) Lot width (at the MBL).
a. All uses: 175 feet
(3) Public street setback (MBL).
a. All uses: 50 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: per Article G, Bufferyards
(5) Rear setback.
a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: 50 percent

(k) *MS district.*

(1) Lot area (net).
a. All uses: 10,000 square feet
(2) Lot width (at the MBL).
a. All uses: 100 feet
(3) Public street setback (MBL).
a. All uses: 40 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: per Article G, Bufferyards
(5) Rear setback.
a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: 80 feet
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: 40 percent

(l) *MO district.*

(1) Lot area (net).
a. All uses: 15,000 square feet
(2) Lot width (at the MBL).
a. All uses: 75 feet
(3) Public street setback (MBL).
a. All uses: 40 feet and per Article G, Bufferyards

(4) Side setback.
  a. All uses: per Article G, Bufferyards
(5) Rear setback.
  a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
  a. All uses: 80 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(m) *MCG district.* (per Article L, Special Districts)

(1) Lot area (net).
  a. All uses: per Article L
(2) Lot width (at the MBL).
  a. Lots containing four (4) or more acres: 150 feet
  b. Lots containing less than four (4) acres: per Article L
(3) Public street setback (MBL).
  a. All uses: 50 feet and per Article G, Bufferyards
(4) Side setback.
  a. All uses: per Articles G, Bufferyards and Article L.
(5) Rear setback.
  a. All uses: per Articles G, Bufferyards and Article L.
(6) Maximum height. (above grade)
  a. All uses: 80 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(n) *MR district.*

(1) Lot area (net).
  a. Single-family: 6,000 square feet
  b. Two-family attached: 6,000 square feet
  c. Multifamily: per Article I
  d. All other uses: 6,000 square feet and Article G, Bufferyards
(2) Lot width (at the MBL).
  a. All uses: 60 feet
(3) Public street setback (MBL).
  a. Single-family: 25 feet
  b. Two-family attached: 25 feet
  c. Multifamily: per Article I
  d. All other uses: 25 feet and Article G, Bufferyards
(4) Side setback.
  a. Single-family: 8 feet
  b. Two-family attached: 8 feet
  c. Multifamily: per Article I
  d. All other uses: per Article G, Bufferyards
(5) Rear setback.
  a. Single-family: 15 feet
  b. Two-family attached: 15 feet
(6) Maximum height (above grade).
  a. Single-family: 40 feet
  b. Two-family attached: 40 feet
  c. Multifamily: per Article I
  d. All other uses: 40 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(o) *MCH district.*

(1) Lot area (net).
  a. All uses: 15,000 square feet
(2) Lot width (at the MBL).
  a. All uses: 100 feet
(3) Public street setback (MBL).
  a. All uses: 50 feet and per Article G, Bufferyards
(4) Side setback.
  a. All uses: per Article G, Bufferyards
(5) Rear setback.
  a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
  a. All uses: 80 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(p) *MRS district.*

(1) Lot area (net).
  a. Single-family, without public water: 20,000 square feet
  b. Single-family, with public water: 10,000 square feet
  c. All other uses: in accordance with (a) or (b) above
(2) Lot width (at the MBL).
  a. All uses: 100 feet
(3) Public street setback (MBL).
  a. Single-family: 30 feet
  b. All other uses: 30 feet and in accordance with Article G, Bufferyards
(4) Side setback.
  a. Single-family: 12 feet
  b. All other uses: 12 feet and per Article G, Bufferyards
(5) Rear setback.
  a. Single-family: 20 feet
  b. All other uses: 20 feet and per Article G, Bufferyards
(6) Maximum height.
  a. All uses: 40 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: 40 percent

(q) *OR district.*

(1) Lot area (net).
  a. Two-family attached: 7,500 square feet
  b. Multifamily: per Article I
  c. All other uses: 7,500 square feet
(2) Lot width (at the MBL).
  a. All uses: 50 feet
(3) Public street setback (MBL).
  a. Two-family attached: 25 feet
  b. Multifamily: per Article I
  c. All other uses: 10 feet and per Article G, Bufferyards
(4) Side setback.
  a. Two-family attached: 8 feet
  b. Multifamily: per Article I
  c. All other uses: per Article G, Bufferyards

(5) Rear setback.
  a. Two-family attached: 15 feet
  b. Multifamily: per Article I
  c. All other uses: per Article G, Bufferyards
(6) Maximum height (above grade).
  a. Two-family attached: 35 feet
  b. Multifamily: per Article I
  c. All other uses: 90 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. Two-family attached: 40 percent
  b. Multi-family: 40 percent
  c. All other uses: none

(r) *O district.*

(1) Lot area (net).
  a. All uses: 12,000 square feet
(2) Lot width (at the MBL).
  a. All uses: 100 feet
(3) Public street setback (MBL).
  a. All uses: 35 feet and per Article G, Bufferyards
(4) Side setback.
  a. All uses: per Article G, Bufferyards
(5) Rear setback.
  a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
  a. All uses: 35 feet
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: none

(s) *CN district.*

(1) Lot area (net).
  a. All uses: none
(2) Lot width (at the MBL).
  a. All uses: none
(3) Public street setback (MBL).
  a. All uses: 40 feet and per Article G, Bufferyards
(4) Side setback.
  a. All uses: per Article G, Bufferyards
(5) Rear setback.
  a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
  a. All uses: none
(7) Maximum lot coverage (excluding drives and parking)
  a. All uses: none

(t) *CD district.*

(1) Lot area (net).
  a. Multifamily: per Article I
  b. Other uses: none
(2) Lot width (at the MBL).
  a. All uses: none

(3) Public street setback (MBL).
  a. All uses: none
(4) Side setback.
  a. All uses: none
(5) Rear setback.
  a. All uses: none
(6) Maximum height (above grade).
  a. All uses: none
(7) Maximum lot coverage (excluding drives and parking).
  a. All uses: none

(u) *Reserved.*

(v) *CDF district.*

(1) Lot area (net).
  a. Single-family: 6,000 square feet
  b. Two-family attached: 6,000 square feet
  c. Multifamily: per Article I
  d. All other uses: none
(2) Lot width (at the MBL).
  a. Single-family: 60 feet
  b. Two-family attached: 60 feet
  c. Multifamily: per Article I
  d. All other uses: none
(3) Public street setback (MBL).
  a. Single-family: 25 feet
  b. Two-family attached: 25 feet
  c. Multifamily: per Article I
  d. All other uses: 10 feet and per Article G, Bufferyards
(4) Side setback.
  a. Single-family: 8 feet
  b. Two-family attached: 8 feet
  c. Multifamily: per Article I
  d. All other uses: per Article G, Bufferyards
(5) Rear setback.
  a. Single-family: 15 feet
  b. Two-family attached: 15 feet
  c. Multifamily: per Article I
  d. All other uses: per Article G, Bufferyards
(6) Maximum height (above grade).
  a. Single-family: 35 feet
  b. Two-family attached: 35 feet
  c. Multifamily: per Article I
  d. All other uses: none
(7) Maximum lot coverage (excluding drives and parking).
  a. Single-family: 40 percent
  b. Two-family attached: 40 percent
  c. Multifamily: 40 percent
  d. All other uses: none

(w) *CG district.*

(1) Lot area (net).
  a. All uses: none

(2) Lot width (at the MBL).
a. All uses: none
(3) Public street setback (MBL).
a. All uses: 50 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: per Article G, Bufferyards
(5) Rear setback.
a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: none

(x) *CH district.*

(1) Lot area (net).
a. All uses: none
(2) Lot width (at the MBL).
a. All uses: none
(3) Public street setback (MBL).
a. All uses: 50 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: per Article G, Bufferyards
(5) Rear setback.
a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none
(7) Maximum lot coverage (excluding drives and parking)
a. All uses: none

(y) *IU district.*

(1) Lot area (net).
a. All uses: none
(2) Lot width (at the MBL).
a. All uses: none
(3) Public street setback (MBL).
a. All uses: 25 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: per Article G, Bufferyards
(5) Rear setback.
a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: 50 percent

(z) *PIU district* (per Article L, Special Districts).

(1) Lot area (net).
a. All uses: 217,800 square feet (5 acres)
(2) Lot width (at the MBL).
a. All uses: 400 feet
(3) Public street setback (MBL).
a. All uses: 75 feet and per Article G, Bufferyards

(4) Side setback.
a. All uses: 60 feet and per Article G, Bufferyards
(5) Rear setback.
a. All uses: 60 feet and per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none; heights in excess of seventy-five (75) feet shall be allowed provided the side and rear setbacks are increased one (1) foot for each one (1) foot or fraction thereof in height in excess of seventy-five (75) feet.
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: 40 percent

(aa) *I district.*

(1) Lot area (net).
a. All uses: none
(2) Lot width (at the MBL).
a. All uses: none
(3) Public street setback (MBL).
a. All uses: 25 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: per Article G, Bufferyards
(5) Rear setback.
a. All uses: per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: 50 percent

(bb) *PI district* (per Article L, Special districts).

(1) Lot area (net).
a. All uses: 217,800 square feet (5 acres)
(2) Lot width (at the MBL).
a. All uses: 400 feet
(3) Public street setback (MBL).
a. All uses: 75 feet and per Article G, Bufferyards
(4) Side setback.
a. All uses: 60 feet and per Article G, Bufferyards
(5) Rear setback.
a. All uses: 60 feet and per Article G, Bufferyards
(6) Maximum height (above grade).
a. All uses: none: heights in excess of seventy-five (75) feet shall be allowed provided the side and rear setbacks are increased one (1) foot for each one (1) foot or fraction thereof in height in excess of seventy-five (75) feet.
(7) Maximum lot coverage (excluding drives and parking).
a. All uses: 40 percent

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 2543, §§ 1--4, 11-12-92; Ord. No. 94-129, § 1, 9-19-94; Ord. No. 94-156, § 3, 12-8-94; Ord. No. 95-29, § 4, 3-9-95; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 98-68, §§ 1, 2, 3, 4, 5, 6, 7, 6-11-98; Ord. No. 04-44, § 1, 05-13-04)

**Sec. 9-4-95. Measuring setbacks.**

(a) Public street setbacks state the minimum distance required between the exterior finished wall of all structures and any adjacent public street right-of-way line. Where property is developed adjacent to an existing or future thoroughfare as identified on the City of Greenville Thoroughfare Plan, the public street setback shall be measured from the future thoroughfare right-of-way as determined by such plan or policy of the City of Greenville.

(b) Side and rear setbacks state the minimum distance required between the exterior finished wall of all structures and the adjacent side or rear property line. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-96. Lot frontage requirements.**

(a) *Generally.* Unless otherwise provided, no principal and/or accessory building, structure or use shall be erected, expanded, enlarged, increased or initiated on any lot that does not abut a public street a minimum distance of fifty (50) feet, except on the radius of a cul-de-sac where such distance may be reduced to forty (40) feet. The minimum distance shall be measured along the right-of-way line of the public street.

(b) *Unimproved and/or unaccepted street exemption.* A permit may be issued for improvement, construction or use on a lot that abuts a dedicated street for the minimum distance which is an unimproved and/or unaccepted street, provided such street meets the applicable requirements of the subdivision regulations including, but not limited to, Article E, Required improvements, and Article F, Completion of improvements; maintenance guarantees.

(c) *Single-family exemption.* A single-family dwelling may be constructed on a lot that does not abut a public street, provided that such lot is at least two (2) acres in size and is provided with direct access to a public street by an easement created for the exclusive use of such dwelling. Any easement created pursuant to this exemption shall be at least forty (40) feet in width and shall not exceed three hundred (300) feet in length.

(d) *Planned unit development and multifamily development exemption.* A permit for construction or use within any planned unit development or multifamily development may be allowed on a lot that does not abut a public street, provided such development is platted pursuant to the Subdivision Regulations and where the original development tract or lot met the minimum lot frontage requirement and the resulting lots are provided direct access to a public street across common property or an approved private street perpetually maintained for such purpose.

(e) *Office, commercial and industrial exemption.* A permit for construction or use within any office, commercial and industrial development may be allowed on a lot that does not abut a public street, provided such development is platted pursuant to the Subdivision Regulations and where the original development tract or lot met the minimum lot frontage requirement and the resulting lots are provided direct access to a public street across common property, or an approved private street or a recorded access easement perpetually maintained for such purpose.

(f) *Proximity to streets.*

(1) All portions of each building erected in accordance with this section shall be located within five hundred (500) feet of an approved public or private street, except as further provided under subsection (2).
(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas of sufficient design, dimension and construction, for use by fire and rescue vehicles of the city shall be located within seven hundred fifty (750) feet of an approved public or private street. For purposes of this section the term “use by fire and rescue vehicles” shall be construed as ingress and egress by continuous forward movement unless otherwise approved by the chief of fire and rescue.

(g) *Fire hydrants.* All portions of each building erected in accordance with this section shall be located within an acceptable distance to a fire hydrant as required by the subdivision regulations. (Ord. No. 2440, § 1, 3-12-92; Ord. No. 94-84, §§ 1, 2, 6-9-94)

**Sec. 9-4-97. Lot width reduction.**

The minimum width for lots which abut the radius of a cul-de-sac may be reduced, provided however, no lot shall have a width of less than sixty (60) feet. To qualify under this section, the subject lot shall abut by not less than eighty (80) percent of its frontage on said cul-de-sac. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2593, § 1, 2-11-93)

**Sec. 9-4-98. Height exemptions.**

(a) The height limits of these regulations shall not apply to a church spire, belfry, cupola or dome; an ornamental tower not intended for human occupancy; a conveyor; or a parapet wall not extended more than three (3) feet above the roof line of the building; and other necessary mechanical or communications appurtenances attached to the roof of a building.

(b) The height of the following freestanding structures may exceed the height limits of the district, provided that the public street, side and rear setbacks are increased one (1) foot for every one (1) foot or fraction thereof in height above the district maximum:

(1) Monuments.
(2) Water towers.
(3) Observation towers.
(4) Transmission towers.
(5) Chimneys or smoke stacks.
(6) Flag poles.
(7) Masts or aerials.
(8) Farm structures.
(9) Stadiums.
(10) Satellite dish antennas which are eighty (80) inches or less in diameter.

(c) All uses, including those listed under this section, shall in accordance with section 9-4-14, be limited to the height, locational standards and requirements of the Pitt-Greenville Airport Zoning Ordinance. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2593, § 2, 2-11-93; Ord. No. 97-5, § 5, 1-9-97)

**Sec. 9-4-99. Visibility; sight distances maintained.**

Visibility shall be reserved in accordance with the sight distance standards and requirements of Title 6, Chapter 2, Streets and sidewalks, of the Greenville City Code and as provided by notation or description upon any map recorded pursuant to the subdivision regulations. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2530, § 1, 10-8-92)

**Sec. 9-4-100. Residential accessory structure and building standards; except as otherwise regulated under Article H, I, J, K and M.**

(a) *Residential; detached accessory.*

(1) Location.
  a. May be located in the rear yard and shall not be located in any front or side yard, except as provided under subsection (1)b. below.
  b. Garages and carports may be located in a side yard.
(2) Setbacks.
  a. Side yard.
    1. Not less than the principal building setback for the district and use.
    2. Public street setbacks for the district shall apply for all corner or double frontage lots.
  b. Rear yard.
    1. Not less than the principal building setback for the district and use, except as further provided.
    2. Structures or buildings not exceeding fifteen (15) feet in height shall be set back not less than five (5) feet and per Article G, Bufferyards. Public street setbacks for the district shall apply for all corner or double frontage lots except as provided under subsection (2)b.2(a).
      (a) The rear yard setback of single-family and two-family attached (duplex) double frontage lots shall be not less than 15 feet provided that (i) the reverse rear frontage public street is a minor or major thoroughfare street as shown on the adopted thoroughfare plan, (22) no driveway access is existing or permitted by regulation, at the time of building permit application, for the subject lot at any point on the reverse rear frontage, and (iii) the front orientation of adjacent dwellings, located on all sides of the subject lot, which share common side and/or rear yard boundaries with the subject lot, shall be to a street frontage other than the reverse rear frontage street of the subject lot. For purposes of this section, the term “reverse rear frontage” shall be construed as the street frontage opposite to the front orientation of the subject dwelling.

c. Building separation.
   1. Detached accessory structures which are constructed with a one (1) hour fire rated assembly as required by the North Carolina state Building Code, as amended, shall not be located less than five (5) feet from any principal structure. It shall be the responsibility of the property owner to demonstrate compliance with this section.
   2. Detached accessory structures not qualified under subsection (1) above shall not be located less than ten (10) feet from any principal structure.
   3. No detached accessory structure shall be located less than five (5) feet from any other detached accessory structure located on the same lot.

(3) Height.
   a. Except as otherwise provided under subsection (3)b below, the height of any accessory structure or building shall not exceed the height of the existing principal building or district maximum height, whichever is less.
   b. In cases where the provisions of this subsection will not allow an accessory structure or building of at least fifteen (15) feet in height, then the requirements of this subsection shall be waived to allow an accessory structure or building of fifteen (15) feet or less in height at the option of the owner. All other provisions of this section shall apply.

(b) *Residential; attached accessory.*

(1) The location, setback and height shall be in accordance with the district standards established for the principal building unless otherwise provided.

(c) *Electric service.*

(1) No accessory building located on a lot containing a single-family residential use shall have a separate electric service.

(d) *List of accessory structures or buildings.*

(1) Residential accessory structures and buildings may include, but not be limited to, the following:
   a. Carport;
   b. Garage;
   c. Greenhouse;
   d. Playhouse;
   e. Pumphouse;
   f. Storage shed;
   g. Swimming pool;
   h. Tool shed;
   i. Work shop;
   j. Dog pen and/or house, keeping of three (3) or fewer dogs; and
   k. Satellite dish antennas.

(e) *Special requirements for certain accessory structures or buildings.*

(1) Outdoor swimming pools. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool structure intended for recreational bathing that contains water over two (2) feet in depth or which exceeds forty (40) square feet in water surface area shall be surrounded by a four (4) foot or higher barrier consisting of a fence, wall or building wall or combination thereof which obstructs access to the swimming pool, in accordance with the North Carolina State Building Code.
(2) Satellite dish antennas. Shall be subject to section 9-4-103(i) of this article.
(3) Stables and/or kennels. Shall be subject to section 9-4-103(j) of this article.
(4) Sports ramps shall comply with all of the following:
   a. Sports ramps, including all elevated activity surface areas and all associated flat bottom, standing, stopping or seating surfaces which are six (6) or more inches above the adjacent grade, shall not exceed five hundred (500) square feet in total on-site elevated surface activity area;

b. No portion of a sports ramp including structural supports, railings, walls and/or barriers shall exceed ten (10) feet in height above the adjacent grade, as measured at ninety (90) degrees;
c. A sports ramp that is attached to or which contains an accessory building or other enclosed storage area shall be designed and constructed in accordance with the applicable provisions of the N C State Building Code; and
d. No sports ramp or associated structure shall be attached to or supported by a dwelling structure.

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-82, § 1, 8-10-95; Ord. No. 96-106, §§ 1, 2, 11-14-96; Ord. No. 97-5, § 1, 1-9-97; Ord. No. 97-39, § 1, 4-10-97; Ord. No. 02-117, §§ 1, 2, 11-14-02; Ord. No. 03-51, § 1, 06-12-03; Ord. No. 04-95, § 2, 08-12-04; Ord. No. 05-91, § 1, 8-11-05)

**Sec. 9-4-101. Commercial, industrial and office accessory structure and building standards.**

(a) The location, setback and height of any commercial, industrial and office accessory structure or building shall be in accordance with the district minimum established for the principal use and the bufferyard regulations.

(b) Garbage/trash container pad standards.

(1) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.

(c) Special requirements for certain accessory structures or buildings.

(1) *Swimming pools.* Except as otherwise provided, pools permanently or semipermanently constructed below grade and which exceed forty (40) square feet in water surface area shall be protected by a five (5) foot or higher fence containing a latching gate to keep children and animals from having unsupervised access. Pools located completely within an enclosed structure shall be exempt from the requirements of this subsection.
(2) *Satellite dish antennas.* Shall be subject to section 9-4-103(i) of this article.
(3) *Stables and/or kennels.* Shall be subject to section 9-4-103(j) of this article. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2466, § 1, 6-8-92; Ord. No. 97-5, § 2, 1-9-97)

**Sec. 9-4-101.1. Setback exemption.**

Except as further provided, minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures. (Ord. No. 05-103, § 8, 10-13-05; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-102. Projections into required yards.**

(a) The following attached structures will be permitted to project into the specified yard for the following distance:

(1) Sills and eaves: two (2) feet into any yard.
(2) Fire escape: four (4) feet into any yard.
(3) Chimneys: three (3) feet into any yard.

(4) Bay windows: three (3) feet into any yard provided that the projection is not an extension of the foundation; if it is an extension of the foundation, the setback shall be measured from the exterior finished wall.
(5) Stoops; open unenclosed: three (3) feet into any yard.
(6) Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed one hundred (100 square feet in surface area.
(7) Carports; open unenclosed: open and unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into interior side or rear yards but shall be no closer than five (5) feet to a side or rear property line.
(8) Deck/balcony; open unenclosed and uncovered: three (3) feet into any yard.
(9) Steps open unenclosed and uncovered: can project into any yard, however, no steps shall be located closer than five (5) feet to any property line.
(10) Gas pump island: can project into any yard in accordance with the bufferyard regulations, however, no gas pump island shall be located closer than ten (10) feet to a public street right-of-way except as further provided. Within any MD-Medical District, no gas pump island shall be located within thirty (30) feet of any public street right-of-way line.
(11) Canopies and awnings: can project into any yard in accordance with the bufferyard regulations or the following requirements whichever is greater:
a. CDF district: not closer than five (5) feet to any public street right-of-way.
b. All other nonresidential districts: not closer than ten (10) feet to any public street right-of-way.
c. All residential districts: five (5) feet into any yard.
(12) Mechanical equipment; habitable area heating and air conditioning units: Three (3) feet into any yard. Commercial mechanical equipment including food and freezer lockers, furnaces, ovens and the like or any equipment which utilizes a structure shall not be included under this exemption. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2382, § 1, 11-7-91; Ord. No. 94-21, § 1, 2-10-94)

**Sec. 9-4-103. Special standards for certain specific uses.**

(a) *Church or place of worship.*

(1) Shall be subject to the bufferyard regulations, however, no principal or accessory structure shall be located within twenty (20) feet of any adjoining property zoned R-6, R-6A, R6-MH, R-6S, R-9, R-9S, R-15S, MR, MRS, RA-20 or PUD.

(b) *Schools; public and private.*

(1) Shall be subject to the bufferyard regulations, however, no principal or accessory building shall be located within fifty (50) feet of any adjoining property or public street right-of-way line.

(c) *Municipal government building or use.*

(1) When municipal buildings, parks or other recreational areas to be used for athletic events or night programs are located in a residential zone or adjoining a lot containing a permitted residential use, a public hearing shall be properly advertised and conducted before the city council for the purposes of hearing and considering any comments by the public as to the location under consideration.

(d) *Family care home.*

(1) For purposes of this section, a family care home shall be as defined herein.
(2) Family care homes shall be deemed a residential use of property and shall be permissible in all residential districts subject to subsection (3) below.
(3) No family care home shall be permitted within a one-fourth-mile (1,320 foot) radius of an existing family care home as measured from the nearest lot line.

(e) *Bona fide farms.*

(1) Buildings and structures shall meet the minimum standards for the applicable district. Bona fide farm buildings and structures located in a residential district shall meet applicable single family dwelling standards.
(2) Agricultural cultivation shall be exempt from any required setbacks, provided no structures are required or utilized within the setbacks listed under (1) above.
(3) Bufferyard vegetation standards shall not apply to any bona fide farm.

(f) *Temporary field office.*

(1) Shall be limited to ninety (90) days, however, applicable permits may be renewed as necessary.
(2) No living quarters shall be allowed.
(3) May only be utilized in conjunction with construction activity.

(g) *Condominium (unit ownership) and townhouse type development.*

(1) Attached residential and nonresidential units constructed for individual owner occupancy shall be subject to the following:
   a. Interior units of each structure may be constructed on common property lines (zero (0) lot line setbacks) provided the overall structure meets the side, rear and public or private street setback for the applicable use and district. If there is an offset of the wall from the interior common lot line such offset shall be set back not less than five (5) feet.
   b. No two (2) units shall be considered attached unless such units share a five-foot common party wall.
   c. Common party walls shall be constructed in accordance with the North Carolina State Building Code, G.S. Chapter 47C (North Carolina Condominium Act) and other applicable requirements.
   d. The overall density of the development shall be no greater than that permitted by applicable district requirements.
   e. The maximum lot coverage for the district shall apply to the development.
   f. Buildings, units or lots separated by a public street right-of-way shall be considered individually for compliance under (d) and (e) above.
   g. In the case of staggered or extended common property line walls, a five-foot maintenance and access easement with a maximum two-foot eave encroachment easement within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall for normal maintenance. Designated common area which satisfies such access shall meet the requirements of this section.
   h. The minimum lot width of each townhouse lot shall be no less than sixteen (16) feet, provided that when the lot is combined with other contiguous lots within the development the combined lot widths are equal to or exceed the minimum lot width of the prevailing district for the particular use. Townhouse lots having preliminary or final subdivision plat approval prior to April 9, 1981, may have a minimum lot width of fourteen (14) feet.
   i. All development regulated in accordance with this section shall be subject to the requirements, conditions and restrictions of the subdivision regulations.

(h) *Circus, carnival or fairs; temporary only.*

(1) The maximum frequency of such temporary use shall not exceed one (1) occurrence within any twelve-month period and the maximum duration of such temporary use shall not exceed ten (10) days per occurrence.
(2) No associated activity or storage area, temporary structure, tent, booth, stand, mechanical ride or apparatus or the like shall be located or operated within five hundred (500) feet of any residential zoning district.
(3) No such use shall be operated or conducted between the hours of 11:00 p.m. and 8:00 a.m.
(4) Such use shall be subject to applicable setback, parking space requirements and other standards for the district and use; however, such use shall be exempt from the vegetation and parking lot surface improvement standards.
(5) No permanent building, structure or facility shall be located on any lot for the exclusive purpose of operating any temporary use.
(6) Signage shall be allowed in accordance with Article N.
(7) Prior to any operation, a site plan of sufficient detail to insure compliance with required standards shall be submitted to the city for review and approval of the temporary use.

(i) *Satellite dish antennas.*

(1) *Purpose.* It is the purpose of this section to allow the use of satellite dish antennas in both residential and nonresidential districts in a manner which will best provide and ensure:
   a. The health, safety and welfare of the people by ensuring adequate line of sight clearance of the motoring public and adequate light and air to adjacent properties; and
   b. That the aesthetic quality of the city and environs is maintained by minimizing visual obstruction to street scapes and vistas to and from adjacent properties.

(2) *Satellite dish antenna standards.*
   a. *Sight distance area observed.* No satellite dish antenna regardless of size (diameter) and district shall be located within any street sight distance area as described and defined under Title 6, Chapter 2 of the Greenville City Code, whether or not such area has been dedicated by easement or notation on any plat or plan. For purposes of this section all private streets and/or driveways shall be construed as nonthoroughfare streets.
   b. *Satellite dish antenna standards; residential districts specifically.* (See also section d. Exemptions and section e. Historic districts and historic property and/or landmark application.)
      1. Location.
         (a) Except as otherwise provided, dish antennas may be located in the rear yard and shall not be located in any front or side yard.
         (b) Dish antennas which exceed eighty (80) inches in diameter shall be prohibited from roof tops.
      2. Setbacks.
         (a) Not less than the principal building setback for the district, except as otherwise provided.
         (b) Dish antennas which exceed eighty (80) inches in diameter shall be prohibited from roof tops.
      3. Height.
         (a) Except as otherwise provided under subsection 3.(b) below, the height of any dish antenna shall not exceed the height of the existing principal building or district maximum height, whichever is less.
         (b) In cases where the provisions of this subsection will not allow a dish antenna of at least fifteen (15) feet in height, then the requirements of this subsection shall be waived to allow a dish antenna of fifteen (15) feet or less in height at the option of the owner. All other provisions of this section shall apply.
   c. *Satellite dish antenna standards; nonresidential districts specifically.* (See also section d. Exemptions and section e. Historic districts and historic property and/or landmark application.)
      1. Except as otherwise provided, the location, setback and height of any dish antenna shall be in accordance with the district minimum established for the principal use and per Article G. Bufferyards.
   d. *Exemptions.*
      1. Residential districts.
         (a) Except as otherwise provided under subsection e. below, within any residential district any dish antenna that is forty (40) inches or less in diameter shall be exempt from the requirements set forth under subsection (2)b. above.
      2. Nonresidential districts.
         (a) Except as otherwise provided under subsection e. below, within any nonresidential district any satellite dish antenna that is eighty (80) inches or less in diameter shall be exempt from the requirements set forth under subsection (2)c. above.
   e. *Historic districts and historic property and/or landmark application.*
      1. Within any historic district (HD) overlay district and/or for any individually designated historic property and/or landmark, no dish antenna shall be located except in conformance with this section and the applicable requirements set forth under Title 9, Chapter 10, Historic Preservation Commission, of the City Code and associated *Design Guidelines Handbook*, City of Greenville Historic Preservation Commission; and
      2. No dish antenna regardless of size (diameter) shall be erected in any front yard, side yard or public street setback area unless the owner by competent and accepted engineering analysis certifies and demonstrates to the historic preservation commission that reception will be materially limited due to compliance with this section and that there is no available location at the rear of the principal structure and outside any front yard, side yard or public street setback area where service can be obtained; and

3. Where application of this section imposes additional minimal costs on the erection of any dish antenna such additional minimal costs shall not be construed as a limit on any alternate available location for obtaining service.
4. The historic preservation commission may seek the advice of any competent authority concerning the accuracy and sufficiency of any engineering analysis submitted for consideration under this section.

(j) *Stables and/or kennels.*

(1) Shall be located no closer than one hundred (100) feet to any existing dwelling or residential district; and
(2) Shall otherwise meet the minimum dimensional standards and setbacks within the applicable district, except as provided under subsection (j)(1) above.

(k) *Hotel, motel, bed and breakfast inn.*

1. In addition to the specific requirements listed below under subsections (2) and (3), all hotel, motel, bed and breakfast inns including both limited and extended stay lodging facilities shall be subject to the following requirements:
   a. No lodging unit shall be occupied by more than one (1) family. See also definition of “family”.
   b. The lodging facility shall contain a registration office or area which is staffed twenty-four (24) hours per day during all periods of operation. A resident manager, supervisor or caretaker shall qualify for purposes of this section.
   c. Housekeeping services shall be provided. Housekeeping services shall include but not be limited to: changing linen, cleaning bathroom and kitchen areas, removal of trash, dusting and vacuuming.
   d. Shall be designed and marketed in a fashion that reflects the intended use for transient lodgers. No person other than an approved resident manager, supervisor or caretaker shall utilize, consider or reference any lodging unit as a secondary or primary place of residence.
   e. The lodging facility may contain restaurants, meeting rooms, indoor recreation facilities, lounges, outdoor swimming pool, entertainment facilities, retail sales of personal accessories for occupants, maid and bell boy service, laundry services, telephone and secretarial services, as accessory uses.
   f. Lodging units which contain cooking facilities must provide a sink which shall be located in the cooking area and shall be in addition to any sink provided for bathroom or bathing purposes.
   g. No lodging unit shall share kitchen or cooking facilities with any other lodging unit.
2. Limited stay lodging facilities shall be subject to the following additional requirements:
   a. Lodging shall be limited to daily or weekly periods not to exceed thirty (30) continuous days.
   b. Housekeeping services shall be provided on a daily basis.
   c. Not more than twenty-five (25) percent of the units may have kitchen and/or cooking facilities.
3. Extended stay lodging facilities shall be subject to the following additional requirements:
   a. Lodging shall be limited to daily, weekly or monthly periods, not to exceed ninety (90) continuous days.
   b. Housekeeping services shall be provided on a weekly basis or other more frequent period at the option of the owner/operator.
   c. Each extended stay unit may contain kitchen and/or cooking facilities.

(l) *Tents.*

1. For purposes of this section the term “tent” shall be construed to include any temporary shelter, canopy or enclosure of canvas, fabric, plastic film or other stretch material supported and sustained by a pole(s) and/or guy line(s).
2. Except as otherwise provided, this section shall apply to any commercial, office, institutional, industrial or public assembly activity which utilizes a tent and is conducted as a principal or accessory use regardless of district.
3. The following shall be exempt from the provisions of this section provided the tent structure(s) and use thereof comply with all applicable requirements including but not limited to zoning, building code, fire code and flood damage prevention regulations.
   a. Awnings attached to and supported by a building.
   b. Temporary funeral tents at grave sites.
   c. Temporary noncommercial private special event tents as an accessory activity to a residential dwelling.

d. Temporary noncommercial recreational camp tents as an accessory activity to a residential dwelling or within an approved campground.

4. No tent shall be utilized as a permanent principal or accessory structure. Tents shall only be utilized on a limited duration basis in accordance with the following:
   a. Tents that are utilized for principal use purposes shall be subject to the requirements and conditions of a temporary use in accordance with Article B of this chapter.
   b. Tents that are utilized for accessory use purposes shall be subject to all of the following requirements:
      1. Not more than one (1) tent shall be displayed on any lot at any one time.
      2. No tent shall be erected for more than thirty (30) consecutive days.
      3. No lot or establishment shall utilize any tent(s) for more than four (4) separate events within any calendar year.

   For purposes of this section the term "lot" shall be construed to include all contiguous parcels occupied by an establishment."
5. Except as otherwise provided, tents shall be setback not less than the principal building setback applicable for the district and in accordance with the bufferyard setback regulations. Support poles, guy lines and stakes may encroach into the street right-of-way setback provided such encroachments are setback not less than the applicable bufferyard setback.
6. No tent shall be located within a street sight distance area as defined per Title 6, Chapter 2 of the Greenville City Code.
7. No tent shall be located so as to obstruct a fire lane; public sidewalk; fire hydrant; building entrance way or emergency exit; public alley; public utility; active driveway, parking lot drive isle or required parking space; garbage/trash container or other area which in the opinion of the building inspector would constitute a hazard or danger to the public.
8. No tent shall be located within a stormwater detention area or structure except as specifically approved by the city engineer or designee.
9. No tent shall be located within a "floodway" as defined per Chapter 6 of this Title.
10. No tent shall be located within an "area of special flood hazard" as defined per Chapter 6 of this Title, except as specifically approved by the city engineer or designee.
11. All tents shall display a fire retardant certificate approved by the chief of fire/rescue or his authorized representative.
12. The proposed use of each separate tent shall be included on the zoning compliance and building permit application. No new use or change of use, other than as specifically approved under the current permit, shall be allowed except upon reapplication and approval.
13. No tent shall utilize active or mechanical heat and/or air conditioning, electric service and/or artificial lighting or water/wastewater disposal facilities except as specifically approved by the building inspector.
14. All above grade tent guy line stakes shall be cushioned in a manner approved by the building inspector.
15. All tent support guy lines shall be of a florescent color and/or flagged in a manner approved by the building inspector.
16. Tents shall be exempt from and shall not count towards the maximum lot coverage requirement for the district.
17. Tents and the use thereof shall comply with all applicable fire and building code requirements.
18. In addition to other requirements, tents utilized for accessory residential purposes shall comply with section 9-4-100 of this article.

(m) *Christmas tree sales lot; temporary only.*

1. Such use must qualify as a temporary use per Article B. Definitions, of this chapter.
2. Christmas tree sales lots located within an OR (office-residential) district shall be subject to the following requirements:
   a. No portion of a sales lot shall be located within one hundred (100) feet, including public street right-of-ways, of a residential zoning district.
   b. For purposes of this section the term "sales lot" shall be constructed as any portion of a parcel which is utilized for Christmas tree sales including display areas and related activities and any accessory sales office.

(n) *Mobile home*

1. No mobile home established (new setup) or relocated within the City of Greenville planning and zoning jurisdiction shall be occupied until said mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the building inspector makes a finding of noncompliance with the Minimum Housing Code.
2. Mobile homes shall, upon installation, have either (i) a permanent, continuous masonry foundation or (ii) a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid non-metal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

(o) *Restaurant; fast food and/or restaurant; conventional utilizing drive-thru services*

1. Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:
   a. The restaurant principal structure shall maintain a public street (front yard) setback not less that the adjoining residential zoning district;
   b. The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
   c. The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
   d. Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the Director of Community Development or his designee and such requirement shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the Director of Community Development or his designee, substitute for the speaker setback, orientation or direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public. (Ord. No. 06-75, §1, 8-10-06)

(p) *Television and radio broadcast, cellular telephone, and wireless communication towers.*

1. Towers located within a CG district shall be subject to all of the following requirements:
   a. Shall not exceed two hundred (200) feet in height above the adjacent grade, as measured to the highest point, including the support structure and any communication equipment.
   b. Shall be a monopole or other self-supporting structure that does not utilize or require guy-wire or other similar support.
   c. Co-location of television, radio, cellular telephone, or other wireless communication equipment shall be permitted on all tower(s), provided compliance with all requirements.

2. Towers located within an OR district shall be subject to all of the following requirements:
   a. Shall not exceed one hundred twenty (120) feet in height above the adjacent grade, as measured to the highest point, including the support structure and any communication equipment.
   b. Shall be a monopole structure that does not utilize or require guy-wire or other similar support.
   c. Shall be located on a two (2) acre or larger lot, hereafter referred to as the “parent lot”. A tower lease lot of less than two (2) acres within the two (2) acre or larger parent lot that includes the tower structure, tower accessory structures, ground level mechanical and/or communication equipment, fencing, landscaping, attendant parking, and drives shall be permitted, provided compliance with all requirements.
   d. No tower shall be located within a five hundred (500) foot radius of any other existing or vested tower located in an OR district as measured from the center of the towers.
   e. Except as provided in subsection (f), the tower structure shall be setback from all perimeter property lines of the parent lot (i) a distance equal to the total tower height, or (22) in accordance with the bufferyard regulations, whichever is greater.
   f. The tower structure shall be setback from any residential zoned lot or tract (i) a distance equal to twice the total tower height, or (ii) two hundred (200) feet, whichever is greater.

g. For purposes of subsections (e) and (f) above, the required setback shall be measured from the outside edge of the base of the tower structure to the nearest property line or zoning boundary line.
h. Co-location of television, radio, cellular telephone, or other wireless communication equipment shall be permitted on all tower(s), provided compliance with all requirements.

(q) *Portable temporary storage unit.*

1. No individual unit shall exceed three hundred and twenty (320) square feet in floor surface storage area.
2. No storage unit shall be utilized as a principal use structure.
3. Except as further provided below under subsection (10), not more than two (2) units totaling three hundred and twenty (320) square feet in combined total floor surface storage area shall be permitted concurrently on any residential zoned lot and/or on any lot used for residential purposes. Exempt from this requirement are lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78(f). For purposes of this section, the on-site and/or right-of-way placement of the first unit shall begin the running of time set forth under subsection (7) below. See also subsection (8) below.
4. Except as further provided below under subsection (10), not more than three (3) units totaling nine hundred sixty (960) square feet in combined floor surface storage area shall be permitted concurrently on any non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes. For purposes of this section, the on-site and/or right-of-way placement of the first unit shall begin the running of time set forth under subsection (7) below. See also subsection (9) below.
5. Except as further provided below under subsection (10), all unit(s) subject to this ordinance shall be located on an improved parking surface in accordance with Article O. Parking. Units located on any site for three hundred and thirty-six (336) continuous hours or less may be located on an unimproved surface.
6. Except as further provided below under subsection (10), no unit on-site parking area, in addition to other improved on-site vehicle parking areas, shall exceed thirty (30) percent of the front yard area of a single-family dwelling lot or more than forth (40) percent of any two-family attached dwelling lot in accordance with Article O. Parking.
7. Except as further provided below under subsection (10), the maximum duration of any temporary unit located on any lot shall not exceed one hundred twenty (120) continuous days or more than one hundred (120) total days in any twelve (12) month period. The placement of the first unit shall begin the running of time under this subsection.
8. Except as further provided below under subsection (10), the maximum frequency of any temporary unit located on any residential zoned lot and/or on any lot used for residential purposes shall not exceed three (3) separate occurrences in any twelve (12) month period. Exempt from this requirement are lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78(f). Each separate period of one (1) or more concurrently placed units shall count toward the maximum frequency.
9. Except as further provided below under subsection (10), the maximum frequency of any temporary unit located on any non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall not exceed three (3) separate occurrences in any twelve (12) month period. Each separate period of one (1) or more concurrently placed units shall count toward the maximum frequency.
10. Placement in conjunction with an active construction permit, natural disaster damage repair permit or other building permit may exceed the maximum number, duration, and frequency set forth above under subsections (3), (4), (7), (8) and (9), and the improved parking surface material and maximum coverage requirements set forth above under subsections (5) and (6), provided the unit(s) shall be removed immediately following completion of the associated permit activity. Provided however, no unit(s) located on a single family or duplex lot, excepting placement in conjunction with a building permit for the construction of the principal dwelling(s) and/or in conjunction with a natural disaster damage repair permit for any single family or duplex dwelling(s), shall exceed one hundred eighty (180) continuous days. Maximum frequency under this section shall not exceed one (1) occurrence in any twelve (12) month period.
11. When located on property containing a principal residential use the unit shall only be used for temporary incidental residential accessory use purposes. No unit located on any principal use residential property shall be used for commercial, office, institutional and/or industrial purposes or storage. No unit shall be used in conjunction with any home occupation.
12. The unit may temporarily displace minimum required parking for the associated principal use dwelling or non-residential use.

13. Any unit located on a residential lot may encroach into the minimum public and/or private street (MBL) setback, provided however no unit shall be located within any public street right-of-way or private street easement, except as further provided. No such unit shall be located in any minimum side and/or rear yard setback or minimum bufferyard setback applicable to an accessory structure except when located on an existing improved driveway or qualified parking area. A unit may be located within a public street right-of-way upon issuance of an encroachment agreement from the authority having jurisdiction, provided compliance with all other provisions of this section.
14. Any unit located on a commercial, office, institutional and/or industrial lot may encroach into the minimum public and/or private street (MBL) setback, provided however no unit shall be located within any minimum perimeter and/or street bufferyard.
15. No unit shall encroach within the "area of minimum protection (by plant material type)" set forth under section 9-4-265(f)(2) for required vegetation.
16. No unit shall contain or receive permanent or temporary electric service, water and/or sanitary sewer service.
17. No unit shall be used for human or animal occupancy.
18. The unit shall comply with accessory structure building code placement, tie-down and other applicable standards as determined by the building inspector in the particular case.
19. Except as further provided, no unit shall be stored in any public street right-of-way or private street easement. A licensed motor vehicle unit or wheeled trailer unit attached to a licensed motor vehicle may be stored in the street right-of-way or street easement on a temporary basis in accordance with this section and applicable zoning and traffic regulations. A unit may be located within a public street right-of-way upon issuance of an encroachment agreement from the authority having jurisdiction, provided compliance with all other provisions of this section.
20. Permanent signage attached to a licensed motor vehicle unit, licensed wheeled trailer unit or other non-wheeled container unit transported to the lot on a removable chassis shall be exempt from the sign regulations provided however, any permanent use of any unit shall not be exempt from the sign regulations.
21. No unit shall be located in any street sight distance area, or in any manner that obstructs vehicle or pedestrian access or lines of sight.
22. No unit shall be located and/or used in any manner that creates a nuisance, public health or safety hazard. When a nuisance, public health or safety hazard condition is found to exist, the owner of the lot and/or unit shall immediately remove the unit to a location in compliance with this section following personal and/or written notice from any building inspector, nuisance abatement officer or zoning enforcement officer. Any location or use inconsistent with the provisions of this section shall be construed as both a nuisance and a violation of the zoning regulations.
23. No unit shall be located in any manner that obstructs any designated fire lane or that otherwise obstructs or blocks access to any fire hydrant, building or structure.
24. Except as provided above under subsection (18), no additional permit shall be required for any unit regulated under this section.
25. Permanent location and placement of an approved unit on a non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall be in accordance with the minimum requirements applicable to an accessory building and/or structure for the district and use.
26. No storage unit shall be used as a permanent accessory structure or building on any residential zoned lot and/or on any lot containing a residential use, provided however, lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78(f) shall be exempt from this requirement.

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 2423, § 1, 2-13-92; Ord. No. 95-116, § 1, 11-9-95; Ord. No. 96-80, § 4, 8-8-96; Ord. No. 97-5, §§ 3, 4, 1-9-97; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 97-86, § 5, 8-14-97; Ord. No. 98-21, § 1, 2-12-98; Ord. No. 98-67, § 2, 6-11-98; Ord. No. 98-115, § 1, 9-10-98; Ord. No. 99-5, § 1, 1-14-99; Ord. No. 00-19, § 8, 2-10-00; Ord. No. 03-31, § 4, 4-10-03; Ord. No. 04-43, § 2, 05-13-04; Ord. No. 04-96, § 2, 8-12-04; Ord. No. 04-143, § 2, 11-8-04; Ord. No. 05-64, § 3, 6-9-05; Ord. No. 06-25, § 2, 3-9-06; Ord. No. 06-93, § 2, 9-14-06)

**Sec. 9-4-104. Lighting standards; external.**

(a) Unless otherwise provided all external site illumination for any use shall be in accordance with this section.

(b) No lighting shall be directed toward or placed in such a manner as to shine directly into a public right-of-way or residential premise. For purposes of this section the term “residential premise” shall constitute a structure which is designed and approved for use as a dwelling unit.

(c) No lighting shall illuminate any public right-of-way, street or any adjoining or area property in such a manner as to constitute a nuisance or hazard to the general public.

(d) No lighting shall contain flashing or intermittent lights or lights of changing degrees of intensity.

(e) This section shall not abrogate the City of Greenville or Greenville Utilities Commission authority to erect or maintain any site and/or street lighting in the interest of the public health, safety and welfare. (Ord. No. 2722, § 1, 10-14-93)

**Sec. 9-4-105. Exemptions and modifications.**

(a) *Reduction of the public street setback requirement for single-family dwellings.* If a proposed single-family dwelling, or an existing single-family dwelling proposed for expansion, is located directly adjacent to one or more existing conforming residential uses located on the same side of the street, and the existing public street setback of the adjacent residential structure(s) are less than the minimum requirement for the district, then the public street setback of the proposed dwelling or expansion may be established at a point equal to or greater than the public street setback of the adjacent residential dwelling having the greatest setback, provided however no modified public street setback shall be less than ten (10) feet. When a proposed single-family dwelling, or an existing single-family dwelling proposed for expansion is located directly adjacent to an existing residential structure located on the same side of the street which meets the minimum public street setback requirement for the district the provisions of this section shall not apply. (Ord. No. 95-81, § 1, 8-10-95)

**Sec. 9-106. Relationship to greenway plan.**

If any portion of the area proposed for development lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be dedicated and/or reserved to the public at the option of the city. (Ord. No. 96-74, § 1, 8-8-96)

**Secs. 9-4-107--9-4-114. Reserved.**

## Article G. Bufferyard Setbacks*

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***Editor's note**--Ordinance No. 95-111, adopted November 9, 1995, repealed Tit. 9, Ch. 4, Art. G, §§ 9-4-115--9-4-123 and added a new Ch. 4, Art. G to read as herein set out. Former Art. G pertained to bufferyards and derived from Ord. No. 2337, § 1, adopted June 13, 1991; Ord. No. 2466, adopted June 8, 1992; Ord. No. 2480, §§ 1, 2, adopted July 9, 1992; Ord. No. 2486, § 2, adopted June 8, 1992; Ord. No. 2538, § 1, adopted November 12, 1992; Ord. No. 2540, § 1, adopted November 12, 1992; Ord. No. 2726, § 1, adopted October 14, 1993; Ord. No. 94-156, § 4, adopted December 8, 1994 and Ord. No. 95-52, § 1, adopted May 11, 1995.

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### Sec. 9-4-115. Generally.

(a) Bufferyards are the open space setbacks which separate site improvements from adjacent property lines and street rights-of-way. These may contain natural materials including but not limited to vegetation, ground cover, mulch and other previous materials.

(b) The provisions contained in the bufferyard requirements shall not apply to those uses located within the CD downtown commercial zoning district.

(c) To determine the bufferyard required by this article, the following steps shall be taken:

(1) Identify the land use classification number of the proposed and existing adjacent land use(s) as listed under Article D, section 9-4-78, Table of Uses, of this chapter.
(2) Use the bufferyard chart to determine the appropriate letter designation for each required bufferyard.
(3) Match the letter designation obtained from the bufferyard chart with the letter designation of the bufferyard setback table to determine the required bufferyard.
(4) The bufferyard chart and bufferyard setback table are contained herein. (Ord. No. 95-111, § 1, 11-9-95)

### Sec. 9-4-116. Illustration of bufferyard setbacks.

Prior to the issuance of any permit or the granting of any other approval the applicant shall indicate on all required plans the location, type and dimension of all bufferyards required by this article. (Ord. No. 95-111, § 1, 11-9-95)

### Sec. 9-4-117. Determining the appropriate land use classification number.

(a) The land use classification number for proposed and adjacent uses shall be obtained from the "Table of Uses," Article D, section 9-4-78 of this chapter.

(b) Where uncertainty exists as to the appropriate land use classification number for any proposed and/or adjacent use the director of community development shall determine the land use classification number in each individual case. In reaching such determination, the director of community development shall be guided by the requirements for similar uses.

(c) Prior to the issuance of any permit an appeal, from a decision of the director of community development pursuant to subsection (b), shall be made to the board of adjustment in the nature of an interpretation. (Ord. No. 95-111, § 1, 11-9-95; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-118. Bufferyard setback requirements.**

(a) *Bufferyard chart.* (See also subsection (b) Exemptions)

| Proposed Land Use Classification | Adjacent Permitted Land Use Classification | | | | | Adjacent Vacant Zone or Zone With Nonconforming Use | | Public/ Private Streets or Railroad R/W |
|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | Residential Zone | Nonresidential Zone | |
| 2 | C NOTE :1 | B NOTE :1 | B NOTE :1 | B NOTE :1 | B NOTE :1 | C NOTE :1 | B NOTE :1 | A NOTE :1 |
| 3 | D NOTE :2 | D NOTE :2 | B NOTE :2 | B NOTE :2 | B NOTE :2 | D NOTE :2 | B NOTE :1 | A NOTE :1 |
| 4 | E NOTE :2 | E NOTE :2 | B NOTE :2 | B NOTE :2 | B NOTE :2 | E NOTE :2 | B NOTE :2 | A NOTE :1 |
| 5 | F NOTE :2 | F NOTE :2 | B NOTE :2 | B NOTE :2 | B NOTE :2 | F NOTE :2 | B NOTE :2 | A NOTE :1 |

(b) *Exemptions.*

(1) Within any CDF and/or OR district all existing adjacent classification 1 and/or classification 2 land uses shall be construed as classification 3 land uses for purposes of determining proposed land use bufferyard requirements.
(2) Within any district all existing adjacent church uses shall be construed as a classification 3 land use for purposes of determining proposed land use bufferyard requirements.
(3) Within any district, parking areas for two-family attached development or conversion shall be subject to the bufferyard setback and screening requirement applicable to a classification 2 land use whenever such parking area is located in a side and/or rear yard and such yard abuts a lot located in any residential district which contains an existing single family dwelling or abuts a vacant lot or tract located in a single family district. The bufferyard setback and screening requirement of this section shall only apply to that portion of the parking area located within the side and/or rear yard.

(c) *Notes.* Pursuant to the bufferyard chart the following notes are additional minimum setback requirements:

(1) *Note: 1.* Building setbacks shall be in accordance with applicable regulations for the zoning district and use.
(2) *Note: 2.* Unless otherwise provided, building setbacks shall be determined in the following manner:
  (a) No structure shall exceed the maximum height allowance as specified under Article F. Dimensional Standards, Modifications and Special Standards, of this Chapter.
  (b) Structures thirty-five (35) feet in height and under, in accordance with prescribed bufferyards.
  (c) Structures over thirty-five (35) feet in height, in accordance with prescribed bufferyards or by using the following formula, whichever is greater: $D = 6 + 2(S) + L/10$ where D is the minimum setback distance, S is the number of stores and L is the length of the wall. Where the length of the wall is set back eight (8) feet or more, the length (L) of each segment or plane is measured separately in determining the required yard depth. (See “story” definition.)
  (d) Setbacks for parking, storage, dumpsters, etc. shall be in accordance with prescribed bufferyards. (Ord. No. 95-111, § 1, 11-9-95; Ord. No. 95-138, § 1, 12-14-95; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 99-6, § 4, 1-14-99)

**Sec. 9-4-119. Bufferyard setback table.**

(a) *Bufferyards A and B:*

(1) Lot size less than 25,000 square feet: 4 feet
(2) Lot size 25,000 square feet to 175,000 square feet: 6 feet
(3) Lot size over 175,000 square feet: 10 feet.

(b) *Bufferyard C:*

(1) All lots: 10 feet
(2) Where a fence or evergreen hedge option is used the bufferyard setback may be reduced to: not less than 8 feet

(c) *Bufferyard D:*

(1) All lots: 20 feet
(2) Where a fence, evergreen hedge, or berm option is used the bufferyard setback may be reduced to: not less than 10 feet

(d) *Bufferyard E:*

(1) All lots: 30 feet
(2) Where a fence, evergreen hedge, or berm option is used the bufferyard setback may be reduced to: not less than 15 feet

(e) *Bufferyard F:*

(1) All lots: 50 feet
(2) Where a fence, evergreen hedge, or berm option is used the bufferyard setback may be reduced to: not less than 25 feet

(f) *Fences option.* Must create a complete visual barrier for at least six (6) feet in height. Acceptable materials are cedar, masonry, redwood, chain link with slats and treated lumber resistant to rot. Fence installation should be consistent with acceptable building practices.

(g) *Evergreen hedge option.* In lieu of fence installation as required or optioned the owner may elect to install an evergreen hedge to satisfy the bufferyard width reduction standards under bufferyards C, D, E and F in accordance with the following:

(1) The evergreen hedge vegetation material shall be in addition to any vegetation requirement applicable to the site pursuant to Article P, Vegetation Requirements, of this Chapter.
(2) Such hedge shall consist of qualified materials designed to create a complete year round visual barrier to a height of six (6) feet within twelve (12) months of planting.
(3) Vegetation material types and installation shall be in accordance with Article P., Vegetation Requirements, of this chapter.

(h) *Existing fencing.* Where there is an existing fence of acceptable material located on adjacent property which creates a complete visual barrier of at least five (5) feet in height and such fence is located adjacent to and along the abutting property line, as determined by the director of community development, the developer may elect to reduce the bufferyard width for bufferyards C, D and E in accordance with Subsections (b), (c) and (d) above.

(i) *Berm option.* In lieu of fence installation as required or optioned the owner may elect to install a berm to satisfy the bufferyard width reduction standards under bufferyards D, E and F in accordance with the following:

(1) Minimum height: Six (6) feet as measured vertically from the inside bufferyard setback line to a point parallel to the top of the berm crown.

(2) Maximum slope: One and one-half (1 1/2) feet horizontal for each one (1) foot vertical. Provided however, berms having a slope greater than two (2) feet horizontal for each one (1) foot vertical shall be constructed in multiple terraces which are bound by retaining structures specifically designed for such purpose.
(3) Minimum crown width: Two (2) feet, provided however, if a berm is shared between adjoining properties the portion of the crown located on any lot shall not be less than one (1) foot.
(4) Where qualified vegetation materials are planted on a berm slope a terraced planting area, designed in accordance with acceptable and recognized practice shall be provided.
(5) A berm may be shared between adjoining properties provided said properties individually comply with all requirements.
(6) Berm slopes shall be stabilized to prevent erosion.
(7) Berms shall be installed in accordance with acceptable and recognized engineering practice. No berm shall be installed and/or altered without the approval of the city engineer.

(j) Where a bufferyard width is reduced pursuant to the fence, evergreen hedge, or berm option all required visual barriers shall be continued to the property line or not less than twenty (20) feet beyond any encroachment, whichever is less.

(k) Except as further provided, minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks for residential and non-residential uses may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures. (Ord. No. 95-111, § 1, 11-9-95; Ord. No. 05-123, § 4, 10-13-05; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-120. Standards.**

(a) *Measurements; location of bufferyards.* Bufferyard setbacks shall be measured from lot boundary lines except as further provided.

(b) *Thoroughfares.* Where a lot is located in proximity of an existing or future thoroughfare, as shown on the officially adopted thoroughfare plan, all bufferyard setbacks shall be measured from the ultimate future thoroughfare right-of-way line or property line, which yields the greatest setback.

(c) *Overlapping bufferyards.* Whenever two (2) or more bufferyard requirements are applicable to the same use or combination of uses, then the more stringent of the bufferyard requirements shall apply, except as further provided.

(d) *Planned center.* In the case of planned centers containing multiple principal uses, such as shopping centers, office/commercial unit ownership type developments and the like, the initial bufferyard requirement shall be based on the anticipated primary occupancy of such center and such requirement shall apply to all subsequent uses absent any change in zoning for such planned center.

(e) *Shopping centers, condominium/townhouse, multifamily group and planned center type developments.* Bufferyards are required only along exterior property lines of the project.

(f) *Easement.* No fence, evergreen hedge or berm optioned or required by this article shall be located on property subject to utility or drainage easements without the written consent of the city and easement holder. Site plan approval from the respective easement holder shall be construed as approval of all noted encroachments.

(g) *Drainage ditch.* No fence, evergreen hedge or berm optioned or required by this article shall be located within five (5) feet of the outer edge of a drainage ditch. Stormwater detention structures having a slope of two (2) feet horizontal for each one (1) foot vertical or steeper shall be considered a drainage ditch for purposes of this section.

(h) *Encroachments.*

(1) Bufferyards for adjacent public and/or private streets may only be encroached upon by driveways, signage and general (public/customer) pedestrian access walkways provided such walkways comply with subsection (3) below.
(2) Bufferyards for peripheral lot boundaries shall not be encroached upon by vehicular areas (except common access drives and parking lots), service access walkways, exterior storage, mechanical equipment, principal and/or accessory structures, garbage/trash container pads and the like unless otherwise provided. Encroachments by stormwater detention structures may be allowed subject to the approval of the city engineer. Exterior lighting may encroach three (3) feet into required bufferyards. General (public/customer) pedestrian access walkways may encroach into required bufferyards provided such walkways comply with subsection (3) below.
(3) General (public/customer) pedestrian access walkways shall be subject to compliance with all of the following requirements:
    a. Such walkways shall be designed to provide direct access to and from adjacent public and/or private streets, designated common property, public access easements and lot lines;
    b. Encroachment zone. Walkways are allowed to cross individual or abutting bufferyards within an area equal in width to the minimum bufferyard as measured perpendicular to the property line;
    c. Maximum width of each individual walkway shall not exceed six (6) feet; and
    d. Within the minimum bufferyard area two (2) or more walkways providing access to a lot along any single property line shall be separated by not less than fifty (50) feet as measured from center of walkway to center of walkway.
(4) Aboveground public utility apparatus, structures or covers including transmission lines, poles and support wires, transformers, meters, pumps, regulators, catch basins, manholes, vents, switching or control boxes and the like may encroach into any bufferyard setback provided said use does not constitute a "public utility building or use" as defined under Article B of this Chapter.

(i) *Recreational use of bufferyards.* A bufferyard may be used for passive recreation; it may contain pedestrian, bike, or equestrian trails, provided that:

(1) The total width of the bufferyard is increased in direct proportion to the width of any encroachment(s) except as further provided;
(2) Public dedicated greenway improvements shall be exempt from subsection (1) above; and
(3) All other regulations of this article and Article P., Vegetation Requirements, of this chapter are met. In no event, however, shall the following uses be permitted in bufferyards: playground equipment, playfields, stables, swimming pools and ball courts.

(j) *Maintenance of on-site fences.* To ensure that fencing will be maintained in a safe and aesthetic manner, the following maintenance requirements shall be observed for all fencing required by this article:

(1) No fence shall have more than twenty (20) percent of its surface area covered with disfigured, cracked or missing materials or peeling paint for a period of more than thirty (30) successive days.
(2) No fence shall be allowed to remain with bent or broken supports, or be allowed to stand more than fifteen (15) degrees away from perpendicular for a period of more than thirty (30) successive days. (Ord. No. 95-111, § 1, 11-9-95; Ord. No. 96-78, § 1, 8-8-96)

**Sec. 9-4-121. Nonconforming bufferyards.**

(a) Except as further provided, developments that do not comply with the bufferyard setback requirements of this article shall be subject to the provisions contained in Article C, Nonconforming Situations, of this chapter.

(b) Where there is noncompliance with any bufferyard setback standard(s) and when an applicant requests a change of use permit one (1) of the two (2) following situations shall apply:

(1) Where there is a change of land use and the new land use is of the same or lower land use classification no additional requirements shall apply for the existing improvements. Provided however, any expansion shall be subject to the current requirements of this article.
(2) Except as otherwise provided, where there is a change of land use and the new land use is of a higher land use classification the new use shall comply with all bufferyard setback standards in accordance with subsection (c) and (d).

(c) Where there is a substandard C, D, E or F bufferyard setback separating existing improvements from an adjacent property line the fence, evergreen hedge or berm option contained in section 9-4-119 shall apply. Such improvements shall be installed prior to issuance of any final occupancy permit.

(d) The provisions of this section shall not be construed to require the removal of existing structures, buildings, improved parking areas, improved drives, mechanical equipment and lighting or other fixed improvements. Provided however, all other encroachments including but not limited to concrete islands and the like shall be removed. (Ord. No. 95-111, § 1, 11-9-95)

**Sec. 9-4-122. Vegetation requirements; applicability.**

Vegetation requirements shall be installed where and when applicable in accordance with Article P, Vegetation Requirements, of this chapter. (Ord. No. 95-111, § 1, 11-9-95)

**Secs. 9-4-123--9-4-128. Reserved.**

## Article H. Mobile Home Parks

### Sec. 9-4-129. Conformance with regulations.

(a) It shall be unlawful for any person to locate or cause to be located or to allow one (1) or more mobile homes to be located on a tract owned, possessed, or otherwise controlled by him after December 7, 1981, unless such act conforms to one (1) of the following requirements or conditions:

(1) The mobile home is nonconforming as defined in Article C.
(2) The mobile home is within an approved mobile home park.
(3) The mobile home is used in connection with an allowable temporary use.
(4) The mobile home is on an individual lot in a district in which it is a permitted use.

(b) The owner or operator of a mobile home park shall not permit a recreational vehicle or travel trailer to locate within the boundaries of such park for periods greater than one (1) week if the travel trailer is being used or intended to be used as a dwelling.

The storage of individual travel trailers and recreational vehicles shall be permitted, provided that, only one (1) such unit is stored on a mobile home site by the site occupant and such units are not used for purposes of living, sleeping or cooking while in storage.

(c) Recreational vehicles and travel trailers may be parked or stored on any residential lot which contains a principal use provided such units are not utilized for purposes of living, sleeping or cooking while in storage. No such units may occupy more than twenty (20) percent of the minimum required open space on an individual lot.

(d) These regulations shall not be construed to prohibit parking and/or storing of any mobile home for the purpose of sale by the owner or licensed dealer upon any lot or tract on which the sale of mobile homes is permitted under these regulations.

It shall be unlawful for any person to sell mobile homes within a mobile home park on a commercial basis, except that individual mobile home owners shall be allowed to sell their mobile homes.

(e) Except as provided herein, it shall be unlawful to store or park any unoccupied mobile home for longer than forty-eight (48) hours except in an emergency and then only after first obtaining an emergency storage permit from the building inspector. No emergency storing permit shall be issued for a period longer than seven (7) days. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-130. Procedures; required review, contents.

(a) Required review. The developer shall submit a development plan to the director of community development for review and approval prior to the issuance of any construction or building permits in accordance with the following:

(1) *Site plan approval.* Where no right-of-way or utility service extension is requested or required.
(2) *Preliminary and final subdivision approval.* Shall be required in accordance with Title 9, Chapter 5, Subdivisions of the Greenville City Code.

(b) *Contents.* Shall be as necessary to determine and insure compliance with the standards, conditions and restrictions of the Zoning and Subdivision Regulations and related laws. Specific site design elements, submission requirements and procedures are set forth in the Land Development Administration Manual which is incorporated herein by reference. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, 8-10-06, §1)

### Sec. 9-4-131. Permitted uses.

(a) Mobile home parks and buildings, when constructed, altered, extended or used shall be arranged, intended and designed to be used exclusively for one (1) or more of the following uses according to the conditions specified in this ordinance:

(1) Mobile homes for use as dwelling units.
(2) Caretaker's or manager's office.
(3) Services for occupants of the mobile home park only, including management office, mail pick-up, rest rooms, vending machines, washing and drying machines for domestic laundry and recreation facilities accessory to the mobile home park, and other similar uses.

(b) There shall be no more than one (1) mobile home and its accessory structure(s) located on any site or lot. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-132. Density; availability requirement.**

(a) The maximum density shall be eight (8) units per net acre.
(b) There shall be no less than ten (10) sites available at first occupancy. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-133. Development standards.**

(a) *Minimum area.* The minimum area of any mobile home park development shall be three (3) net acres.

(b) *Site-lot minimum dimensions; stakes.*

(1) Single-wide units. (site)
   a. Net area: Four thousand (4,000) square feet
   b. Width: Forty (40) feet
(2) Double-wide units. (site)
   a. Net area: Five thousand (5,000) square feet
   b. Width: Fifty (50) feet
(3) Subdivision; for sale of individual lots.
   a. Net area: Six thousand (6,000) square feet
   b. Width: Sixty (60) feet
(4) Stakes. The limits of each mobile home site shall be clearly marked on the ground by permanent flush stakes. Location of sites on the ground shall be approximately the same as shown on the approved plans. Precise description of space limits is not required either on the plans or on the ground, except when a mobile home subdivision is proposed.

(c) *Setbacks for mobile homes; principal structures.*
(1) Public street right-of-way: Twenty-five (25) feet.
(2) Private street easement: Ten (10) feet.
(3) Peripheral boundary: Twenty (20) feet.
(4) In mobile home subdivisions, the location of mobile homes and principal structures shall be in accordance with Article F.

(d) *Setbacks for detached accessory structures.*

(1) Public street right-of-way: Twenty-five (25) feet.
(2) Private street easement: Ten (10) feet.
(3) Peripheral boundary: Twenty (20) feet.
(4) No accessory structure to any mobile home shall be located in any front yard.
(5) Accessory structures shall be located on the individual mobile home site as established and stated in accordance with (b)(4) above. Zero (0) stake limit line setbacks shall be allowed.
(6) In mobile home subdivisions, the location of accessory structures shall be in accordance with Article F.

(e) *Separation between, mobile homes; stands; other structures.*

(1) Mobile homes: Twenty (20) feet.
(2) Mobile home stands: Twenty (20) feet.
(3) Other structures: Ten (10) feet.

(4) Attached structures such as awnings, storage cabinets, carports, and porches which have a floor area exceeding twenty-five (25) square feet and are roofed shall for all purposes of the separation requirements be considered to be part of the mobile home.

(f) *Mobile home stand requirements.*

(1) Each mobile home shall be located on a permanently established stand within the limits of the staked mobile home site or lot.
(2) The mobile home stand and lot shall be graded to provide adequate storm drainage away from the mobile home.
(3) Single-wide stands shall consist of a rectangular plot of ground which at minimum measures fourteen (14) feet by seventy (70) feet.
(4) Double-wide stands shall consist of a rectangular plot of ground which at minimum measures twenty-eight (28) feet by seventy (70) feet.
(5) The location of each mobile home stand shall be such that placement and removal of individual units can be achieved without disturbance to other mobile homes, sites, patios, walkways, or accessory structures.

(g) *Patio requirements.*

(1) For each mobile home, there shall be constructed a permanent patio, located adjacent to or attached to the mobile home stand and such patio shall be of the following characteristics:
   a. Each patio shall be at least sixty-four (64) square feet in area.
   b. Each patio shall have sufficient gradient to facilitate adequate drainage away from the mobile home stand.
   c. Each patio shall have a compacted base, and shall be concrete or masonry construction.

(h) *Walkway requirements.*

(1) For each mobile home, there shall be constructed a permanent walkway which connects the parking area, patio and mobile home stand and such walkway shall be of the following characteristics:
   a. The width of the walkway shall be a minimum of three (3) feet.
   b. The walkway shall have a compacted base, and shall be concrete or masonry construction.

(i) *Parking requirement.*

(1) Number of spaces: two (2) per mobile home.
(2) Required spaces may be within common parking lots containing three (3) or more spaces which are designed and improved in accordance with Article O.
(3) All required spaces for each mobile home shall be located within one hundred fifty (150) feet of the mobile home stand it is intended to serve.
(4) No parking space shall be located closer than five (5) feet to any mobile home stand.

(j) *Recreation area requirement (private).*

(1) Common recreation area shall be provided at a ratio of one hundred (100) square feet per dwelling unit.
(2) The recreation requirement for a mobile home park development shall not apply if the project is within one-half (½) mile radius of a public recreation facility.
(3) No portion of an active recreation area shall be located within the peripheral boundary setback or less than twenty (20) feet from any mobile home stand.
(4) Passive recreation areas may be located in the peripheral boundary setback in accordance with the bufferyard regulations.
(5) Swimming pools shall be fenced in accordance with Article F.

(k) *Access to public streets.*

(1) Mobile home stands may be located with direct access to terminal public streets which exclusively serve the mobile home park or on private streets located within the mobile home park. No mobile home stand shall have direct access to public streets which do not exclusively serve the mobile home park.

(l) *Addresses.*

(1) A permanent street address shall be assigned to each mobile home stand in accordance with Title 6, Chapter 2 of the Greenville City Code.

(m) *Bufferyard setbacks and vegetation requirements.*

(1) Bufferyard setbacks shall be in accordance with Article G of this chapter.
(2) Vegetation requirements shall be in accordance with Article P of this chapter. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-117, § 1, 11-9-95)

(n) *Perimeter skirting.*

(1) Mobile homes shall, upon installation, have either (I) a permanent, continuous masonry foundation or (ii) a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid non-metal material. The skirt for a mobile home shall be attached to weather resistant material when required for support. (Ord. No. 00-19, § 10, 2-10-2000)

**Sec. 9-4-134. Garbage/trash container pad locations.**

(a) No container pad shall be located closer than twenty (20) feet to any mobile home stand.

(b) Each container pad required to service the development shall be located within two hundred (200) feet of the mobile home stands such container is intended to serve.

(c) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.

(d) [Container pads] shall be in accordance with Title 6, Chapter 3, Garbage and refuse collection and disposal, of the Greenville City Code. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2466, § 3, 6-8-92)

**Sec. 9-4-135. Compliance with subdivision standards.**

All development regulated in accordance with this section shall be subject to the requirements, conditions and restrictions of the subdivision regulations whether or not the subject tract is actually divided for the purpose of transferring title. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-136. Minimum fitness requirement.**

No mobile home established (new setup) or relocated within the City of Greenville planning and zoning jurisdiction shall be occupied until said mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the building inspector makes a finding of non-compliance with the Minimum Housing Code. (Ord. No. 00-19, § 9, 2-10-00)

**Secs. 9-4-137--9-4-140. Reserved.**

## Article I. Multi-family Development

### Sec. 9-4-141. Applicability.

The standards established in sections 9-4-141 through 9-4-151 shall apply to new construction and conversions of all multi-family development except in the CD zoning district where such standards are established in sections 9-4-152 and 9-4-153. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-156, § 5, 12-8-94)

### Sec. 9-4-142. Procedures; required review, contents.

(a) *Required review.* The developer shall submit a development plan to the director of community development for review and approval prior to the issuance of any construction or building permits in accordance with the following:

(1) *Site plan approval.* For one (1) structure containing three (3) or more attached dwelling units and/or two (2) or more dwelling structures located on a common lot.
(2) *Preliminary and final subdivision plat approval.* Shall be required in accordance with the Title 9, Chapter 5, Subdivisions of the Greenville City Code.

(b) *Contents.* Shall be as necessary to determine and ensure compliance with the standards, conditions and restrictions of the zoning and subdivision regulations and related laws. Specific site design elements, submission requirements and procedures are set forth in the Land Development Administration Manual which is incorporated herein by reference. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-143. Density.

The minimum lot area requirement per dwelling unit is as follows:

(a) *All districts (except R6A and CD).*

(1) One-bedroom unit: Two thousand three hundred (2,300) square feet (net) per unit.
(2) Two or more -bedroom unit: Two thousand nine hundred (2,900) square feet (net) per unit.

(b) *R6A district.*

(1) One-bedroom unit: Four thousand five hundred (4,500) square feet (net) per unit.
(2) Two or more -bedroom unit: Five thousand five hundred (5,500) square feet (net) per unit.

(c) *CD district.*

(1) Shall be in accordance with section 9-4-153.

(d) For purposes of this section, the area within any public street right-of-way shall not be utilized to determine the net area.

(e) Area dedicated or deeded to the city pursuant to section 9-4-144(e) shall count toward net area for the purposes of density calculation. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2437, § 1, 3-12-92; Ord. No. 94-156, § 6, 12-8-94; Ord. No. 95-29, § 5, 3-9-95)

**Sec. 9-4-143.1. Minimum habitable (mechanical conditioned) floor area per unit.**

The minimum habitable (mechanically conditioned) floor area requirement per dwelling unit is as follows:

(a) *All districts (except R6A and CD).*

(1) None

(b) *R6A district.*

(1) One-bedroom: Six hundred fifty (650) square feet per unit.
(2) Two or more -bedroom unit: One thousand (1,000) square feet per unit.

(c) *CD district.*

(1) Shall be in accordance with section 9-4-153.

(d) For purposes of this section, minimum habitable (mechanically conditioned) floor area shall include clothes closets, cabinets and other similar interior storage areas except as further provided. The following shall not count toward or qualify as habitable floor area for purposes of this section: garages; attics; crawl spaces; storage areas accessed via a garage, attic or crawl space; storage areas utilizing outside (exterior) access; detached principal or accessory structures; screened or open porches, balconies and the like. (Ord. No. 95-29, § 6, 3-9-95)

**Sec. 9-4-144. Open space.**

(a) Thirty (30) percent of the net area shall be reserved as common and/or private open space.

(b) Public and/or private streets, driveways, off-street parking area, principal and accessory structures shall not be utilized in calculating or counting towards the open space requirement.

(c) Recreation areas may be counted as open space provided impervious surfaces constitute no more than fifty (50) percent of such recreation area.

(d) Detached accessory structures shall not cover more than twenty (20) percent of any individually designated, reserved or common area.

(e) *Relationship to greenway plan.* If any portion of the area proposed for a multifamily development lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public at the option of the City of Greenville. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2437, § 2, 3-12-92)

**Sec. 9-4-145. Development standards.**

(a) *Lot dimensions.*

(1) Net area: Fifteen thousand (15,000) square feet.
(2) Primary width: Seventy-five (75) feet at the minimum building line.
(3) Secondary width: Sixteen (16) feet, provided that when combined with adjoining common lots the total width equals or exceeds the primary width.

Lots established prior to 4-9-81 may have a minimum secondary width of fourteen (14) feet.

(b) *Setbacks for principal structures.*

(1) Public street right-of-way: Twenty-five (25) feet
(2) Private street easement: Ten (10) feet
(3) Group development peripheral boundary: Twenty (20) feet
(4) Single structure peripheral boundary:
  a. Side building wall elevation--Ten (10) feet
  b. Rear building wall elevation--Twenty (20) feet

(c) *Setbacks for accessory structures.*

(1) Detached accessory structures:
  a. Public street right-of-way: Twenty-five (25) feet.
  b. Private street easement: Ten (10) feet.
  c. Peripheral boundary: In accordance with Article G, Bufferyards.
  d. No accessory structure shall be located in any front or side building wall elevation peripheral boundary, separation setback or yard.
  e. Shall not be located within ten (10) feet of any principal or attached accessory structure or within five (5) feet of any other detached accessory structure except as further provided under subsection f., below.
  f. Detached accessory structures may share a common party wall of unspecified minimum length with other detached accessory structures, provided however, if there is an offset of the wall such offset or separation shall be not less than five (5) feet.
  g. Shall not cover more than twenty (20) percent of any individually designated, reserved or common area.
  h. Specific accessory structures such as satellite dish antennae and swimming pools shall comply with the applicable provisions of Article F, Dimensional standards.
(2) Attached accessory structures:
  a. For purposes of this section any accessory structure attached to a principal structure shall be subject to the height, open space, setback, building separation and bufferyard requirements of the principal structure except as further provided.
  b. Attached accessory structures may project into a rear building wall elevation peripheral boundary or rear building wall elevation separation setback provided such projection meets all of the following requirements:
    (1) The maximum individual projection, including and in addition to the requirements set forth under section 9-4-102. Projections into required yards shall not exceed ten (10) feet.
    (2) Access to and from such accessory structure shall be by an exterior doorway. No interior window or doorway shall be permitted.
    (3) No attached accessory structure shall be considered or utilized as habitable space.
    (4) The combined horizontal dimension of all attached accessory structures shall not exceed thirty (30) percent of the horizontal dimension of the exterior rear wall elevation of the common principal structure to which attached.
    (5) Attached accessory structures may share a common party wall of unspecified minimum length with other accessory structures, provided however, if there is an offset of the wall such offset shall be subject to subsection (6) below.
    (6) Attached accessory structures, associated with a common principal building, which do not share a common party wall with other attached accessory structures shall be separated by not less than five (5) feet.
    (7) Shall not be located within ten (10) feet of any adjacent principal or attached accessory structure or detached accessory structure.

(d) *Setbacks for recreation areas.*

(1) *Active:* No portion of an active recreation area shall be located within the peripheral boundary setback or less than twenty (20) feet from any dwelling unit.
(2) *Passive:* May be located within the peripheral boundary setback in accordance with the bufferyard regulations.

(e) *Building separation within group developments containing two or more principal structures on one lot of record:*

(1) No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees, except as provided herein.
(2) No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees, except as provided herein.
(3) Single-family and two-family attached group developments shall be exempt from subsections (1) and (2) above, provided such structures meet all other requirements of this section.
(4) No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point.
(5) No two (2) units or structures shall be considered attached unless such units or structures share a five-foot common party wall.
(6) Architectural extensions including but not limited to; bay windows, chimneys, open porches and decks, roof overhangs and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.

(f) *Building height.*

(1) No structure shall exceed thirty-five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty-five (35) feet.

(g) *Building length.*

(1) No contiguous unit or series of attached units shall exceed a combined length of two hundred sixty (260) feet.

(h) *Setback exemption.*

(1) The minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2438, §§ 1, 2, 3-12-92, Ord. No. 05-123, § 5, 10-13-05; Ord. No. 06-75, 8-10-06, §1)

**Sec. 9-4-146. Recreation area requirement (private).**

(a) [The recreation area requirement] shall not apply to developments that:

(1) Contain less than two (2) net acres.
(2) Are located within a one-half-mile radius of a public recreation area.

(b) Common recreation areas shall be provided at a ratio of one hundred (100) square feet per dwelling unit. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-147. Bufferyard setbacks and vegetation requirements.**

(a) Bufferyard setbacks shall be in accordance with Article G of this chapter.

(b) Vegetation requirements shall be in accordance with Article P of this chapter. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-117, § 2, 11-9-95)

**Sec. 9-4-148. Parking requirements.**

(a) Number of spaces:

(1) One-bedroom unit: One and one-half (1 ½)
(2) Two-bedroom unit: Two (2)
(3) One (1) visitor parking space for every ten (10) dwelling units.

(b) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article O, Parking. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2465, § 1, 6-8-92)

**Sec. 9-4-149. Garbage/trash container pad locations.**

(a) No container pad shall be located closer than twenty (20) feet to any dwelling structure.

(b) Each container pad required to service the development shall be located within two hundred (200) feet of the dwelling units such container is intended to serve.

(c) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.

(d) [Container pads] shall be in accordance with Title 6, Chapter 3, Garbage and refuse collection and disposal, of the Greenville City Code. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2466, § 4, 6-8-92)

**Sec. 9-4-150. Private streets.**

Private streets may be allowed pursuant to the subdivision regulations. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-151. Compliance with subdivision standards.**

All developments regulated in accordance with this section shall be subject to the requirements, conditions and restrictions of the subdivision regulations whether or not the subject tract is actually divided for the purpose of transferring title. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-152. Applicability.**

The standards established in sections 9-4-152 and 9-4-153 shall apply only in the CD zoning district. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-156, § 7, 12-8-94)

**Sec. 9-4-153. Development standards CD zoning district.**

(a) Minimum habitable (mechanically conditioned) floor area per unit:

(1) One bedroom unit: Four hundred (400) square feet.
(2) Two (2) or more bedroom unit: Five hundred (500) square feet.

(b) Minimum lot area: None.

(c) Minimum lot width: None.

(d) Minimum street, side and rear yard setbacks: None.

(e) Minimum parking: One-half (0.5) spaces per bedroom.

(f) Parking location requirements: Each required parking space shall be located within eight hundred (800) feet of the use it is intended to serve. Remote parking facilities shall be in accordance with the applicable provisions of Article O, Parking.

(g) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article O.

(h) Preservation design: In order to protect the architectural integrity of existing buildings within the CD zoning district, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:

(1) All slip covers previously applied to the facade of existing buildings shall be removed.
(2) All canopies, except for those made of canvas, shall be removed from the facade.
(3) Where evidence exists of original windows and door openings subsequently enclosed, such windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.
(4) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.

(i) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall be mounted over existing windows, doors or other architectural features described in (h)(3) above. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-132, § 14, 10-13-94; Ord. No. 94-156, §§ 8, 9, 12-8-94)

**Secs. 9-4-154--9-4-160. Reserved.**

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**Editor's note--**Sections 15 and 16 of Ord. No. 94-132, adopted October 13, 1994, repealed §§ 9-4-154, 9-4-155, which pertained to residential density bonus provisions and schedules of residential bonus and derived from Ord. No. 2337, § 1, adopted June 13, 1991.

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## Article J. Planned Unit Development

### Sec. 9-4-161. Purpose and intent; definition.

(a) Pursuant to Article 19, Part 3 of Chapter 160A of the General Statutes of North Carolina, the city council of the City of Greenville establishes the planned unit development district (PUD) as a special use zoning district designed to provide an alternative to traditional development standards which is intended to:

(1) Reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
(2) Preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features, existing vegetation, while providing recreational and open areas;
(3) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas.
(4) Promote economical and efficient land use which can result in smaller networks of public facilities, utilities and streets;
(5) Provide an appropriate and harmonious variety of housing and creative site design alternatives;
(6) Promote energy conservation by optimizing the orientation, layout and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
(7) Encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design and layout of buildings; and
(8) Provide a procedure which can relate the type, design and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within established residential areas.

(b) For purposes of this section a planned unit development district shall be defined as a project/district which meets all of the following:

(1) Land under common ownership, to be planned and developed as an integral unit;
(2) A single development or a programmed series of development, including all lands, uses and facilities;
(3) Constructed according to comprehensive and detailed plans that include streets, drives, utilities, lots and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the buildings shall also be included; and
(4) Providing a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for perpetual common use by the occupants of the planned unit development. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

### Sec. 9-4-162. Area; regulation of uses; density; open space; recreation; parking; landscape; density bonus requirements.

(a) *Minimum area requirements.*

(1) Planned unit developments shall contain not less than ten (10) gross acres.
(2) Planned unit developments comprising less than twenty (20) gross acres shall contain residential uses only as set forth in subsection (b)(1) of this section.
(3) Planned unit developments comprising twenty (20) gross acres or more may contain all of the uses permitted by subsections (b)(1) and (b)(2) of this section provided that all nonresidential uses set forth in subsection (b)(2), including any accessory activities, bufferyards and parking, meet the following design requirements:
    a. Are designed and located with the primary intention of serving the immediate needs and convenience of the residents of the planned unit development;
    b. Are located on thoroughfare streets and/or “minor streets” as defined in section 9-4-169;
    c. Are not located on any non-thoroughfare public street that borders the planned unit development;
    d. Are not located within one hundred (100) feet of the peripheral boundary of the planned unit development;

e. Are not platted for development until a minimum of fifty (50) percent of the residential lots and/or tracts have been final platted. (Ord. No. 01-14, §§ 1, 2-8-01)

(b) *Regulation of uses.* Subject to subsection (a) of this section, a planned unit development may contain the following permitted uses:

(1) Residential uses:
   a. Detached single-family dwelling;
   b. Two-family attached dwelling (duplex);
   c. Attached single-family dwelling or townhouse development group;
   d. Condominium development group;
   e. Multi-family development group;
   f. Family care home, subject to Article F;
   g. Accessory building or use;
   h. Public recreation or park facility;
   i. Private recreation facility;
   j. Church;
   k. Golf course; regulation;
   l. City of Greenville municipal government building or use per Article F. (Ord. No. 01-13, §§ 1,2, 2-8-01)
(2) Nonresidential uses:
   a. School; elementary subject to Article F;
   b. School; kindergarten or nursery subject to Article F;
   c. School; junior and senior high subject to Article F;
   d. Child day care facilities;
   e. Adult day care facilities;
   f. Barber or beauty shop;
   g. Office; professional and business not otherwise listed;
   h. Medical, dental, ophthalmology or similar clinic not otherwise listed;
   i. Library;
   j. Grocery; food or beverage, off-premise consumption;
   k. Convenience store;
   l. Pharmacy;
   m. Restaurant; conventional;
   n. Restaurant; outdoor activities;
   o. Accessory gasoline or automotive fuel sales;
   p. Bank, savings and loan or other savings or investment institutions;
   q. City of Greenville municipal government building or use per Article F. (Ord. No. 01-13, § 3, 2-8-01)

(c) *Maximum density requirements.*

(1) Residential density shall not exceed twelve (12) units per gross acre, except as further provided under the density bonus option contained in section 9-4-162(i).
(2) Nonresidential uses shall not exceed five (5) percent of the gross planned unit development acreage.

(d) *Open space requirements.*

(1) Planned unit developments shall reserve not less than twenty-five (25) percent of the gross acreage as common open space.
(2) If developed in sections, the common open space requirements set forth herein shall be coordinated with the construction of dwelling units and other facilities to insure that each development section shall receive benefit of the total common open space.
(3) Streets, private drives, off-street parking areas and structures or buildings shall not be utilized in calculating or counting towards the minimum common open space requirement; however, lands occupied by recreational buildings and/or structures, bike paths and similar common facilities may be counted as required open space provided such impervious surfaces constitute no more than five (5) percent of the total required common open space.

(4) In the designation of common open space, consideration shall be given to the suitability of location, shape, character and accessibility of such space.

(e) *Recreation space requirement.*

(1) A minimum of twenty-five (25) percent of the required gross common open space in a planned unit development shall be developed for recreational purposes. For purposes of this section, "recreation" shall include, but not be limited to, tennis courts, swimming pools, ball fields, fitness courses, and the like.

(f) *Dedication of open space, park lands and greenways.*

(1) If any portion of the area proposed for a planned unit development lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public at the option of the City of Greenville.
(2) Where land is dedicated to and accepted by the city for open space, park and recreation purposes and greenways, such land may be included as part of the gross acreage, open space and/or recreation space requirement of this section.

(g) *Off-street parking requirement.*

(1) Number of spaces.
   a. Residential parking. Planned unit developments shall provide a minimum of two (2) off-street parking spaces, so designed not to allow parked vehicles to encroach within any public right-of-way or private street easement, for each dwelling unit. Provided however, residential developments to be used exclusively by elderly occupants shall require parking in accordance with Article O.
   b. Non-residential parking. Vehicular parking in areas designated as non-residential shall be subject to Article O.
   c. One (1) parking space shall be required per fifty (50) square feet of floor area in each social or recreation building.
   d. Accessory parking. One (1) accessory parking space shall be provided for every ten (10) residential units. For purposes of this section, "residential units" shall be construed to mean those uses listed under section 9-4-162(b)(1)c., d., and e.
(2) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article O.

(h) Bufferyard setbacks and vegetation requirements.

(1) Bufferyard setbacks shall be in accordance with Article G of this chapter.
(2) Vegetation requirements shall be in accordance with Article P of this chapter.

(i) *Residential density bonus provisions and standards.* A density bonus rounded to the nearest whole number and not exceed a total of twenty-five (25) percent over the allowable base density as set forth in section 9-4-162(c) may be approved by the planning and zoning commission in accordance with the standards for allowing density bonuses as listed below. The applicable requirements of section 9-4-167(c), Preliminary plat--site plan requirements, shall be shown on the land use plan in sufficient detail to enable the planning and zoning commission to evaluate such proposal.

(1) *Common open space.* Increasing the common open space area by ten (10) percent above the required common open space provisions may allow a bonus of five (5) percent above the allowable density of a planned unit development.
(2) *Bike paths/greenway systems.* The provision of a system of bike paths/pedestrian greenways that form a logical, safe and convenient system of access to all dwelling units, project facilities or principal off-site pedestrian destinations may qualify for a density bonus upon approval of the planning and zoning commission. Such facilities shall be appropriately located, designed and constructed with existing topography, land form, and vegetation in accordance with the Greenway Comprehensive Plan and other amenities associated with the planned unit development. The maximum bonus allowed under this provision may be five (5) percent above the allowable density in the planned unit development.

(3) *Solar access.* Where the design of a planned unit development provides sixty (60) percent of dwelling units proper solar access in order that those dwelling units maximize solar energy systems for heating and cooling purposes, a bonus of fifteen (15) percent above the allowable density in a planned unit development may be approved provided the design of the planned unit development meets the following:

a. The planned unit development shall be designed so that the buildings shall receive sunlight sufficient for using solar energy systems for water heating and/or space heating and cooling. Building and vegetation shall be sited with respect to each other and the topography of the site so that maximum unobstructed sunlight reaches the south wall or rooftop of the designated units employing the solar heating/cooling systems including active and/or passive systems; and

b. The following criteria in addition to other design elements shall be evaluated in determining proper site design for the active and/or passive solar system utilized:

1. Site selection;
2. Street pattern;
3. Lot orientation;
4. Building orientation;
5. Building design;
6. Existing and proposed vegetation; and
7. Shadow patterns.

(4) *Fifty acres or more development.* Where a planned unit development consists of fifty (50) acres or more a maximum density bonus of fifteen (15) percent above the base density may be allowed. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92; Ord. No. 95-117, § 3, 11-9-95)

**Sec. 9-4-163. Planned unit development; residential uses dimensional standards.**

(a) *Lot area.* The lot area for each detached single-family dwelling shall be no less than four thousand (4,000) square feet.

(b) *Lot width.* Lot width for each detached single-family dwelling shall be no less than forty (40) feet. Lot width for each attached dwelling unit shall be no less than sixteen (16) feet. For purposes of this section “lot width” shall include condominium unit width.

(c) *Lot frontage.* Forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet.

(d) *Public or private street setback.* Except as further provided no principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement. Detached single-family dwellings shall be setback not less than fifteen (15) feet from a public street right-of-way or private street easement or as further provided herein.

(e) *Minimum side yard.* The side yard area required for detached single-family and two-family attached dwellings may be subject to section 9-4-165 (zero (0) lot line) or not less than twelve (12) feet, provided however, that no detached single-family or two-family attached structure shall be located on more than one (1) exterior side lot line.

Detached single-family and two-family attached dwellings which do not utilize the provisions of section 9-4-165 (zero (0) lot line) and are not located adjacent to a structure or lot subject to section 9-4-165 (zero (0) lot line) shall maintain a minimum side setback of not less than six (6) feet.

The side yard area required for attached units shall be subject to the applicable provisions of section 9-4-165 (zero (0) lot line) provided the end unit of an attached building group containing three (3) or more units is not less than sixteen (16) feet from an adjacent property line or building.

(f) *Minimum rear yard.* Except as further provided, the rear yard area required for detached or attached dwelling units shall be subject to section 9-4-165 (zero (0) lot line) or not less than twenty (20) feet. Detached single-family dwellings shall be subject to section 9-4-165 (zero (0) lot line) or not less than twelve (12) feet.

(g) *Building separation.* Building separation within group developments containing two (2) or more principal structures on one (1) lot of record: No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees.

No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees.

No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point.

Architectural extensions including, but not limited to, bay windows, chimneys, open porches and decks, roof overhangs and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.

(h) *Maximum height.* No structures or buildings having a zero (0) side and/or rear setback in accordance with section 9-4-165 shall exceed thirty-five (35) feet in height above the property grade.

No structure shall exceed thirty-five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty-five (35) feet.

(i) *Periphery boundary setback.* No portion of a planned unit development including accessory structures, parking areas or required yards shall be located less than thirty (30) feet from the peripheral boundaries of the planned unit development.

(j) *Additional attached dwelling transition setback.* The following scale shall be utilized in the calculation of the minimum building setback, in addition to the periphery boundary setback as specified above, between proposed attached dwelling units including their accessory structures and existing single-family zoning districts or other predominantly single-family development as defined herein that border the planned unit development. For purposes of this subsection, “other predominantly single-family development” shall be that area within one hundred (100) feet of the external boundary of the planned unit development district in which fifty (50) percent or more of the conforming land uses are single-family residential.

| Number of Units Per Building | Additional Setback (Feet) |
|---|---|
| 2 | 20 |
| 3--5 | 40 |
| 6--10 | 60 |
| 11 or over | 80 |

(k) *Recreation area setback.* No portion of an active recreation area shall be located within one hundred (100) feet of the external boundary of the planned unit development.

(l) *Transition area setback.* Where a planned unit development adjoins or borders an existing single-family zoning district or other predominantly single-family development sharing common frontage on the same or opposite side of a public or private street the minimum right-of-way and/or easement setback requirement of said single-family zone or development shall be utilized for the entire opposite frontage and two hundred (200) feet from such common border. For purposes of this subsection, “other predominantly single-family development” shall be that area within one hundred (100) feet of the external boundary of the planned unit development district in which fifty (50) percent or more of the conforming land uses are single-family residential.

(m) *Building length.* No continuous unit or series of attached units shall exceed a combined length of two hundred and sixty (260) feet.

(n) *Storage area required.* Every dwelling unit shall provide private storage in the amount of ten (10) percent of the gross habitable floor area. The living area including closets and attics shall not count toward the required private storage area.

Such storage area shall be provided in the form of attached utility rooms, detached accessory structures, private yard area(s) available for such future use or otherwise as approved by the planning and zoning commission.

(o) *Accessory structure requirements.*

(1) Shall not be located within any front yard setback;
(2) Shall not be located within ten (10) feet of any other principal structure or within five (5) feet of any other accessory structure, except as further provided;
(3) Shall not cover more than twenty (20) percent of any side or rear yard; and
(4) The side or rear yard requirement for attached and detached accessory structures shall be subject to the provisions of section 9-4-165 (zero (0) lot line) or not less than five (5) feet.
(5) Satellite dish antennae and swimming pools shall comply with the applicable provisions of Article F, Dimensional standards.
(6) For purposes of this section any accessory structure attached to a principal structure shall be subject to the setback requirements of the principal structure.

(p) *Trash/garbage container requirements.*

(1) No container pad shall be located closer than twenty (20) feet to any dwelling structure;
(2) Each container pad required to service the development shall be located within two hundred (200) feet of the dwelling units such container is intended to serve;
(3) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.
(4) Shall be in accordance with Title 6, Chapter 3, Garbage and Refuse Collection and Disposal, of the Greenville City Code.

(q) Setback exemption. Except as further provided, minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92; Ord. No. 03-15, §§ 1, 2, 2-13-03; Ord. No. 05-123, § 6, 10-13-05; Ord. No. 06-75, 8-10-06, §1)

**Sec. 9-4-164. Planned unit development non-residential use dimensional standards.**

(a) *Lot area.* No minimum.

(b) *Lot width.* No minimum.

(c) *Public or private street setback.* No principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement.

(d) *Minimum side yard.* Fifteen (15) feet.

(e) *Minimum rear yard.* Twenty (20) feet.

(f) *Height.* No structure or building shall exceed thirty-five (35) feet in height above the property grade.

(g) *Building separation.* No structure or building shall be located within twenty (20) feet of any other structure or building.

(h) *Nonresidential condominium or townhouse type development.* Shall be subject to the applicable provisions of section 9-4-165 (zero (0) lot line), provided the overall structure meets the side, rear and public or private street setbacks as provided by this subsection.

(i) *Accessory structure requirement.* Shall be in accordance with principal building setbacks.

(j) *Trash/garbage container requirements:*

(1) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.
(2) Shall be in accordance with Title 6, Chapter 3, Garbage and refuse collection and disposal, of the Greenville City Code.

(k) Setback exemption. The minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setback may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92; Ord. No. 05-123, § 7, 10-13-05; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-165. Zero side or rear yard setbacks for detached and attached buildings or structures.**

(a) A zero side or rear yard setback where the side or rear building line is on the side or rear lot line as permitted herein, may be permitted, subject to the following provisions:

(1) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the provisions of section 9-4-163 and/or section 9-4-164. Roof eaves may encroach two (2) feet into the adjoining lot;
(2) A five-foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
(3) No two (2) units or structures shall be considered attached unless such units or structures share a five-foot common party wall; and
(4) Common party walls of attached units shall be constructed in accordance with the North Carolina State Building Code, G.S. Chapter 47C (North Carolina Condominium Act) and other applicable requirements. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

**Sec. 9-4-166. Planned unit development district (PUD) zoning map amendments.**

(a) *Application.* A petition for a zoning map amendment to establish as planned unit development district (PUD) shall be submitted to the planning and zoning commission and city council and administered in accordance with the provisions of the zoning ordinance for amendments.

(1) *Criteria.* In addition to other considerations, the following may be utilized by the planning and zoning commission and city council in evaluation of a rezoning petition to establish a planned unit development zoning district:
   a. That the total development can create a needed residential environment;
   b. That existing or proposed utility and other public services are adequate for the anticipated population densities; and
   c. That the planned unit development is in general conformity with the City's comprehensive land use plan.
(2) *Zoning map designation.* Following city council approval of a rezoning petition to establish a planned unit development district (PUD), the property for which approval was granted by ordinance shall be labeled "PUD" on the official zoning map of the City of Greenville. No permits for development shall be issued within any area designated as "PUD" unless the provisions as set forth herein are complied with. If a land use plan special use permit application is not filed with the planning and zoning commission pursuant to section 9-4-167 within twelve (12) months of such amendment, the city council shall reserve the right to rezone the property to the original zoning classification. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

**Sec. 9-4-167. Special use permit; application, land use plan, preliminary plat-site plan and final plat requirements.**

(a) *Application.* An application for a special use permit to develop a specific planned unit development shall only be considered when the property is zoned planned unit development district (PUD).

(1) *Criteria.* In addition to other considerations, the following may be utilized by the planning and zoning commission in evaluation of a special use permit pursuant to G.S. 160A-388(a):
   a. That the proposed population densities, land uses and other special characteristics of development can exist in harmony with adjacent areas;
   b. That the adjacent areas can be developed in compatibility with the proposed planned unit development; and
   c. That the proposed planned unit development will not adversely affect traffic patterns and flow in adjacent areas.

(b) *Land use plan.* All applications for approval of a planned unit development special use permit shall be accompanied by a land use plan prepared by a registered engineer or surveyor, submitted in accordance with section 9-5-44(8) of the subdivision regulations for preliminary plats and which shall include but not be limited to the following:

(1) The numbers and types of residential dwelling units including density and density bonus options utilized within each section and the delineation of nonresidential areas;
(2) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-ways and easements;
(3) Common open space and recreation areas to be developed or preserved in accordance with this section. Peripheral boundary setback shall be indicated;
(4) Plans for water, sanitary sewer, storm sewer, natural gas and underground electric utilities to be installed per Greenville Utilities Commission and City standards;
(5) The delineation of areas to be constructed in sections, showing acreage;
(6) Soil maps prepared according to the United States cooperative soil survey standards as published in the Pitt County Soil Survey;
(7) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use and lot lines of all contiguous property;
(8) Existing vegetation, indicating all trees having a diameter of twenty-four (24) inches or more;

(9) Flood hazard areas including base flood elevation;
(10) Topographic contours at a maximum of two-foot intervals showing existing grades;
(11) 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;
(12) Any other information as may be required by the planning and zoning commission;
(13) Copies of or statements addressing the following:
a. Drafts of or statements addressing any declarations of covenants, conditions or restrictions which create a homeowners' association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, private streets, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the planning and zoning commission in order to assess the feasibility of such private maintenance;
b. Drafts of or statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
c. Drafts of or statements addressing proposed encroachment and maintenance easements concerning zero (0) lot line building walls;
d. The names and current mailing address of all property owners who own property within one hundred (100) feet of the proposed development including tax map designation and parcel numbers as listed upon the tax records of Pitt County at the time of submission of the special use permit application;
e. The deed book and page number(s) showing fee simple title of all property within the planned unit development as listed in the Pitt County Register of Deeds; and
f. Statements addressing the "required findings" as set forth in section 9-4-167(f).

(c) *Preliminary plat--site plan requirements.* After approval of the land use plan special use permit as set forth herein, the developer shall submit the following according to the approved schedule of development:

(1) All information required by and in accordance with Title 9, Chapter 5, Subdivisions, of the Greenville City Code for submission of preliminary plats;
(2) Where zero (0) lot line options as provided under section 9-4-165 are proposed, the building area for such lots shall be indicated on the plat; and
(3) The following additional information shall be required when the uses as listed under section 9-4-162(b)(2) are proposed:
a. Contents. Shall be as necessary to determine and insure compliance with the standards, conditions and restrictions of this article.

(d) *Final plat requirements.* After approval of the preliminary plat as set forth herein, the developer shall submit the following according to the approved schedule of development:

(1) All information required and in accordance with Title 9, Chapter 5, Subdivisions of the Greenville City Code for submission of the final plats;
(2) Where zero (0) lot line setbacks are proposed, the buildable area for each lot shall be indicated; and
(3) The following additional information shall be required:
a. Maintenance agreements concerning all common areas, private streets and utilities; and
b. All information as required and in accordance with G.S. Chapter 47C, North Carolina Condominium Act.

(e) *Site plans for specific developments.* Site plans for specific developments shall be reviewed in accordance with Article R.

(f) *Procedure; required review.*

(1) *Land use plan review.* The applicant(s) for a special use permit to develop a specific planned unit development shall submit all information as required herein to the director of community development twenty (20) working days prior to the scheduled planning and zoning commission meeting.
a. Contents. All information as required by section 9-4-167(b), Land use plan.
b. Supplemental information. The Land Use Plan may include, at the option of the applicant, other additional information and detail in support of the petition.
c. The planning and zoning commission shall hold a public hearing to review the special use permit

application. The planning and zoning commission may in its discretion attach reasonable conditions to the plan to insure that the purposes of the planned unit development district can be met.

d. The planning and zoning commission may in its discretion attach conditions to the plan that exceed the minimum standards as set forth herein when it is found that such conditions are necessary to insure that the proposed planned unit development will be compatible with adjacent areas.

e. Required findings. Prior to approval of a special use permit, the planning and zoning commission shall make appropriate findings to insure that the following requirements are met:
   1. That the property described was zoned planned unit development (PUD) district by ordinance of the Greenville City Council.
   2. That the applicant for a special use permit to develop the planned unit development, is the legal owner of the subject property.
   3. That those persons owning property within one hundred (100) feet of the proposed development as listed on the current county tax records were served notice of the public hearing by certified mail in accordance with applicable requirements.
   4. That notice of a public hearing to consider the special use permit was published in a newspaper having general circulation in the area, as required by law.
   5. That the use (does) meet all required conditions and specifications of the zoning ordinance for submission of a planned unit development special use permit.
   6. That the use (does) have existing or proposed utility services which are adequate for the population densities as proposed.
   7. That the use (is) properly located in relation to arterial and collector streets and (is) designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the city engineer on streets in adjacent areas outside the planned unit development.
   8. That the use (is) in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.
   9. That the total development, as well as each individual section of the development (can) exist as an independent unit capable of creating an environment of sustained desirability and stability.
   10. That the use (will not) adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use and (will not) be detrimental to the public welfare if located and developed according to the plan as submitted and approved.
   11. That the use (will not) injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use (is) a public necessity.
   12. That the location and character of the use, if developed according to the plan as submitted and approved (will) be in harmony with the area in which it is to be located.

f. Notice; public hearing. Shall be given in the same manner as for amendments to the zoning ordinance.

g. Notice; adjoining property owners. Notice of the planning and zoning commission public hearing shall be delivered by certified mail to all owners of property within one hundred (100) feet of the external property boundaries of the proposed development. Such notice shall be postmarked not less than fourteen (14) days prior to the date of the public hearing. Failure to notify all owners shall not affect the validity of the action provided due diligence has been exercised in the attempts to provide notice.

h. Action by planning and zoning commission. The planning and zoning commission shall act on the special use permit application by one of the following:
   1. Approve the application as submitted;
   2. Approve the application, subject to reasonable conditions or requirements;
   3. Table or continue the application; and
   4. Deny the application.

i. If approved, the special use permit shall be binding upon the applicant, successor and/or assigns.

j. Voting. A four-fifths (4/5) vote in favor of any special use permit application shall be required for approval.

k. Appeals from planning and zoning commission action. Decisions of the planning and zoning commission on action taken concerning any special use permit to establish a planned unit development shall be subject to review as provided by law.

(2) *Preliminary plat--site plan review.* After approval of the Land Use Plan as provided herein or in conjunction therewith, the developer shall submit all information as required below to the director of community development not less than twenty (20) working days prior to the scheduled planning and zoning commission meeting:

a. The preliminary plat-site plan shall be reviewed and administered pursuant to the provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code for preliminary plats;
b. Contents. All information as required by section 9-4-167(c) preliminary plat-site plan requirements;
c. The planning and zoning commission shall review and approve the submitted preliminary plat-site plan provided such is in conformance with the approved land use plan and the provisions of this article; and
d. No building permit shall be issued for any construction within any planned unit development until a preliminary plat-site plan has been approved in accordance with the provisions of this article. Building permits may be issued in accordance with the applicable provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code.

(3) *Final plat review.* After approval of the preliminary plat-site plan as provided herein, the developer shall submit all information as required below to the director of community development not less than ten (10) working days prior to the scheduled subdivision review board meeting:
a. The final plat shall be reviewed and administered pursuant to the provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code for final plats;
b. Contents. All information as required by section 9-4-167(d), final plat requirements;
c. The subdivision review board shall review and approve the final plat provided such plat conforms to the approved preliminary plat-site plan; and
d. No certificate of occupancy shall be issued within any planned unit development until a final plat and all covenants, restrictions, easements, agreements or otherwise for such development or section thereof has been recorded in the Pitt County Register of Deeds. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, §1, 3-22-92; Ord. No. 03-41, §1, 5-8-03; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-168. Design criteria; general.**

(a) *Site planning; external relationship.* Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design and arrangement in the evaluation of the development and its relationship with the surrounding areas.

(b) *Site planning; internal relationship.*

(1) *Service and emergency access.* Access and circulation shall be adequately provided for firefighting equipment, service deliveries and refuse collection.
(2) *Underground utilities.* Planned unit developments shall be required to have underground utilities. Such proposed utilities shall be adequate to serve the proposed development and such utilities or streets shall be extended to adjacent property if it is determined to be in the interest of the City of Greenville.
(3) *Pedestrian circulation.* A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.
(4) *Thoroughfares.* Where an existing or proposed public thoroughfare as indicated on the approved thoroughfare plan of the City of Greenville is adjacent to or within the proposed planned unit development, plans for the project will reflect said thoroughfares in a manner conducive to good transportation planning. Existing thoroughfares shall be provided for in accordance with current policies for the protection of right-of-ways and construction of thoroughfares within the City of Greenville. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

**Sec. 9-4-169. Street design criteria.**

(a) For the purposes of the planned unit development district, three (3) types of streets shall be utilized to provide internal access to the development. The three (3) types of streets are defined as:

(1) *Minor street.* Distributors within the planned unit development which provide linkage with major streets outside the planned unit development district;
(2) *Marginal access street.* Those streets which connect with minor streets to provide access to individual buildings within the planned unit development district; and
(3) *Private street.* Those streets that provide access to individual buildings within the planned unit development district pursuant to section 9-4-169(c).

(b) The street design of all planned unit developments shall be in conformance with Title 9, Chapter 5, Subdivisions of the Greenville City Code and Manual of Standards, Designs and Details.

(c) Upon approval of the planning and zoning commission, interior roads may be allowed to be constructed as private streets, subject to the requirements of Title 9, Chapter 5, Subdivisions of the Greenville City Code. Where such private streets are allowed, the homeowners' association shall perpetually maintain such private streets in suitable conditions and state of repair for the City of Greenville to provide normal delivery of services, including but not limited to, garbage pickup, police and fire protection. If at any time such private streets are not maintained by the homeowners' association and travel upon them becomes or will be hazardous or inaccessible to City of Greenville service or emergency vehicles, the City of Greenville may cause such repairs after a reasonable period of notification to the property owner and/or homeowners' association. In order to remove safety hazards and ensure the safety and protection for the development, the City may assess the cost of such repairs to the property owner and/or homeowners' association The City of Greenville shall have no obligation or responsibility for maintenance or repair of such private streets as a result of the normal delivery of services or otherwise by the City of Greenville or others using such streets. No private street(s) shall be allowed unless a homeowners' association is established for the purpose of providing for and perpetually maintaining such streets. All private streets shall be dedicated to the city as utility easements. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

**Sec. 9-4-170. Utility services.**

Where utility services are provided on private property, the following standards shall apply:

(1) All such utility services, such as water lines, sanitary sewer lines, gas lines, storm sewer lines, and electric lines shall be installed and maintained according to the standards and policies of the Greenville Utilities Commission and the City of Greenville;

(2) The Greenville Utilities Commission shall receive a general easement to allow servicing and use by the commission and City of Greenville or their representative of values, meters, transformers, poles, fire hydrants or other approved utility service apparatus;

(3) The Greenville Utilities Commission shall furnish and maintain utility meters at locations approved by the Greenville Utilities Commission; and

(4) Where such utility lines, valves, fire hydrants or other utility apparatus are installed by the property owner or developer and required to be maintained by the homeowners' association or property owner, the city and/or Greenville Utilities Commission may cause such apparatus to be repaired or replaced upon its continued disrepair and after a reasonable period of notification to the property owner. In order to remove safety hazards and ensure the safety and protection for the development, the City of Greenville may assess the cost of such repairs or replacement to the property owner or homeowners' association. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

**Sec. 9-4-171. Homeowners' association.**

(a) No final plat shall be approved until all required legal instruments have been reviewed and approved by the city attorney as to legal form and effect.

(b) If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions and restrictions that will govern such association. The provisions of such declaration of covenants, conditions, restrictions shall include, but not be limited to, the following:

(1) The homeowners' association must be set up before any property is sold in the development;
(2) Membership must be mandatory and automatic when property is purchased in the development;
(3) The open space restrictions must be permanent, not just for a period of years;
(4) The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities including private streets;
(5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property;
(6) The association must be able to adjust the assessment to meet changed needs;
(7) Covenants for maintenance assessments shall run with the land;
(8) Provision insuring that control of such association will gradually be vested in the homeowners' association; and
(9) All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92)

**Sec. 9-4-172. Amendment to land use plan special use permit.**

(a) *Minor changes.* Amendments to the approved land use plan that in the opinion of the director of community development do not substantially change the concept of the planned unit development as approved may be allowed. Such minor changes may include but not be limited to small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the land use plan shall be so amended prior to submission of any preliminary plat-site plan application involving or affecting such amendment. Appeal from the decision of the director of community development may be taken to the subdivision review board.

(b) *Major changes.* Amendments to the approved land use plan that in the opinion of the director of community development do in fact involve substantial changes and deviations from the concept of the planned unit development as approved shall require review pursuant to section 9-4-167(e). Such major changes shall include but not be limited to increased density, land use, location of use, open space, recreation space, condition(s) of planning and zoning commission approval and street pattern. Appeal from the decision of the director of community development may be taken to the subdivision review board.

(c) *Authority.* Minor changes may be approved administratively by the director of community development. Major changes shall require planning and zoning commission approval.

(d) *Variances.* The City of Greenville Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this section or condition as approved by the planning and zoning commission. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2439, § 1, 3-22-92; Ord. No. 06-75, §1, 8-10-06)

**Secs. 9-4-173--9-4-178. Reserved.**

## Article K. Land Use Intensity (Lui) Development

### Sec. 9-4-179. Purpose and intent; terms and definitions.

(a) *Generally.* The land use intensity (LUI) system is a development option allowed pursuant to special use permit approval of the planning and zoning commission and designed with the intent to:

(1) Provide an organized and comprehensive system for determining and controlling the intensity with which land is developed;
(2) Replace conventional fixed yard, height, spacing, and density standards with floor area, open space, recreation space and livability space ratios which widen development options while maintaining public benefits;
(3) Allow and encourage a variety of horizontal and vertical building configurations;
(4) Encourage innovations in residential development so that the growing demands of population may be met while insuring the livability of such developments; and
(5) Provide a procedure which can evaluate a specific development on a particular site to the particular demand for housing at the time of development in a manner consistent with the preservation of property values within established or future residential areas.

(b) *Terms and definitions.*

(1) *Gross land area (GLA).* GLA is the sum of site land for residential use plus one-half of the area of any abutting walk, alley, or street right-of-way or permanent open space (maximum width in feet of countable abutting open space is equal to the LUI number of the parcel).
(2) *Floor area (FA) and floor area ratio (FAR).* FA is the total floor area including mezzanines, interior balconies, and upper floors, of all floors measured from the outside faces of exterior walls. The floor area of all buildings on a lot divided by the lot area is the FAR. FAR x GLA = maximum floor area acceptable at a given LUI number.
(3) *Open space (OS) and open space ratio (OSR).* OS is the sum of uncovered open space and one-half of covered open space including off site space used in computing GLA. Open space need not be at ground level, if appropriately improved. OSR x GLA = minimum open space acceptable for a given LUI number.
(4) *Livability space (LS) and livability space ratio (LSR).* LS is non-vehicular open space and is part of total open space. LS is open space that is designed for pedestrian use such as walkways, landscaped areas, and recreation areas which are barred to automotive use. LSR x GLA = minimum livability space acceptable for a given LUI number.
(5) *Recreation space (RS) and recreation space ratio (RSR).* RS is the outdoor area that is improved for the recreational use of all residents. RS is part of both livability and open space. RSR x GLA = minimum recreation space acceptable for a given LUI number.
(6) *Primary wall.* A primary wall contains the principal windows in a habitable room, except bedrooms and kitchens (thus including living rooms, dining rooms, family rooms and the like).
(7) *Secondary wall.* A secondary wall contains the windows of rooms other than those described above for primary walls.
(8) *Windowless wall.* A windowless wall contains no windows or only windows which do not involve loss of privacy. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-180. Land use intensity (LUI) ratings and requirements.

(a) *LUI rating:* 50 (Subject to special use permit approval within the R6, R6A, MR, OR and CDF districts).

(1) Minimum lot area required: Fifteen thousand (15,000) square feet.
(2) Gross land area (GLA) multiplied by the following ratios equal the maximum floor area and minimum space requirements.
   a. (GLA) x .400 = Floor area (FA)
   b. (GLA) x .72 = Open space (OS)
   c. (GLA) x .44 = Livability space (LS)
   d. (GLA) x .052 = Recreation space (RS)

(3) Minimum parking requirement.
   a. One-bedroom unit: One and two-tenths (1.2) spaces
   b. Two- or more bedroom unit: Two (2) spaces (Ord. No. 01-35, § 1, 03-08-01)

(b) *LUI rating:* 67 (Subject to special use permit approval within the R6, R6A, MS, OR and CDF districts).

(1) Minimum lot area required:
   a. R-6 zoning district: Twenty (20) acres (871,200 square feet).
   b. All other districts: Fifty-five thousand (55,000) square feet.
(2) Gross land area (GLA) multiplied by the following ratios equal the maximum floor area and minimum space requirements.
   a. (GLA) x 1.30 = floor area (FA)
   b. (GLA) x .67 = open space (OS)
   c. (GLA) x .42 = livability space (LS)
   d. (GLA) x .104 = recreation space (RS)
(3) Minimum parking requirement.
   a. Per bed: Seventy-five hundredths (0.75) of a space. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-78, § 2, 6-9-94; Ord. No. 01-35, § 2, 03-08-01)

**Sec. 9-4-181. Development standards.**

(a) *Public or private street setback.* No principal or accessory structure shall be closer than twenty-five (25) feet to a public street right-of-way or private street easement.

(b) Side and rear setbacks and/or separation between buildings or opposing wings of a building vary according to the type of wall involved.

(1) Primary wall: Six (6) feet plus two (2) feet for each story plus one (1) foot for each ten (10) feet of wall length.

   Formula: $D = 6+2S+L/10$

   where D is the minimum setback distance, S is the number of stories, and L is the length of wall.

(2) Secondary wall: Two (2) feet plus one (1) foot for each story plus one (1) foot for each ten (10) feet of wall length.

   Formula: $D = 2+S+L/10$.

(3) Windowless wall: Ten (10) feet.

(c) *Height:* No structure or building may exceed ninety (90) feet in height above the property grade unless the depth of the public or private street setback is increased five (5) feet for each ten (10) feet or fraction thereof, of building height in excess of ninety (90) feet.

(d) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article O. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-182. Garbage/trash container pad locations.**

(a) No container pad shall be located closer than twenty (20) feet to any dwelling structure.

(b) Each container pad required to service the development shall be located within two hundred (200) feet of the dwelling units such container is intended to serve.

(c) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.

(d) [Container pads] shall be in accordance with Title 6, Chapter 3, Garbage and refuse collection and disposal, of the Greenville City Code. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2466, § 5, 6-8-92)

**Sec. 9-4-183. Private streets.**

Private streets may be allowed pursuant to the subdivision regulations.

**Sec. 9-4-184. Compliance with subdivision standards.**

All development regulated in accordance with this article shall be subject to the requirements, conditions and restrictions of the subdivision regulations whether or not the subject tract is actually divided for the purpose of transferring title. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-185. Bufferyard setbacks and vegetation requirements.**

(a) Bufferyard setbacks shall be in accordance with Article G of this chapter

(b) Vegetation requirements shall be in accordance with Article P of this chapter. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-117, § 4, 11-9-95)

**Sec. 9-4-186. Special use permit; application, content, public hearing, conditions of approval, required findings, notice, action, appeal, amendment.**

(a) *Application.* The applicant for a special use permit to develop a specific land use intensity project shall submit all information as required herein to the director of community development not less than twenty (20) working days prior to the scheduled planning and zoning commission meeting. Application shall only be made in accordance with Article D, Table of Permitted and Special Use, and at the LUI rating specified for the particular use.

(b) *Content; required review.* The application shall include all information necessary to insure compliance with this article or other ordinances or regulations of the City of Greenville and Greenville Utilities Commission. All applications shall be reviewed and administered in accordance with Title 9, Chapter 5, Subdivisions of the Greenville City Code for preliminary subdivision plats.

(c) *Public hearing.*

(1) The planning and zoning commission shall hold a public hearing to review the special use permit application. The planning and zoning commission may in its discretion attach reasonable conditions to the plan to insure that the purposes of the land use intensity development as stated in section 9-4-179 can be met.

(d) *Conditions of approval.* The planning and zoning commission may in its discretion attach conditions to the plan that exceed the minimum standards as set forth herein when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but not be limited to setback, parking, screening, landscaping, bufferyards, density or other requirements.

(e) *Required findings.* Prior to approval of a special use permit, the planning and zoning commission shall make appropriate findings to insure that the following requirements are met:

(1) The planning and zoning commission must find that the use has existing or proposed utility services which are adequate for the population densities as proposed.
(2) The planning and zoning commission must find that the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the city engineer on streets in adjacent areas outside the development.
(3) The planning and zoning commission must find that the use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved.

(4) The planning and zoning commission must find that the use meets all required conditions and specifications.
(5) The planning and zoning commission must find that the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
(6) The planning and zoning commission must find that the location and character of the use if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan of the City of Greenville and its extraterritorial jurisdiction.

(f) *Notice.*

(1) *Public hearing.* Shall be given in the same manner as for amendments to the zoning ordinance.
(2) *Adjoining property owners.* Notice of the planning and zoning commission public hearing shall be delivered by certified mail to all owners of property within one hundred (100) feet of the external property boundaries of the proposed development. Such notice shall be postmarked not less than fourteen (14) days prior to the date of the public hearing. Failure to notify all the owners shall not affect the validity of the action provided due diligence has been exercised in the attempts to provide notice.

(g) *Action by planning and zoning commission.*

(1) Approve the application as submitted.
(2) Approve the application, subject to reasonable conditions or requirements.
(3) Table or continue the application.
(4) Deny the application.
(5) A four-fifths (4/5) vote in favor of any special use permit application shall be required for approval.
(6) If approved, the special use permit shall be binding upon the applicant, successor and/or assigns.

(h) *Appeal.* Decisions of the planning and zoning commission on action taken concerning any special use permit to establish a land use intensity (LUI) development shall be subject to review as provided by law.

(i) *Amendment to special use permit.*

(1) *Minor changes.* Amendments to the approved plan that in the opinion of the director of community development do not substantially change the concept of the land use intensity (LUI) development as approved may be allowed. Such minor changes may include but not be limited to small site alterations such as relocation of interior utility service lines, internal drainage systems and the like due to engineering necessity and alteration in the internal configuration of the buildings as approved provided the total number of bedrooms is not increased. If approved, the development plan shall be so amended prior to the issuance of any permit. Any such amendment shall also require approval of the applicable administrative authority in the individual case.
(2) *Major changes.* Amendments to the approved plan that in the opinion of the director of community development do in fact involve substantial changes and deviations to the concept of the land use intensity (LUI) development as approved shall require revision and approval in the nature of an original petition.
(3) *Authority.* Minor changes may be approved administratively by the director of community development. Major changes shall require planning and zoning commission approval.
(4) *Appeal.* Decisions of the director of community development may be taken to the subdivision review board.
(5) *Variances.* The City of Greenville board of adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this article or condition as approved by the planning and zoning commission. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Secs. 9-4-187--9-14-192. Reserved.**

## Article L. Special Districts

**Sec. 9-4-193. Planned unoffensive industry (PIU) and planned industry (PI) district standards.**

(a) No PIU or PI district shall contain less than one hundred (100) gross acres.

(b) The PIU and PI districts may be combined to meet the minimum requirement of this section provided such districts are contiguous.

(c) Addition to any existing PIU and PI district or combination thereof may be allowed provided such addition meets or exceeds all other applicable requirements. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-194. Residential neighborhood revitalization (R6N) district standards.**

(a) The R6N district shall be established in existing neighborhoods.

(b) No R6N district shall contain less than fifty (50) gross acres.

(c) Addition to any existing R6N district may be allowed provided such addition meets the district standards of this section.

(d) The maximum number of lots used for two-family and multifamily development within the R6N district shall not exceed fourteen (14) percent of the total number of lots in the district. For purposes of this section, each single-family dwelling, two-family attached and multifamily structure sharing common area shall be considered as one (1) lot. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2423, § 2, 2-13-92)

**Sec. 9-4-195. Medical-general commercial (MCG) district standards.**

(a) No development tract which is zoned entirely or in part MCG shall be less than four (4) net acres. Such tract shall be referred to as the "original development tract."

(b) Lots containing less than four (4) acres may be created by lawful subdivision provided any outparcels created by such division shall not have direct driveway access to any public street. It is the intent of this provision to require that outparcels of the original development tract be served by internal traffic circulation in conjunction with the original development tract.

(c) The minimum primary width of any original development tract regulated under this section shall not be less than one hundred fifty (150) feet as measured along the public street setback line (MBL).
(d) The minimum primary width of any outparcel regulated under this section shall not be less than one hundred twenty (120) feet as measured along the public street setback line (MBL).

(e) The secondary lot width of any townhouse type division, of any tract, lot or outparcel shall not be less than sixteen (16) feet at the closest point of the side lot lines. Such division shall be subject to (b) above.

(f) Additional buffer requirements. The standards of Article G shall apply, provided however, that the side and rear yard requirements shall not be less than "bufferyard C." This provision shall apply only to the original development tract and to the side and/or rear yard of any outparcel or townhouse type lot located on the peripheral boundary of the original development tract.

(g) Additional parking requirements. The cross district parking standards set out under Article O, section 9-4-254(a) shall apply. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-77, § 1, 5-12-94; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-196. Planned unit development (PUD) district standards.**

(a) No PUD district shall contain less than ten (10) gross acres.

(b) Addition to any existing PUD district may be allowed provided such addition meets or exceeds all other applicable requirements. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-197. Water supply watershed (WS) overlay district standards.**

(a) *Purpose and intent; definition.*

(1) The purpose of the water supply watershed (WS) overlay district and the standards set forth under this section are to protect and manage surface water supply watersheds pursuant to the Water Supply Watershed Act of 1989 and N.C.G.S. 143-214.5 as amended.
(2) The standards contained herein shall be in addition to the standards of the underlying zoning district(s).
(3) For purposes of this section a water supply watershed (WS) district is defined as an overlay zoning district which controls development density and intensity through minimum lot area and maximum impervious surface coverage (built-upon area) standards within the regulated water supply watersheds.

(b) *Regulated area.*

(1) The provisions of this section shall apply within the areas designated as a surface water supply watershed by the North Carolina Environmental Management Commission and as illustrated on the map entitled, "Watershed Protection Map of Pitt County, North Carolina," which is incorporated herein by reference.
(2) The regulated area(s) are hereby adopted by reference as overlay zoning district(s) entitled "water supply watershed (WS)" district and included on the Official Zoning Map of the City of Greenville. Where any discrepancy is found to exist as to the boundaries of the regulated area(s) as illustrated and described by and between the Official Zoning Map of the City of Greenville and the "Watershed Protection Map of Pitt County, North Carolina," the more restrictive shall apply.
(3) The regulated area is hereby further divided into two (2) districts entitled "water supply watershed - critical (WS-C)" and "water supply watershed - protected (WS-P)." The boundaries of such districts are illustrated and described on the map entitled "Watershed Protection Map of Pitt County, North Carolina," and the Official Zoning Map of the City of Greenville.
(4) The provisions of this section shall apply to regulated area(s) both within the city limits and within the extraterritorial zoning jurisdiction of the City of Greenville as amended.

(c) *Watershed classification.*

(1) The Environmental Management Commission of North Carolina has classified all surface water supply watersheds within the City of Greenville's zoning jurisdiction as WS-IV. The Commission has further divided the regulated area as described herein into critical and protected areas.
(2) Critical areas (WS-C) are defined as the area adjacent to a water supply intake where the risk associated with pollution is greater than from remaining portions of the watershed. The critical area, as illustrated on the Watershed Protection Map, extends one-half (½) mile upstream from the intake located directly in the river, or to the ridge line of the watershed, whichever comes first.
(3) Protected areas (WS-P) are defined as those areas adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area extend ten (10) miles upstream and draining to the intake located directly from the river, or to the ridge line of the watershed, whichever comes first.

(d) *Applicability.* All new development activities, commenced after the effective date (July 1, 1993) of this section, requiring a sedimentation and erosion control plan shall comply with the provisions of this section.

(e) *Exemptions.*

(1) Single-family dwelling or addition(s) thereto located on an individual lot of record established prior to the effective date (July 1, 1993) of this section.

(2) Existing development as defined and regulated in accordance with Article C, Nonconforming situations, of this chapter.
(3) Completion of nonconforming projects allowed in accordance with Article C, Nonconforming situations, of this chapter.

(f) *Certificates of watershed protection compliance.*

(1) The director of community development or his designated representative is hereby authorized to issue certificates of watershed protection compliance for activities subject to this section.
(2) A certificate of watershed protection compliance shall be required for all activities within the regulated area in addition to other zoning compliance permits or other approvals as may be required. No land disturbing activity within the regulated area shall begin until a certificate of watershed protection compliance has been issued in accordance with this section.
(3) Subdivision plats and site plans approved after the effective date (July 1, 1993) of this section shall be subject to the following requirements.
   a. The boundaries of the water supply watershed protected (WS-P) and critical (WS-C) districts shall be indicated on all preliminary and final subdivision plats and site plans.
   b. Where any portion of land proposed for subdivision lies within a watershed protection district a certificate of watershed protection compliance shall be included on all final subdivision plats. Such certificate shall read as follows:

      Certificate of Approval for Recording

      I certify that the final plat shown hereon complies with the Water Supply Watershed Overlay District standards in accordance with Title 9, Chapter 4, Zoning of the Greenville City Code and is approved for recordation in the Register of Deeds.

      _____ _____
      Chairman, Subdivision Review Board  Date

      Notice: This property, or part indicated, is located within a Public Water Supply Watershed and development restrictions may apply.

   c. Where any portion of land proposed for development lies within a watershed protection district a certificate of watershed protection compliance signed and sealed by a professional engineer shall be included on all site development plans. Such certificate shall read as follows:

      Certificate of Watershed Protection Compliance

      I, _____, hereby certify that the site development plan shown hereon complies with the Water Supply Watershed Overlay District standards in accordance with Title 9, Chapter 4, Zoning of the Greenville City Code.

      _____ _____
      Signature  Date

      SEAL:

(g) *Enforcement.*

(1) The building inspector or his authorized representative is hereby designated by the city council as its agent for the enforcement of these regulations.

(h) *Development restrictions.*

(1) Critical area (WS-C).
  a. Low density option.
    1. Single-family residential development shall not exceed two (2) dwelling units per gross acre on a project-by-project basis.
      (a) No single-family residential lot shall be less than one-half (½) acre or twenty thousand (20,000) square feet in area, excluding street right-of-ways, except as provided under subsection 9-4-197(h)(3) for cluster development.
    2. All other residential and nonresidential development shall not exceed twenty-four (24) percent built-upon area on a project-by-project basis. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(2) Protected area (WS-P).
  a. Low density option.
    1. Single-family residential development shall not exceed two (2) dwelling units per gross acre on a project-by-project basis.
      a. No single-family residential lot shall be less than one-half (½) acre or twenty thousand (20,000) square feet in area, excluding street right-of-ways, or fifteen thousand (15,000) square feet in area, excluding street right-of-ways, for projects without curb and gutter street construction and an underground piped storm drainage system, except as provided under subsection 9-4-197(h)(3) for cluster development.
    2. Except as otherwise provided, all other residential and nonresidential development shall not exceed twenty-four (24) percent built-upon area on a project-by-project basis. For projects without curb and gutter street construction and an underground piped storm drainage system, development shall not exceed thirty-six (36) percent built-upon area on a project-by-project basis. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(3) Clustering of development shall be allowed on a project by project basis subject to all of the following requirements:
  a. Overall density of the project shall meet the associated density or stormwater runoff requirements of the controlling water supply watershed district classification, (WS-C or WS-P).
  b. Single-family detached residential developments shall be subject to the provisions of Article F, and Article M, of this chapter.
  c. Two-family attached (duplex) residential developments shall be subject to the provisions of Article F, of this chapter.
  d. Multifamily residential developments shall be subject to the provisions of Article I, of this chapter.
  e. Mobile home development shall be subject to the provisions of Article F, and Article H, of this chapter.
  f. Nonresidential developments shall be subject to the provisions of Article F, of this chapter.
  g. Built-upon areas shall be designed and cited to minimize stormwater runoff impact to the receiving waters and to minimize concentrated stormwater flow in accordance with best management practices in the opinion of the city engineer.
  h. The area by which each lot is reduced below the minimum lot area requirement of this section shall be reserved as perpetual open space. Such open space shall be set forth by description and notation upon a final subdivision map and any development or other land disturbing activity shall be prohibited within said area. Specifically, the open space area shall be perpetually maintained in its vegetated or natural state.

(i) *Buffer area required.*

(1) A vegetative buffer, as measured from top of bank, shall be required for new development activities along each side of all perennial waters indicated on the most recent versions of the U.S.G.S. 1:24,000 (7.5 minute) scale topographical maps, or as determined by local government studies, in accordance with the following:
  a. Low density option - Minimum thirty (30) feet.

(2) No new development is allowed in the buffer area except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increase in impervious area and public projects such as road crossings and greenways where no practicable alternative exists. These

activities should minimize built-upon area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices.

(3) Desirable artificial streambank or shoreline stabilization may be permitted.

(j) *Prohibited uses.* Regardless of the underlying zoning district, the following uses are prohibited in the water supply watershed - critical (WS-C) district.

(1) Landfills; and
(2) Sites for land application of residual or petroleum contaminated soils.

(k) *Reserved.*

(l) *Variances.*

(1) Prior to final consideration by the board of adjustment as authorized by Article S of this chapter, all major variance requests shall be reviewed by the N.C. Environmental Management Commission. For purposes of this section a "major variance" is defined as (1) any variance that constitutes greater than a ten (10) percent deviation from any numerical standard specified by this section or (2) any variance to any standard set forth under the high density development option.
(2) That board of adjustment shall not be authorized to grant or approve any major variance which has not first been reviewed by and received approval of the N.C. Environmental Management Commission.
(3) Prior to board of adjustment consideration of any variance the director of community development or his designated representative shall notify in writing each local government having jurisdiction within the subject watershed and each local government or other entity using the watershed for water consumption including private water corporations and the like. Such notice shall contain a copy of the complete application as submitted, including a description of the variance and any required map. Such local government(s) and/or other entities may submit written comments for consideration by the board of adjustment.
(4) The findings and recommendation of the N.C. Environmental Management Commission and any written comments of the local government(s) having jurisdiction within the subject watershed shall be made a part of the findings of fact and record of the board of adjustment. Such findings, recommendations and written comments and other competent evidence as may be presented shall be considered by the board of adjustment in accordance with law.
(5) If an application calls for the granting of a major variance, and if the board of adjustment decides in favor of granting the variance, the board shall prepare a preliminary record of the hearing. The preliminary record of the hearing shall include: the variance application; the hearing notices; the evidence presented; motions, offers of proof, objections to evidence, and rulings on them; proposed findings and exceptions; and the proposed decision, including all conditions proposed to be added to the permit. The preliminary record shall be sent to the environmental management commission for its review as follows:
    a. If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The commission shall prepare a commission decision and send it to the board of adjustment. If the commission approves the variance as proposed, the board shall prepare a final decision granting the proposed variance. If the commission approves the variance with conditions and stipulations, the board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
    b. If the commission concludes from the preliminary record that the variance 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 variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the commission shall deny approval of the variance as proposed. The commission shall prepare a commission decision and send it to the board of adjustment. The board shall prepare a final decision denying the variance as proposed.

(m) *Amendment.* Amendment to the water supply watershed overlay district regulations as contained herein shall be filed with the N.C. Division of Environmental Management and the N.C. Division of Community Assistance. No amendment shall become effective until the city has received approval from the state as provided by law and the applicable water supply watershed protection rules.

(n) *Record of amendments and variances.*

(1) *Amendments.* The director of community development or his designated representative shall keep a record of amendments to this section and provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management, the N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.
(2) *Variances.* The director of community development or his designated representative shall keep a record of all variances from this section. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on or before January 1 of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(o) *Compliance with subdivision standards.* All development regulated in accordance with this section shall be subject to the requirements, conditions and restrictions of the subdivision regulations whether or not the subject tract is actually divided for the purpose of transferring title.

(p) *Stormwater management requirements.*

(1) All stormwater management techniques and improvements shall be in accordance with best management practices (BMPs). For purposes of this section "best management practices (BMPs)" are defined as structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
(2) Stormwater controls shall be reviewed, regulated and improved pursuant to Title 9, Chapter 9, Storm Drainage, of the Greenville City Code. (Ord. No. 2640, § 1, 6-10-93; Ord. No. 94-41, §§ 1--3, 3-10-94; Ord. No. 97-15, §§ 1--7, 2-13-97; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-198. Historic district (HD) overlay district standards.**

The requirements, conditions and restrictions of Title 9, Chapter 10, of the City Code entitled "Historic Preservation Commission" shall apply. (Ord. No. 94-22, § 2, 2-10-94)

Sec. 9-4-199. Conservation area (CA) overlay district standards.

(a) Purpose and intent; definition.

(1) The purposes of the conservation area (CA) overlay district and requirements set forth under this section are: (i) to provide for permanent open space and desirable buffers between proposed uses and incompatible adjacent land uses, environmentally sensitive areas or hazardous areas in excess of minimum standards and (ii) to provide a method and means by which such open space and increased buffer areas may be utilized to fulfill zoning requirements applicable to individual lot development.
(2) A conservation area (CA) overlay district is defined as an overlay zoning district adopted in conjunction with an underlying common general purpose district, as listed under Article D, Part 2, Sections 9-4-46 thru 9-4-73, wherein the zoning rights, standards, restrictions and requirements as set forth herein for the common general purpose district shall extend to the CA district zoned area of a lot of record while prohibiting the encroachment of buildings, structures, parking, drives and other impervious areas or other residential and/or nonresidential uses or activities including storage, stock-in-trade display and delivery of service, inconsistent with this section, within the CA district zoned portion of such lot.

(b) Standards.

(1) Initiation of a petition for a conservation area (CA) overlay district zoning map amendment shall be restricted to the legal owner of record, both at the time of initial application and city council final action, or the authorized agent of the owner at such times. No CA overlay district shall be established or amended

without first being submitted to the planning and zoning commission for review and recommendation in accordance with original submission requirements.

(2) All conservation area (CA) overlay districts shall be delineated upon the official zoning map as both the underlying common general purpose district and CA overlay district. The general purpose district title shall be followed by "-CA" in all areas zoned conservation area (CA) overlay.

(3) At the time of zoning consideration of any CA overlay district, the area within the proposed CA overlay district shall be undeveloped and vacant and shall not contain any principal and/or accessory buildings, structures or parking or be subject to any vested right to continue any activity or site development inconsistent with this section.

(4) No CA overlay district zoned area of any lot, either at the time of initial zoning or as a result of future zoning action or subdivision, shall be less than one-hundred (100) feet at its narrowest dimension.

(5) Except as otherwise provided, no portion of any CA overlay district shall be used as a building site. No buildings, structures, parking or other impervious areas shall be allowed to encroach into any CA overlay district, and no portion of any CA overlay district shall be used for any temporary and/or permanent residential or nonresidential purpose including storage and delivery of service

(6) Public streets and sidewalks, public utility and other public infrastructure improvements and/or structures may be constructed within a CA overlay district.

(7) Stormwater detention ponds and drainage improvements may be constructed within a CA overlay district.

(8) Private streets and sidewalks, driveways and general (public/customer) pedestrian access walkways may encroach into any CA overlay district subject to compliance with all the following requirements:

(a) Shall be designed to provide direct access to and from adjacent public streets, designated common property, public access easements and lot lines.

(b) No temporary or permanent parking area or space(s) shall be allowed within any CA overlay district.

(9) Required bufferyard (peripheral and street yard) setbacks in accordance with Article G, street right-of-way (front yard) setbacks and minimum yard areas in accordance with Article F, may be located in any CA overlay district.

(10) Required or optional vegetation materials may be qualified and/or planted and berms, fences and other landscape features approved by the director of community development, or the director's authorized representative, may be allowed within any CA overlay district.

(11) All portions of a lot located within a CA overlay district shall be utilized to count toward total lot area, lot width and lot frontage for purposes of determining allowable density, minimum lot area, minimum open space, maximum lot coverage, minimum vegetation, minimum recreation area and other requirements or restrictions related to lot area or dimension as may apply in accordance with the underlying general purposes district or other applicable standards.

(12) Public greenway and public recreational improvements shall be allowed in any CA overlay district.

(13) Except as further provided, no property shall be subdivided or zoned CA overlay which would result in a lot that does not contain an adequate building site. No lot or parcel shall be located completely within a CA overlay district unless such lot or parcel is dedicated or deeded to the public or unless such lot or parcel is dedicated as common area open space as part of a contiguous townhouse, condominium or other common property development as shown upon a final plat recorded pursuant to the subdivision regulations.

(14) When property that contains any area zoned CA overlay district is proposed to be subdivided, the preliminary subdivision plat and final subdivision plat shall delineate the CA overlay district area as "conservation area" and shall note restrictions applicable to such area as provided herein. Areas that are indicated on a final plat as "conservation area" pursuant to this section shall not constitute a public dedication of lands except as specifically noted by description, and such areas may be reconfigured pursuant to zoning amendment of the CA overlay district boundary affecting such lot as may be approved by city council.

(15) Prior to the issuance of a building permit for development on a lot that contains any area zoned CA overlay district, or prior to the issuance of any zoning compliance permits or approvals to conduct any use of property in cases where a building permit is not required, a final subdivision plat of such lot shall be recorded pursuant to the subdivision regulations. Such plat shall delineate the CA overlay district area as "conservation area" and shall note restrictions applicable to such area as provided herein. Areas that are indicated on a final plat as "conservation area" pursuant to this section shall not constitute a public dedication of lands except as specifically noted by description, and such areas may be reconfigured pursuant to zoning amendment of the CA overlay district boundary affecting such lot as may be approved by City Council. (Ord. No. 03-50, § 2, 6-12-03; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-200. R6A restricted residential use (RU) overlay district standards.**

(a) Purpose and intent; definition.

(1) The purpose of the R6A restricted residential use (RU) overlay district and requirements set forth under this section are:

(i) to provide a residential development option designed to encourage single-family and/or two-family attached (duplex) development and

(ii) to prohibit multi-family development within the underlying R6A district included within such overlay.

(2) An R6A restricted residential use (RU) overlay district is defined as an overlay zoning district adopted in conjunction with an underlying R6A (residential) general purpose district as listed under Article D, Part 2, Section 9-4-51.1 wherein the zoning rights, standards, restrictions and requirements as set forth for the common general purpose district shall extend to the RU overlay district zoned area in accordance with section (b) below.

(b) Standards.

(1) Initiation of a petition for a R6A restricted residential use (RU) overlay district zoning map amendment shall be restricted to the legal owner of record, both at the time of initial application and city council final action, or the authorized agent of the owner at such times.

(2) All R6A restricted residential use (RU) overlay districts shall be delineated upon the official zoning map as both the underlying R6A (residential) general purpose district and RU overlay district. The R6A general purpose district title shall be followed by "-RU" in all areas zoned restricted residential use (RU) overlay.

(3) The zoning rights, standards, restrictions and requirements of the R6A underlying general purpose district shall extend to the R6A-RU overlay district, except as provided herein.

(4) No portion of a multi-family development shall be permitted within any R6A-RU overlay district and no portion of any area zoned R6A-RU overlay district shall count toward net lot area for purposes of multi-family density allowance or calculation on any lot located partially or totally outside a R6A-RU overlay district.

(5) Except as further provided, no R6A-RU overlay district shall contain less than five (5) acres of net land area at the time of initial zoning or as a result of future zoning actions. Addition to any existing R6A-RU overlay district may be allowed provided such addition meets the district standards of this section. The dedication of public street rights-of-ways, private street easements, public park lands and the like after the time of initial zoning, which results in the overlay district area being reduced below the initial five (5) acre net area minimum, shall be allowed. (Ord. No. 04-67, § 1, 6-1-04)

## Article M. Residential Cluster Development

### Sec. 9-4-201. Purpose and intent; definition.

(a) The purpose of residential cluster development is to provide an alternative development option that will:

(1) Promote more efficient use of land resources than is otherwise possible under conventional subdivision regulations.
(2) Reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed pursuant to Article F, Dimensional standards.
(3) Preserve the natural character of the site.
(4) Preserve farm land and scenic views.
(5) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas.
(6) Provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions.

(b) For purposes of this section, a residential cluster development is defined as:

(1) A development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, required yards, and public street access, and to save infrastructure development cost, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed pursuant to Article F, Dimensional standards.
(2) Such development shall contain detached single-family dwellings only; and
(3) Such development shall provide a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for the perpetual common use by the occupants of the development. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2409, § 1, 1-9-92)

### Sec. 9-4-202. Area; permitted districts, exemption; street access; open space(s); relationship to greenway plan; density; dimensional standards.

(a) Residential cluster developments shall contain not less than ten (10) net acres. For purposes of this section “net acres” shall be the total area of all lots and common area(s) exclusive of public street rights-of-way or private street easements. Addition to any existing residential cluster development may be allowed provided such addition meets or exceeds all other applicable requirements.

(b) Subject to subsection (a) above, a residential cluster development may as an option be allowed within any RA-20, R-9S, R-9, R-6S, R-6, R6A, MRS or MR zoning district. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, required yards and public street access normally applicable to such districts, provided such development complies with the minimum standards set forth under this section.

(c) Dwelling units within a residential cluster development may be constructed on lots fronting private streets.

(d) A residential cluster development shall provide open space(s) subject to all of the following requirements:

(1) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under subsection (2) below, whichever is greater;
(2) Residential cluster developments shall reserve not less than fifteen (15) percent of the gross acreage as common open space;
(3) Such area shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or other similar recreational facilities may be allowed;

(4) Such area shall not be devoted to any public street right-of-way or private street easement, private driveway or parking area;
(5) Such area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails for walking or jogging or, if not wooded at the time of development, is improved for the uses listed under subsection (3) above, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection (6) below;
(6) Such area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection;
(7) Such area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated;
(8) A minimum of one-half (½) of the required open space shall be contained in one (1) continuous undivided part;
(9) Not more than twenty-five (25) percent of the required open space shall lie within any floodway zone;
(10) Not more than twenty-five (25) percent of the required open space may be devoted to allowable improvements as set forth in subsection (3) above;
(11) Such area shall be perpetually owned and maintained for the purposes of this article by a homeowners association or, at the option of the City, dedicated or deeded to the public;
(12) The location and arrangement of any open space(s) shall be subject to planning and zoning commission approval;
(13) The owner shall, pursuant to the subdivision regulations, cause a final subdivision plat to be recorded in the Pitt County Register of Deeds which clearly describes the open space(s) and conditions thereof, prior to the issuance of any building permit(s).

(e) *Relationship to greenway plan.* If any portion of the area proposed for a residential cluster development lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public at the option of the City of Greenville.

(f) *Maximum density requirements.*

(1) Residential density shall not exceed that which would normally be permitted under single family standards within the prevailing zoning district on a net area basis.
(2) Public street rights-of-way and private street easements shall not be included or count towards the total net area for purposes of calculating allowable density.
(3) Area dedicated or deeded to the City pursuant to section 9-4-202(e) above shall count towards net area for purposes of density calculation.

(g) *Minimum dimensional standards.*

(1) *Lot area:* Not less than sixty (60) percent of the minimum lot area which would normally be required under the single family standards of the prevailing zoning district.
(2) *Lot width:* No minimum width requirement at the street setback line (MBL); however, all lots shall contain a building site of like design and area to other lots within the cluster subdivision.
(3) *Lot frontage:* Forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet.
(4) *Public or private street setback:* No principal or accessory structure shall be closer than fifteen (15) feet to a public street right-of-way or private street easement or as further provided herein.
(5) *Side yard setback:* Shall be subject to section 9-4-203 (zero (0) lot line) or not less than twelve (12) feet, provided *however*, that no structure shall be located on more than one (1) side lot line. Dwellings which do not utilize the provisions of section 9-4-203 (zero (0) lot line) and are not located adjacent to a lot line section subject to section 9-4-203 shall maintain a minimum side setback of not less than six (6) feet.
(6) *Rear yard setback:* Shall be subject to section 9-4-203 (zero (0) lot line) or not less than twelve (12) feet.
(7) *Building separations:* No portion of any principal structure shall be located less than twelve (12) feet from any other principal structure or less than ten (10) feet from any accessory structure as measured to the closest point.

(8) *Periphery boundary setback:* Except as further provided no principal or accessory structure shall be located less than twenty-five (25) feet from the peripheral boundaries of the residential cluster development.

(9) *Transition area setback:* Where a residential cluster development adjoins or borders an existing single-family zoning district or other predominantly single-family development sharing common frontage on the same or opposite side of a public or private street, the minimum right-of-way and/or easement setback requirement of said single-family zone or development shall be utilized for the entire opposite frontage and three hundred (300) feet from such common border.

For purposes of this subsection, "other predominantly single family development" shall be that area within one hundred (100) feet of the external boundary of the residential cluster development in which fifty (50) percent or more of the conforming land uses are detached single-family residential.

(10) *Maximum height:* Thirty-five (35) feet.

(11) *Detached accessory structure requirements:*

a. Shall not be located within any front yard setback;

b. Shall not be located within ten (10) feet of any other principal structure or within five (5) feet of any other accessory structure;

c. Shall not cover more than twenty (20) percent of any side or rear yard; and

d. The side or rear yard requirement for detached accessory structures shall be subject to the provisions of section 9-4-203 (zero (0) lot line) or not less than five (5) feet.

e. Satellite dish antennae and swimming pools shall comply with the applicable provisions of Article F, Dimensional standards. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2409, § 1, 1-9-92; Ord. No. 2467, § 1, 6-8-92; Ord. No. 94-59, § 1, 4-14-94; Ord. No. 95-29, § 8, 3-9-95; Ord. No. 95-78, § 1, 8-10-95; Ord. No. 96-122, § 1, 12-2-96; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-203. Zero (0) side and/or rear yard setbacks.**

(a) *Generally.* A zero (0) side and/or rear yard setback as permitted herein, may be permitted, subject to the following provisions:

(1) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the applicable provisions of section 9-4-202(g)(5) and (6). Roof eaves may encroach two (2) feet into the adjoining lot;

(2) A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;

(3) Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2409, § 1, 1-9-92)

**Sec. 9-4-204. Private streets.**

Private streets may be allowed pursuant to the subdivision regulations. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2409, § 1, 1-9-92)

**Sec. 9-4-205. Compliance with subdivision standards.**

All development regulated in accordance with this article shall be subject to the requirements, conditions and restrictions of the subdivision regulations. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2409, § 1, 1-9-92)

**Secs. 9-4-206--9-4-220. Reserved.**

## Article N. Signs

### Sec. 9-4-221. Purpose.

It is the purpose of this article to allow certain signs of a residential and commercial nature in areas designated for such uses which will best provide and ensure:

(a) The health, safety and general welfare of the people;

(b) The adequate supply of light and air to adjacent properties;

(c) Adequate and proportionate advertisement displays which promote and protect the economic vitality of the community;

(d) That signage displayed adjacent to and visible from a public right-of-way will not distract or confuse the motoring public, thereby causing a public hazard.

(e) That the aesthetic quality of the City of Greenville is maintained for the benefit of all the citizens of the City of Greenville, Pitt County, and the State of North Carolina as a whole. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-222. Definitions.

Unless otherwise expressly stated, the following words and phrases defined or construed in this section shall have the meaning indicated when used in this article:

*Banner.* A temporary sign display that is constructed of non-self-supporting or rigid material that is supported on two (2) or more sides or corners by a rope, wire or other attachment that allows the display to move when struck by wind, and which is not a permanent sign or flag as a defined in this section. (See also *Flag*)

*Building frontage.* The distance expressed in linear feet of the horizontal dimension of a building wall that is parallel and adjacent to one (1) or more of the qualifying areas listed below:

(a) A public or private street.
(b) A common parking area in the case of a planned center.
(c) A public parking area.
(d) A public access walkway.

*Flag.* A non-self-supporting fabric or film display that is supported on one (1) side by a pole or mast, and is allowed to hang limp without vertical or horizontal structure and/or to move freely when struck by wind. A non-self-supporting fabric or film display that is supported on two (2) or more sides or corners, or that is supported only along the top (highest) side shall constitute a banner. (See also *Banner*)

*Freestanding sign.* A sign that is not directly and permanently attached to, supported by or erected on a building or other structure having a principal function other than support of such sign. To qualify as a permanent freestanding sign, displays made from non-self-supporting materials, including flex-face type signs, shall be permanently affixed to the sign support structure by a method approved by the building inspector, and the display (sign face) shall be enclosed and/or attached (i) by a two (2) inch or wider raised frame that supports the sign face, or (ii) within a two (2) inch or wider raised sign cabinet specifically designed for support of such sign.

*Lot frontage.* The distance expressed in linear feet of the common property boundary lines of a lot of record and a public or private street.

*Off-premise sign.* An outdoor advertising sign used for the purpose of displaying nonpoint-of-sale advertisement which directs attention to a business, establishment, profession, service, event, entertainment, condition or commodity that is located, manufactured, conducted, sold or otherwise offered or provided at an off-premise or off-site location

other than the lot of record where such sign is constructed or displayed, except as further provided under section 9-4-236(b). Off-premise signs are hereby divided into two (2) separate categories for purposes of regulation under section 9-4-236 (b) as follows : (i) Temporary Poster Panel Off-Premise Sign and (ii) Permanent Panel Off-Premise Sign. Temporary Poster Panel Off-Premise Sign as used herein shall be defined as a sign having a permanent frame and solid display mounting surface upon which interchangeable messages, in the form of a temporary advertising poster composed of paper, film or other similar temporary non-self supporting material, are mounted utilizing an adhesive or other similar temporary contact attachment method and which can be removed without disassembly of the display mounting surface. The term " temporary advertising poster" as used herein shall include only those displays which are printed, painted, drawn or otherwise created in complete content and form at a remote location and which are then adhered to the display mounting surface in single or multiple sheets. Mounting of poster displays to the display mounting surface by the use of nails, staples, screws, bolts, clips, hooks, cords, ropes, straps and similar methods shall be regarded as a permanent attachment as opposed to a temporary attachment and such poster displays shall not constitute a “temporary advertising poster”. All “temporary advertising posters” shall be open to the natural elements and shall not be enclosed or covered by plastic, glass or other permanent transparent material, enclosure or case. Permanent Panel Off-Premise Sign as used herein shall be defined as a sign having a permanent frame and either a permanent or interchangeable solid display mounting surface upon which the sign's message or advertising content is permanently affixed to or painted directly on the display mounting surface. Specifically, any off-premise sign not meeting the definition of "Temporary Poster Panel Off-Premise Sign" shall be construed as a "Permanent Panel Off-Premise Sign." Any off-premise sign may be converted from either category to the other, provided however, the use of any such sign shall be regulated in accordance with the category assignment of such sign at time of use.

*On-premise sign.* An advertising sign used for purposes of displaying point-of-sale advertisement which attracts attention to a business, establishment, profession, service, event, entertainment, condition or commodity that is manufactured, conducted, sold or otherwise offered or provided on the lot of record where such sign is constructed or displayed. On-premise signs are all signs not otherwise defined or regulated as off-premises signs.

*Owner occupant.* Any person, firm, corporation, lessee, receiver, trustee, guardian or personal representative holding legal title or legal right to occupy or carry on business in a structure or any facility, or any manager, operator or other person authorized to conduct business on behalf of an owner, and shall include each and every person who: (1) shall have title to or benefit of a sign, or (2) for whose benefit any type sign is erected or maintained. Where there is more than one (1) owner, as defined, their duties and obligations under this chapter are joint and several and shall include the responsibility for such sign.

*Planned center.* See Article B. Definitions.

*Roof sign.* A sign that is directly and permanently attached to and supported by the roof of a building or structure having a principal function other than support of such sign.

*Sign.* Any display device that is sufficiently visible and is located and designed to attract the attention of persons or to communicate any information to them.

*Subdivision directory sign.* A sign containing locational information relative to property owners, tenants, establishments or addresses within a platted subdivision. Such sign shall contain no commercial advertisement.

*Temporary sign.* Any portable advertisement display that directs or attracts public attention to a specific event, product sold or service offered by the beneficiary of such display. Such signs include, but are not limited to the following:

(1) Signs made of paper, cloth, polyethylene film or other similar material.
(2) Signs that are not permanently affixed to the ground or building surface in a manner approved by the building inspector.
(3) Trailer signs.
(4) Portable signs.
(5) Banners, flags or other similar devices.

*Wall sign.* A sign that is directly and permanently attached to and supported by a building or other structure having a principal function other than support of such sign. For purposes of this definition, poles, fences, storage tanks, bracing or other similar structures shall not be considered as a building or structure having a principal function other than support of such sign, and canopies and their support structures shall be considered as a building or structure having a principal function other than support of such sign. To qualify as a permanent wall sign, displays made from non-self-supporting materials, including flex-face type signs, shall be permanently affixed to the building or other structure by a method approved by the building inspector, and the display (sign face) shall be enclosed and/or attached (i) by a two (2) inch or wider raised frame that supports the sign face, or (ii) within a two (2) inch or wider raised sign cabinet specifically designed for support of such sign. The intent of subsection (i) and (ii) is to prohibit direct contact attachment of non-self-supporting material signs on a supporting wall or qualified structure and to require that the display (sign face) is separated from the supporting wall or qualified structure by not less than two (2) inches. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 96-45, § 2, 6-13-96; Ord. No. 02-63, § 1, 2, 6-13-02; Ord. No. 06-76, § 1, 8-10-06)

**Sec. 9-4-223. Permits required.**

(a) No sign shall be erected upon any lot or attached to, suspended from or supported on a building or structure, nor shall any existing sign be enlarged, removed, relocated or materially repaired unless a zoning compliance and building permit for the same has been issued by the City of Greenville. Such permit shall be on forms supplied by the City of Greenville and shall contain such information as necessary to ensure [that] the requirements and conditions of this article can be met.

(b) There shall be no sign permit issued unless the plans, specifications and intended use of such sign or part thereof conform in all respects to all applicable provisions of the zoning ordinance and the North Carolina State Building Code. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-224. General requirements for signs.**

(a) All signs shall be constructed and maintained in accordance with this article and the North Carolina State Building Codes, as amended. In the event of conflicting provisions of this article and the North Carolina State Building Codes, the more restrictive shall apply.

(b) No sign shall be erected or allowed to remain erected that is structurally unsafe, hazardous and in the opinion of the building inspector, constitutes a danger to the public safety. If, in the opinion of the building inspector, any sign should become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person or firm maintaining the same shall, upon written notice from the building inspector, immediately secure the sign in a manner to be approved by the building inspector in conformity with the provisions of this article or remove such sign at the expense of the owner. Any freestanding sign that is not permanently attached to the ground in a manner approved by the building inspector shall be considered a danger to public safety.

(c) To ensure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements must be observed for all signs visible from any public street.

(1) No sign shall have more than twenty (20) percent of its display surface area covered with disfigured, chipped, peeling, cracked, ripped or frayed material of any description for a period of more than thirty (30) successive days.
(2) No sign shall be allowed to remain with bent or broken display area(s), broken supports, loose appendages or struts, or allowed to stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.
(3) No sign shall be allowed to have weeds, trees, vines or other vegetation growing upon it for a period of more than thirty (30) successive days.
(4) No indirect or internally illuminated sign shall be allowed with only partial illumination for a period of more than thirty (30) successive days. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 99-4, § 1, 1-14-99; Ord. No. 02-94, § 1, 9-12-02)

(d) Signs and sign support structures that are abandoned for a period of twelve (12) months shall be removed regardless of compliance with subsections (a), (b) and (c) above. For purposes of this section, when an establishment, building or use that is the beneficiary of any on-premise sign has been vacated and is otherwise no longer in operation, all signs and sign support structures associated with the vacated establishment, building or use shall be deemed to be abandoned. (Ord. No. 06-35, § 1, 4-13-06)

**Sec. 9-4-225. Nonconforming signs.**

(a) Any sign existing on the effective date (November 13, 1986) of this article that does not meet the requirements of this article or any amendment hereto shall be considered nonconforming. Such sign shall be allowed to remain unless otherwise provided herein.

(b) No such nonconforming sign shall be altered, expanded or enlarged except as provided under subsection (c) below. Change in permanent copy shall be considered an alteration. For purposes of this section, permanent copy shall not include off-premise signs with changeable panels and reader board type signs with removable letters.

(c) Exemptions.

(1) Any existing on-premise freestanding sign which is nonconforming with respect to a public street setback may be altered provided all on-site freestanding sign(s) comply with all of the following conditions:

a. Except as otherwise provided the provisions of Article C., Nonconforming Situations, shall apply.
b. The total number of all freestanding signs shall comply with applicable requirements.
c. The sign surface area of all freestanding signs shall comply with applicable requirements.
d. The altered freestanding sign height shall not be increased.
e. The altered freestanding sign shall not exceed the maximum height for the district for a sign which is set back ten (10) or more feet from the public street right-of-way.
f. There shall be no increase in any existing nonconforming situation or the creation of any new nonconforming situation.

(2) Any existing off-premise sign which is nonconforming with respect to spacing, setback and/or construction may be altered, including replacement, provided such altered or replacement sign complies with all of the following conditions:

a. Except as otherwise provided the provisions of Article C., Nonconforming Situations, shall apply.
b. No such sign shall be altered or replaced unless such sign is located within a zoning district that allows off-premise signs as a permitted use.
c. There shall be no increase in any existing nonconforming situation or the creation of any new nonconforming situation.
d. Except as further provided, a sign altered or replaced pursuant to this section shall comply with all applicable requirements including sign area, horizontal and vertical dimension, height, construction and landscaping as provided herein.
e. There shall be no increase in sign size, including sign display area vertical or horizontal dimension, or in sign height.
f. Prior to alteration or replacement of any such sign, the owner shall provide information, including photographic picture(s), scaled graphic depiction, site plan and any additional documentation as maybe required, to the director of community development or his designee which illustrates and details the existing and proposed sign. No sign shall be altered or replaced prior to issuance of a zoning compliance and building permit.
g. A building permit to replace such sign shall be obtained prior to the removal of the original sign. Construction of the replacement sign shall be initiated within the valid period of the original building permit. Failure to initiate construction of such sign within the valid permit period shall void any right to replace such sign under this section. Replacement of any sign initiated after the valid permit period shall be subject to all requirements in effect for location and construction of a new sign.

(d) Except as otherwise provided, no nonconforming sign shall be repaired when such repairs exceed fifty (50) percent of the actual replacement value, as determined by the building inspector, except in conformance with this article.

(e) All temporary signs existing on the effective date (November 13, 1986) of this article which do not conform to the requirements set forth herein shall be removed within six (6) months from the effective date of this article.

(f) Any sign erected after the effective date (November 13, 1986) of this article that does not conform to the requirements set forth herein shall be considered in violation of this article and must be removed at the owner's expense. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-137, § 1, 12-14-95; Ord. No. 03-78, §§ 1-4, 8-14-03; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-226. Nonconforming sign; Order to remedy or remove.**

If any sign as defined by this article is erected or maintained in violation of this article, the owner of said sign shall be subject to the enforcement provisions of this article. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-227. Signs not requiring permits.**

The following signs shall not require a zoning compliance permit under this article, provided however, any such signs shall comply with all other requirements of this article and chapter except that such signs shall not be included in or count towards the total allowable sign surface area or total number of allowable freestanding signs

(a) Signs not exceeding three (3) square feet in total sign surface area that are associated with residential use and that are not of a commercial nature. Such sign surface area shall contain only property identification names or numbers or names of occupants or warnings to the public.

(b) Memorial plaques, cornerstones, historical tablets and similar devices.

(c) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and information signs and traffic directional or regulatory signs.

(d) On-premise flags, balloons, insignia of nonprofit or governmental organizations shall be allowed subject to all of the following requirements:
   (1) Flags not exceeding one hundred (100) square feet in surface area may at the option of the owner contain company and/or organization logos, writing or other representations. Such flags shall be maintained in accordance with section 9-4-224 of this article.
   (2) Balloons, except as qualified and regulated under section 9-4-233(k) of this article, shall comply with all of the following requirements:
      a. Balloons shall be removed each day for the period extending between the hours of 10:00 pm and 8:00 am unless otherwise provided herein.
      b. Balloons shall be maintained in accordance with section 9-4-224 of this article.
      c. No balloon shall exceed a maximum height of one hundred twenty-five (125) feet above grade, as measured from the point of ground attachment to the highest balloon surface.
      d. Any balloon that exceeds twenty-five (25) feet in height shall be setback from all street right-of-way lines and overhead public utility transmission and/or distribution lines a ground distance equal to the display height of the balloon plus twenty-five (25) feet, as measured from the ground attachment point to the right-of-way line or to all ground points determined by a ninety (90) degree vertical line extending from the closest overhead public utility transmission and/or distribution line as projected upon the ground, whichever is closer. The purpose of this requirement is to provide a twenty-five (25) foot clear fall zone in the event of the balloons descent due to deflation or weather conditions.
      e. All balloons shall comply with the maximum height limitations set forth under Title 9, Chapter 3., Airport Zoning, of the Greenville City Code.
      f. No individual balloon regulated under this section shall exceed a dimension of twenty (20) feet as measured by diameter in the case of spherical balloons or as measured by the greatest length in the case of oblong or tubular balloons, including blimps and the like.
   (3) Insignia of nonprofit or governmental organizations shall not be displayed in connection with a commercial promotion or as an advertising device.

(e) Integral decorative or architectural features of buildings or works of art, provided such features or works of art do not contain advertisements, trademarks, moving parts or lights.

(f) Signs erected for the purpose of directing traffic on private property, identifying rest rooms and parking area entrances or exits, provided such signs shall not exceed three (3) square feet. Such signs shall not contain any advertising, business name or logo.

(g) Signs painted on or otherwise permanently attached to current licensed motor vehicles that are not primarily used as signs.

(h) Certain temporary signs.

(1) Temporary signs erected in connection with elections or political campaigns. Such signs shall be subject to section 12-1-5 of the Greenville City Code.
(2) Displays, including lighting, erected in connection with the observance of holidays. Such displays shall be removed within ten (10) days following the holiday.
(3) Construction site identification signs. Such signs shall be removed within ten (10) days after the issuance of the occupancy permit.
(4) Signs attached temporarily to the interior of a building's window or glass door. Such signs may not cover more than twenty-five (25) percent of the transparent surface area of the window or door to which they are attached. Sign painted on a window or glass door shall not be considered as temporary.
(5) Temporary unilluminated real estate signs shall be subject to the following:
a. Within any residential zoning district, the total sign display area of any real estate sign(s) erected on any lot shall not exceed twelve (12) square feet, unless otherwise provided herein.
b. Within any nonresidential zoning district, the total sign display area of any real estate sign(s) erected on any lot shall not exceed fifty (50) square feet, unless otherwise provided herein.
c. The total sign display area of all temporary real estate sign(s) located on any multi-family lot that contains not less than twenty (20) attached dwelling units, in one (1) or several structures, shall not exceed fifty (50) square feet.
d. For purposes of this section the term "real estate sign" shall include both "for sale" and "lease occupancy advertising" signs.
e. Real estate "for sale" signs erected under this section shall be removed within fourteen (14) days following the transfer of title of the lot, tract or unit associated with such signs.
f. Real estate "lease occupancy advertising" signs erected under this section shall be removed within fourteen (14) days following the occupancy of all leasehold units associated with such signs.
g. Temporary real estate signs that are attached to a building, fence, wall or other structure shall meet the requirements for a permanent wall sign included under section 9-4-234(b).
h. Temporary real estate signs that are freestanding shall meet the requirements for a permanent freestanding sign included under section 9-4-234(c), provided however no freestanding real estate sign located in a residential district shall exceed four (4) feet in height and no real estate sign located in a nonresidential district shall exceed eight (8) feet in height.
(6) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
a. Not more than one (1) sign may be located on any lot.
b. No such sign shall exceed six (6) square feet in area.
c. Such sign shall be restricted to nonresidential uses only.

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-61, §§ 2--4, 6-8-95; Ord. No. 99-4, § 2, 1-14-99; Ord. No. 05-15, §§ 1-2, 3-10-05; Ord. No. 06-76, §2, 8-10-06)

**Sec. 9-4-228. Determining the number of signs.**

(a) For purposes of this article, a sign shall be considered a single display device or surface containing organized or related elements, and which form a unit. Randomly displayed elements without organized or related relationship shall be considered individually in determining the total number of signs.

(b) A double face or a multi-side sign shall be regarded as one (1) sign. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-229. Computation of sign surface area.**

(a) The surface of a sign shall be computed by including the entire unit within a single, continuous, rectilinear perimeter forming ninety (90) degree angles, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself, except as defined in subsection (b).

(b) With respect to three (3) dimensional or multi-sided signs (excluding double-face signs), the total sign surface area of all sides shall not exceed twice the maximum sign surface area as provided herein.

(c) With respect to decorative base or pylon mounted sign displays, the base or pylon shall not be utilized in the calculation of sign display area, provided the total area of such base or pylon does not exceed fifty (50) percent of the total sign display surface area. In cases where the base or pylon area exceeds fifty (50) percent of the total sign display area, such base or pylon shall be deemed to constitute a sign as defined herein and shall be utilized in the calculation of total sign area. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-230. Total allowable sign surface area.**

(a) Unless otherwise provided in this article, the total surface area devoted to all signs on any building shall not exceed the maximum limitations set forth in this section.

(b) Temporary signs shall not be included in this calculation.

(c) Unless otherwise provided in this article, the maximum sign surface area permitted for any residential use shall be three (3) square feet.

(d) Unless otherwise provided in this article, the maximum wall sign surface area permitted for any nonresidential use shall be determined as follows:

(1) All wall signs for any one (1) use shall not exceed one and one-half (1.5) square feet of sign surface area per linear foot of building frontage occupied by such use.
(2) If a building has frontage on more than one (1) qualifying area then the total sign surface area permitted on the building shall be the sum of the sign surface area allotments related to each frontage.
(3) Signage may be allowed on any building wall provided that the sign surface area of all signs located on a wall of a structure may not exceed twenty-five (25) percent of the total surface area of the wall on which the signs are located. Wall signage may be placed on a canopy, provided that the sides of a canopy shall be considered as a wall, and the signage on a canopy shall be subject to the twenty-five (25) percent limitations of this section.

(e) The display area of wall signs painted on, affixed to, or otherwise displayed on or through a facade window shall not exceed twenty-five (25) percent of the window area.

(f) In cases where the provisions of this section will not allow signage of at least fifty (50) square feet, then the requirements of this section shall be waived to the extent that a total wall sign allowance of fifty (50) square feet or less, at the option of the owner, shall be permitted. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-156, §§ 10, 11, 12-8-94; Ord. No. 95-29, § 9, 3-9-95; Ord. No. 95-61, § 5, 6-8-95)

**Sec. 9-4-231. Number of freestanding signs.**

(a) Except as authorized by this section, no lot or planned center may have more than one (1) freestanding sign, provided, however, that if a lot or planned center is located on a corner and has at least one hundred fifty (150) feet of frontage on each of the two (2) intersecting public streets, then the lot or planned center may have not more than one (1) freestanding sign along each side of the lot or planned center bordered by such streets.

(b) Additional frontage.

(1) If a lot or planned center has three hundred (300) or more feet of frontage on a public street, then the lot or planned center may have not more than two (2) freestanding signs along such street, provided such signs are spaced not less than one hundred (100) feet apart as measured from the center of the sign; or
(2) If a lot or planned center has five hundred (500) or more feet of frontage on a single public street then the lot or planned center may have not more than three (3) freestanding signs along such street, provided such signs are spaced not less than one hundred (100) feet apart as measured from the center of the sign.

(c) If a lot or planned center is bordered by two (2) public streets that do not intersect (double frontage lot), then the lot or planned center may have not more than one (1) freestanding sign on each public street, except as provided herein. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-156, § 12, 12-8-94; Ord. No. 95-61, §§ 6, 7, 6-8-95)

**Sec. 9-4-232. Freestanding sign surface area.**

(a) For purposes of this section, a side of a freestanding sign is any plane or flat surface area included in the calculation of the total sign surface area as provided herein.

(b) Unless otherwise provided, a single side of a freestanding sign may not exceed one-half (0.5) square foot in surface area for every linear foot of frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed one hundred twenty-five (125) square feet in surface area.

(c) With respect to freestanding signs that have no discernible “sides,” such as spheres or other shapes not composed of flat planes, no such freestanding signs may exceed one (1) square foot in total surface area for every linear foot of lot frontage along the street toward which such sign is primarily oriented. However, in no case may such sign exceed two hundred (200) square feet in surface area.

(d) For purposes of this section, a single side of a double-face freestanding sign shall be considered as the total display surface for the calculation of sign area, provided such sides are separated no more than thirty (30) inches at any point. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-233. Special provisions for certain signs.**

(a) *Subdivision entrance and multifamily development entrance signs.* At any entrance to a subdivision or multifamily development, there may be not more than two (2) signs identifying such subdivision or development. A single side of any such sign may not exceed fifty (50) square feet. No such signs shall exceed a height of ten (10) feet above the property grade. In cases where such signs are mounted on decorative functional or nonfunctional walls, the wall area shall not be utilized to calculate total sign surface area.

(b) *Grand opening signs shall be subject to the following requirements and/or exemptions:*

(1) For purposes of this section, the term “grand opening” shall be construed as a singular event of limited (ten (10) day maximum) duration designed and intended to attract public attention to a recently established office, commercial, industrial or multifamily land use. Expansion of an existing principle use shall not be construed as a grand opening event. Addition of an accessory use shall not be construed as a grand opening event. No temporary use shall be construed as a grand opening event.
(2) Such event shall commence not later than sixty (60) days following any occupancy for use to qualify for a grand opening sign.
(3) No grand opening sign(s) shall be displayed for more than ten (10) total and continuous days.
(4) No maximum sign surface area requirement shall be established for such sign(s).
(5) Within a planned center each lot or unit occupied by a separate establishment may qualify for individual grand opening signs in accordance with this section.
(6) Such sign(s) shall be exempt from the provisions of section 9-4-237 herein.

(c) *Planned center directory signs.* Such signs may be allowed provided they do not exceed twenty (20) square feet in display area, six (6) feet in height and are located no closer than ten (10) feet from the property line. There shall be no more than two (2) directory signs within any planned center. Such signs shall contain no commercial advertisement. Such signage shall be allowed in addition to the maximum wall or freestanding sign allowance for the lot on which such signage is located.

(d) *Nonresidential subdivision directory signs.* Shall be subject to all of the following standards and requirements:

(1) There shall be no more than two (2) directory signs within a subdivision.
(2) Such signs shall contain no commercial advertisement. For purposes of this section establishment names and trademarks shall not be construed as commercial advertisement.
(3) Such signs shall be located on private property and no portion of the sign shall extend beyond any property boundary line or street right-of-way line.
(4) No sign shall exceed a height of five (5) feet unless such sign is set back not less than ten (10) feet from the street right-of-way.
(5) Such signage may contain subdivision identification in addition to individual establishment identification panels.
(6) Where such sign contains any subdivision identification, that position of the sign devoted to subdivision identification shall be subject to the maximum area and number of signs criteria set forth under section 9-4-233(a) of this article.
(7) Additional specific standards for commercial and/or office subdivisions are as follows:
    a. Maximum display area including subdivision identification shall not exceed fifty (50) square feet.
    b. Maximum height shall be ten (10) feet.
    c. Individual establishment identification panels shall not exceed four (4) square feet in display area.
(8) Additional specific standards for industrial subdivisions are as follows:
    a. Maximum display area including subdivision identification shall not exceed one hundred twenty-five (125) square feet.
    b. Maximum height shall be twenty-five (25) feet.
    c. Individual establishment identification panels shall not exceed sixteen (16) square feet in display area.
(9) Such signage shall be allowed in addition to the maximum wall or freestanding sign allowance for the lot on which such signage is located.
(10) This section shall not apply to subdivisions which constitute a planned center. Planned center directory signage shall be in accordance with section 9-4-233(c) of this article.

(e) *Restaurant menu reader boards.* No restaurant menu reader board shall exceed forty-two (42) square feet in surface area or eight (8) feet in height. Menu reader boards shall be set back not less than twenty (20) feet from any property line. One (1) menu reader board shall be allowed per each drive-through facility, and such display shall contain no commercial advertisement that can be viewed from any adjacent street right-of-way or property line. Such signage shall not be included in the calculation of or count towards the total allowable sign surface area. (Ord. No. 99-38, § 1, 4-8-99)

(f) *Church signs.*

(1) Off-premises directional signs. Church off-premises directional signs shall not exceed three (3) square feet in area or six (6) feet in height. Such signs shall be located on private property and shall be allowed in addition to the maximum wall or freestanding sign allowance for the lot on which such signage is located.
(2) On-premises signs.
    a. *Wall signs.* Shall be in accordance with section 9-4-230 of this article.
    b. *Freestanding signs.* Shall not exceed thirty-six (36) square feet in surface area except as further provided. The number, height and location of such sign(s) shall be in accordance with sections 9-4-231 and 9-4-234 of this article except as further provided.

    When a lot qualifies for two (2) or more freestanding signs along any one (1) street the owner may option to erect one (1) seventy-two (72) square foot sign in lieu of two (2) thirty-six (36) square foot signs. Within any residential zoning district, no freestanding sign which exceeds thirty-six (36) square feet in surface area shall exceed ten (10) feet in height.

(g) *Permitted nonresidential uses.* Except as otherwise provided, signs for permitted nonresidential uses, excluding home occupations, located in a residential zoning district may be allowed provided such signs meet the following restrictions.

(1) Shall not exceed twelve (12) square feet in display surface area.
(2) Shall not exceed five (5) feet in height above the property grade in the case of a freestanding sign.
(3) Shall not exceed one (1) sign per lot.

(h) *Home occupations.*

(1) Freestanding signs shall be prohibited
(2) Except as otherwise provided, wall signs shall be limited to two (2) square feet of total sign display area.
(3) Bed and breakfast inn signage shall be subject to the following standards:
   a. Wall signs shall be limited to four (4) square feet of total sign display area

(i) *Open door and/or open window signs.* Any sign which can be viewed through an open doorway and/or open window from any point outside the building may be allowed subject to all of the following:

(1) Such signage shall be included in the calculations of and count toward the total allowance of wall sign surface area.
(2) Such signs shall be permanently attached to the building by manner of an approved rigid frame structure, by a solid metal chain or cable, or a combination thereof.
(3) Such sign surface area shall be constructed of an approved rigid material or shall be bound on not less than two (2) sides by a rigid frame which prohibits such signage from swaying loosely when struck by moving air.
(4) All portions of such signs shall be setback inside the interior finished wall of the building.
(5) All such signs shall not cover or obstruct more than twenty-five (25) percent of the door or window opening.
(6) The lowest part of such signs displayed through an open doorway shall be not less than eight (8) feet above the doorway threshold if such signs are located within ten (10) feet of the subject doorway.
(7) Such signs shall be exempt from the wall sign projection standard set forth under section 9-4-234(b) of this article, provided however, no vertical dimension of any such sign including supports shall exceed four (4) feet.
(8) Signs located on and/or beneath a canopy shall not be construed as open door and/or open window signs.
(9) Signs which are not designed to attract the attention of or convey a message to persons located outside the building and which are designed only to provide information or warnings to persons located inside the establishment are exempt from regulation under this section.

(j) [*Temporary non-profit and governmental organization signs.*] Temporary sign(s), including banners, erected in conjunction with a special event sponsored and conducted by a nonprofit or governmental organization shall be allowed subject to all of the following conditions:

(1) It is the intention of this section that no such sign shall be displayed in conjunction with a commercial promotion or as an advertising device for a commercial establishment, product or service.
(2) Not more than one (1) on-premises and three (3) off-premises signs shall be allowed in conjunction with any event. No sign shall be erected on any lot without the consent of the property owner.
(3) No such sign shall exceed thirty (30) square feet of sign surface area.
(4) There shall be not more than one (1) special event sign allowed on any lot.
(5) The maximum frequency of any special event display shall not exceed one (1) occurrence within any twelve-month period and the maximum duration of such display shall not exceed seven (7) days. For purposes of this section the duration of each separate event display shall be measured in continuous days.
(6) Each display shall contain the name and current phone number of the event sponsor and the sign permit number indelibly printed on the communication side/surface in one (1) inch or larger letters.
(7) Such sign shall be located completely on private property. No portion of the sign or its support structure shall be located on or across any public street right-of-way or private street easement.

(8) Such sign shall not be located within any sight distance triangle as defined in Title 6, Chapter 2 of the Greenville City Code or as provided by notation or description upon any map recorded pursuant to the subdivision regulations.
(9) No such sign shall be suspended from or attached to any public utility pole, apparatus, structure or support/guy wire, any public or private traffic control or directional sign, structure or device, or any tree or shrub located on public or private property.
(10) No such sign shall be erected or maintained which obstructs any traffic control sign or device or warning sign located on public or private property.
(11) No such sign shall be erected on or across any recognized or improved pedestrian area, path, walkway or sidewalk, driveway, interior drive or parking lot drive aisle.
(12) Any sign erected or maintained in conflict with this section shall be considered a nuisance and/or hazard to the public and shall be subject to immediate removal by the city at the expense of the sponsoring nonprofit organization and/or property owner in addition to other available remedies as provided by law.
(13) Such sign(s) shall be exempt from section 9-4-237(g) herein.

(k) Temporary on-premise special event spotlights and roof mounted inflatable balloons. Except as otherwise provided herein, temporary special event spotlights and roof mounted inflatable balloons shall be allowed subject to all of the following requirements:

(1) Spotlights.
a. Not more than one (1) spotlight shall be displayed on any lot at any one time.
b. No spotlight shall be displayed for more than two (2) consecutive days.
c. No lot shall display any spotlight(s) for more than twenty (20) total days per calendar year.
(2) Roof mounted inflatable balloons.
a. Not more than one (1) roof mounted inflatable balloon shall be displayed on any lot at any one time.
b. No roof mounted inflatable balloon shall be displayed for more than two (2) consecutive days.
c. No lot shall display any roof mounted inflatable balloon(s) for more than twenty (20) total days per calendar year.

For purposes of this section, the term “lot” shall be construed to include all contiguous parcels occupied by an establishment. For purposes of this section, the term “roof mounted inflatable balloon” shall be construed to include only those balloons which meet all of the following requirements: (i) are mounted onto the roof of a structure having a principal purpose other than the support of such balloon, (ii) are mounted on the roof of a qualified structure by means of a gravity dependent and/or direct contact attachment method, and (iii) are not tethered to the roof of a structure in a manner which allows such balloon to free float above the surface of the roof.

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-53, § 1, 5-11-98; Ord. No. 95-61, § 8, 6-8-95; Ord. No. 96-29, § 1, 3-14-96; Ord. No. 96-35, § 1, 5-9-96; Ord. No. 96-73, § 1, 8-8-96; Ord. No. 96-79, § 1, 8-8-96; Ord. No. 96-91, § 1, 9-12-96; Ord. No. 97-64, § 1, 6-12-97; Ord. No. 99-4, §§ 3 and 4, 1-14-99; Ord. No. 99-152, § 1, 12-9-99; Ord. No. 05-15, § 3, 3-10-05; Ord. No. 05-89, § 8, 8-11-05)

**Sec. 9-4-234. Location and height requirements.**

(a) No portion of any sign shall extend beyond any property boundary line or street right-of-way line.

(b) Additional wall sign standards.

(1) No wall sign shall extend above the top of any exterior wall line of the building to which it is attached, except as provided under subsection (2) below.
(2) Wall signage may be permitted on a decorative roof structure (i.e., canopies, awnings, etc.), provided the top of such signage does not extend above the decorative roof structure and does not extend more than five (5) feet above the exterior wall to which such structure is attached.
(3) No wall sign shall project more than twelve (12) inches from the building, except as provided under subsection (4) below.
(4) Except as further provided, wall signage may be located on a sign support frame provided the sign and support frame shall not project more than three (3) total feet from the building and provided the depth of the sign, as measured perpendicular from the outside surface of the front face to the outside surface or plane of the rear (building side) of the sign, is not more than twelve (12) inches.

No wall sign, including any sign support frame, erected on a decorative roof structure (i.e., canopies, awning, etc.) shall project more than twelve (12) inches from the front (outside) edge of the decorative roof structure.

When a wall sign is erected on a sign support frame and when the sign and support frame projects more than twelve (12) total inches from the building the message portion of the sign including any letters and/or graphics shall be parallel in orientation to the building wall.

When a sign and/or support frame projects more than twelve (12) inches from a building the lowest part of such sign, display shall be not less than eight (8) feet above the adjacent finished ground surface elevation.

(5) To qualify as a permanent wall sign, displays made from non-self-supporting materials, including flex-face type signs, shall be permanently affixed to the building or other structure by a method approved by the building inspector, and the display (sign face) shall be enclosed and/or attached (i) by a two (2) inch or wider raised frame that supports the sign face, or (ii) within a two (2) inch or wider raised sign cabinet specifically designed for support of such sign. The intent of subsection (i) and (ii) is to prohibit direct contact attachment of non-self-supporting material signs on a supporting wall or qualified structure and to require that the display (sign face) is separated from the supporting wall or qualified structure by not less than two (2) inches.

(c) No freestanding sign may exceed five (5) feet in height above the average centerline grade of the public street toward which such sign is oriented, except as provided below:

(1) Within any MI, MS, MO, MCG, MCH and/or CD zoning district, no freestanding sign may exceed fifteen (15) feet in height above the average centerline grade of the public street toward which such sign is oriented, provided such sign is set back not less than ten (10) feet from the right-of-way of such public street; or
(2) Within any CDF, CG, CN, CH, IU, PIU, I, PI, OR and/or O zoning district, no freestanding sign may exceed twenty-five (25) feet in height above the average centerline grade of the public street toward which such sign is oriented, provided such sign is set back not less than ten (10) feet from the right-of-way of such public street.

(d) No sign shall be erected, maintained, painted or drawn on any tree, rock, natural feature or utility pole. “Utility pole” shall include, but not be limited to, any traffic-control, lighting, power, telephone or other similar utility pole.

(e) No sign shall be erected or maintained so as to obstruct any fire escape or any window or door or opening used as a required means of egress or so as to prevent free passage from one (1) part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape or be placed in such a manner as to interfere with any opening required for ventilation.

(f) No sign shall be erected or maintained which simulates or closely resembles an official traffic-control or warning sign in such a manner as to, or could in any way, confuse or mislead the traffic.

(g) No freestanding sign shall be permitted in sight distance areas as defined in Title 6, Chapter 2 of the Greenville City Code. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 98-34, § 1, 3-12-98; Ord. No. 06-76, § 2, 8-10-06)

Sec. 9-4-235. Sign illumination and signs containing lights; electronic and mechanical interchangeable sign face copy.

(a) Unless otherwise prohibited by this article, signs may only be illuminated in accordance with this section.

(1) Illumination, either internal or indirect, shall not be added to nonconforming signs.
(2) No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity or color, except signs indicating only time and/or date and/or temperature and except signs containing electronic and/or mechanical interchangeable sign face copy in accordance with section (b) below.

(3) Indirect illuminated sign light shall be shielded so that only the face of the sign is illuminated and such light shall not shine directly into a public or private street travel way, drive or parking area or into a residential dwelling or premise.
(4) No indirectly illuminated sign shall be constructed or maintained within fifty (50) feet of any residential zone or dwelling unit in any zone.
(5) No illuminated sign shall imitate any traffic control sign or device or be located or utilized in any manner which may confuse or distract the motoring public.

(b) Unless otherwise provided by this article, signs may only contain electronic and/or mechanical interchangeable sign face copy in accordance with this section.

(1) Electronic and/or mechanical interchangeable sign face copy shall not be added to nonconforming signs.
(2) No electronic and/or mechanical interchangeable sign face copy shall be changed, to include any new or different copy, color, intensity or graphic representation, more than one (1) time in any sixty (60) minute period. For purposes of this section, all wall and/or freestanding signage associated with any use or establishment shall be considered as a whole and a change to any electronic and/or mechanical sign face copy shall prohibit any change to any other associated sign face copy until the expiration of the minimum sixty (60) minute period required between changes as specified. The provisions of this subsection shall not apply to time and/or date and/or temperature displays.
(3) Each allowed change of sign face copy shall be completed by one (1) continuous action or movement and the total duration of such action or movement shall not exceed five (5) total and continuous seconds.

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 02-94, § 2, 09-12-02)

**Sec. 9-4-236. Off-premise advertising sign requirements.**

(a) The following additional standards and regulations shall apply to all off-premise advertising signs.

(1) Off-premise advertising signs shall be permitted only within the CH, IU and I zoning districts or as provided herein.
(2) Provided further that no such signs shall be altered, expanded, enlarged or replaced except in conformance with this section and section 9-4-225(c)(2).
(3) Where the premise or property upon which the sign is erected is changed to another zone other than CH, IU or I, such sign shall be removed within ninety (90) days from the effective date of such change.
(4) Spacing. The minimum spacing requirement between each off-premise advertising sign shall be one thousand (1,000) feet from the center of the sign.
(5) Size and height.
   a. Such signs shall not measure more than four hundred (400) square feet of total sign area or display surface, and the display surface shall not be more than twelve (12) feet in the vertical dimension nor greater than forty (40) feet in the horizontal. Copy extensions of ten (10) percent or less shall not be included in the calculation of total sign display surface area.
   b. A single side of a double face or V-type signs shall be regarded as the total display surface for purposes of calculating total sign surface area, provided such sides are separated by not more than twenty (20) feet at any point.
   c. The top of the sign shall not exceed thirty-five (35) feet in height (exclusive of copy extensions) as measured from the surface elevation of the ground or main roadway surface elevation nearest the sign, whichever is highest.
   d. The minimum vertical clear distance between the property grade and the bottom of the trim or other frame support shall be not less than twelve (12) feet.
   e. All support structure(s) shall be painted in a neutral color to blend with the surrounding area.
(6) Setback.
   a. The setback requirements shall be the same as set forth in the CH, IU or I districts for the front yard, side yard and rear yard setbacks, provided, however, no sign shall be closer than ten (10) feet to a side or rear property line.
   b. All off-premise advertising signs shall be set back at least three hundred (300) feet from the nearest edge of a zoning boundary which describes property zoned for residential purposes, including the R-6, R6A, R-6S, R-6N, R6-MH, R-9, R-9S, R-15S, RA-20, OR, CDF, MR and MRS zoning districts
   c. No off-premise signs shall be located closer than one hundred (100) feet to the intersection of two (2) public streets.

d. All setback requirements as set forth above shall be measured from the extreme outermost edge of the sign as projected upon the ground and measured from this ground point to the nearest property line or nearest zoning district.

(7) Construction.

a. All off-premise advertising signs shall be self-supporting single-pole structures erected on or set into and permanently attached to concrete foundations. The sign's structure, electrical system and other construction elements shall be designed and built according to the North Carolina State Building Code as evidenced by engineering drawings drawn to scale by a licensed engineer or architect. Such signs shall be engineered to withstand a wind loading of thirty-six (36) pounds per square feet.

b. Off-premise advertising signs shall be located and constructed in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the North Carolina State Building Code and the National Electronic Code as incorporated therein; provided, that in no case shall an outdoor advertising sign be erected with any part closer than ten (10) feet horizontally or vertically from any conductor or public utility guy ware.

(8) Additional requirements.

a. The immediate premise shall be kept free from debris or undergrowth. A landscaping plan shall be approved by the director of community development and shall be maintained on the immediate premise by the sign owner. Such landscaping shall consist of ground cover, shrubs, trees or other permanent vegetation that will effectively screen the sign's base. For purposes of this article, the "immediate premise" shall be defined as an area surrounding the sign's structural support not less than ten (10) feet in all directions from such base.

(9) Off-premise signs shall not be included in or count toward the total number of on-premise signs or the total sign surface area allocation calculation for on-premise signs. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 95-29, § 10, 3-9-95; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 02-63, § 3, 6-13-02; Ord. No. 06-75, §1, 8-10-06)

(b) Exemptions.

(1) Any temporary poster panel off-premise sign may be utilized to advertise a business, establishment, profession, service, event, entertainment, condition or commodity that is located, manufactured, conducted, sold or otherwise offered or provided on the lot of record where such sign is constructed or displayed, provided all of the following:

(a) Such temporary poster panel off-premise sign(s) are rental signs owned by a third party and leased to others for advertising as part of the third party's bona fide sign rental business;

(b) Such temporary poster panel off-premise sign(s) are either conforming or legal (existing) nonconforming off-premise signs as regulated by this Article; and

(c) A zoning compliance permit for such use has been reviewed and approved for each separate location. The purpose of this section is to ensure that the subject sign structure and method of display is in compliance with applicable requirements. There is otherwise no limitation on the frequency or duration of any such display provided compliance with all the provisions of this Article. (Ord. No. 02-63, § 4, 06-13-02; Ord. No. 03-78, § 5, 8-14-03)

**Sec. 9-4-237. Signs that are not permitted under the provisions of this article.**

Except as otherwise provided, the following signs are not permitted under the provisions of this article:

a. Kites or other similar devices.
b. Balloons, except as otherwise provided under section 9-4-227(d)(2)., of this article.
c. Spotlights, except as otherwise provided under section 9-4-233(k)(2) of this article.
d. Flags that exceed one hundred (100) square feet in surface area which are displayed upon property that contain commercial use.
e. Temporary signs other than as specified under section 9-4-227 of this article.
f. Signs attached to radio or television towers or poles including satellite dish transmission or reception devices.
g. Signs suspended between two (2) structures or poles and supports by a wire, rope or similar device including banners, except as otherwise provided under section 9-4-233 of this article.
h. Roof signs, except as otherwise provided under section 9-4-233(k)(3)., of this article.

i. Revolving signs.
j. Flashing signs, except as otherwise provided under section 9-4-235 of this article.
k. Strings or ribbons, tinsel, small flags and other similar devices.
l. Pinwheels, windmills or other similar devices. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 96-73, § 2, 8-8-96; Ord. No. 99-4, §5, 1-14-99; Ord. No. 99-152, § 2, 12-9-99)

**Sec. 9-4-238--9-4-240. Reserved.**

## Article O. Parking

### Sec. 9-4-241. Purpose.

(a) The purpose of these regulations is to ensure proper and uniform development of public and private parking and loading areas in the City of Greenville and its extraterritorial areas; to relieve traffic congestion in the streets; and to minimize any detrimental effects of off-street parking areas on adjacent properties.

The purpose of these regulations is also to improve the visual quality of parking areas by making them more pleasant, attractive, and compatible with the surrounding environment; to ensure safe and efficient operation of parking areas by clearly defining and delineating potential circulation movements of motorists and pedestrians; and to improve air quality and encourage energy conservation by moderating the microclimate of parking lots.

(b) The requirements contained in these regulations shall be considered as minimum standards.

(c) The owner, developer or operator of any existing or proposed use shall evaluate anticipated needs to determine if they are greater than the minimum requirements herein specified. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2539, § 1, 11-12-92)

### Sec. 9-4-242. Off-street parking and loading required.

No permit for new construction, expansion, development, occupancy or related activity shall be issued for any use unless such use is in accordance with the provisions of this article.

### Sec. 9-4-243. Exemptions.

The provisions of this article shall not apply to the following uses:

(1) Nonresidential land uses within the CD district.

(2) Any proposed or existing principal use regardless of district which meets all of the following conditions:

a. Existing structure(s) cover seventy-five (75) percent or more of the lot on which the existing or proposed use is located.
b. No expansion of any structure is proposed.
c. The maximum number of off-street parking spaces permitted by conforming site layout are provided on the same lot as the principal use. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-156, § 13, 12-8-94)

### Sec. 9-4-244. Parking plan required.

(a) A parking plan which conforms to the provisions of this article shall be submitted to the director of community development for site plan review in accordance with the specific submission standards of the Land Development Administration Manual which is incorporated herein by reference.

(b) Parking plan approval shall be required prior to the approval of any site plan, building permit, use permit, privilege license, change of use permit, zoning compliance permit, temporary use permit or occupancy permit.

(c) The director of engineering shall have final approval authority concerning the site design and construction standards of all off-street parking lots. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

### Sec. 9-4-245. Bufferyard setbacks and vegetation requirements.

(a) Bufferyard setbacks shall be in accordance with Article G. of this chapter.

(b) Vegetation requirements shall be in accordance with Article P. of this chapter. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 96-22, § 1, 2-8-96)

**Sec. 9-4-246. Combination of required parking space.**

(a) The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that one-half (0.5) of the parking space required for churches, theaters, stadiums, assembly halls or any other use whose peak attendance will be at night or on Sundays, may be combined with a use which will be closed or which will generate significantly less parking demands at night and on Sundays than during normal business hours with prior approval by the director of community development.

(b) A use which is deficient in required parking spaces shall not designate existing parking to any other use.

(c) When more than one (1) use is included within any one (1) lot or building, the minimum number of required spaces shall be the sum total of all the individual uses. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-247. Nonconforming parking; expansion of floor area, other units of measurement.**

When a building or use deficient in off-street parking spaces by virtue of these regulations is increased in floor area, number of dwelling units, seating capacity, number of participants or employees, addition of secondary principal or accessory use or any other unit of measurement used to calculate required parking, one (1) of the following shall apply:

(1) Where such increase is fifty (50) percent or less of the original measurement, additional parking spaces shall be provided to meet the requirements of this article as if the increase or addition were a new and separate use.

(2) Where such increase is more than fifty (50) percent of the original measurement, additional parking spaces shall be provided to make all combined existing and proposed uses conform to the requirements of this article. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-248. Surface material requirement; front yard area coverage.**

(a) All parking areas, except as provided herein, shall be constructed with a hard surfaced all-weather material such as asphalt, concrete, brick, CABC or any other approved materials. Grass and bare earth areas shall not be acceptable. The parking area shall be maintained in a safe, sanitary and neat condition. All spaces shall be marked clearly to be recognizable to the general public.

(b) Parking areas serving individual single family dwellings shall meet the surface material requirement of subsection (a) above, provided, however, the city engineer shall be authorized to exempt the parking area(s) for specific dwellings from the surface material and front yard coverage requirement of this section when in his opinion all of the following conditions are found to exist:

(1) The parking area(s) are clearly defined and/or marked.
(2) The parking area(s) are maintained in a safe, sanitary and neat condition.
(3) The parking area(s) do not contribute to or increase soil erosion.
(4) The location and dimension of such parking area(s) are traditionally and customarily associated with the subject dwelling.

(c) Temporary uses shall be exempt from the surface material requirement.

(d) Except as further provided, parking areas for single family dwellings shall not cover more than thirty (30) percent of any front yard area. Residential cluster development approved pursuant to Article M, of this chapter, shall be exempt from the maximum parking area coverage requirement of this subsection.

(e) Parking areas for two-family attached development or conversion shall not cover more than forty (40) percent of any front yard area. When a two-family attached dwelling structure is subdivided into two (2) separate parcels the original development lot total front yard area shall be utilized to calculate parking area coverage.

(f) Parking, storage and/or maneuvering of vehicles, boats, trailers, campers and the like shall not be permitted within any front and/or side yard area except as provided by this section.

(g) Notwithstanding the provisions related to nonconforming situations contained in Article C of this chapter, the requirements contained herein shall be applicable to all existing and future required or proposed parking areas. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2423, § 3, 2-13-92; Ord. No. 2539, § 2, 11-12-92; Ord. No. 99-6, § 1, 1-14-99)

**Sec. 9-4-249. Cross district parking.**

Pursuant to section 9-4-250(a), any parking area(s) and/or driveway(s) utilized in conjunction with any use, whether required or otherwise, which is located wholly or partly within a zoning district which is different than the zoning district in which the principal use is located, may be permitted in accordance with the following:

(1) Parking and driveways for residential uses and nonresidential uses permitted in residential zoning districts shall be permitted in residential zoning districts which allow the specific use and in all nonresidential zoning districts.

(2) Parking and driveways for nonresidential uses shall be permitted in all nonresidential zoning districts and prohibited in all residential zoning districts, except as provided in subsection (1) above.

(3) Parking within the MCG district shall be subject to the additional requirements set out under section 9-4-254(a). (Ord. No. 2337, § 1, 6-13-91; Ord. No. 94-77, § 2, 5-12-94; Ord. No. 97-85, §§ 1, 2, 8-14-97)

**Sec. 9-4-250. Parking area location criteria.**

(a) All uses, except as provided in subsections (b) and (c) below, shall provide off-street parking on the same parcel of land as the use it is intended to serve. For purposes of this section, common areas within townhouse, condominium or planned center projects shall be construed as meaning “the same parcel of land.” Parking permitted within the right-of-way of a public street shall not be considered to fulfill or partially fulfill the minimum parking requirements.

(b) Remote parking may be allowed for any use which cannot provide parking on the same parcel of land as the principal use provided such use complies with all of the following requirements:

(1) The use does not comply with the current on-site parking requirement.
(2) No new construction, expansion or enlargement of the existing or proposed use is requested which would intensify or create an on-site nonconforming parking situation.
(3) The existing on-site parking facility cannot be improved to conform with current requirements.
(4) The remote parking facility shall comply with subsection (d) below.

(c) Exemptions.

(1) Churches are exempt from subsection (b)(2) above, provided that fifty (50) percent of the required parking spaces shall be located on the same parcel of land as the principal use.
(2) City of Greenville municipal government building or use and county government building or use are exempt from subsection (b)(2) above.

(d) Remote parking facilities shall conform to the following standards:

(1) No portion of the remote parking facility shall be located more than four hundred (400) feet from the associated principal use site.
(2) The remote parking facility shall not be utilized or occupied by any other use or for any purpose other than as parking for the associated principal use.
(3) The remote parking facility shall be located within a district which permits the associated principal use or within a district which allows principal use parking lots.
(4) Where the associated principal use is listed as being subject to special use permit approval of the board of adjustment, planning and zoning commission or city council, the proposed remote parking facility for the principal use shall be considered an expansion of the principal use and the expansion shall be subject to such approval.

(5) The person, firm or corporation which controls, owns or operates the principal use shall have recorded in the Pitt County Register of Deeds an estate in real property sufficient to guarantee exclusive use of the remote parking site for the life of the principal use. Such instrument shall be prepared prior to approval of any permit and no occupancy shall be allowed until the instrument has been duly recorded.

(6) If the parcel which contains the remote parking facility is disposed of, or committed to some other use which displaces the parking required by this article, then the certificate of occupancy for the principal use shall be revoked. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-26, § 1, 3-13-97)

**Sec. 9-4-251. Improvement standards.**

(a) All off-street parking areas designed for two (2) or less spaces shall meet the following requirements:

(1) Shall be surfaced in accordance with section 9-4-248.

(2) Shall conform to the minimum standards in accordance with the Manual of Standards, Designs and Details.

(3) Shall have adequate ingress and egress. All uses, excluding single-family detached, two-family attached (duplex) and multifamily unit ownership lots where such lots obtain individual driveway access from an approved private street, shall be subject to section 9-4-251(b) below. For purposes of this section, the term "multifamily unit ownership lots" shall include only residential townhouse divisions approved and recorded pursuant to the subdivision regulations.

(4) All entrances and exits shall conform to the driveway regulations of the City of Greenville or the State of North Carolina whichever is more restrictive.

(5) Shall be in accordance with the provisions of Article G, Bufferyards and Article L, Special districts.

(6) Driveways shall be considered as providing off-street parking for residential development in accordance with section 9-5-251(a)(3) above and subject to the following standards:

a. The area to which the driveway approach provides access shall be designed to store any vehicles using the driveway completely off the right-of-way and must be of sufficient dimension to allow the necessary functions to be carried out completely on private property within the designated parking area. Parking and/or maneuvering of vehicles shall not be permitted, within any greenway, pedestrian access or bikeway easement, sidewalk and the like.

b. Minimum length of any two-family attached (duplex) or multifamily unit ownership lot driveway shall not be less than thirty-six (36) feet, as measured on center, from the street right-of-way or easement line to the end of pavement or curb stop of the longest section. The depth of an associated and qualified garage parking surface or approved carport shall count toward this requirement. Minimum length of any driveway located within a residential cluster development, approved pursuant to Article M, of this chapter, shall not be less than eighteen and one-half (18 1/2) feet in the case of a driveway arranged to provide side-by-side or off-set (separated) parking or thirty-six (36) feet in the case of a driveway designed for stacked parking only.

c. Single vehicle garages shall be considered as one (1) parking space for purposes of this article provided said garage has an inside parking surface dimension of not less than twelve (12) feet wide by eighteen (18) feet deep.

d. Double or greater vehicle garages shall be considered as one and one-half (1 ½) parking space for purposes of this article provided said garage has an inside parking surface dimension of not less than twenty-two (22) feet wide by eighteen (18) feet deep.

e. Spaces for two-family attached (duplex) or multi-family unit ownership lots shall be arranged to accommodate side by side or off-set (separated) parking, and stacked parking shall not be considered as fulfilling the minimum parking space requirements. Nothing shall prohibit stacked parking in excess of the minimum provided there is compliance with all other requirements.

(7) All off-street parking areas shall be separated from walkways, sidewalks, bikeways, streets or any dedicated right-of-way. To prevent vehicles from driving across these areas, except at an approved driveway approach, and to prevent parking or maneuvering vehicles from overhanging upon such areas, there shall be a six (6) inch raised curb or stop bar constructed between such areas and the parking area.

(8) All off-street parking areas located upon property developed for residential uses and providing access to residents or the general public located in the area of special flood hazard as defined in Section 9-6-2 shall be required to be elevated such that the lowest point in the parking area is no less than one (1) foot below the 100 year flood elevation or no lower than the highest accessible point on the adjacent public street providing access to the site which shall be the point of entry between the development and the public street unless access is required to be provided internally. If access is provided internally through an adjacent site no point in the parking lot shall be below the lowest point along the access route to the public street.

(b) All off-street parking areas designed from three (3) or more spaces shall meet the following requirements:

(1) Shall be surfaced in accordance with section 9-4-248.
(2) Shall conform to the minimum standards in accordance with the Manual of Standards, Design and Details.
(3) Shall be in accordance with the provisions of Article G, Bufferyards and Article L, Special districts.
(4) Sight distance requirements as set forth in Title 6, Chapter 2 of the Greenville City Code shall be observed.
(5) All entrances and exits shall conform to the driveway regulations of the City of Greenville or the State of North Carolina whichever is more restrictive.
(6) All parking areas will be adequately drained in accordance with the storm drainage regulations set forth by the City of Greenville.
(7) All parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle only. Parking bays shall be exempt from this provision.
(8) Each off-street parking space for each use shall be within one hundred fifty (150) feet of the use it is intended to serve, except as provided by the remote parking facility standards' listed under section 9-4-250(d), above.
(9) No parking space shall be located closer than fifteen (15) feet to a dwelling structure.
(10) Parking areas shall be designed with careful regard to orderly arrangement and topography, and shall, to the greatest extent possible, be integrated naturally into its physical setting.
(11) All uses shall provide off-street parking on the same parcel of land as the use it is intended to serve, provided however, parking may be allowed within parking bays located on private streets.
(12) One-third (1/3) of the required spaces may be in parking bays within the easements of private streets, except on the turnaround portion of a cul-de-sac provided that:
    a. Any bay shall contain no more than ten (10) spaces; and
    b. Each bay shall be separated from any other bay by a distance of at least ten (10) feet; and
    c. No more than one-fourth (1/4) of the total frontage on any private street shall be devoted to parking bays.
    d. Parking bays directly adjoining private streets will be permitted one (1) side of the street at a time only. Such parking areas may be alternated from one (1) side of the street to the other.
(13) No parking space shall be utilized for dead storage, repair work or other similar activity.
(14) All off-street parking areas shall be separated from walkways, sidewalks, bikeways, streets or any dedicated right-of-way, to prevent vehicles from driving across these areas, except at an approved driveway approach, and to prevent parked or maneuvering vehicles from overhanging upon such areas. There shall be a six (6) inch raised curb or stop bar constructed between such areas and the parking area.
(15) Parking areas so designed to serve ten (10) or more vehicles may designate a maximum of twenty-five (25) percent of the spaces for use by compact cars only. These spaces shall conform to the requirements as set forth in the Manual of Standards, Designs and Details under "Minimum Parking Standards (compacts only)." These spaces shall be identified in a manner which will prohibit its occupancy by any larger vehicle.
(16) Parking areas so designed to serve ten (10) or more vehicles, may reduce the required number of spaces by ten (10) percent, to a maximum reduction of three (3) spaces, where off-street parking or storage of nonmotorized vehicles is provided at a rate of ten (10) nonmotorized spaces per motorized space reduced. Nonmotorized spaces shall be conveniently located in relation to the assigned use.
(17) Where two (2) rows or more of parking spaces are designated within the interior of any parking area, curb or elevated wheel stops shall be provided at every second bay or every fourth row of stalls extending the length or depth of the bay or stall. The wheel stop shall be at least four (4) inches in height, six (6) inches in depth (average) and six (6) feet in length. Such wheel stops shall be anchored in place by a method approved by the city engineer. Each curb or elevated wheel stop separating one (1) row of parking stalls from another shall be separated by an open space area at least five (5) feet in width. Such open spaces shall not contain asphalt, concrete or any other impervious surface except as further provided. General (public/customer) pedestrian cross walkways shall be allowed to cross said open space areas within a six (6) foot strip as measured perpendicular to the parking surface. Any two (2) walkways shall be separated by not less than fifty (50) feet as measured from center of walkway to center of walkway. General (public/customer) pedestrian sidewalks and the like shall be allowed within said open space area provided the total width of the required open space is increased in direct proportion to the width of any impervious encroachment(s).

(18) Reserved.

(19) All internal and external traffic signs, markings and devices shall conform to the Manual of Uniform Traffic Control Devices or to North Carolina Department of Transportation standards.

(20) All off-street parking areas for buildings that are subject to the North Carolina State Building Code, Volume I, General Construction, shall comply with all of the requirements set forth therein including those for parking spaces for the physically handicapped.

(21) All off-street parking areas located upon property developed for residential uses and providing access to residents or the general public located in the area of special flood hazard as defined in Section 9-6-2 shall be required to be elevated such that the lowest point in the parking area is no less than one (1) foot below the 100 year flood elevation or no lower than the highest accessible point on the adjacent public street providing access to the site which shall be the point of entry between the development and the public street unless access is required to be provided internally. If access is provided internally through an adjacent site no point in the parking lot shall be below the lowest point along the access route to the public street.

(c) Off-street loading areas shall be provided as follows:

(1) Every commercial and industrial use, except those located in the CD district, shall provide space for off-street loading and unloading of delivery, shipment or transport vehicles.

(2) Space designated for compliance with off-street parking requirements shall not be used to comply with these requirements and vice-versa.

(3) Off-street loading area dimensions shall be at minimum, twelve (12) feet by thirty (30) with a vertical clearance of sixteen (16) feet above the finished grade of the space.

(4) Space(s) shall be designed and located such that a delivery, shipment or transport vehicle can safely maneuver by means of not more than two (2) continuous movements. All movements shall be made completely on private property outside any public street right-of-way.

(5) The required number of off-street loading spaces shall be as follows:

| | |
|---|---|
| a. Retail use | 1 space for each 5,000 square feet of floor space or major fraction thereof, not to exceed 2 spaces |
| b. Wholesale and industrial uses | 1 space for each 10,000 square feet of floor space or major fraction thereof, not to exceed 3 spaces |

For purposes of this section, “major fraction” shall constitute fifty-one (51) percent. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2539, § 5, 11-12-92; Ord. No. 2724, §§ 1, 2, 10-14-93; Ord. No. 94-156, § 14, 12-8-94; Ord. No. 95-78, § 2, 8-10-95; Ord. No. 95-114, § 1, 11-9-95; Ord. No. 95-115, § 1, 11-9-95; Ord. No. 00-19, § 13, 2-10-00)

**Sec. 9-4-252. Schedule of required parking spaces.**

Off-street parking spaces shall be provided for all land uses in the following proportions:

| Use | Required spaces |
|---|---|
| (1) Church or similar place of worship. | 1 space per 5 seats in the main congregation area |
| (2) Clubhouse or recreation buildings and the like, in conjunction with residential uses. | 1 space per 500 square feet of building area and swimming pool area when applicable |
| (3) Dwelling, single-family | 2 spaces |
| (4) Dwelling, two-family attached (duplex) | 4 spaces |
| (5) Multifamily | Per Article I |

| | |
|---|---|
| (6) Planned unit development (PUD) residential, social or recreational and residential accessory | Per Article J |
| (7) Planned unit development (PUD) nonresidential | Per this article in accordance with the specific use |
| (8) Land use intensity (LUI) developments | Per Article K |
| (9) Dwelling, mobile home | Per Article H |
| (10) Family care home | 1 space for every 3 resident clients, plus 1 space per resident attendant |
| (11) Fraternity or sorority, when associated with a technical school, college or university | 1 space per resident |
| (12) Home occupation | 1 space in addition to the residential requirement, except for barber, beauty, and hair styling shops |
| (13) Housing designed for and used by elderly | Three-fourths space for each dwelling unit |
| (14) Room renting, rooming house, boarding house | 1 space per person in addition to the residential requirement |
| (15) Airport, bus station, train station, etc. | 1 space per 4 seating accommodations for waiting passengers, plus 1 space per 2 employees |
| (16) Auditorium, civic center, coliseum, etc. | 1 space per 8 seats in the largest assembly area |
| (17) Golf course; regulation and par 3 | 3 spaces per hole, plus requirements for any associated use |
| (18) Hospital | 1 space for each bed, plus 1 for each 2 employees, plus 1 space for each staff or visiting doctor |
| (19) Group care home, nursing home, convalescent home, rest home | 1 space for each 3 residents, plus 1 space for each 2 employees on the shift of greatest employment |
| (20) Kindergarten, nursery, child day care, adult day care | 1 space per employee, plus 1 space per 500 square feet of floor area, plus 4 parking spaces for loading and unloading persons |
| (21) Library, museum, art center | 1 space per 3 seating accommodations |
| (22) Medical school, etc. | 1.5 spaces per 2 teaching or administrative personnel, plus 5 spaces per classroom |
| (23) Emotional or physical rehabilitation facility | 1 space per bed or resident, plus 1.5 spaces per 2 employees, plus 1 space per staff or visiting doctor |
| (24) Post office | 1 space per 400 square feet of gross floor area, plus 1 space per 2 employees, plus 1 space for each mail route vehicle |

| | |
|---|---|
| (25) Public utility building | 1 space per employee |
| (26) Civic or fraternal organization | 1 space per 100 square feet of floor area used for assembly |
| (27) School; elementary or junior high | 1 space per 2 employees plus safe and convenient offstreet loading and unloading facilities for students |
| (28) School; senior high | 5 spaces for administrative offices, plus 1 space for each 2 employees, plus 5 spaces per classroom, plus 1 space per 10 seats in the largest assembly area or gymnasium |
| (29) Stadium | 1 space per 8 seats |
| (30) Auto, truck or boat repair stall, | 1 space per 2 employees, plus 3 storage spaces for each repair (the repair stalls may count as spaces) |
| (31) Auto wash | 1 space per employee, plus 1 space in addition to each wash bay |
| (32) Automobile sales | 1 space per 400 square feet of show room area devoted to sales |
| (33) Gasoline or automotive fuel sales, convenience store; retail | 1.5 spaces per individual pump (the service stall for each pump may count as 1 space), plus 1 space per 300 square feet of non-storage retail area |
| (34) Banks, savings and loans, and similar financial institutions without drive through facilities | 1 space per 200 feet of gross floor area, plus 1 space for each 2 employees |
| (35) Banks, savings and loans, and similar financial institutions with drive through facilities | 1 space per 300 feet of gross floor area, plus 1 space per 2 employees, plus storage space for 3 vehicles per drive through window |
| (36) Barber or beauty shop; principal or accessory use | 2 spaces per barber, beautician or other employee |
| (37) Bowling alley | 3 spaces per lane, plus requirements for any associated use, such as a lounge, restaurant, etc. |
| (38) Athletic, sports recreation, or similar health club | 1 space per 300 storage feet of non-storage area, plus 1 space per employee, plus required spaces for associated uses such as lounges, restaurants, etc. |
| (39) Commercial recreation-indoor, skating rinks, pool halls, etc. | 1 space per 200 feet of activity area |
| (40) Commercial recreation and amusements--outdoor, driving range, miniature golf, etc. | 1 space per 3 customary units of measurement for the particular use, plus 10 spaces for waiting, plus 1 space per 2 employees |

| | |
|---|---|
| (41) Dormitories for technical schools, colleges, and universities | 0.75 space per bed |
| (42) Dry cleaning or laundry establishment | 1 space per 300 square feet of gross floor area and storage space for 3 vehicles at each drive through window |
| (43) Laundry establishment, self service | 1 space per 2 pieces of central equipment |
| (44) Flea market or farmer's market | 1 space per employee, plus 1 space per 100 square feet of covered sales area or 1 space per 4 vendors whichever is greater |
| (45) Funeral home/mortuary | 1 space for each 4 seats in every assembly room or chapel, plus a minimum of 5 for funeral vehicles, plus 1 space per 2 employees |
| (46) Furniture and appliance store | 1 space per 600 square feet of display area |
| (47) Medical, dental or similar clinic | 5 spaces per practicing physician or dentist and 1 space per other employee |
| (48) Motel/hotel | 1 space per unit, plus 1 space per 2 employees, plus requirements for any other associated use such as a restaurant, lounge, etc. |
| (49) Mobile home sales | 5 spaces, plus 1 space per 10,000 square feet of lot area |
| (50) Public or private club | 1 space for every 50 square feet of activity area, plus 1 space per 2 employees |
| (51) Office building | 1 space per 300 square feet of nonstorage floor area |
| (52) Restaurant or establishment dispersing food, drink and refreshments without drive through service | 1 space per 3 seats, plus 1 space per 2 employees |
| (53) Restaurant with drive through service | 1 space per 3 seats, plus 1 space per 2 employees, plus a minimum of 6 spaces for exclusive vehicle storage for drive through service |
| (54) Retail, commercial or personal sales and service, not otherwise listed | 1 space per 200 square feet of non-storage floor area |
| (55) Shopping centers; general | 1 space per 200 square feet of nonstorage retail floor area |
| (56) Theaters | 1 space per 4 seats in the viewing area |
| (57) Mini storage warehouses | 1 space per 4 storage units |
| (58) Industrial or manufacturing, warehouse, wholesale, not otherwise listed | 1.5 spaces per 2 employees, plus 1 space per managerial personnel, plus 1 visitor parking space per 10 managerial personnel, plus 1 space per vehicle used in the conduct of business plus 1 space per 400 square feet of wholesale floor area |
| (59) Public utility, customer service | 1.5 spaces per 2 employees, plus 1 space per company vehicle, plus 1 space per 300 square foot of customer service area |
| (60) Tobacco warehouse | 1 space per 5,000 square feet of gross floor area |

(Ord. No. 2337, § 1, 6-13-91; Ord. No. 96-75, § 1, 8-8-96; Ord. No. 97-132, § 1, 12-11-97)

**Sec. 9-4-253. Unlisted uses.**

(a) Where a particular use or class of use is not listed under section 9-4-252., Schedule of required parking spaces, the director of community development shall determine the minimum number of spaces to be required in each individual case. In reaching such determination, the director of community development shall be guided by the requirements for similar uses, the number and type of vehicles and/or persons likely to be attracted to the proposed use and studies of the parking requirements in other jurisdictions.

(b) Appeal from such decision shall be made to the board of adjustment in the nature of an interpretation. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-254. Additional parking standards for certain specific uses.**

(a) Within any MCG district all required parking spaces for all permitted or special uses shall be located within the MCG district, provided, however, additional accessory parking spaces in excess of required minimums and all driveways shall be permitted in all nonresidential zoning districts. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2423, § 4, 2-13-92; Ord. No. 2539, §§ 3, 4, 11-12-92; Ord. No. 94-77, § 3, 5-12-94; Ord. No. 97-85, §§ 1, 2, 8-14-97; Ord. No. 99-6, § 2 and 3, 1-14-99)

**Secs. 9-4-255--9-4-259. Reserved.**

## Article P. Vegetation Requirements

**Sec. 9-4-260. Purpose.**

(a) To create a better quality of living for the community by encouraging the preservation of existing vegetation and to stabilize the environment's ecological balance;

(b) To help reduce the negative impact of glare, noise, trash mitigation, odors, air pollution, excessive heat, overcrowding, lack of privacy and visual disorders when incompatible land uses adjoin one another; and

(c) To promote and preserve the public health, safety and welfare. (Ord. No. 95-112, § 1, 10-9-95)

**Sec. 9-4-261. Generally.**

(a) The requirements contained herein are a combination of site vegetation, parking/drive area vegetation and screening and bufferyard screening vegetation.

(b) The provisions contained herein shall not apply to those properties located within the CD downtown commercial zoning district and as further provided.

(c) The provisions contained herein shall not apply to the Pitt/Greenville Airport Authority property and the Pitt County Detention Center property.

(d) The provisions contained herein shall apply only to those uses having a land use classification number of 2 or more, in accordance with Article D, section 9-4-78 of this chapter. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 1, 11-12-98)

**Sec. 9-4-262. Preliminary and final vegetation plan required; approval; timing of permits.**

(a) Prior to the issuance of any permit or the granting of any other approval the applicant shall receive approval of a preliminary vegetation plan which denotes the category (i.e., large tree, small tree, shrub) and number of all required vegetation materials and which illustrates the location of qualified existing and proposed materials within the available and adequate open spaces where such materials may be located in accordance with this article. Preliminary vegetation plans shall not require plant material identification by scientific or common name.

(b) Said preliminary vegetation plan shall indicate the following site data and notes:

(1) *Site data.*
- a. Total per acre requirement by category.
- b. Total street tree requirement by category for each public and/or private street frontage.
- c. Total screening requirement by category for each individual bufferyard.
- d. Proposed vegetation by category and total number of materials to be located within each individual public utility or drainage easement.

(2) *Notes.*
- a. Minimum plant sizes shall be in accordance with the Zoning Regulations as follows:

| *Planting Material Type* | *Minimum Planting Size* |
|---|---|
| 1. Large tree | |
| single stem | 10 feet (height) and 2 inch caliper |
| multi-stem clump | 10 feet (height) |
| 2. Small tree | 8 feet (height) and 1 1/2 inch caliper |
| 3. Shrub | 18 inches (height), except as provided under section 9-4-267(a) |

- b. Existing substitute vegetation materials have been noted including their specific location(s), type(s) and size(s).
- c. No portion of any parking area, including any driveway, parking space, drive isle or turning area, shall be located more than thirty (30) feet from an on-site small tree or more than seventy-five (75) feet from an on-site large tree. For purposes of this section, the measurement shall be from the farthest edge of the subject area to the center of the base of the closest qualifying tree.

d. Site plan approval from the respective easement holder shall be construed as approval of all noted and/or illustrated encroachments as shown on this plan.

(c) Said preliminary vegetation plan shall be submitted for review at the time of original submission of any site plan required pursuant to Article R, Site Plan Review, of this chapter. Preliminary vegetation plan approval shall be required in conjunction with site plan approval prior to the issuance of any building permit.

(d) Preliminary and final vegetation plans indicating proposed and existing materials shall require approval of the director of community development, or authorized representative.

(e) Temporary certificates of occupancy may be issued following approval of a preliminary vegetation plan prior to the installation of required vegetation materials.

(f) Except as further provided under subsection (g) below, prior to issuance of a final occupancy permit all vegetation materials required by this article shall be in place and written certification from the installer stating that the vegetation has been installed in accordance with the approved preliminary plan and applicable requirements shall be submitted to the director of community development, or authorized representative. Said written certification shall include a final vegetation plan indicating the preliminary vegetation plan site data, material type(s), common plant name(s) and the specific location of all installed and/or existing qualified materials. The final vegetation plan shall be indicated on an approved site plan. Written certification shall serve as a request for inspection. Full compliance with the requirements contained herein shall be the responsibility of the property owner and approval by the city of any materials installed or the issuance of any permit shall not release the property owner from such responsibility. No final occupancy permit shall be issued prior to inspection and approval of the required materials and improvements, except as further provided.

(g) A final occupancy permit may be issued prior to installation of required materials in accordance with this section.

Where vegetation materials would otherwise be required to be installed between May 1st and October 1st such installation may, at the option of the owner, be delayed, provided however, such materials shall be installed not later than November 1st of that same year. Request for such delay shall be made by the property owner, on forms supplied by the city, to the director of community development, or authorized representative, prior to the issuance of any final occupancy permit. Failure to install all required materials and to provide written certification of their installation on or before November 1st shall constitute a violation of the zoning regulations.

(h) Installation of vegetation improvements may be phased to coincide with construction of site improvements provided the phasing is set forth on the preliminary vegetation plan. Phasing shall be subject to approval of the director of community development on a case by case basis. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-90, § 1, 9-12-96; Ord. No. 98-144, § 2, 3, 4, 11-12-98; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-263. Site vegetation material requirements (per acre).**

(a) For purposes of this article the total gross acreage of a lot or tract carried to one (1) decimal point (0.0) shall be multiplied by each of the following minimum requirements to determine the minimum site vegetation:

(1) Five (5) large trees; and
(2) Ten (10) small trees; and
(3) Twenty-five (25) shrubs,

Provided, however, no lot or tract regardless of size (acreage), shall have less than the following minimum site vegetation:

(1) One (1) large tree; and
(2) Ten (10) small trees; and
(3) Fifteen (15) shrubs.

(b) The minimum requirements listed under subsection (a) above, shall be in addition to any screening requirements which may apply per section 9-4-266 of this article and the evergreen hedge option set forth under section 9-4-119, Article G, Bufferyard Setbacks, of this chapter.

(c) Street yard vegetation may count toward and be considered part of the minimum requirements listed under subsection (a) above, provided however, where the site vegetation material requirement is less than the street yard vegetation installation requirement set forth under section 9-4-268(k) of this article, additional materials shall be provided to insure compliance with section 9-4-268(k).

(d) Parking area vegetation may count toward and be considered part of the minimum requirements listed under subsection (a) above provided all other requirements of section 9-4-268(l) of this article are met.

(e) The area within any public street right-of-way or private street easement shall not be included in the calculation of total gross acreage.

(f) The area within any public utility easement, public drainage easement or other public easement, wherein the owner is prohibited from locating required materials in accordance with section 9-4-268(b) of this article, shall not be included in the calculation of total gross acreage. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 5, 6, 11-12-98)

**Sec. 9-4-264. Vegetation qualification standards; plant size.**

(a) Unless otherwise provided, all plant materials shall meet the following minimum size standards at the time of planting and/or qualification in the case of existing materials:

| *Planting Material Type* | *Minimum Planting Size* |
|---|---|
| 1. Large tree | |
| single stem | 10 feet (height) and 2 inch caliper |
| multi-stem clump | 10 feet (height) |
| 2. Small tree | 8 feet (height) and 1 1/2 inch caliper |
| 3. Shrub | 18 inches (height), except as provided under section 9-4-267(a) |

(b) Caliper measurements shall be taken at six (6) inches above grade.

(c) For purposes of this section the minimum size of all plants shall be an approximate measurement, provide however, the intent of this section shall be to insure that materials are generally in compliance with the required standards. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-6, § 1, 1-11-96)

**Sec. 9-4-265. Vegetation material (category) substitution; installed and/or existing.**

(a) Any plant material which otherwise specifically satisfies the requirements of this article may count toward satisfying all such requirements.

(b) One (1) large tree may substitute for two (2) small trees or five (5) shrubs.

(c) One (1) small tree may substitute for three (3) shrubs.

(d) Healthy, existing or transplanted large trees may substitute for required vegetation in accordance with the following:

1. Each two (2) inch or more caliper, but less than six (6) inch caliper, large tree (ten (10) foot minimum height) may substitute for one (1) large tree or two (2) small trees or five (5) shrubs
2. Each six (6) inch or more caliper, but less than ten (10) inch caliper, large tree may substitute for one and one-half (1 ½) large trees or three (3) small trees or six (6) shrubs
3. Each ten (10) inch or more caliper, but less than twenty-four (24) inch caliper, large tree may substitute for two (2) large trees or four (4) small trees or eight (8) shrubs
4. Each twenty-four inch or more caliper large tree may substitute for three (3) large trees or five (5) small trees or ten (10) shrubs

For purposes of this section, when a substitution allowance results in a fraction of a number, then the fraction shall be disregarded and the substitution allowance shall be to the next lower whole number.

In cases where the trunk of said tree(s) is not accessible for measurement, a minimum height requirement of thirty (30) feet may substitute for the minimum diameter requirements in the case of (d) 1, 2 and 3 above, and a minimum height of forty (40) feet may substitute for the minimum diameter requirement in the case of (d) 4 above.

(e) For each existing six (6) inch plus caliper large tree retained within a non-residential parking area island and/or peninsula, the minimum parking space requirement shall be reduced by up to three (3) spaces, at the option of the owner, to provide the area of minimum protection set forth under section 9-4-265 (g)(2), and minimum open space area set forth under section 9-4-268(l), provided such total parking space reduction is not more than 30% of the minimum parking space requirement.

(f) Except as further provided, minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks for residential and non-residential uses may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures.

(g) Existing substitute material standards.

(1) Existing substitute material shall be protected from site development activities. Specifically, there shall be no change of grade (cut or fill), compaction of soils, storage of construction material, debris, chemicals and/or machinery or other activities which otherwise inhibits the percolation of surface water within the "Area of Minimum Protection" as described under subsection (2) below.

(2) Area of minimum protection (by plant material type).

| | | |
|---|---|---|
| a. | Large tree: | 8-foot radius or drip zone, whichever is less. |
| b. | Small tree: | 6-foot radius or drip zone, whichever is less. |
| c. | Evergreen shrub: | 4-foot radius or drip zone, whichever is less. |

(3) Barrier required.

a. Existing substitute material shall be screened by means of a visible barrier which identifies the limits of the "Area of Minimum Protection."

(4) Qualifying the location and material type; site identification.

a. Prior to site plan approval the existing substitute material shall be identified upon the preliminary vegetation plan in sufficient detail to insure compliance with this section.

b. All large and small trees subject to this section shall be individually flagged or paint marked at the time of submission of the preliminary and final vegetation plan, except as further provided.

c. Where there are twenty (20) or more qualified large and/or small trees located within a continuous stand the boundary of the tree line may be indicated on the preliminary and final vegetation plan in lieu of individual marking. For purposes of this section the term "continuous stand" shall be construed as a unified and closely spaced group of trees which is void of impervious encroachments. Scattered individual or groups of trees which do not, or will not upon maturity, share common canopy space and/or a narrow linear row(s) of trees shall not be construed as a continuous stand. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-6, §§ 2--4, 1-11-96; Ord. No. 98-144, § 7, 11-12-98; Ord. No. 05-123, §§ 1,2, 10-13-05; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-266. Screening vegetation requirement within bufferyards C, D, E, and F.**

(a) Unless otherwise provided, within bufferyards C, D, E and F, as required per Article G, Bufferyard Setbacks, of this chapter, a complete visual screen shall be installed along the entire length of the subject bufferyard in accordance with the following:

(1) Minimum vegetation material.

| | |
|---|---|
| a. Bufferyard C: | 3 large evergreen trees, 4 small evergreen trees and 16 evergreen shrubs per each 100 linear feet of buffer or fraction thereof. |
| b. Bufferyard D: | 4 large evergreen trees, 6 small evergreen trees and 16 evergreen shrubs per each 100 linear feet of buffer or fraction thereof. |
| c. Bufferyard E: | 6 large evergreen trees, 8 small evergreen trees and 26 evergreen shrubs per each 100 linear feet of buffer or fraction thereof. |
| d. Bufferyard F: | 8 large evergreen trees, 10 small evergreen trees and 36 evergreen shrubs per each 100 linear feet of buffer or fraction thereof. |

(b) Bufferyard screening vegetation shall be in addition to and shall not count toward the site vegetation material requirement as set forth under section 9-4-263 of this article and/or the evergreen hedge option set forth under section 9-4-119, Article G, Bufferyard Setbacks, of this chapter.

(c) The intent of this section shall be to provide a complete year round opaque visual barrier between incompatible land uses. Qualified vegetation should therefore be spaced to accomplish this end. No horizontal plane, as viewed perpendicular from the property line, may be void of vegetation within five (5) years of planting for a height of at least twelve (12) feet. Beyond this five-year time period such vegetation screening shall be expected to increase in height in accordance with the natural growth patterns of the approved materials.

(d) Bufferyard screening exemptions.

(1) For all uses except public schools and churches, bufferyard screening is not required along those areas where there are five hundred (500) or more feet separating adjoining property lines from any on-site improvements.
(2) In the case of public schools, bufferyard screening is not required along those areas where there are two hundred fifty (250) or more feet separating adjoining property lines from on-site improvements.
(3) In the case of churches, bufferyard screening is not required.

(e) Parking area screening shall be in accordance with section 9-4-268(1) of this article. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, §§ 8, 9, 10, 11-12-98)

**Sec. 9-4-267. Acceptable vegetation by material type.**

(a) Materials list notations; meanings.

(1) Acceptable screening vegetation: (S)
(2) Tolerant to periodic wet soil conditions: (W)
(3) Various varieties: (*)
(4) Native: (N)
(5) Minimum height of twelve (12) inches: (H)

(b) Certain vegetation materials; maximum allowable percentage.

(1) The following vegetation materials, as listed by common name, shall constitute not more than twenty-five (25) percent of the total requirement for the specific category:
   a. Large tree category - River Birch.
   b. Small tree category - Aristocrat Pear, Bradford Pear, Capitol Pear, and Cleveland Select Pear.
   c. Evergreen shrub category - Red Tip Photinia.

(c) Except as further provided, materials listed below shall be utilized to satisfy the vegetation requirements of this article:

(1) Shrubs 1.5 - 6 Feet - Evergreen

| | | |
|---|---|---|
| Abelia x grandiflora | Glossy Abelia | (*) |
| Aucuba japonica | Japanese Aucuba | (*) |
| Azalea hybrida | Glenn Dale Azalea | (*) |
| Azalea hybrida | Satsuki Hybrid Azalea | (*) |
| Azalea kaempferi | Kaempferi Azalea | |
| Berberis julianae | Wintergreen Barberry | (*) |
| Buxus harlandii | Harland Boxwood | (*) |
| Buxus microphylla japonica | Japanese Boxwood | (*) |
| Buxus microphylla `Koreana’ | Korean Boxwood | (*) |
| Buxus sempervirens | American Boxwood | (*) |
| Buxus sempervirens `Suffruticosa’ | Dwarf Boxwood | |
| Chamaecyparis obtusa `Nana Gracilis’ | Dwarf Hinoki Cypress | |
| Cotoneaster horizontalis | Rockspray Cotoneaster | (*)(H) |
| Danae racemosa | Alexander Laurel | |
| Euonymus fortunei `Vegetus’ | Evergreen Bittersweet | (*) |
| Euonymus japonicus `Microphyllus’ | Dwarf Japanese Euonymus | (H) |
| Euonymus kiautschovicus | Spreading Euonymus | (*) |
| Fatsia japonica | Japanese Fatsia | (*) |
| Gardenia jasminoides `Radicans’ | Dwarf Gardenia | (H) |
| Hypericum patulum | St.-John’s-Wort | (*) |
| Ilex cornuta `Burfordii Nana’ | Dwarf Burford Holly | |
| Ilex crenata `Compacta’ | Compacta Holly | |
| Ilex crenata `Convexa’ | Convexa Japanese Holly | |
| Ilex crenata `Hetzi’ | Hetzi Japanese Holly | |
| Ilex crenata `Microphylla’ | Littleleaf Japanese Holly | |
| Ilex crenata `Rotundifolia’ | Roundleaf Japanese Holly | |
| Ilex crenata `Yellow Berry’ | Japanese Holly | |
| Ilex cornuta `Carissa’ | Carissa Holly | |
| Ilex cornuta `Rotunda’ | Dwarf Horned Holly | |
| Ilex crenata `Carefree’ | Japanese Holly | |
| Ilex crenata `Kingsville’ | Kingsville Japanese Holly | |
| Ilex crenata `Repandens’ | Repanden Japanese Holly | (H) |
| Ilex crenata `Stokes’ | Stokes Japanese Holly | (H) |
| Ilex crenata `Tiny Tim’ | Japanese Holly | (H) |
| Ilex vomitoria `Nana’ | Dwarf Yaupon | (H) |
| Jasminum floridum | Flowering Jasmine | |
| Juniperus chinensis `Pfitzeriana’ | Pfitzer Juniper | (*) |
| Juniperus davurica `Expansa’ (`Parsoni’) | Parsons Juniper | (*)(H) |
| Juniperus sabina `Tamariscifolia’ | Tamarix Juniper | (*)(H) |
| Kalmia latifolia | Mountain-Laurel | (*)(N) |
| Leucothoe axillaris | Coastal Leucothoe | (W) |
| Leucothoe fontanesiana | Drooping Leucothoe | (*)(W) |
| Ligustrum japonicum `Rotundifolium’ | Curlyleaf Ligustrum | (S) |
| Lonicera yunnanensis | Yunnan Honeysuckle | (H) |
| Mahonia bealei | Leatherleaf Mahonia | (*) |
| Mahonia pinnata | Cluster Mahonia | |
| Myrica pensylvanica | Northern Bayberry | |
| Nandina domestica | Nandina | (*) |
| Pieris japonica | Japanese Andromeda | (*) |
| Pinus mugo `Compacta’ | Mugo Pine | (*) |
| Prunus laurocerasus angustifolia | Narrow-Leaved English Laurel | |
| Prunus laurocerasus `Otto Luyken’ | Otto Laurel | |

| | | |
|---|---|---|
| Prunus laurocerasus `Schipkaensis' | Skip Laurel | |
| Prunus laurocerasus `Zabeliana' | Zabel Laurel | |
| Pyracantha coccinea | Scarlet Firethorn | |
| Pyracantha koidzumii `Low-Dense' | Lowdense Pyracantha | |
| Raphiolepis indica | India Hawthorn | (*) |
| Rhododendron hybrida | Hybrid Rhododendron | (*) |
| Siphonos- manthus delavayi | Delavay Tea Olive | |
| Yucca filamentosa | Adam's Needle Yucca | (*)(H) |
| Yucca gloriosa | Mound-Lily Yucca | |

(2) Shrubs 1.5 - 6 Feet - Deciduous

| | | |
|---|---|---|
| Azalea molle hybrida | Mollis Azalea | |
| Berberis x men- torensis | Mentor Barberry | |
| Berberis thunbergii | Japanese Barberry | |
| Callicarpa americana | American Beautyberry | |
| Callicarpa dichotoma | Beautyberry | (*) |
| Callicarpa japonica | Japanese Beautyberry | |
| Chaenomeles japonica | Japanese Flowering Quince | (*) |
| Chaenomeles speciosa | Flowering Quince | |
| Cotoneaster divaricatus | Spreading Cotoneaster | |
| Hamamelis vernalis | Vernal Witch-Hazel | |
| Hydrangea macrophylla | Bigleaf Hydrangea | |
| Hydrangea quercifolia | Oakleaf Hydrangea | |
| Hypericum kalmianum | Kalm St.-John's-Wort | |
| Jasminum nudiflorum | Winter Jasmine | (H) |
| Kerria japonica | Kerria | |
| Potentilla fruticosa | Bush Cinquefoil | (*)(H) |
| Rosa multiflora | Japanese Rose | |
| Rosa rugosa | Rugose Rose | |
| Spiraea cantoniensis | Reeves Spirea | |
| Spiraea nipponica `Snow Mound' | Snowmound Nippon Spirea | |
| Spiraea thunbergii | Thunberg Spirea | |
| Vaccinium ashei | Rabbiteye Blueberry | |

(3) Shrubs 6 - 12 Feet - Evergreen

| | | |
|---|---|---|
| Azalea indica | Indian Azalea | (*) |
| Camellia japonica | Camellia | (*) |
| Camellia sasanqua | Sasanqua Camellia | (*) |
| Camellia sinensis | Tea Plant | (S) |
| Cleyera japonica | Cleyera | (S) |
| Cotoneaster franchetii | Franchet Cotoneaster | |
| Elaeagnus pungens | Thorny Elaeagnus | (*)(S) |
| Euonymus japonica | Evergreen Euonymus | (*) |
| Ilex cornuta | Chinese Holly | (*)(S) |
| Ilex cornuta `Burfordii' | Burford Holly | (*)(S) |
| Ilex crenata | Japanese Holly | (*)(S) |
| Ilex glabra | Inkberry Holly | (N) |
| Ilex latifolia | Lusterleaf Holly | (S) |
| Ilex pedunculosa | Longstalk Holly | (S) |
| Ilex pernyi | Perny Holly | (*) |
| Ilex vomitoria `Pendula' | Weeping Yaupon Holly | (*) |
| Illicium anisatum | Anisetree | |
| Illicium floridanum | Florida Anisetree | (*) |
| Juniperus chinensis `Hetzii' | Hetzi Juniper | (*) |
| Juniperus chinensis `Kaizuka' | Hollywood Juniper | |
| Laurus nobilis | Laurel | (*)(S) |

| | | |
|---|---|---|
| Leucothoe populifolia | Florida Leucothoe | |
| Ligustrum japonicum | Japanese Privet | (*)(S) |
| Ligustrum lucidum | Tall Glossy Privet | (*)(S) |
| Ligustrum sinense `Variegatum’ | Variegated Chinese Privet | |
| Loropetalum chinense | Loropetalum | (S) |
| Michelia figo | Banana Shrub | |
| Myrica cerifera | Wax-Myrtle | (W)(S)(N) |
| Myrtus communis | Myrtle | (*)(S) |
| Osmanthus x fortunei | Fortune Tea Olive | (*)(S) |
| Osmanthus fragrans | Fragrant Tea Olive | (*) |
| Osmanthus heterophyllus | Holly Osmanthus | (*)(S) |
| Osmanthus heterophyllus `Rotundifolius’ | Curlyleaf Tea Olive | |
| Photinia x fraseri | Fraser Photinia | (S) |
| Photinia glabra | Red Photinia | (*)(S) |
| Pittosporum tobira | Pittosporum | |
| Podocarpus macrophyllus maki | Podocarpus | (*)(S) |
| Prunus laurocerasus | English Laurel | (*)(S) |
| Pyracantha koidzumii | Formosa Firethorn | (*)(S) |
| Thuja orientalis | Oriental Arborvitae | (*)(S) |
| Viburnum japonicum | Japanese Viburnum | (S) |
| Viburnum rhytidophyllum | Leatherleaf Viburnum | (*) |
| Viburnum tinus | Laurestinus Viburnum | (*)(S) |
| Yucca aloifolia | Spanish-Bayonet | |

(4) Shrubs 6 - 12 Feet - Deciduous

| | | |
|---|---|---|
| Azalea calendulacea (also known as Rhododendron calendulacem) | Flame Azalea | (*) |
| Azalea hybrida `Exbury’ | Exbury Hybrid Azalea | (*) |
| Azalea periclymenoides (also known as Rhododendron periclymenoides or nudiflorum) | Pinxterbloom Azalea | (*)(N) |
| Buddleja davidii | Butterfly-Bush | (*) |
| Calycanthus floridus | Sweet Shrub | (*)(N) |
| Chimonanthus praecox | Winter Sweet | (*) |
| Chionanthus virginicus | Fringe Tree | |
| Cortaderia selloana | Pampass Grass | (*) |
| Cotoneaster salicifolius floccosus | Willowleaf Cotoneaster | (*) |
| Cytisus scoparius | Scotch Broom | (*) |
| Deutzia scabra | Pride of Rochester | (*) |
| Elaegnus commutata | Silverberry | |
| Elaeagnus multiflora `Crispa’ | Cherry Elaeagnus | |
| Elaeagnus umbellata | Autumn Elaeagnus | (*) |
| Euonymus alatus | Winged Euonymus | |
| Euonymus americanus | Strawberry-Bush | |
| Exochorda racemosa | Pearl-Bush | |
| Ficus carica | Common Fig Tree | (*) |
| Forsythia x intermedia | Border Forsythia | (*) |
| Hamamelis virginiana | Common Witch-Hazel | |
| Hibiscus syriacus | Rose of Sharon | (*) |
| Hydrangea paniculata `Grandiflora’ | Peegee Hydrangea | (*) |
| Ilex decidua | Possumhaw | (*) |
| Ilex verticillata | Winterberry | (*) |
| Kolkwitzia amabilis | Beautybush | (*) |
| Lonicera fragrantissima | Winter Honeysuckle | |
| Philadelphus coronarius | Sweet Mock Orange | (*) |
| Poncirus trifoliata | Hardy Orange | (*) |
| Rhododendron prunifolium | Plumleaf Azalea | |

| | | |
|---|---|---|
| Spiraea prunifolia `plena' | Bridal Wreath Spirea | |
| Spiraea x vanhouttei | Vanhoutte Spirea | |
| Syringa x persica | Persian Lilac | (*) |
| Tamarix ramosissima | Salt Cedar | (*) |
| Viburnum x burkwoodii | Burkwood Viburnum | (*) |
| Viburnum dilatatum | Linden Viburnum | (*) |
| Viburnum x juddii | Judd Viburnum | |
| Viburnum macrocephalum `Sterile' | Chinese Snowball | |
| Viburnum opulus `Roseum' | European Snowball | (*) |
| Viburnum plicatum tomentosum | Doublefile Viburnum | (*) |
| Viburnum wrightii | Wright Viburnum | (*) |
| Weigela florida | Weigela | (*) |

(5) Small Trees - Evergreen

| | | |
|---|---|---|
| Cupressus arizonica | Arizona Cypress | (*)(S) |
| Ilex x Attenuata | Hybrid Holly | (*)(S) |
| Ilex x attenuata `Fosteri' | Foster Hybrid Holly | (S) |
| Ilex cassine | Dahoon Holly | (*)(W)(N) |
| Ilex x `Nellie R. Stevens' | Nellie Stevens Holly | (S) |
| Ilex opaca | American Holly | (*)(N) |
| Ilex vomitoria | Yaupon Holly | (*)(S)(N) |
| Magnolia grandiflora "Little Gem" | Little Gem Magnolia | (S)(N) |
| Magnolia virginiana | Sweet Bay | (*)(N) |
| Osmanthus americanus | Devilwood | (S) |
| Pinus nigra | Austrian Pine | (*)(S) |
| Pinus virginiana | Virginia Pine | (N) |
| Prunus caroliniana | Carolina Cherry-Laurel | (*)(S)(N) |
| Quercus acuta | Japanese Evergreen Oak | (S) |
| Quercus glauca | Ring-Cupped Oak | (S) |

(6) Small Trees - Deciduous

| | | |
|---|---|---|
| Acer buergeranum | Trident Maple | (*) |
| Acer ginnala | Amur Maple | (*) |
| Acer griseum | Paperbark Maple | |
| Acer palmatum | Japanese Maple | (*) |
| Acer palmatum dissectum | Laceleaf Japanese Maple | (*) |
| Albizia julibrissin | Mimosa | (*) |
| Amelanchier arborea | Serviceberry | (*) |
| Betula platyphylla japonica | Japanese White Birth | (*) |
| Carpinus caroliniana | American Hornbeam | (N) |
| Cercis canadensis | Eastern Redbud | (*)(N) |
| Cornus florida | Flowering Dogwood | (*)(N) |
| Cornus kousa | Kousa Dogwood | (*) |
| Cornus mas | Cornelian-Cherry Dogwood | (*) |
| Cotinus coggyria | Smoketree | (*)(N) |
| Crataegus phaenopyrum | Washington Hawthorne | (*) |
| Elaeagnus angustifolius | Russian-Olive | |
| Firmiana simplex | Chinese Parsol Tree | (*) |
| Franklinia alatamaha | Franklinia | |
| Halesia carolina | Carolina Silverbell | (N) |
| Hamamelis mollis | Chinese Witch-Hazel | (*) |
| Koelreuteria bipinnata | Chinese Flame Tree | |
| Koelreuteria paniculata | Golden-Rain-Tree | (*) |
| Lagerstroemia indica | Crape-Myrtle | (*) |
| Magnolia macrophylla | Bigleaf Magnolia | (*)(N) |
| Magnolia x soulan- giana | Saucer Magnolia | (*)(N) |

| | | |
|---|---|---|
| Magnolia stellata | Star Magnolia | (*)(N) |
| Magnolia tripetala | Umbrella Magnolia | (*)(N) |
| Malus domestica | Apple | (*) |
| Malus hybrida | Flowering Crab Apple | (*) |
| Morus alba | White Mulberry | (*) |
| Morus alba `Pendula' | Weeping White Mulberry | (*) |
| Oxydendrum arboreum | Sourwood | (N) |
| Pistacia chinensis | Pistachio | (*) |
| Prunus cerasifera `Atropurpurea' | Pissard Plum | (*) |
| Prunus cerasus | Sour Cherry | (*) |
| Prunus persica | Peach | (*) |
| Prunus serrulata | Japanese Cherry | (*) |
| Prunus subhirtella pendula | Weeping Cherry | (*) |
| Prunus yedoensis | Yoshino Cherry | (*) |
| Punica granatum | Pomegranate | (*) |
| Pyrus calleryana | Callery Pear (includes Bradford, Capitol, Cleveland Select and Aristocrat) | (*) |
| Salix caprea | Goat Willow | (*) |
| Sassafras albidum | Common Sassafras | (N) |
| Ulmus parvifolia | Chinese Elm | (*) |
| Viburnum prunifolium | Blackhaw Viburnum | |
| Viburnum rufidulum | Southern Blackhaw | |
| Vitex agnus-castus | Chaste - Tree | (*) |

(7) Large Trees - Evergreen.

| | | |
|---|---|---|
| Cedrus atlantica | Atlas Cedar | (*) |
| Cedrus deodara | Deodar Cedar | (*)(S) |
| Cedrus libani | Cedar of Lebanon | (*) |
| Cryptomeria japonica | Japanese Cryptomeria | (S) |
| Cupresso- cyparis leylandii | Leyland Cypress | (*)(S) |
| Ilex attenuata `Savannah' | Savannah Holly | |
| Juniperus virginiana | Eastern Red Cedar | (*)(S)(N) |
| Magnolia grandiflora | Southern Magnolia | (*)(S)(N) |
| Pinus bungeana | Lacebark Pine | |
| Pinus eliotti | Slash Pine | |
| Pinus palustris | Longleaf Pine | (N) |
| Pinus strobus | White Pine | |
| Pinus sylvestris | Scotch Pine | |
| Pinus taeda | Loblolly Pine | (N) |
| Pinus thunbergiana | Japanese Black Pine | (S) |
| Tsuga canadensis | Canadian Hemlock | |
| Quercus laurifolia | Laurel Oak | (N) |
| Quercus virginiana | Southern Live Oak | (N) |

(8) Large Trees - Deciduous

| | | |
|---|---|---|
| Acer rubrum | Red Maple | (*)(N) |
| Acer saccharinum | Silver Maple | (*)(N) |
| Acer saccharum | Sugar Maple | (*)(N) |
| Betula nigra | River Birch | (*)(W)(N) |
| Carya illinoinensis | Pecan | (*)(N) |
| Catalpa bignonioides | Southern Catalpa | (*)(N) |
| Celtis laevigata | Sugar Hackberry | (*)(N) |
| Celtis occidentalis | Common Hackberry | (*) |
| Cladrastis lutea | Yellowwood | (*) |
| Diospyros virginiana | Persimmon | (*) |

| | | |
|---|---|---|
| Fagus grandifolia | Beech | (N) |
| Fagus sylvatica | European Beech | (*) |
| Fraxinus americana | White Ash | (*)(N) |
| Ginkgo biloba | Maidenhair Tree | (*) |
| Gleditsia triacanthos inermis | Thornless Honeylocust | (*) |
| Gymnocladus dioicus | Kentucky Coffee Tree | |
| Liquidambar styraciflua | Sweet-Gum | (*)(N) |
| Liriodendron tulipifera | Tulip-Tree | (*) |
| Magnolia acuminata | Cucumber Tree | (*) |
| Metasequoia glyptostroboides | Dawn Redwood | (*) |
| Nyssa sylvatica | Black Tupelo | (*)(N) |
| Paulownia tomentosa | Empress-Tree | (*) |
| Platunus x acerifolia | London Plane-Tree | (*) |
| Platanus occidentalis | Sycamore | (N) |
| Prunus sargentii | Sargent Cherry | (*) |
| Quercus acutissima | Sawtooth Oak | (N) |
| Quercus alba | White Oak | (N) |
| Quercus coccinea | Scarlet Oak | (*)(N) |
| Quercus macrocarpa | Bur Oak | |
| Quercus nigra | Water Oak | (N) |
| Quercus palustris | Pin Oak | (*)(N) |
| Quercus phellos | Willow Oak | (N) |
| Quercus rubra maxima | Eastern Red Oak | (N) |
| Quercus velutina | Black Oak | (N) |
| Salix babylonica | Weeping Willow | (W) |
| Sassafas alkidum | Sassafras | (N) |
| Quercus shumardii | Shumard Oak | (N) |
| Quercus falcata | Southern Red Oak | (N) |
| Taxodium distichum | Bald Cypress | (*)(W)(N) |
| Tilia americana | American Linden | (*) |
| Tilia cordata | Littleleaf Linden | (*) |
| Zelkova serrata | Japanese Zelkova | (*) |

(d) Vegetation material (type) substitution. Vegetation material type(s) not listed above under this section may be substituted for required material(s) on a one-for-one basis provided the substitute material(s) meet the requirements of this article. Where substitute material(s) are proposed the owner/developer shall provide at the time of preliminary and final bufferyard plan submission, evidence in sufficient detail to insure compliance with this section. No substitute material(s) shall be utilized to fulfill the requirements of this article except as specifically approved by the director of community development on a case-by-case basis. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-6, §§ 5--8, 1-11-96; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-268. Standards.**

(a) *Seeding.* All open space areas that are not landscaped shall be seeded with lawn or other ground cover.

(b) *Easement.* No vegetation materials required by this article shall be located or planted on property subject to utility or drainage easements without the written consent of the city and the easement holder. Site plan approval from the respective easement holder shall be construed as approval of all noted and/or illustrated encroachments.

(c) *Solar access.* If the development on an adjoining lot is existing, and is designed for solar access, small trees shall be substituted for large trees on a one (1) for one (1) basis where large trees would destroy solar access. This subsection shall apply only to bufferyard screening trees and site vegetation trees when no other planting areas are available.

(d) *Drainage ditch.* When a drainage ditch separates property lines, or is otherwise contained within a lot or tract, all vegetation required by this article shall be provided. However, in no case shall the required vegetation be located within five (5) feet of the outer edge of the drainage ditch. Stormwater detention structures having a slope of two (2) feet horizontal for each one (1) foot vertical or steeper shall be considered a drainage ditch for purposes of this section. Placement of vegetation within easements shall be in accordance with subsection (b) above.

(e) *Overhead utility lines.* No new or qualified existing large tree shall be located within fifteen (15) feet of an overhead electric distribution, telephone or cable TV line or within twenty-five (25) feet of an overhead electric transmission line. Service (drop) lines shall not be included for purposes of this requirement.

(f) *Horizontal measurements.* All such measurements shall be made from the center of the base of the subject vegetation.

(g) *Visibility; sight distances maintained.* Visibility shall be reserved in accordance with the sight distance standards and requirements of Title 6, Chapter 2, Streets and Sidewalks, of the Greenville City Code and as provided by notation or description upon any map recorded pursuant to the subdivision regulations.

(h) *Garage/trash container pad, additional standards.* In addition to any required visual barrier(s) and/or vegetation improvements, all container pads shall be enclosed on three (3) sides by a complete visual barrier consisting of a fence, evergreen vegetation or combination thereof.

(i) *Screening vegetation location.*

(1) Required screening vegetation shall be installed within the minimum bufferyard setback except as further provided:
   a. Utility improvements; natural features. Where a drainage, utility improvement or other natural feature, including existing vegetation, prevents the installation of required vegetation within the minimum bufferyard area, as determined by the city, such materials shall be installed within an area of equal width to the required bufferyard area. This “area of equal width” shall be located adjacent to and extend from the drainage, utility improvement or other natural feature. Buildings, structures, parking areas, drives and other site improvements may encroach into the “area of equal width.
   b. Each ten (10) inch plus caliper large tree, which trunk is located completely or partially within twenty (20) feet of the interior limit of any screening bufferyard set forth under section 9-4-119, shall qualify as part of the vegetation requirement of said bufferyard, with respect to the minimum screening vegetation type and amount, provided the required visual vegetative screen is achieved and maintained, and the qualified tree is not separated from the associated screening bufferyard by any intervening building or roofed structure. The subject tree shall not qualify for both the site and the screening vegetation requirements, with respect to total material and/or substitution requirements, applicable to the site.
(2) Stormwater detention structures. Screening vegetation shall not be located within a stormwater detention structure which has a slope of two (2) feet horizontal for each one (1) foot vertical or steeper. All plantings within a stormwater detention structure shall otherwise be allowed subject to approval of the city engineer and provided the vegetation materials are of a variety that can customarily withstand periodic flooding and wet soil conditions.
(3) Where such materials are planted on slopes, of two (2) feet horizontal for each one (1) foot vertical or steeper, a terraced planting area, designed in accordance with acceptable and recognized practice, shall be provided.
(4) Where such materials are planted in areas lying below the finished grade of the surrounding portions of the lot such materials shall be of a size and type which can be expected to fulfill the requirements of this article. (Ord. No. 05-123, § 3, 10-13-05)

(j) *Site vegetation location.*

(1) Required site vegetation may be located at any point within the boundary of the subject lot, except as farther provided:
   a. With the exception of street yard trees, site vegetation shall not be located within ten (10) feet of a principal and/or accessory structure.
   b. Site vegetation shall not be located within a stormwater detention structure which has a slope of two (2) feet horizontal for each one (1) foot vertical or steeper. Existing vegetation material located within a stormwater detention structure may otherwise be allowed to qualify for purposes of this section, subject to the approval of the city engineer and provided the vegetation materials are of a variety that can customarily withstand periodic flooding and wet soil conditions as approved by the director of community development on a case by case basis. (Ord. No. 06-75, §1, 8-10-06)

(k) *Street yard vegetation installation requirements:*

(1) Street yard vegetation may count toward and be considered part of the site vegetation material requirement as set forth under section 9-4-263 of this chapter.
(2) Street yard vegetation shall be installed, at the rate of two (2) large trees per each one hundred (100) linear feet or fraction thereof of street frontage (public or private), on any lot containing a use with a land use classification number of two (2) or more. Provided however, where vegetation material installation is required pursuant to section 9-4-271. "Nonconforming vegetation; compliance required" and large trees can not be located in compliance with this article due to the proximity of an overhead utility transmission line, or substandard available open space including bufferyard width, island/peninsula area or dimension and the like, small trees shall be substituted for large trees at the ratio of two (2) small trees for each one (1) large tree. Substitutions shall only be considered and allowed on an individual tree by tree basis. The intent of this section shall be to require the installation of large trees to the greatest extent possible. Where the small tree substitution is allowed each small tree shall have not less than six (6) square feet of exclusive open space which measures not less than two (2) feet at it narrowest dimension. Where the available open space does not meet this requirement, as determined by the director of community development, shrubs may be substituted for small trees on a one (1) for one (1) basis, provided however, where said open space is less than four (4) square feet in area and/or less than two (2) feet in width ground cover may be substituted for shrubs.
(3) Except as otherwise provided under this section the vegetation material (category) substitution standards contained under section 9-4-265 may apply at the option of the owner.
(4) Such street yard vegetation shall be located within fifteen (15) feet of the street right-of-way or easement line unless otherwise provided, however no large tree shall be installed closer than two (2) feet to the back of curb, travel surface or sidewalk located on said right-of-way or easement. (Ord. No. 06-75, §1, 8-10-06)

(l) Parking area vegetation location.

(1) Any on-site large tree, small tree, or shrub which has been qualified pursuant to this article may count toward the parking area vegetation requirement provided such materials comply with all other requirements of this section.
(2) No portion of any parking area, including any driveway, parking space, drive isle or turning area, shall be located more than thirty (30) feet from an on-site small tree or more than seventy-five (75) feet from an on-site large tree. For purposes of this section, the measurement shall be from the farthest edge of the subject area to the center of the base of the closest qualifying tree.
(3) Such tree(s) may be located, at the option of the owner, within an area adjacent to and extending from the parking/drive surface or on islands contained within and/or peninsulas extending into the impervious areas.
(4) Where such trees are located on island(s) and/or peninsulas such island(s) and/or peninsula(s) shall individually contain not less than one hundred (100) square feet of open space and shall measure not less than eight (8) feet at its narrowest dimension wherein such open space is proposed to contain a large tree or not less than five (5) feet at its narrowest dimension wherein such open space is proposed to contain only small trees. Any open space area between the point of curvature and the point of tangency shall be included in the minimum area calculation, however, such area shall be exempt from the minimum dimension requirement. Areas not meeting these requirements shall not be considered for purposes of this section. (See also subsection (8) below.)
(5) Where vegetation is proposed within any island and/or peninsula the materials shall be located and designed to minimize potential conflicts with vehicular drives, parking, loading docks and turning areas and product and/or equipment storage and display areas. Specifically, large and small trees shall be setback and/or off-set from bumper overhang encroachment areas or other hazards in a manner approved by the director of community development or authorized representative.
(6) When a parking and/or drive area is not constructed of a permanent hard surface material, such as asphalt or concrete which clearly defines the travel and parking area, such island(s) and /or peninsula(s) shall be set apart from all vehicular areas by a raised vertical curb, wheel stop or other physical barrier which otherwise delineates the open space contained therein.
(7) The minimum open space shall be grassed or contain ground cover or other erosion control material such as mulch over the balance of the area provided such area(s) shall be clear of impervious surface and/or subsurface materials which would otherwise prohibit the percolation of surface water.

(8) When located on such island(s) and/or peninsula(s) no large tree shall have less than one hundred (100) square feet of exclusive open space and no small tree shall have less than fifty (50) square feet of exclusive open space. Shrubs and ground cover may encroach into the open space area(s) described herein.

(9) Parking area screening shall be required in accordance with the following:

a. Except as further provided, parking area screening shall be installed within a ten (10) foot area adjacent to and extending the full street side width of all parking areas which front a public or private street. For purposes of this section any parking area drive or drive isle, which separates a parking space from the street right-of-way or easement line, shall be considered part of the parking area and such drive or drive isle shall be screened in accordance with this section. Parking areas which deflect from the street line shall be considered a part of the parking area subject to the screening requirement of this section where such parking area is less than fifty (50) feet from the street right-of-way or easement line and in accordance with subsection (b) below.

b. The intent of parking area vegetation screening shall be to provide a year round visual screen between parking areas and public or private streets. Qualified vegetation should therefore be spaced to accomplish this end. No horizontal plane, as viewed perpendicular from the street line, may be void of vegetation, or other approved visual screen, within three (3) years of planting for a height of at least thirty (30) inches, (under normal growing conditions), above the finished grade of the immediately adjacent parking area surface.

c. A wall, fence, berm or other structure which provides a qualified visual screen, alone or in combination with qualified vegetation, to a height of thirty (30) inches may substitute for a portion or all of the parking area screening requirement provided all other provisions of this article are met. Non-vegetative visual screens shall be installed or improved to the minimum required height prior to the issuance of any final occupancy permit.

d. When vegetation material installation is required pursuant to section 9-4-271 "Nonconforming vegetation; compliance required" and where the available open space is less than two (2) foot in width, ground cover may be substituted for parking area screening.

e. Parking areas, or portions thereof, which are setback fifty (50) feet or more from the street right-of-way or street easement line shall be exempt from the parking area screening requirement of this section.

f. Vegetation and above-grade structures and/or improvements shall comply with the sight distance standards and requirements of Title 6, Chapter 2, Streets and Sidewalks, of the Greenville City Code and as provided by notation or description upon any map recorded pursuant to the subdivision regulations and as provided by notation or description upon any approved site plan.

(10) When a parking lot existing on the effective date of this ordinance (11/12/98) is required to comply with the standards set forth under this article, the minimum number of required parking spaces may be reduced up to ten (10) percent where the loss of existing spaces occurs as a result of the application of this subsection.

(11) Bufferyards which separate parking areas and drive isles from perimeter property lines shall be considered an "island and/or peninsula" and the open space and vegetation material located therein shall be subject to subsections (5), (6), (7) and (8) of this section.

(12) New parking areas and/or expansion areas to existing parking areas shall comply with all parking area requirements in effect at the time of development regardless of the percent of expansion." (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 11, 12, 13, 11-12-98; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-269. Certain terms; meanings.**

(a) For purposes of this article, the term "impervious surface area" shall be construed to include all on-site drives, parking spaces (stalls), parking bays, travel and storage lanes, loading zones and turning areas constructed with a hard surface all-weather material including gravel, stone, CABC and the like. The area within any public street right-of-way and/or private street easement shall not be included in the calculation of impervious surface area.

(b) For purposes of this article, the term "parking area" shall not be construed to include any impervious surface area utilized principally for stock, product and/or equipment storage and/or display including but not limited to vehicle and mobile home sales lots or tractor and trailer loading docks and turning areas.

(c) For purposes of this article, the term "ground coverage" shall be construed to include both lot coverage (building footprint) and impervious surface area.

(d) For purposes of this article, the terms “building expansion(s)”, “parking area and/or drive expansion(s)” and “proposed building construction” shall include both singular and cumulative expansions and/or construction over any twelve-month period. (Ord. No. 95-112, § 1, 10-9-95)

**Sec. 9-4-270. Maintenance of required vegetation.**

The property owner shall be responsible for maintaining all vegetation required by this article in a healthy condition. Any dead, unhealthy or missing vegetation shall be replaced. Replacement shall occur at the earliest suitable planting season. (Ord. No. 95-112, § 1, 10-9-95)

**Sec. 9-4-271. Nonconforming vegetation; compliance required.**

(a) Property that does not comply with the requirements contained in this article shall meet the provisions of this section.

(b) When there is noncompliance with the vegetation standards and requirements of this article, and when an applicant files the necessary forms for a building permit and/or change of use permit, one (1) of the two (2) following situations shall apply:

(1) The provisions of this article are not applicable when:
   a. There is a change of land use where the new land use is of the same or lower land use classification; and
   b. Building expansion(s) are proposed which constitute less than a twenty (20) percent expansion in lot coverage; and
   c. Parking area and/or drive expansion(s) are proposed which constitute less than a twenty (20) percent expansion in impervious surface areas; and
   d. Building and parking area and/or drive expansion(s) are proposed which collectively constitute less than a twenty (20) percent expansion in total ground coverage; and
   e. The valuation of any proposed building construction, including repairs, renovations and/or expansions, is less than or equal to fifty (50) percent of the current tax valuation of all on-site building improvements as listed on the Pitt County tax record. The valuation of proposed construction shall be based on applicable building permit application data.

(2) Vegetation improvements will be required in accordance with subsection (c) below when:
   a. There is a change in land use where the new land use is of a higher land use classification; or
   b. Building expansion(s) are proposed which constitute a twenty (20) percent or more expansion in lot coverage; or
   c. Parking area and/or drive expansion(s) are proposed which constitute a twenty (20) percent or more expansion in impervious surface areas; or
   d. Building and parking area and/or drive expansion(s) are proposed which collectively constitute a twenty (20) percent or more expansion in total ground coverage; or
   e. The valuation of any proposed building construction, including repairs, renovations and/or expansions, exceeds fifty (50) percent of the current tax valuation of all on-site building improvements as listed on the Pitt County tax record. The valuation of proposed construction shall be based on applicable building permit application data.

(c) When vegetation improvements are required based on subsection (2) above the following shall apply:

(1) Screening vegetation requirements (Bufferyards C, D, E and F):
   a. Where all of the minimum bufferyard width is available all required screening vegetation shall be installed.
   b. Where less than one hundred (100) percent of the minimum standard bufferyard width is available a fence, evergreen hedge or berm meeting the requirements of section 9-4-119, Article G, Bufferyard Setbacks, of this chapter, shall be installed and all required screening vegetation shall be installed except as further provided.
   c. Where less than one hundred (100) percent of the minimum reduced width bufferyard is available a percentage of each required material (small trees, large trees, shrubs) equal to the percentage of the reduced bufferyard width available shall be installed within such areas.

d. Where less than six (6) feet of bufferyard width is available small trees may be substituted for large trees on a one (1) for one (1) basis.
e. Where less than three (3) foot of bufferyard width is available shrubs may be substituted for small trees on a one (1) for one (1) basis.
f. Where less than two (2) foot of bufferyard width is available ground cover may be substituted for shrubs.

(2) Site vegetation requirements.
a. All required site vegetation shall be installed.
b. The provisions of this section shall not be deemed to require the removal of existing structures, buildings, mechanical equipment and lighting. Provided however, all other encroachments including but not limited to concrete islands and the like shall be removed.
c. The intent of this section shall be to require the installation of required vegetation, to the greatest extent possible, in all available open space areas existing at the time of site plan application. All required vegetation materials shall be planned for installation prior to the location or expansion of any new impervious area or building.
d. This section shall apply to street yard vegetation as part of the site vegetation requirement.

(3) Parking lot and drive area vegetation requirements.
a. All required parking lot and drive area vegetation shall be provided in accordance with section 9-4-268(l) of this article.
b. The provisions of this section shall not be deemed to require the removal of existing structures, buildings, mechanical equipment and lighting. Provided however, when necessary existing parking shall be removed in accordance with section 9-4-268(l)(10) of this article and all other encroachments including but not limited to concrete islands and the like shall be removed.
c. The intent of this section shall be to require the installation of all required parking lot and drive area vegetation. All required vegetation materials shall be planned for installation prior to the location or expansion of any new impervious area or building. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 14, 11-12-98)

**Sec. 9-4-272. Flexibility in Administration.**

(a) The city council recognizes that due to the wide variety of types of development and property boundary configurations, the varying quantity and dimension of available open spaces, the natural and built environment and other existing adverse physical conditions, it is neither possible nor prudent to establish inflexible vegetation regulations. Therefore, the director of community development, or his authorized representative, may permit deviations from the specific requirements of this article provided such deviations are in accordance with subsection (b).

(b) Prior to the administrative approval of any deviation to the requirements of this article, the director of community development, or his authorized representative, shall first determine the application meets all of the following criteria:

(1) The deviation is necessary due to unique physical conditions of the property, which may include existing vegetation conditions, and
(2) The hardship in complying with the requirements is not created by a proposed building, building expansion or expansion of impervious area into available open space wherein required plantings could be located in accordance with ordinance provisions, and
(3) The hardship in complying with the requirements is not related to the expense or cost of installing the required materials or other improvements, and
(4) The deviation represents the least possible deviation from the letter of the ordinance that will allow reasonable use of the property, and
(5) The deviation is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

(c) Any approved deviation shall be noted on the preliminary and final vegetation plan and including the original minimum requirement, the justifications for such deviation and the resulting modified requirement.

(d) Whenever the condition or circumstances for which any approved deviation was approved no longer exist, the original applicable minimum requirements shall immediately apply and the vegetation improvements required by said requirements shall be installed. (Ord. No. 98-144, § 15, 11-12-98; Ord. No. 06-75, §1, 8-10-06)

**Secs. 9-4-273--9-4-280. Reserved.**

## Article Q. Reserved

**Secs. 9-4-281--9-4-300. Reserved.**

## Article R. Site Plan Review

**Sec. 9-4-301. Purpose.**

The purpose of site plan review is to:

(1) Provide site-specific information on a particular site's capacity to support the proposed development.

(2) Ensure compliance with the standards and requirements of the City of Greenville and Greenville Utilities Commission as they relate in the individual case.

(3) Provide a coordinated and timely review procedure by which to ensure comprehensive and equitable enforcement of the minimum standards of the City of Greenville and Greenville Utilities Commission.

(4) Achieve the specific purposes set forth under Article A, section 9-4-2, which best promote and preserve the health, safety and general welfare of the people. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-302. Applicability.**

Site plan review shall be required for the following development activities:

(1) All development activities other than individual lot development of single-family, two-family attached (duplex), mobile home or mobile homes within qualified mobile home parks.

(2) Any change of use. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-303. Application; submission requirements, review procedure.**

(a) All applications for site plan approval shall be submitted to the director of community development in accordance with the Land Development Administrative Manual which is incorporated herein by reference.

(b) The submission requirements and review procedure set forth in the Land Development Administrative Manual shall be considered the minimum necessary to ensure the purposes of this section. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-304. Compliance with subdivision regulations.**

All development of lands, within the City of Greenville's planning and zoning jurisdiction and of other lands subject to specific conditions, ordinances, policies or agreements of the City of Greenville, shall comply with the City of Greenville subdivision regulations, whether or not the subject tract is actually divided for purposes of transferring title. Applicable regulations shall include but not be limited to water and sanitary sewer extension(s), street extension(s), storm drainage requirements and the like. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 96-44, § 1, 6-13-96)

**Sec. 9-4-305. Compliance with other applicable requirements.**

All developments shall comply with all applicable county, state and federal permits. Where a county environmental health or other general occupancy permit is necessary prior to the issuance of a building permit the site plan approval shall be held pending receipt of such permit. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-306. Issuance of permits; enforcement.**

(a) No permits for any use or improvements shall be issued and no construction activities shall be allowed for any development subject to this chapter until a site plan has been approved as provided herein.

(b) The building inspector shall issue a building permit for development upon determining that the application for such permit complies with the approved site plan. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-307. Appeals; Land Development Administrative Manual requirements and procedures; zoning regulations.**

(a) Appeal from the Land Development Administrative Manual requirements and procedures shall be made to the planning and zoning commission. Such appeal shall be administered in the same manner as a preliminary subdivision plat.

(b) Appeal from any zoning ordinance regulation shall be made to the board of adjustment in accordance with Article S. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-308. Fee.**

A fee shall be paid to the city for each proposed site plan application and such fee shall be set out in the Manual of Fees for the City of Greenville. (Ord. No. 2337, § 1, 6-13-91)

**Secs. 9-4-309--9-4-315. Reserved.**

## Article S. Board of Adjustment*

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***Cross reference(s)**--Meetings of public bodies, § 2-3-2 et seq.
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### Sec. 9-4-316. Created.

The board of adjustment is hereby created. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-317. Composition.

(a) The board of adjustment (hereinafter called the board) shall consist of seven (7) regular members, and four (4) alternate members. Five (5) of the regular members, and three (3) alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the city council. Two (2) of the regular members and one (1) alternate member shall reside outside of the corporate limits of the city, but within the limits of the extraterritorial jurisdiction of the City of Greenville, at the time of their appointment and shall be appointed by the Chairman of the Board of Commissioners of Pitt County.

(b) The extraterritorial representatives have equal rights, privileges, and duties with the city members of the board, and are required to vote on each question, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

(c) Each alternate member, while attending any meeting of the board and serving in the absence of any regular member, shall have and may exercise all powers and duties of a regular member. Any alternate member may serve for any regular member without regard to which jurisdiction the alternate or the regular member was originally appointed by.

(d) The director of community development, or authorized representative, shall be an ex-officio member of the board. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2721, § 1, 10-14-93; Ord. No. 06-75, §1, 8-10-06)

### Sec. 9-4-318. Appointment of members.

Appointments to the board shall be made by the city council and board of county commissioners in accordance with the applicable appointment policies of the respective jurisdiction. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-319. Rules; meetings; records, proceedings to conform to statutory requirements.

The board of adjustment shall adopt the necessary rules to conduct its affairs and establish regular meeting dates. All meetings of the board shall be open to the public, and a public record of all findings and decisions shall be maintained. All proceedings shall be in accordance with the General Statutes of North Carolina pertaining to boards of adjustment. (Ord. No. 2337, § 1, 6-13-91)

### Sec. 9-4-320. Powers and duties.

(a) The board of adjustment shall have the following powers and duties:

(1) *Appeal of administrative decisions.* To hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by the zoning enforcement officer in the enforcement of this chapter or interpretation of the director of community development in the administration of this chapter.
(2) *Special uses.* To hear and decide only such special uses as the board of adjustment is specifically authorized to pass on by the terms of this chapter.
(3) *Variances.* To grant variances in accordance with state law.
(4) *Interpretation.* To interpret, the location of lines on the official zoning map or zoning ordinance text requirements where the map or text appears to be unclear.

(5) *Conditions of approval.* In granting any special use or variance, the board may prescribe appropriate conditions and safeguards to insure the purposes of this chapter.

(b) The director of community development may reject an application for a special use permit or variance if he believes that the granting of the permit or variance would not be in accordance with state law. Such a rejection shall be made in writing with reasons for the rejection stated. A rejection may be appealed to the board as an appeal of an administrative decision. If the board determines that the rejection was in error, the board may then hear the application for a special use permit or a variance no earlier than the next regular meeting. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 2411, § 1, 11-9-92; Ord. No. 97-93, § 3, 9-11-97; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-321. Appeals procedure.**

The procedures governing appeals from the enforcement and interpretation of this chapter shall be in accordance with state law, the Land Development Administrative Manual, and the Rules of Procedure of the board of adjustment. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-322. Fee.**

A fee shall be paid to the city for each application for a variance, special use, appeal or interpretation and such fee shall be set out in the Manual of Fees for the City of Greenville. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-323. Appeal stays all proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, 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 of record on application, on notice to the officer from whom the appeal is taken and due cause shown. The officer from whom an appeal is taken may seek and utilize the advice of competent authorities, including the building inspector, in making a determination under this section. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 98-142, § 1, 11-12-98)

**Sec. 9-4-324. Appeals from board decisions.**

Appeals from the decisions of the board of adjustment shall be made in accordance with applicable law. (Ord. No. 2337, § 1, 6-13-91)

**Secs. 9-4-325--9-4-330. Reserved.**

## Article T. Amendments

**Sec. 9-4-331. Who may petition.**

A petition for an amendment to either the zoning ordinance of the City of Greenville or the official zoning map of the City of Greenville may be initiated by the city council, the planning and zoning commission, any department or agency of the City, or the owner or authorized agent of the owner of any property within the zoning jurisdiction of the City that desires an amendment to either the zoning ordinance or map which would affect property in which he has a vested property right recognized under existing law. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-332. Fee.**

A fee shall be paid to the city for each proposed amendment, supplement, change, modification, or repeal to this chapter or the official zoning map and such fee shall be set out in the Manual of Fees for the City of Greenville. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-333. Procedure.**

The procedures governing amendments to this chapter shall be in accordance with state law, the Land Development Administrative Manual and the Rules of Procedure of the planning and zoning commission. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-333.1. Zoning map amendments.**

In deciding whether to approve an amendment to the official zoning map of the City of Greenville, the planning and zoning commission and the city council shall consider the following factors:

(a) Conformance of the proposed map amendment with the City of Greenville Land Use Plan Map and the text of the comprehensive plan;

(b) Compatibility of the proposed map amendment with surrounding zoning patterns;

(c) Compatibility of the proposed map amendment and the range of uses permitted in the requested zoning classification with existing and future adjacent and area land uses;

(d) Impact of the proposed map amendment on area streets and thoroughfares; and

(e) Other factors which advance the public health, safety, and welfare and the specific purposes stated in section 9-4-2. (Ord. No. 97-82, § 1, 8-14-97)

**Sec. 9-4-334. Submittal to planning and zoning commission for recommendation.**

Unless initiated by the planning and zoning commission, the city council shall submit all proposed amendments to this chapter to the planning and zoning commission for review and recommendation. The planning and zoning commission shall have sixty-five (65) days within which to submit its report. If the planning and zoning commission fails to submit a report within the above period, it shall be deemed to have approved the proposed amendment. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-335. When city council to consider amendments.**

The city council shall consider changes and amendments to this chapter at any meeting during the year in accordance with applicable law. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-336. Withdrawal of zoning amendment petition from planning and zoning commission consideration.**

(a) Petition for zoning amendment may be withdrawn not less than ten (10) working days prior to the planning and zoning commission meeting date. A petition that is withdrawn twice within any twelve-month period shall not be considered by the planning and zoning commission until the expiration of twelve (12) months from the date of the last withdrawal.

(b) All requests for withdrawal must be filed in writing with the director of community development.

(c) Reconsideration of withdrawn petitions shall be in accordance with original submission requirements. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-337. Withdrawal of zoning amendment petition from city council consideration following planning and zoning commission recommendation.**

(a) Petition for zoning amendment may be withdrawn from city council public hearing provided that such request is made at least seventy-two (72) hours prior to the public hearing date. If the public hearing is continued to a later date, the date of the original scheduled hearing shall control.

(b) All requests for withdrawal must be filed in writing with the city manager.

(c) Petitions withdrawn in accordance with this section shall not be reconsidered by the planning and zoning commission until the expiration of six (6) months following the date of withdrawal.

(d) Reconsideration of withdrawn petitions shall be in accordance with original submission requirements.

(e) Original requests referred back to the planning and zoning commission for reconsideration shall not require a filing fee provided all other submission requirements are met. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-338. Effect of denial of petition on subsequent similar petition.**

When the city council has denied any petition for zoning amendment, a petition for the same amendment affecting the same property, or any portion thereof, shall not be accepted by the planning and zoning commission until the expiration of six (6) months from the date of such previous denial. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-339. Reserved.**

**Sec. 9-4-340. Appeal to decision of city council.**

Appeals from the decisions of city council shall be made in accordance with applicable law. (Ord. No. 2337, § 1, 6-13-91)

**Secs. 9-4-341--9-4-348. Reserved.**

## Article U. Administration, Enforcement, Penalties

**Sec. 9-4-349. Director of community development interprets.**

It is the intent of this chapter that all questions of interpretation shall be the responsibility of the director of community development. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-350. Duties of city council.**

(a) It is further the intent of this chapter that the duties of the city council in connection with this chapter shall be to:

(1) Consider, and act upon proposed amendments to this chapter.
(2) Establish a schedule of fees and charges for this chapter as set forth in the City of Greenville Manual of Fees.

(b) The duties of the city council shall not include hearing and deciding questions of interpretation and enforcement that arise. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-351. Enforcement and appeals.**

The zoning enforcement officer shall be responsible for the enforcement of this chapter. The zoning enforcement officer may provide for the enforcement of this chapter by means of withholding permits and/or issuance of civil citation(s) in accordance with section 9-4-356 of this article. He may provide for enforcement by instituting injunction, mandamus or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to correct or abate such violation; or to prevent the occupancy of said building, structure or land. If a decision of the zoning enforcement officer is questioned, the aggrieved person may appeal such decision to the board of adjustment in accordance with applicable procedure and law. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-93, § 4, 9-11-97)

**Sec. 9-4-352. Permits required.**

No land, building or structure shall be used, no building, sign or structure shall be erected, and no existing building, sign, or structure shall be moved, expanded, enlarged or altered until the director of community development has approved such use or construction in accordance with the provisions of this chapter. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-353. Certificate of occupancy.**

A certificate of occupancy issued by the building inspector is required in advance of occupancy or use of a building hereafter erected, altered or moved; and for a change of use of any building or land. It shall be unlawful to occupy any building or structure without a certificate of occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or structure conforms to the applicable provisions of these regulations. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-354. Remedies.**

Where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the zoning enforcement officer, building inspector, any other appropriate city authority, or any person who would be damaged by such violation, may, in addition to other remedies, institute an action for injunction, mandamus or other appropriate action or proceeding to prevent such violation. (Ord. No. 2337, § 1, 6-13-91; Ord. No. 97-93, § 5, 9-11-97)

**Sec. 9-4-355. Revocation of permits and certificates.**

A stop work order may be issued or a building permit or certificate of occupancy may be revoked by the building inspector when the method of moving, construction, alteration, repair or use violates any provision of these regulations or any state or local law, ordinance or resolution. Upon notice, any further work upon the moving, construction, alteration or repair of a building or structure, or further use of a building, structure or land shall be deemed a violation. (Ord. No. 2337, § 1, 6-13-91)

**Sec. 9-4-356. Penalties for violation.**

(a) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

(1) In the amount of fifty dollars ($50.00) for each offense on the first day of such offense; and
(2) In the amount of one hundred dollars ($100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
(3) In the amount of two hundred and fifty dollars ($250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

(b) Violators shall be issued a written citation which must be paid within seventy-two (72) hours. If a person fails to pay the civil penalty within seventy-two (72) hours, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(c) This chapter may also be enforced by any appropriate equitable action.

(d) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the zoning enforcement officer may invoke the escalating civil penalties authorized by subsection (a) whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(f) 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.

(g) In lieu of the civil penalty set forth in subsection (a), a violator shall be subject to a civil penalty in the amount of five hundred dollars ($500.00) for each day whenever the violation involves either (i) the requirement to maintain flags as set forth in section 9-4-227(d)(1). or (ii) the requirement to maintain or remove balloons each day as set forth in section 9-4-227(d)(2). (Ord. No. 2337, § 1, 6-13-91; Ord. No. 98-35, § 1, 3-12-98; Ord. No. 99-4, § 6, 1-14-99)

(h) In lieu of the civil penalty set forth in subsection (a), a violator shall be subject to a civil penalty in the amount of twenty-five dollars ($25.00) for each day whenever the violation involves either (i) the parking area surface material requirement set forth in section 9-4-248(a), (ii) the maximum front yard area parking coverage requirement set forth in section 9-4-248(d), and (e), or (iii) the parking, storage and/or maneuvering requirements set forth in section 9-4-248(f). (Ord. No. 05-63, § 1, 6-9-05)

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# CHAPTER 5. SUBDIVISIONS*

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***Editor's note--**Ord. No. 1941, § 1, adopted Jan. 12, 1989, deleted former Ch. 5 and set out a new chapter on subdivision regulations. Former Ch. 5 consisted of §§ 9-5-1--9-5-18, 9-5-41--9-5-71; 9-5-81--9-5-111, 9-5-131--9-5-146, 9-5-161--9-5-172, 9-5-181--9-5-183, 9-5-191, 9-5-192, 9-5-201, 9-5-211--9-5-213; and derived from Ord. No. 959, adopted May 8, 1980.

**Cross reference(s)--**Streets and sidewalks, § 6-2-1 et seq.; trees, § 6-5-1 et seq.; public utilities, § 8-1-1 et seq.; planning and zoning commission, § 9-2-1 et seq.; flood damage prevention, § 9-6-1 et seq.; storm drainage, § 9-9-1 et seq.

**State law reference(s)--**Authority to adopt, G.S. § 160A-371 et seq.

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## Article A. General Provisions

### Sec. 9-5-1. Title.

This chapter shall be known and may be cited as the "Subdivision Regulations for Greenville, North Carolina," and may be referred to as the subdivision regulations. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-2. Purpose.

(a) Public health, safety, economy, good order, appearances, convenience, and the general welfare require the harmonious, orderly and progressive development of land within the city and its extraterritorial planning jurisdiction. In furtherance of this intent, regulation of land subdivision by the city has the following purposes, among others:

(1) To encourage economically sound and stable development in the city and its environs;
(2) To ensure the timely provision of required streets, utilities and other facilities and services to new land developments;
(3) To ensure adequate provision of safe, convenient vehicular and pedestrian traffic access and circulation in and through new land developments;
(4) To ensure provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes or the provision of funds in lieu of dedication;
(5) To ensure, in general, the wise and timely development of new areas in harmony with comprehensive plans as prepared and adopted by the city;
(6) To ensure accurate public records of land ownership, title transfer, the effective conduct of public and private business and the protection of private property rights; and
(7) To provide for and protect the option of the consumer to use alternative energy sources by such means as protecting solar access to promote site planning and design which demonstrates a concern for increased energy conservation in residential structures and increased use alternative energy systems:to encourage the development of efficient street systems which are compatible with the aforementioned emphases on conservation and resource development and which facilitate development of alternative transportation systems; while not excluding other methods which can be demonstrated to facilitate energy efficient land use.

(b) These regulations are intended to provide for the harmonious development the city and its environs, and in particular:

(1) For coordinating streets within new subdivisions with other existing planned streets or official adopted thoroughfare plan street;
(2) For appropriate shapes and sizes of blocks and lots;

(3) For providing land for streets, school sites, and recreational areas and providing easements for utilities other public facilities and services;
(4) For distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare; and
(5) For appropriate development of energy standards that lead to energy conservation and use of broad alternative energy resources. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-3. Authority.**

These regulations are enacted in accordance with the provisions of the North Carolina General Statutes, Chapter 160A, Article 19, Part 2; Chapter 39, Article 5A; Chapter 47-30 through 47-32.1; Chapter 47A; Chapter 47C; and Chapter 136, Article 7 as amended. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-4. Jurisdiction.**

The regulations contained herein, as provided in N.C.G.S. 160A-360, shall govern each and every subdivision within the jurisdiction of the City of Greenville. Furthermore, the extraterritorial planning jurisdiction specified in the adopted ordinance has been drawn on a map and set forth in a written description, as amended, which has been duly recorded in the office of the register of deeds. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-5. Definitions.**

(a) *Subdivision.* For purposes of this chapter, "subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the 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 authorized by this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the existing standards of the municipality as shown in this chapter. In interpretation of this section, the term "previously subdivided and recorded lots" shall mean approved and recorded pursuant to the subdivision regulations in effect at the time of their creation;
(2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved. In interpretation of this section, the phrase "where no street right-of-way dedication is involved" shall be construed as meaning that any such parcels shall be served by an approved public street;
(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
(4) 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 standards of the municipality as shown in this chapter.

(b) *Planning and zoning commission.* The planning and zoning commission is that body created by city council in section 9-2-1 of the City Code, pursuant to N.C.G.S. 160A-361 and 160A-367, to act as a planning agency for the city council on planning and zoning matters within the City of Greenville's planning and zoning jurisdiction.

(c) *Subdivision review board.* The membership of the board is as follows: the director of community development, the director of engineering and inspections and the general manager of the Greenville Utilities Commission, or their respective designated representative. The board has the authority to approve minor and final subdivision plats as well as soil erosion and sedimentation control plans.

(d) *Minor subdivision plats.* A minor subdivision plat is classified in the following manner:

(1) Involving lots fronting on an existing and/or approved street(s). In interpretation of this section, the term "lots fronting" shall be construed to include condominium and townhouse developments which share common area;
(2) Not involving the dedication or extension of any public street;
(3) Not involving the extension of public sanitary sewer, storm sewer or water lines; and
(4) Not involving the creation of residual parcels or lots.

(e) *Manual of Standard Designs and Details.* The Manual of Standard Designs and Details is incorporated herein as a supplement to the subdivision regulations. Such supplement contains engineering designs and details relative to plat layout; storm drainage design; sedimentation control; basins; pipes and manholes; ending walls and retaining walls; street standards; pavement design; ground cover; driveways; parking; storm water detention and other uniform design standards.

(f) *Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission.* The Manual for the Design and Construction of Water and Waste Water Systems Extensions for Greenville Utilities Commission is incorporated herein as a supplement to the subdivision regulations. Such supplement contains design considerations, submittal requirements, material specifications and project guidelines for water and sanitary sewer system extensions.

(g) *Streets.* Streets are those areas delineated by dedicated rights-of-way or common property easements designed and constructed as required by this chapter for the purpose of carrying vehicular traffic to and from abutting property.

(h) *Public streets.* Public streets are streets that have been accepted for permanent maintenance by either the State of North Carolina or the City of Greenville.

(i) *Private streets.* Private streets are streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by applicable law. Such streets shall be constructed in accordance with the standards specified in the Manual of Standard Designs and Details and shall be maintained by the property owner or pursuant to recorded agreements.

(j) *Thoroughfares.* Thoroughfares are public streets designed and intended to carry intra-city and inter-city traffic. Such streets are designated as either major or minor thoroughfares as shown on the City of Greenville thoroughfare plan as amended.

(k) *Approved streets.* Approved streets are public or private streets that have been platted pursuant to this ordinance and of which construction has been completed and accepted or guaranteed.

(l) *Construction plans.* Construction plans are engineering details and specifications for the provision of necessary and/or required facilities and improvements. Such facilities and improvements may include, but not be limited to, public and private streets, water, sanitary sewer and storm drainage systems. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 2432, § 1, 3-12-92; Ord. No. 2516, § 1, 9-14-92; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-5-6. Lots created contrary to subdivision regulations.**

Any lot created in a manner contrary to the subdivision regulations in effect at the time of its creation, whether or not such lot was recorded, shall not be sold, offered for sale, used, occupied or recorded if previously unrecorded until such lot has been approved and recorded pursuant to the requirements provided herein. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-7. Lots created prior to enactment of subdivision regulations.**

Any lot created prior to existence of applicable subdivision regulations, whether or not such lot was recorded, shall not be sold, offered for sale, used, occupied or recorded if previously unrecorded without proper certification based on findings supported by adequate evidence that creation and recording of the lot (if recorded) was prior to existence of applicable subdivision regulations and that the area and the dimensions of such lot are as they existed prior to application of subdivision regulations. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-8. Relation of subdivision regulations to zoning and other regulations.**

(a) Regulations set forth herein are part of a system of regulations governing land development and use. They supplement and are supplemented by zoning, health, drainage, flood hazard and other controls.

(b) Applications for subdivision approval shall be considered in relation to all such regulations applicable in the particular case, and not only in relation to the subdivision regulations set forth herein. Where there are conflicts between these and other lawfully adopted regulations involved in such considerations. Those which establish the highest requirements or more stringent limitations shall govern, except where specific exceptions are set forth in such regulations. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-9. Application of subdivision regulations; effect.**

(a) Within the jurisdiction of these regulations, no subdivision shall be made, platted, or recorded for any purpose, nor shall parcels resulting from such subdivision be sold or offered for sale, nor shall any permit be issued for construction or use of any lot, unless such subdivision meets all of the requirements of these and applicable related regulations, as set forth in section 9-5-8, above.

(b) No plat of any subdivision within such jurisdiction shall be filed or recorded by the Pitt County register of deeds until it shall have been approved pursuant to these requirements and such approval entered in writing on the plat by the chairman of the planning and zoning commission. Recordation for the purpose of correction or otherwise shall be subject to approval as provided herein for an original subdivision.

(c) Filing or recording a subdivision plat not having the approval of the planning and zoning commission as required herein is hereby declared a misdemeanor and upon conviction is punishable as provided by law. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-10. Penalties for selling lots in unapproved subdivisions.**

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the City of Greenville, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved and recorded in the office of the register of deeds shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. In no event shall the city issue any permit for development, improvement or use of any land which has been subdivided in violation of this chapter. (Ord. No. 1941, § 1, 1-12-89)

**Cross reference(s)--**Penalties for violation, § 9-5-171.

**Sec. 9-5-11. Effect of final plat approval on status of dedication; acceptance.**

(a) The approval of a plat by the planning and zoning commission or the subdivision review board shall not be deemed to constitute or effect an acceptance by the city or the public of the dedication of any public street, facility or ground shown upon the plat. Acceptance of such dedications shall be made only by resolution of the city council, following approval of the final plat by the subdivision review board.

(b) Dedication of any street right-of-way shall be deemed to constitute and include a general utility easement.

(c) Acceptance of physical improvements will be made by the city engineer, the public works director, and the general manager of the Greenville Utilities Commission once the required improvements have been installed and are found to be in accordance with approved plans and city and Greenville Utilities Commission standards. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 1968, § 2, 3-9-89)

**Sec. 9-5-12. Effect of application of subdivision regulations on erection of buildings.**

(a) No principal building, accessory building, or structure shall be erected on a lot which does not abut an approved street.

(b) Any building erected in violation of this section shall be deemed an unlawful structure, and the city shall bring appropriate action or cause the building to be vacated or removed. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-13. Effect of application of subdivision regulations on naming streets.**

(a) The planning and zoning commission shall approve and authorize any existing or proposed street or road located within the City of Greenville.

(b) It shall be unlawful for any person to reference or propose any new street or road name on any plat, or in any deed or instrument without first receiving the approval of the planning and zoning commission. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law.

(c) Street names shall be no longer than fourteen (14) characters, including letters and spaces, and not including the suffix (i.e., road, street, avenue) and block number. Street names longer than fourteen (14) characters may be approved by resolution of the city council. Street names longer than fourteen (14) characters should generally be used only to honor individuals, events or locations and the name necessary for that purpose is longer than fourteen (14) characters. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 2106, § 2, 12-11-89)

**Sec. 9-5-14. Prerequisite to plat recordation.**

Each individual subdivision plat of land within the City of Greenville's jurisdiction shall be approved by the planning and zoning commission as provided in G.S. 160A-373 prior to recordation in the register of deeds. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-15. Approval of public services.**

(a) No public street shall be maintained by the city nor any street dedication accepted for ownership until the final subdivision plat has been approved by the planning and zoning commission and recorded in the register of deeds.

(b) Public improvements may be extended by the property owner within the subdivision after the preliminary plat has been approved by the planning and zoning commission and all conditions of approval are met, including but not limited to construction plan approval as provided herein. However, no building permit shall be issued until the final plat has been approved as provided herein and recorded in the register of deeds. Building permits may be issued within any group housing, condominium and townhouse type development following preliminary plat and construction plan approval provided the lot containing such use is an existing lot of record platted pursuant to the requirements contained herein. Final plat(s) shall be required for the dedication of easements prior to the occupancy of any unit or structure. Minor subdivision for the purpose of creating unit ownership or other means of division shall be required prior to the transfer of title to any building, unit and/or parcel within such development. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-16. Planning and zoning commission to act in lieu of city council.**

The planning and zoning commission shall act in lieu of the city council as provided in N.C.G.S. 160A-373(3) concerning the approval of all preliminary and final subdivision plats. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-17. Subdivision review board to act in lieu of planning and zoning commission.**

The subdivision review board shall act in lieu of the planning and zoning commission concerning the approval of all minor and final subdivision plats and soil erosion and sedimentation control plans. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-18. Transition regulations for developing property brought into extraterritorial jurisdiction.**

(a) *Final subdivision plats.* An approved and recorded final subdivision plat shall constitute "evidence of compliance" under the terms of G.S. 160A-360(i) for the purpose of subdividing property and constructing improvements required to obtain final plat approval under county standards, and shall confer the right to complete the subdivision under the county regulations governing the approved final plat. Provided, all future construction and/or use of lots in the subdivision shall be in compliance with the zoning regulations of the City of Greenville as contained in Chapter 32 of the Greenville City Code.

(b) *Preliminary subdivision plats.* A preliminary subdivision plat shall not constitute "evidence of compliance" under the terms of G.S. 160A-360(i) for the purpose of obtaining approval for a final plat under Chapter 5 of Title 10 of the Greenville City Code. However, an opportunity to complete a subdivision as proposed on a preliminary plat will be available under the following conditions:

(1) A final subdivision plat meeting the rules for submission has been submitted to the county for final consideration on or before the date the property becomes subject to the regulations of Chapter 5 of Title 9 of the Greenville City Code; or
(2) In the absence of a pending final plat in accordance with subsection (b)(1) above, the owner/developer must present to the city adequate evidence of substantial investment in reliance on the preliminary plat, or those portions of a preliminary plat which have not been approved as phases under final plats. The director of community development or designee shall determine whether substantial investment has been made, taking into consideration the percentage of the preliminary plat which has been constructed under approved final plats or is subject to a pending or is subject to a pending or approved final plat, the extent to which a unified design for the entire subdivision is evident in the preliminary plat and any pending or approved final plats for phrases of the preliminary, the installation of subdivision improvements (including water, sewer or waste disposal, drainage, lighting, common areas, streets or roads), or the construction or work toward construction of any improvements or amenities in the area subject to the preliminary plat. If the director of community development determines that there is a substantial investment in the preliminary plat, or that portion of the preliminary plat which is not covered by pending or approved final plats, the director of community development or designee shall issue a written notice to the owner/developer confirming an opportunity to complete the subdivision as proposed on the preliminary plat. The opportunity to complete the subdivision or portions thereof in accordance with the preliminary plat shall be afforded notwithstanding noncompliance with the requirements of Chapter 5 of Title 9 of the Greenville City Code. An appeal from the decision of the director of community development or designee may be taken to the planning and zoning commission.
(3) A preliminary plat approved for completion under subsection (b)(2) shall be valid for the period set forth by the approving jurisdiction or five (5) years, whichever is less.
(4) Any change to a preliminary plat approved for completion under subsection (b)(2) above shall be in compliance with the requirements of Chapter 5, Title 9 of the Greenville City Code. Minor deviations may be approved by the director of community development or designee, where the approval of the deviation is in keeping with the general policy of this subsection (b).
(5) Nothing in this section shall be construed to exempt or exclude applicable zoning ordinance restrictions or requirements currently in effect, including but not limited to lot width, lot area, or street frontage.
(6) In the interpretation of the conditions stated above, the director of community development or designee shall be guided by the general policy underlying these transition regulations for developing property brought into the extraterritorial jurisdiction. The general policy is to allow the completion under county regulations of those subdivisions which have been started under county regulations. The greater the investment in construction under previous regulations, and the greater the percentage of units constructed in accordance with the original design of the subdivision, the stronger the policy justification for allowing completion under the original design and preliminary plat. (Ord. No. 1969, § 1, 3-9-89; Ord. No. 06-75, §2, 8-10-06)

**Secs. 9-5-19--9-5-40. Reserved.**

## Article B. Procedure for Review and Approval of Subdivision Plats

### Sec. 9-5-41. General procedures.

(a) Pursuant to G.S. 160A-373, no final subdivision plat within the jurisdiction of the City of Greenville shall be recorded by the register of deeds of Pitt County until it has been approved by the planning and zoning commission and the subdivision review board as provided herein. To secure final plat approval, the subdivider shall follow the procedures and requirements established in this article, the Manual of Standard Designs and Details and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission which are incorporated herein by reference. Copies of the Manual of Standard Designs and Details may be purchased from the development department or city clerk. Copies of the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission may be purchased from the Greenville Utilities Commission.

(b) Preliminary plats shall be approved by the planning and zoning commission. Final plats shall be approved by the subdivision review board, provided however, the final plat conforms substantially to the approved preliminary plat or section thereof. If the final plat differs substantially from the approved preliminary plat, the subdivider will be required to resubmit the preliminary plat to the planning and zoning commission for approval.

(c) Meeting dates. The planning and zoning commission and subdivision review board shall meet in accordance with adopted rules of procedure and the North Carolina Open Meetings Law. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-42. Preliminary and final plats; required certification.

Preliminary and final plats shall be required for all subdivisions, and every plat shall be prepared by a registered land surveyor or professional engineer duly authorized under the laws of this state to prepare such plats. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-43. Preliminary plats--Approval generally.

Preliminary plats shall be approved by the planning and zoning commission. Approval shall be recorded in writing by the chairman of the planning and zoning commission before final plats are submitted. Such approval shall confer upon the subdivider the right for a five-year period from the date of approval that the terms and conditions under which the preliminary approval was granted will not be changed for such plat. Such five-year period shall start from the planning and zoning commission meeting date at which approval was granted. If the property as indicated on the preliminary plat is not platted as provided herein in its entirety within the five-year period, the preliminary plat or portion thereof not platted shall be subject to revision and compliance with the restrictions and requirements currently in effect. The five-year provision shall not be construed to exempt or exclude applicable zoning ordinance restrictions and requirements currently in effect. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-44. Same--Submission.

All preliminary plats shall be submitted to the director of community development or designee, as agent for the City of Greenville planning and zoning commission, at least twenty (20) working days prior to the scheduled meeting date of the planning and zoning commission. Working days shall not be construed to include city observed holidays or weekends. It is the intent of the City of Greenville and Greenville Utilities Commission staff and other agencies to review all properly submitted plats in a timely manner, which will afford the subdivider a reasonable period of time within which to respond to all comments and/or requested revisions. All plats submitted in accordance with the minimum requirements contained herein shall be available for revision not less than ten (10) working days prior to the scheduled meeting date. Plats revised pursuant to the initial review and as required shall be submitted to the director of community development or designee in accordance with section 9-5-45(a)(8)b and c, below, not less than six (6) working days prior to the scheduled meeting date. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

### Sec. 9-5-45. Same--Format; general information; site information.

All applications for preliminary plat approval shall be submitted in accordance with and contain the following information:

(a) Format.

(1) Scale of one (1) inch equal to two hundred (200) feet or larger.
(2) Drawn in ink or pencil on mylar film.
(3) Mylar film size shall be a minimum of eighteen (18) inches by twenty-four (24) inches and a maximum of thirty (30) inches by forty-two (42) inches.
(4) Boundary lines shall be distinctly and accurately represented, all bearings and distances shown, with an accuracy of closure of not less than one (1) in two thousand five hundred (2,500) and in accordance and the Standards of Practice for Land Surveying in North Carolina.
(5) Elevation and benchmarks shall be referenced to National Geodetic Vertical Datum (NGVD).
(6) Prepared by a professional engineer.
(7) Multiple sheets shall be collated and stapled. Match lines shall be clearly indicated.
(8) a. Fifteen (15) blueline paper copies at the time of original submission for departmental review;
b. Two (2) blueline paper copies shall be submitted for each review department requesting revisions. Following the total number is to be specified by the director of community development or designee;
c. Fifteen (15) blueline paper copies shall be submitted to the planning and zoning commission following the initial review;
d. Three (3) mylar film copies for disposition in accordance with section 9-5-48, upon request of the director of community development or designee.
(9) List of all adjoining property owners within one hundred (100) feet, their current mailing addresses. Such list shall be obtained from the Pitt County tax records and shall display the signature of the person preparing such plat.
(10) Shall conform to the applicable provisions of the Manual of Standard Designs and Details.
The following certificates shall be required:
a. Standard title block for preliminary plats;
b. Standard approvals information block.
(11) A fee shall be paid to the city for each application for a preliminary plat and such fee shall be set out in the “Manual of Fees” for the city.
(12) Owner’s statement. The owner or agent of the owner shall submit a signed statement requesting planning and zoning commission consideration of the preliminary plat as submitted and acknowledging that such approval is subject to approval of a construction plan as provided herein. Such statement shall be on the preliminary plat approval procedure, format, mapping and application requirement sheet as provided by the development department.

(b) *General information.*

(1) Subdivision name.
(2) The name(s) of the city, township, county and state in which the subdivision is located.
(3) Name, address and telephone number of land owner(s).
(4) Name, address and telephone number of the subdivider and/or developer.
(5) Name, address and telephone number of the engineer preparing the plat.
(6) North Carolina registration number and seal as listed per (5) above.
(7) Locational vicinity map, at a scale of one (1) inch equal to one thousand (1000) feet showing the subdivision in relation to major and minor roads or streets, natural features, existing city limit lines and other obvious references.
(8) Date of original survey, plat preparation and/or revision(s).
(9) Number of sheets.
(10) Scale denoted both graphically and numerically.

(c) *Site information.*

(1) North arrow and delineation as to whether true, grid or magnetic including date.
(2) Existing, platted and proposed streets, their names and numbers (if state marked routes) shown and designated as either “public” or “private” indicating right-of-way and/or easement widths, pavement widths, centerline curve and corner radius data, including sight distance triangles and typical cross-sections. All streets indicated on the City of Greenville thoroughfare plan shall indicate future right-of-way widths.

(3) Proposed and existing lot lines within the subdivision showing approximate dimensions. Plat references shall be indicated for existing lots.
(4) Location of all existing buildings with exterior dimensions including heights, number of stories, distance to existing and proposed lot lines, private drives, public rights-of-way and easements.
(5) Existing and proposed property lines, public and private streets, right-of-way and/or easement widths, pavement widths, easements, utility lines, hydrants, recreation areas or open spaces on adjoining property.
(6) Ownership of all contiguous property indicated and referenced by deed book/map book and page number.
(7) Existing zoning classification(s) boundaries of the tract to be subdivided and on adjoining property within one hundred (100) feet.
(8) Political subdivision(s) including city limit lines, township boundaries and county lines.
(9) Watercourses, railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, ditches or other natural or improved features which affect the site.
(10) Proposed pedestrian, riding, bicycle trails or easements, their location, width and purpose.
(11) Sites proposed to be dedicated or reserved for public or private purposes including location, intended use, size and expected future ownership and maintenance of such spaces.
(12) Recreation area(s) as required and pursuant to the City Code and comprehensive plan. If such subdivision is for residential purposes, indicate the location of all public parks or recreation areas within one-half (1/2) mile radius.
(13) Statement of proposed ownership and maintenance or other agreements when private recreation areas are established.
(14) Topography (existing and proposed) at a contour interval of one (1) foot, based on mean sea level datum, with an accuracy of plus or minus five-tenths (0.5) of a foot and referenced to the National Geodetic Vertical Datum (NGVD).
(15) Existing and proposed watercourses, their names, direction of flow, centerline elevations, cross-sections, and any other pertinent datum.
(16) Floodway zone and floodway fringe zone shown, indicating base flood elevations for all lots adjoining such zones.
(17) Lot numbers and block numbers in consistent and logical sequence.
(18) Water supply watershed district boundary.
(19) Fire hydrant locations and connections.
(20) Water main locations, connections and anticipated sizes.
(21) Sanitary sewer main locations, connections and anticipated sizes.
(22) Storm sewer main locations, connections, and anticipated sizes.
(23) Street and lot drainage correlated to the city drainage system, including break points and the direction of surface water flow on each lot, street and ditch.
(24) Easements, including but not limited to electric, water, sanitary sewer, storm sewer, drainage, private street, gas or other service delivery easements including their location, width and purpose.
(25) Environmental health department approval attached if public water and sanitary sewer systems are not available.
(26) Distance to and location of public water and sanitary sewer systems if such facilities are not available.
(27) The following in tabular form:
a. Lineal feet in streets.
b. Number of lots created.
c. Acreage in total tract.
d. Acreage in parks, recreation areas, common areas and the like.
(28) The name and location of any property within the proposed subdivision or within any contiguous property that is listed on the National Register of Historic Places, or that has been designated by ordinance as a local historic property and/or district.
(29) Environmental impact statement pursuant to Chapter 113A of the North Carolina General Statutes. The planning and zoning commission may require the subdivider to submit an environmental impact statement with the preliminary plat if: (1) the development exceeds two (2) acres in area; and, (2) if the board deems it necessary due to the nature of the land to be subdivided or peculiarities in the proposed layout.

(30) Statements on the plat that:
   a. Construction plan approval from Greenville Utilities Commission and City of Greenville shall be obtained prior to construction of any street, water and/or sanitary sewer and storm drainage system.
   b. All required improvements shall conform to the City of Greenville Manual of Standard Designs and Details and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission.
   c. All lots shall equal or exceed the minimum development standards of the City of Greenville zoning ordinance.

(31) Any other information considered by either the subdivider or the planning and zoning commission to be pertinent to the review of the preliminary plat.

(32) Written statement addressing the reasons for being unable to meet the minimum requirements as listed above under section 9-4-45.

(Ord. No. 1941, § 1, 1-12-89; Ord. No. 2379, §§ 1, 2, 10-10-91; Ord. No. 2501, § 1, 8-13-92; Ord. No. 97-80, § 1, 8-14-97; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-46. Same--Review procedure.**

The planning and zoning commission shall review and take action on each preliminary plat duly presented to thedirector of community development or designee. Before taking final action on the plat, the planning and zoning commission shall hear the report of the director of community development or designee and other public officials and agencies concerning the proposed development. If the preliminary plat is disapproved, the planning and zoning commission shall specify the reasons for such action in writing. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-47. Same--Departmental findings.**

The City of Greenvilledirector of community development or designee, city engineer, director of public works, chief of fire and rescue, and director of recreation and parks; Greenville Utilities Commission gas, electric, water/sewer engineering; Pitt County Drainage District; and Pitt County Environmental Health Department, if applicable, shall furnish in writing their approval or disapproval of the preliminary plat. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-48. Same--Disposition of copies.**

If the preliminary plat is approved, the subdivider shall transmit three (3) mylar film copies of the plat to the director of community development or designee for signature, reproduction and distribution to the following agencies:

| | | |
|---|---|---|
| (1) | Development department: | Two (2) paper copies and one (1) mylar copy. |
| (2) | Greenville Utilities Commission: | One (1) mylar copy. |
| (3) | Public works: | One (1) paper copy. |
| (4) | Fire and rescue: | One (1) paper copy. |
| (5) | Recreation and parks: | One (1) paper copy. |
| (6) | Telephone company: | One (1) paper copy. |
| (7) | Cable TV company: | One (1) paper copy. |
| (8) | County engineer: | One (1) paper copy. |
| (9) | US Postal Service: | One (1) paper copy. |
| (10) | Person or firm preparing the plat: | One (1) mylar copy. |

(Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-49. Same--Construction plan required; authority; contents.**

(a) Following the preliminary plat approval, not to exceed five (5) years, a construction plan for the entire development shall be submitted to the city engineer and the general manager of the Greenville Utilities Commission for review and approval. Such construction plan may be submitted in phases.

(b) The subdivider shall submit a construction plan to the City of Greenville and Greenville Utilities Commission for review and approval prior to the construction or improvement of any street, water line, sanitary sewer, storm sewer, drainage facility, or other improvement.

(c) The city engineer and the general manager of the Greenville Utilities Commission or their respective designee shall have final joint approval authority of any construction plan. Such approval shall be noted in writing on said plan prior to construction of any public or private facility or structure. Grading and storm drainage improvements may be allowed following the approval of the city engineer prior to state approval of proposed utility improvements.

(d) Submission requirements and review procedure for all construction plans shall be submitted in accordance with the Manual of Standard Designs and Details and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-50. Same--Construction plan to coincide with preliminary plat; minor alterations; major alterations; resubmission of plat copies reflecting alterations.**

(a) The location, dimension and extent of all proposed improvements shown on the construction plan shall coincide with the preliminary plat as approved by the planning and zoning commission.

(b) Minor alterations that, in the opinion of the director of community development or designee, city engineer and general manager of Greenville Utilities Commission, do not substantially deviate from the approved preliminary plat may be allowed. Such minor alterations may include but not be limited to the relocation, dimension and extent of proposed improvements due to engineering necessity.

(c) Major alterations that, in the opinion of the director of community development or designee, city engineer and general manager of Greenville Utilities Commission, do in fact involve substantial deviation from the approved preliminary plat shall not be allowed. Major alterations may include but not be limited to the relocation, deletion, addition, dimension and extent of proposed improvements which alter: street alignment, interior arrangement, continuation and/or projection; lot and/or block dimension inconsistent with applicable requirements; increase the total number of lots; increase the volume and/or location of off-site drainage; or other condition found to be injurious to either surrounding properties or the City of Greenville. Appeal from this section may be taken to the subdivision review board.

(d) The subdivider shall revise the preliminary plat, as approved pursuant to (b), above, to reflect all such minor alterations. Copies shall be submitted for disposition in accordance with section 9-5-48, above, prior to obtaining construction plan approval as provided herein. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Secs. 9-5-51--9-5-59. Reserved.**

**Sec. 9-5-60. Final plat--Generally.**

(a) The final plat and all required materials shall be submitted to the director of community development or designee as agent for the planning and zoning commission not less than ten (10) working days prior to the scheduled subdivision review board meeting. Working days shall not be construed to include city observed holidays or weekends.

(b) No final plat shall be submitted until the subdivider has obtained preliminary plat approval as required under this chapter.

(c) No final plat shall be approved until the subdivider has installed in the proposed subdivision or section thereof to be recorded all improvements required by this chapter or shall have guaranteed their installation as provided herein.

(d) The final plat shall substantially conform to the preliminary plat as approved. If the final plat does not substantially conform to the preliminary plat as approved the planning and zoning commission may consider appropriate revision to the previously approved preliminary plat as provided by this chapter. The planning and zoning commission shall reserve the right to deny revision of any preliminary plat where it is found the revision, deletion or addition thereto would not be in the best interest of the adjoining or surrounding property owners or the City of Greenville. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-61. Same--Format; general information; site information.**

All applications for final plat approval shall be submitted in accordance with and contain the following information:

(a) *Format.*

(1) Scale of one (1) inch equal to one hundred (100) feet or larger.
(2) Drawn in ink on mylar film.
(3) Mylar film shall be eighteen (18) inches by twenty-four (24) inches at 0.003 to 0.004 inch thickness.
(4) Boundary lines shall be fully dimensioned by lengths and bearing with an error of closure not less than one (1) in five thousand (5,000) and in accordance with the Standards of Practice for Land Surveying in North Carolina related to true, magnetic median or North Carolina grid coordinate system. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute.
(5) Prepared by a surveyor licensed and registered in the State of North Carolina.
(6) Multiple sheets shall be collated and stapled (paper copies only). Match lines shall be clearly indicated.
(7) a. Twelve (12) blueline paper copies at the time of original submission for departmental review;
b. Two (2) blueline paper copies shall be submitted, for each review department requesting revision, following the initial review. The total number is to be specified by the director of community development or designee; and
c. The original drawing and three (3) mylar film copies for disposition in accordance with section 9-5-64, upon request of the director of community development or designee.
(8) One (1) copy of the declaration of covenants, conditions and restrictions or otherwise as required pursuant to the North Carolina General Statutes. Such agreements shall be approved by the city prior to final plat approval.
(9) a. If utility, street or other improvements as required have not been installed and approved by the City of Greenville and Greenville Utilities Commission at the time of submission of the final plat, the subdivider shall transmit one (1) copy of a written estimate (prepared by a professional engineer) of such necessary improvements to the city for review and approval at the time of the original submission of the final plat.
b. A surety agreement duly executed shall be filed with the city engineer not less than three (3) working days prior to the scheduled subdivision review board meeting. Working days shall not be construed to include city observed holidays or weekends.
c. In cases where a payment in lieu of dedication of land is due, a certified check payable to the City of Greenville in the full amount of such payment shall be required prior to approval.
(10) Shall be submitted in accordance with the Manual of Standard Designs and Details.
The following certificates shall be required:
a. Standard title block.
b. Standard source of title information block.
c. Standard owners statement block.
d. Standard approvals information block.
e. Standard dedication information block.
f. Standard certification block.
(11) A filing fee shall be paid to the city for each application for a final plat and such fee shall be set out in the “Manual of Fees” for the city.
(12) Certified copy of the construction permit issued by the North Carolina Health Department for water supply and sewerage system to serve the land included within the final plat, if not to be served by a public utility system.
(13) When property outside the existing city limits is subdivided and sanitary sewer service is requested or required, an annexation petition and required maps shall be submitted to the director of community development or designee. Pursuant to this requirement, no final plat shall be recorded until the property contained within the plat has been annexed to the City of Greenville. Delay of the effective date of annexation as established by ordinance of city council shall not delay recordation of such plat.

(b) *General information.*

(1) Subdivision name.
(2) The name(s) of the city, township, county and state in which the subdivision is located.
(3) Name, address and telephone number of land owner(s) or legal agent.
(4) Name, address and telephone number of the surveyor preparing the plat.
(5) North Carolina registration number and seal as listed per (4) above.
(6) Locational vicinity map, at a scale of one (1) inch equal to one thousand (1000) feet showing the subdivision in relation to major and minor roads or streets, adjacent subdivision sections, political divisions, landmarks or other obvious references.
(7) Date of original survey plat preparation and/or revision(s).
(8) Number of sheets.
(9) Scale denoted both graphically and numerically.

(c) *Site information.*

(1) North arrow and delineation as to whether true, grid or magnetic including date.
(2) Street names and designation as to public or private.
(3) Right-of-way and/or easement widths, pavement widths, and sight distance triangles of all streets within the subdivision.
(4) Right-of-way and/or easement widths and pavement widths of all adjacent streets.
(5) Location of all points of curvature and tangency.
(6) Location of all points of intersection where circular curves are not used.
(7) Property lines with bearings or deflection angles, arc lengths, chord length (indicated by dashed lines) as appropriate.
(8) The delta angle, degree of curve, tangent distance, radius and method (arc or chord) for each curve.
(9) Sufficient surveying data to determine readily and reproduce on the around every straight or curved boundary line, street line, lot line, right-of-way line, easement line and setback line.
(10) Accurate location and description of all monuments, markers and control points.
(11) Location, description and use of all existing and proposed easements.
(12) Location, description and use of any sites proposed for dedication or reservation for public purposes.
(13) Location, description and use of all pedestrian, riding, bicycle trails or natural buffers to be dedicated or reserved for public purpose.
(14) Location, description and use of areas to be used for purposes other than residential.
(15) Property lines and ownership of all contiguous property indicated and referenced by deed book/map book and page number.
(16) Location of existing buildings or structures, watercourses, railroads, bridges, culverts, storm drains, corporate limits, township boundaries, county lines and easements both on the land to be subdivided and immediately adjoining thereto.
(17) When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines and identification of the respective tracts shall be shown on the plat.
(18) Floodway zone and flood fringe zone, indicating base flood levels and minimum building elevations for all lots adjoining such zones.
(19) Water supply watershed district boundary and Certificate of Approval for Recording in accordance with Title 9, Chapter 4, Zoning.
(20) The area in square feet of each proposed lot and common area within the subdivision.
(21) Block and lot numbers in consistent and logical sequence.
(22) The following in tabular form:
    a. Number of lots created.
    b. Acreage in total tract.
    c. Acreage in common area(s).
    d. Acreage in parks, recreation areas and the like.
(23) The name and location of any property within the proposed subdivision or within any contiguous property that is listed on the National Register of Historic Places, or that has been designated by ordinance as a local historic property and/or district.

(24) Any other information considered by either the subdivider or the planning and zoning commission to be pertinent to the review of the final plat.
(25) Written statement addressing the reasons for being unable to meet the minimum requirements as listed above under section 9-5-61.

(Ord. No. 1941, § 1, 1-12-89; Ord. No. 2379, §§ 3, 4, 10-10-91; Ord. No. 2501, § 2, 8-13-92; Ord. No. 97-80, § 2, 8-14-97; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-62. Same--Review procedure.**

The subdivision review board shall review and take action on each final plat duly presented to the director of community development or designee. Before taking action on the plat, the subdivision review board shall hear the report of the director of community development or designee and other public officials and agencies concerning the proposed final plat. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-63. Same--Departmental findings.**

The City of Greenville director of development or designee, city engineer, Greenville Utilities Commission gas, electric, water/sewer engineering; and Pitt County Environmental Health Department, if applicable, shall furnish in writing their approval or disapproval of the plat. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-64. Same--Disposition of copies.**

If the final plat is approved, the subdivider shall transmit the original drawing, and three (3) mylar film copies as required to the director of development or designee for signature, recordation and distribution as follows:

| | |
|---|---|
| (1) Pitt County register of deeds: | Original drawing. |
| (2) Development department: | One (1) mylar copy. |
| (3) Greenville Utilities Commission: | One (1) mylar copy. |
| (4) Person or firm preparing the plat: | One (1) mylar copy. |

(Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-65. Same--Recordation.**

The director of community development or designee shall record the original drawing of the final map in the Pitt County Register of Deeds together with all applicable documents not more than five (5) working days following final approval unless as further provided herein. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-5-66. No responsibility, liability for improvements prior to acceptance.**

The City of Greenville shall, in no event, be required to open, operate, repair or maintain any street or other land or facility offered for dedication prior to the city's acceptance, by resolution of city council, of such dedication. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-67. Resubdivision procedure.**

For any replatting or resubdivision of land, the same procedures, rules, relations and requirements shall apply as prescribed herein for an original subdivision. (Ord. No. 1941, § 1, 1-12-89)

**Secs. 9-5-68--9-5-79. Reserved.**

## Article C. Design Standards for Subdivision Plats

### Sec. 9-5-80. Relation to thoroughfare plan.

Arrangement, character, extent, width, grade and location of all streets shall conform to the thoroughfare plan of the City of Greenville and elements thereof officially adopted. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-81. Street design standards.

The following design standards shall apply to all streets in proposed subdivisions:

(1) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(2) Where there exists a conflict between city and state street standards, the more restrictive shall apply.

(3) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.

(4) Where a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided; and such arrangement shall make provision for the logical and proper projection of such streets.

(5) Where a new subdivision adjoins unsubdivided lands that do not have direct and adequate access to an approved public street, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided to insure the adjoining lands of direct and adequate access. Private streets shall not constitute direct and adequate access for purposes of this section.

(6) In cases where a subdivider is required to carry a new street to the boundary of the tract to be subdivided and such boundary line is a ditch, canal or other drainage facility, the subdivider shall dedicate the appropriate land to the boundary of the tract to be subdivided and construct or guarantee the required improvements to such boundary or to a further point as provided by private agreement.

(7) Reserve strips controlling access to public streets shall be prohibited except under conditions approved by the planning and zoning commission.

(8) The street arrangement within new subdivisions shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it or affect the health, safety and welfare of property owners and residences in the surrounding area. Streets within or adjacent to subdivisions intended for residential purposes shall be so designed that their use by through traffic shall be discouraged, except however, where such streets are existing or proposed thoroughfares.

(9) Street right-of-way and/or easement and paving widths shall be based upon the volume of traffic generated by the area served by such street and the future traffic circulation pattern of the surrounding area and city as a whole. The traffic generation factors used to determine the required street section are contained in the Manual of Standard Designs and Details in conjunction with the adopted thoroughfare plan for the city.

(10) Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the planning and zoning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted and improved within such tract.

(11) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. Addresses shall be assigned in accordance with the address numbering system in effect in the city.

(12) The vacation of any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the areas, shall not be permitted.

(13) Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

(14) All buildings shall be located within proximity of an approved street in accordance with Title 9, Chapter 4, Article F-Zoning and within an acceptable distance to a fire hydrant, which has been connected to a public water supply system, approved by the City of Greenville and the Greenville Utilities Commission. Such hydrant shall be installed within the right-of-way or easement of a street or as otherwise approved by the chief of fire and rescue and Greenville Utilities Commission. Hydrant locations and requirements shall be in accordance with the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission.

(15) Each lot created within a subdivision shall have direct access to an approved street in accordance with the zoning ordinance or as provided by section 9-3-81(a)(21), below.

(16) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.

(17) Street intersections shall not include more than four (4) street approaches.

(18) Streets shall be designed to intersect as nearly as possible at right angles, and no street shall intersect another at less than sixty (60) degrees.

(19) Loop/connecting streets which begin and terminate without intersecting another street providing access to the general street system shall not exceed two thousand (2000) feet as measured along the centerline of such street.

(20) Cul-de-sac/terminal streets shall only be utilized (i) when the extension of the proposed street is infeasible due to one (1) or more of the following conditions listed under subsection (a) below, or (ii) when such street meets all the conditions listed under subsection (b) below.

a. Such streets shall only be utilized when the extension of the proposed street to adjoining property or to its intersection with an existing or proposed street is infeasible due to one (1) or more of the following conditions:

(i) intervening environmental and/or geographic features including, but not limited to, significant drainage systems, ponds/lakes, severe topography, and regulatory wetlands,

(ii) Intervening existing and/or vested adjacent development or development plans including buildings, parking lots and drives, stormwater structures, approved preliminary platted lots or recorded final platted lots, and approved site plans or other vested condition that prohibits future extension,

(iii) the shape and/or dimension of the tract proposed for subdivision, where a significant portion of the subdivision area would otherwise be unusable absent terminal extension or,

(iv) intervening or approved public and/or private streets where such intersection is either prohibited by regulation or found to create a hazardous condition in the opinion of the city engineer. Cul-de-sac/terminal streets allowed under this section may not create a public safety hazard.

b. Limited and reasonable use of cul-de-sac/terminal street(s) not meeting the conditions of subsection (a) above may be approved where the specific cul-de-sac/terminal street design, length, location and use both individually, and/or in combination with other cul-de-sac/terminal streets in any common subdivision or development, meets all of the following conditions:

(i) does not negatively impact vehicular and pedestrian traffic circulation inconsistent with the street design standards contained herein, the manual of standard designs and details incorporated herein by reference, and/or the goals and objectives o the comprehensive plan,

(ii) does not unduly increase the public cost of, or inhibit the provision of, public services including, but not limited to, garbage and waste collection and public transit,
(iii) does not unduly impact the public cost of, or inhibit the provision of public safety and life services including, but not limited to, fire suppression, emergency rescue and police protection,
(iv) does not unduly restrict or inhibit adequate access to adjoining lots and/or tracts within the subject subdivision and/or on adjoining properties,
(v) does not otherwise create a public safety hazard.

The Planning and Zoning Commission shall determine compliance under this section following review and recommendation of the director of community development or his authorized representative. The director of community development may seek and rely on the advice of the public service and public safety providers in the formulation of any recommendation concerning the design, length, location, and use of such cul-de-sac/terminal street(s).

c. A cul-de-sac/terminal street shall not exceed one thousand (1,000) feet in length as measured along the centerline of such street from the right-of-way as projected from the intersecting street to the furthermost point. When a cul-de-sac/terminal street intersects only another cul-de-sac/terminal street the regulatory length of all such streets shall be measured individually from the intersection street that is not a cul-de-sac/terminal street to the furthermost point of all such streets.

(21) Private streets may be allowed to provide access to and from individual property in accordance with the following:

a. To provide access to two (2) or more individual units or lots within developments approved pursuant to the requirements of the zoning ordinance.
b. Design, location and improvement shall provide for safe intersection with public streets, safe passage of service and emergency vehicles and protection of adjoining property.
c. Where private streets are allowed, an appropriate association shall provide and perpetually maintain such private streets in suitable condition and state of repair for the City of Greenville and Greenville Utilities Commission to provide normal delivery of services, including but not limited to garbage pickup, police and fire protection and utility service or installation. If at any time such private streets are not maintained by the association and travel upon them becomes or will be hazardous or inaccessible to City of Greenville or Greenville Utilities Commission service or emergency vehicles, the City of Greenville may cause such repairs after a reasonable period of notification to the property owner and/or association. In order to remove safety hazards and ensure safety and protection for the development the city may assess the cost of such repairs to the property owner and/or association.
d. The City of Greenville shall have no obligation or responsibility for maintenance or repair of such private streets as a result of the normal delivery of services or otherwise by the City of Greenville and Greenville Utilities Commission or others using such streets.
e. No private street shall be allowed unless an appropriate association is established for the purpose of providing for and perpetually maintaining such street.
f. All private street easements shall be dedicated to the city as general utility easements.

(22) Curve radius, property line radius, tangent distances between reverse curves, right-of-way widths, easement widths, pavement widths, pavement design and storm drainage system design provisions are contained in the Manual of Standard Designs and Details and the adopted thoroughfare plan for the city.

(23) Planned unoffensive industry (PIU) and planned industry (PI) districts street standards; exemptions.

a. PIU and PI districts shall be exempt from the maximum “loop--connecting” and “cul-de-sac--terminal” street standards listed above under subsections 9-5-81(19) and (20).
b. PIU or PI districts shall comply with all other provisions of this section.

(Ord. No. 1941, § 1, 1-12-89; Ord. No. 2098, § 1, 11-16-89; Ord. No. 2603, § 1, 3-18-93; Ord. No. 94-85, § 1, 6-9-94; Ord. No. 06-13, § 1, 2-9-06; Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-5-82. Utility easements.**

Easements for utilities shall be provided where necessary along front, rear or side lot lines, but shall not be required to center on such lines. Such easements shall be sufficiently wide to provide for installation of such utilities and access for maintenance and operation. The minimum width of the easements shall be as follows:

(1) Water lines: Ten (10) feet.

(2) Gas lines: Ten (10) feet.

(3) Electrical lines: Ten (10) feet.

(4) Storm sewer: As necessary on determination of the city engineer.

(5) Sanitary sewer shall be in accordance with the following table:

| | *Depth of Cover* | *Minimum Easement Width (feet)* |
|---|---|---|
| Force main | All | 10 |
| Gravity sewers: | 0--10 | 20 |
| | 10--15 | 30 |
| | Greater than 15 | 40 |

(6) Multipurpose: See section 9-5-85, below.

(7) Hydrant: Five (5) feet as measured on the horizontal in all directions from the center of the hydrant. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-83. Lot lines and utility easements.**

Lot lines shall be so arranged with respect to utility easements as to permit efficient installation of utilities without unnecessary irregularities in alignment. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-84. Projection of easements to adjacent undeveloped property.**

Where a new subdivision is adjacent to undeveloped property that does not have direct access to public utility lines or facilities, adequate easements may be reserved on each side of all rear lot lines and along certain side lot lines where necessary for the future extension of utilities to such undeveloped property. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-85. Multipurpose easements.**

Easements designated as general utility easements which contain multiple utility lines, structures or facilities shall be permitted only upon specific authorization of the city engineer and the general manager of the Greenville Utilities Commission. The minimum acceptable width of such general utility easements shall be subject to approval on an individual case basis. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-86. Minor drainage easements.**

Minor drainage easements providing for drainage of surface waters from four (4) or less lots and not involving regulated flood areas may be permitted to cross lots at points where such arrangements are found by the city engineer to be necessary as a result of topography or soil conditions, and where suitable building sites are reserved. Such minor drainage easements may be required and designated to be maintained by the property owner. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-87. Major utilities, substation sites, etc.**

Where major utility substations, pumping stations, pressure regulating stations and the like are required, adequate provision to provide screening shall be required. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-88. Preservation of significant water areas--Intent.**

It is the intent of these regulations both to safeguard existing and potential development in appropriate locations and to preserve and promote a desirable ecological balance. Therefore, insofar as it is reasonably practicable, subdivisions shall be located, designed and improved to preserve important natural water areas, related vegetation and wildlife habitats; to avoid creation of upstream impoundments or downstream runoff which would be harmful to such complexes or to existing or potential development in appropriate locations; and to maintain desirable groundwater levels. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-89. Same--Maintenance of natural waterways and water areas; relationship to greenway plan.**

(a) Where a proposed subdivision is traversed by or includes in whole or in part a natural watercourse, marsh, pond or lake of substantial significance in the ecology of the general area, the water body shall, to the maximum extent reasonably feasible, be maintained in its natural state, together with bordering lands and other suitable protective strip or buffer as required by the planning and zoning commission. The minimum width of any protective strip or other buffer required pursuant to this section shall not be less than fifteen (15) feet from the top of the bank as determined by the city engineer.

(b) Relationship to greenway plan. If any portion of the area proposed for subdivision lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be dedicated and/or reserved to the public at the option of the city.

(c) The City of Greenville and Greenville Utilities Commission shall have right of access onto all designated and/or dedicated areas within all easements as required for the construction and/or maintenance of public facilities. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 2490, § 1, 7-9-92)

**Sec. 9-5-90. Same--Changes in location or extent of significant natural waterways and water areas.**

The city engineer may permit changes in the location or extent of significant natural waterways and water areas only after making findings that such changes will not adversely affect desirable ecological conditions, drainage or water retention, or result in undesirable location or amount of upstream impoundment or downstream discharge. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-91. Drainage.**

Adequate storm drainage shall be provided by means of storm drainage pipe and appurtenances thereto or by open or unenclosed drainage channels, all of which shall be installed in accordance with the Manual of Standard Designs and Details. The city engineer shall determine what type of storm drainage shall be required and what improvements shall be installed. In the consideration of storm drain pipe size to be installed, the city engineer shall take into consideration the existing drainage conditions, the effect upon those conditions by the proposed development and the future needs within the immediate area of the proposed development. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-92. Protection from flooding and other adverse water conditions.**

(a) No subdivision shall be so located or improved to create impoundments of surface water on developable upstream land outside the subdivision, to increase surface drainageways, to cause erosion onto neighboring property or into water areas, or to raise or lower groundwater levels in a manner which creates adverse effects within the subdivision or in surrounding areas. Where locations or improvements appear likely to have such effects, plats shall not be approved until suitable remedial measures have been provided.

(b) As appropriate to the circumstances, such measures may include requiring the subdivider to make provision for the necessary enlargements or improvements in off-site drainageways, establishing water retention and recharge areas, and mechanical and vegetative means to control runoff and erosion from the subdivision. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-93. Sedimentation and erosion control.**

All subdivisions shall conform to the sedimentation and erosion control regulations as set forth by the City Code. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-94. Floodprone or flood hazard areas.**

All subdivisions shall conform to the flood damage prevention regulations as set forth by the City Code. All subdivisions located in the area of special flood hazard as defined in Section 9-6-2 shall be required to elevate all public streets located within the subdivision such that the lowest point on the street is no less than one (1) foot below the 100 year flood elevation or no lower than the highest accessible point on the adjacent public street providing access to the site which shall be the point of entry between the development and the adjacent public street. All subdivisions located in the area of special flood hazard as defined in Section 9-6-2 shall be required to elevate all private streets located within the subdivision upon property having a zoning classification allowing a residential use as a permitted use such that the lowest point on the street is no less than one (1) foot below the 100 year flood elevation or no lower than the highest accessible point on the adjacent public street providing access to the site which shall be the point of entry between the development and the public street. Notwithstanding the foregoing, additional points of access onto a public street may be allowed to be constructed at a lesser elevation provided that said access is no lower than the elevation of the point of access to the public street and provided that all elevations are no lower than the minimum necessary to provide safe access to the public street. (Ord. No. 00-19, § 14, 2-10-00)

**Sec. 9-5-95. Block standards; general design.**

Block lengths, widths and areas within bounding roads shall be such that:

(1) Adequate building sites, suitable to the contemplated or probable use are provided.

(2) Zoning requirements regarding minimum lot dimensions and area are assured.

(3) Lengths between intersecting streets do not exceed one thousand four hundred (1,400) feet or be less than three hundred (300) feet.

(4) Sufficient widths are provided to allow two (2) tiers of lots where single-tier lots are required to separate development from traffic arteries, water areas, common areas or public property. Where double frontage lots are allowed, a nonaccess easement shall be provided as specified herein.

(5) Planned unoffensive industry (PIU) and planned industry (PI) districts shall be exempt from the maximum block length listed under subsection (3) above. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 2098, § 2, 11-16-89)

**Sec. 9-5-96. Pedestrian crosswalks within blocks.**

Where orientation or length of blocks or other considerations justify such action, the planning and zoning commission may require pedestrian circulation and provide access to schools, playgrounds, shopping centers, transportation and other facilities. Where such crosswalks are provided, they shall be located, dimensioned, fenced, screened, or otherwise improved by the subdivider in such a manner as to provide security, tranquility and privacy for occupants of adjoining property, and safe use. Such pedestrian ways, if suitably improved, may be used by emergency vehicles but shall not be used by other motor vehicles. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-97. Lots; general design.**

(a) Lot dimensions and area shall not be less than the applicable requirements of the zoning ordinance.

(b) All lots shall abut by their full frontage on an approved public street or private street where applicable.

(c) Where public water and/or sewer service is not available, all lots shall be subject to the applicable requirements of the Pitt County Environmental Health Department and the City of Greenville.

(d) Side lot lines shall be substantially at right angles to straight streets or radial to curved street lines.

(e) Corner lots for residential purposes shall have extra width to permit appropriate building setback from and orientation to both streets.

(f) Lots abutting a pedestrian crosswalk or alley within a block shall not be considered corner lots.

(g) All lots shall contain an adequate building site.

(h) Lots subject to flooding and lots deemed to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

(i) All remnants of lots or residual parcels of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-98. Double frontage lots.**

Double frontage lots shall be avoided except where essential to provide residential separation from traffic arteries or other incompatible uses. Where double frontage lots are allowed, a ten-foot nonaccess easement shall be provided along the street line outside any existing or future rights-of-way. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-99. Driveways; condition of lot access.**

Driveways providing ingress and/or egress to all lots within new subdivisions platted pursuant to these regulations shall conform to the Manual of Standard Designs and Details and the driveway regulations as set forth by the City Code. However, where in the interest of public health, safety and welfare, the planning and zoning commission finds that greater restrictions on the location and/or total number of driveways is necessary to insure said interests, such greater restrictions shall be noted on the plat as a condition of approval. Where such condition applies to all or several lots shown upon the plat, the city engineer shall enforce the noted condition in addition to other applicable regulations in effect at the time of driveway permit application.

**Sec. 9-5-100. Public sites and open spaces; relation to quasi-public and private open space network; intent.**

(a) To provide for efficiency, economy and amenity, it is the intent of these regulations to encourage and promote the development and maintenance of public open space systems.

(b) It is intended that to the maximum extent reasonably feasible there shall be a continuous network of public lands adapted to multiple purposes, including preservation and maintenance of natural waterways and water areas, protection of watersheds, neighborhood or community service areas and other public uses requiring extensive open space.

(c) It is further intended that these regulations shall encourage and promote consolidation, combination and coordination of quasi-public and private common open space with the public land network where appropriate. The purposes of such action shall include the following, applied generally or under particular sets of circumstances:

(1) To increase the extent, effectiveness and amenity of the total open space network;
(2) To provide protection for areas of substantial ecological importance; and
(3) To minimize conflicts among automotive traffic, pedestrians and cyclists, and to provide safe, convenient movement systems for pedestrians and cyclists through open spaces not generally open to automotive traffic, in a pattern connecting their principal origins with destinations such as schools, parks and recreational facilities; and otherwise to insure the advantages arising from an open space network with multiple potentials for public use and reuse, as contrasted with scattered open spaces serving only limited functions. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-101. Reservations for recreation areas--Generally.**

All subdivisions shall indicate recreation area at the time of submission of the preliminary plat. If such subdivision is developed in sections, such recreation area shall be contained within the first section unless as otherwise approved by the planning and zoning commission upon recommendation of the director of recreation and parks. At the time of submission of the final plat, the owner shall give the city a valid option on the land provided for as recreation area. The total development area shall be used as the basis for computation of the area reserved for recreation purposes. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-102. Same--Minimum area.**

The minimum amount of land which shall be reserved for recreation area in the subdivision plan shall be one (1) acre for each subdivision and in addition, for all subdivisions over twenty-five (25) acres in area, reservation of recreation space shall include one (1) acre plus four (4) percent of the gross total area over twenty-five (25) acres or four hundred (400) square feet for each lot over one hundred ten (110), whichever is greater. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-103. Same--Waiver provisions.**

Any subdivision owner may submit a map to the planning and zoning commission of the area which is intended to be developed as a subdivision and request advice as to whether or not a recreation area shall be required in the proposed subdivision. Within thirty (30) days, the planning and zoning commission shall make a decision as to whether a recreation area should be included in the subdivision plan. It is the intent of this section to permit an early determination regarding recreation areas, especially of small subdivisions which, because of their proximity to other recreation areas or other good reasons, may not need recreation areas for the orderly development of the proposed subdivision. The owner or developer shall consider final any decision made pursuant to this section only if the final subdivision plat is approved under the overall subdivision regulations within one (1) year from the date of any determination pursuant to this section. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-104. Same--Authority of planning and zoning commission to seek advice.**

The planning and zoning commission may from time to time request opinions from the city recreation commission and other competent authorities. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-105. Same--Owner to give option to city; provisions of option.**

(a) At the time of submission of the final plat, the owner shall give to the city a valid option on the land provided for as recreation area. This option shall be a separate agreement to be drawn by the owner and approved by the city attorney as to form and effect. This option may contain such terms as shall be mutually agreed to by the owner and the city but shall contain the following:

(1) Provision for payment of one hundred dollars ($100.00) to the owner upon execution of the option, which shall be applied to the purchase price if the option is exercised.
(2) Provision that the owner shall sell the land at an agreed raw land value. The raw land value is the fair market value of the recreation area before improvements or development. Should the city and the owner fail to agree on the raw land value, they shall choose one M.A.I. appraiser to appraise the recreation area. The sum per acre determined by the M.A.I. appraiser shall constitute the price per acre for the land. Cost of this process shall be equally divided between the city and the owner.
(3) Provision that the option shall have a term of at least four (4) years unless terminated by exercise of the option to purchase by the city, or unless sooner terminated by the city by an instrument in writing.
(4) Provision that in addition to the stipulated purchase price if the option is exercised, the owner shall be entitled to interest on the purchase price from the date of execution of the option at six (6) percent per year.
(5) Provision that the option shall become effective upon recordation of the final subdivision plat containing such recreation area in the Pitt County register of deeds. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-106. Same--Relation to bikeway plan.**

Arrangement, character, extent, width, grade, and location of the bikeway system for Greenville shall conform to the bikeway plan of the City of Greenville and elements thereof officially adopted. (Ord. No. 1941, § 1, 1-12-89)

## Article D. Reserved

**Secs. 9-5-107--9-5-114. Reserved.**

## Article E. Required Improvements

**Sec. 9-5-115. Conformance with the Manual of Standard Designs and Details and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission.**

In addition to the requirements set forth herein, required improvements shall conform to any applicable specifications set forth in the Manual of Standard Designs and Details published by the city and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission. In case of extraordinary subsurface conditions, terrain, the general pattern in the area, existing or probable development in the vicinity or other circumstances, the city engineer and the general manager of Greenville Utilities, upon making supporting written findings, may establish greater or lesser requirements in particular cases. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-116. Permanent monuments and markers.**

Permanent monuments and markers shall be placed in accordance with the Standards of Practice for Land Surveying in North Carolina and the North Carolina General Statutes which apply to the subdivision of land. The registered land surveyor preparing the final plat shall be responsible for the placement of all required monuments and markers. Such monuments and markers shall be in place at the time the city accepts the improvements within the subdivision. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-117. Streets and alleys--Grading and surfacing.**

All streets and alleys within the jurisdiction of the City of Greenville shall be graded and surfaced in accordance with the design standards set out in article C of this chapter and as specified in the Manual of Standard Designs and Details. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-118. Same--Curbs and gutters.**

Minimum requirements shall apply as to use of curbs and gutters or open ditches and shall be constructed in accordance with the Manual of Standard Designs and Details. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-119. Street signs.**

Street name signs shall be installed in locations and according to specifications set forth in the Manual of Standard Designs and Details. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-120. Street lights (public).**

Street lights shall be provided at such locations as approved by the City of Greenville and shall be installed and maintained by the Greenville Utilities Commission in accordance with current policy. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-121. Street trees.**

In all residential subdivisions, street trees shall be preserved where possible; where they do not exist, appropriate trees may be provided, planted and serviced in accordance with the Manual of Standard Designs and Details. Such trees shall be species which are resistant to damage and disease and which do not cause interference with utilities, street lighting or visibility at street intersections or intersections of driveways or walkways with streets, and which do not cause heaving of pavements when planted in specified locations. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-122. Ground cover.**

All land within the right-of-way which is not used for structures, vehicular or pedestrian traffic, or for other approved landscaping shall be provided with grass or other ground cover of a nature approved by the Manual of Standard Designs and Details. Such ground cover may include appropriate plant materials preserved in place. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-123. Sidewalks; where to be installed.**

(a) Sidewalks shall be provided by the subdivider in accordance with the following:

(1) Sidewalks shall be provided in conjunction with public street extensions pursuant to section 9-5-81, Street design standards, of this chapter.
(2) The location of proposed sidewalks required pursuant to this section shall be in accordance with the Manual of Standard Designs and Details.
(3) Sidewalks shall be provided along both sides of all minor and major thoroughfare streets as shown on the official thoroughfare plan.
(4) Sidewalks shall be provided along one (1) side of all collector, standard residential and planned industrial streets.
(5) Sidewalks shall be provided along one (1) side of all minor residential streets which are in excess of five hundred (500) feet in length in the case of a cul-de-sac/terminal street or one thousand (1,000) feet in length in the case of a loop/connecting street.
(6) The arrangement of sidewalks in new subdivisions shall make provision for the continuation of existing sidewalks in adjoining areas. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 97-131, § 1, 12-11-97)

**Sec. 9-5-124. Drainage; conformance with Manual of Standard Designs and Details.**

All required storm drainage and surface water drainage systems shall be installed in accordance with the Manual of Standard Designs and Details. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-125. All subdivisions to be adequately drained.**

All subdivided land shall be served by a storm and surface water drainage system located, designed and installed in such a manner as to preserve the public and private land from inundation during a storm of ten-year frequency. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-126. Public water supply required.**

Each lot intended for a use requiring domestic water supply shall be served by a public system approved by the State of North Carolina. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-127. Public sanitary sewerage required; exceptions.**

(a) Each lot intended for a use requiring sanitary sewerage shall be served by the Greenville Utilities Commission and approved by the State of North Carolina, except where unfeasibility is documented and such documentation is accepted by the planning and zoning commission.

(b) Where the planning and zoning commission has accepted the unfeasibility of service by a public system, it shall require approval of the lot by the Pitt County Department of Environmental Health. Such approval shall be based upon the studies and conclusions as specified by applicable law.

(c) Nothing herein contained shall be deemed to prohibit installation of private systems where water is not used for human consumption. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-128. General erosion protection; conservation of topsoil; preservation of desirable vegetation.**

In general, in preparation of the subdivision and installation of improvements, appropriate measures shall be taken to prevent erosion and damaging situations on the property and on adjoining land or water areas in accordance with the soil erosion and sedimentation control regulations as set forth by the City Code. In any grading or filing operations, described topsoil shall be conserved and redistributed as such, particularly to cover exposed subsoils. Trees, shrubs and ground cover existing at the beginning of development operations shall be preserved to the maximum extend reasonably feasible where they are of species and in locations likely to add amenity to the completed development. The planning and zoning commission may require preservation of specified trees or other vegetation in connection with a particular development except upon findings that such preservation is infeasible in view of the requirements for the installation of public utilities and facilities. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-129. Fire protection facilities.**

All lots served by public water supply systems shall also be afforded fire protection by means of hydrants installed in accordance with the requirements and specifications of the Manual of Standard Designs and Details and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-130. Wire installation to be underground; exceptions.**

Electrical distribution (defined for the purposes of these regulations as facilities for delivering electrical energy from a substation to a customer's meter), telephone and any other wire installation shall be underground unless infeasibility of such installation has been documented and the documentation accepted as satisfactory by the planning and zoning commission. In making its decision on the adequacy of the documentation, the commission shall consider the terrain, load characteristics, reliability, accessibility, system flexibility, equipment availability, cost, safety, trimming, and customer desires. (Ord. No. 1941, § 1, 1-12-89)

**Secs. 9-5-131--9-5-140. Reserved.**

## Article F. Completion of Improvements; Maintenance Guarantees

**Sec. 9-5-141. Satisfactory completion of improvements; offers to dedicate; maintenance guarantees; prior to approval of final plats.**

Except as hereinafter provided concerning performance guarantees, before final plats are approved:

(1) All required improvements shall be completed by the owner or his agent, and inspected and approved by appropriate public officials or agencies; and

(2) All required offers to dedicate, or to reserve for future dedication, shall be made, clear of all liens and encumbrances on the property and public improvements thus dedicated. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-142. Performance guarantee.**

In lieu of completion of all or part of required improvements prior to approval of final plats, the applicant may post a performance guarantee in an amount sufficient to secure to the city the satisfactory construction and installation of the uncompleted portion of the required improvements. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-143. Type of guarantee.**

The performance guarantee may be in the form of a performance bond, a certified check, a first deed of trust, an irrevocable letter of credit, or an escrow deposit. All performance guarantees shall not be accepted unless the City Attorney has made a review thereof and provided a written opinion that the interests of the city are fully protected. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-144. Plans and construction programs.**

Plans, specifications, quantities, unit costs and estimated total costs shall be provided by the applicant to the city engineer together with a schedule indicating time of initiation and completion of the work, as a whole or in stages. Number of copies shall be as required for records and processing in the particular case. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-145. Amount and terms of performance guarantee; time limitations.**

(a) Following receipt of the required estimate, the city engineer shall prepare recommendations as to the terms of the performance guarantee, including time of initiation and completion of the work, as a whole or in stages, and provisions for release of portions of the guarantee upon completion of portions or stages of the work. The life of a performance guarantee shall not be less than six (6) months or greater than two (2) years, unless otherwise provided. The time between initiation and completion of development shall not exceed four (4) years, except as provided under subsection (c).

(b) Based on such estimate, with such changes as deemed necessary, the city engineer shall set the amount and terms of the performance guarantee, subject to necessary legal review of form as provided in section 9-5-143.

(c) When in the opinion of the city engineer the required improvements or portions thereof cannot be completed within the specified time frame due to a physical condition and/or lack of an approved final plat on an adjoining property, the performance guarantee or portion thereof for such improvements may be extended beyond the maximum time stated in subsection (a). Following approval of a final plat on an adjoining property, the required improvements or portion thereof shall be installed within the life of the current performance guarantee or twelve (12) months, whichever is greater.

(d) The city engineer may accept a substitute performance guarantee from any party to cover the cost of all or a portion of the remaining improvements shown on an approved final plat. When a substitute performance guarantee is offered, the city engineer shall give ten (10) days' notice by certified mail to the party posting the original surety that the city engineer intends to issue a "notice to proceed" for construction of the guaranteed improvements to the party offering the substitute surety. The "notice to proceed" will be issued to the party offering and posting the substitute surety unless the party posting the original surety makes a written request that the "notice to proceed" be issued to him, and has in

place or offers a surety meeting the requirements of a substitute surety.

(e) When a substitute performance guarantee is accepted, the following rules shall apply:

(1) The work covered by a substitute performance guarantee shall be completed within twelve (12) months.
(2) The original performance guarantee shall be released, reduced or returned to the party posting the original performance guarantee.
(3) The work performed under a "notice to proceed" shall conform to the original plans in accordance with the approved final plat.
(4) No extensions or substitutions of a substitute performance guarantee will be allowed. (Ord. No. 1941, § 1, 1-12-89; Ord. No. 1968, § 1, 3-9-89)

**Sec. 9-5-146. Inspections; inspection reports.**

(a) The city engineer shall make inspections to determine whether work has started as scheduled; shall make inspections as are necessary during the course of work; and shall make final inspections.

(b) Within five (5) days of such inspections, copies of reports of the results thereof shall be provided to the file for public inspection. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-147. Action on inspection reports--Reports indicating satisfaction of requirements.**

Where such reports indicate satisfactory completion of work within time limits set and in accord with other terms of the performance guarantee, for agreed upon stages or for the entire work, the city engineer shall so indicate to the applicant, any surety company involved and the city manager. The city manager, upon such notification and any further assurance he may require from the city attorney, shall then release all or portions of the performance guarantee in accordance with the terms thereof. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-148. Same--Reports indicating failure to satisfy requirements.**

(a) Where such reports indicate failure to initiate work on schedule or to complete work on schedule in full compliance with the terms of the performance guarantee, the city engineer shall so indicate to the applicant, any surety company involved and the city manager. Such notice shall indicate that unless action required under the terms of the performance guarantee is completed within thirty (30) days of the date of such notification, the performance guarantee or portions thereof set forth in its terms shall be called.

(b) Unless such action is completed, as evidenced by inspections and reports of the city engineer, the city manager shall call the performance guarantee or affected portions thereof. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-149. Same--Reports indicating unsatisfactory progress.**

Where such reports indicate that work initiated appears likely not to be completed on schedule, and where the performance guarantee provides for extension of time for cause, the city engineer shall notify the applicant and any surety company involved concerning potential need for an application for such extension. Where such notice has been given, no application for extension shall be considered after expiration of the original schedule date. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-150. Actions following failure to complete work under performance guarantee.**

When work required under the terms of any performance guarantee is not completed by the applicant as specified therein, the city manager, following the call of the guarantee, shall take such action as is appropriate in the circumstances of the case to procure the completion of the required improvements at the earliest reasonable time, according to the plans and specifications and staging of construction approved in connection therewith. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-151. Acceptance of guarantee of other governmental agency or utility.**

Where all or part of required improvements are to be completed by another government agency or utility the city manager may accept the written guarantee of such agency to complete such improvements within a time to be mutually agreed upon. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-152. Building permits and certificates of occupancy prior to completion of improvements.**

(a) Building permits may be issued for construction of buildings in subdivisions which have been given final approval and properly recorded prior to completion of the required improvements.

(b) Certificates of occupancy may be issued, and buildings occupied only when all of the following improvements are available and as further provided below:

(1) Streets, passable for private, service and emergency vehicles under normal weather conditions, provided that distance along such streets shall not exceed one-fourth (1/4) mile by normal routes;
(2) Driveways passable under normal weather conditions;
(3) Drainage assuring that under normal weather conditions there will be no flooding of the building site or accessways to the site;
(4) Erosion protection acceptable under normal weather conditions; and
(5) Domestic water supply and sanitary sewerage.

(c) No such permits or certificates shall be issued unless improvements are guaranteed and the applicant accepts tort liability pending completion of all required improvements. (Ord. No. 1941, § 1, 1-12-89)

**Secs. 9-5-153--9-5-160. Reserved.**

## Article G. Amendments

**Sec. 9-5-161. Planning and zoning commission review; recommendation.**

All proposed amendments to these regulations, except those initiated by the planning and zoning commission, shall be submitted to the planning and zoning commission for its recommendations as to approval, approval with specified alterations, or denial. Unless such recommendation is forthcoming within sixty (60) days of submittal, unless a longer period is agreed upon in writing by the person or agency initiating the proposal, the city council may proceed to act without a recommendation. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-162. Public notice and hearing.**

No such proposed amendment shall be acted upon by the city council until after a public hearing thereon, at least fifteen (15) days' notice of which shall have been published in a newspaper of general circulation. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-163. Limitation on resubmittal.**

Except when initiated by city council or the planning and zoning commission, no proposed amendment failing of passage shall be considered in substantially the same form within one (1) year of rejection. (Ord. No. 1941, § 1, 1-12-89)

**Secs. 9-5-164--9-5-170. Reserved.**

## Article H. Violations, Penalties and Remedies

**Sec. 9-5-171. Penalties for violation.**

(a) Any violation of this chapter shall subject the offender to a civil penalty in the amount of fifty dollars ($50.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.

(b) Each day of continuing violation shall be a separate and distinct offense.

(c) Notwithstanding subsection (a), above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

(d) In addition to or in lieu of remedies authorized in subsections (a) and (c), above, violations of this chapter may be prosecuted as a misdemeanor in accordance with applicable law. (Ord. No. 1941, § 1, 1-12-89)

**Cross reference(s)--**Penalties for selling lots in unapproved subdivisions, § 9-5-10.

**Sec. 9-5-172. Remedies.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises. (Ord. No. 1941, § 1, 1-12-89)

**Secs. 9-5-173--9-5-180. Reserved.**

## Article I. Variances

**Sec. 9-5-181. Authorized; procedure.**

(a) The planning and zoning commission may vary the requirements of this chapter where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this chapter could cause an unusual and unnecessary hardship on the subdivider.

(b) In granting variances, the planning and zoning commission may require such conditions as will secure, insofar as practicable, the objectives of the requirement(s) varied. Any variance thus recommended is required to be entered in writing in the minutes of the planning and zoning commission and the findings upon which departure was justified set forth. (Ord. No. 1941, § 1, 1-12-89)

**Secs. 9-5-182--9-5-190. Reserved.**

## Article J. Legal Status and Effective Date

### Sec. 9-5-191. Separability.

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-192. Repeal.

Previous subdivision relations in effect up to the effective date of these regulations are repealed as of the effective date of these regulations and shall be superseded thereby except insofar as actions remain pending under prior regulations. (Ord. No. 1941, § 1, 1-12-89)

### Sec. 9-5-193. Effective date.

These regulations shall be effective at 12:01 a.m. January 12, 1989. (Ord. No. 1941, § 1, 1-12-89)

# CHAPTER 6. FLOOD DAMAGE PREVENTION

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***Editor's Note**—Ch. 6 was rewritten by Ord. No. 03-123, enacted December 15, 2003, with an effective date of January 2, 2004. Former Ch. 6, §§ 9-6-1--9-6-6 was replaced by § 1 of Ord. No. 98-8, enacted January 8, 1998. Ch. 6, §§9-6-1--9-6-14 and 9-6-16--9-6-19, was repealed by § 1 of Ord. No. 1705, enacted April 9, 1987, and § 1 of Ord No. 1705 also enacted, in lieu thereof, a new Ch. 6 as previously set forth in §§ 9-6-1--9-6-6. The repealed provisions pertained to flood hazard areas and derived from Ord. No. 786, adopted June 8, 1978.

**Cross references**--Public safety generally, Title 5; emergency and rescue, § 5-3-1 et seq.; public utilities, Title 8; subdivisions within floodprone or flood hazard areas, § 9-5-94.

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Sec. 9-6-1. Statutory Authorization, Findings of Fact, Purpose and Objectives.
Sec. 9-6-2. Definitions.
Sec. 9-6-3. General Provisions.
Sec. 9-6-4. Administration.
Sec. 9-6-5. Provisions for Flood Hazard Reduction.
Sec. 9-6-6. Legal Statutes and Provisions.

## Sec. 9-6-1. 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; Parts 3, 5 and 8; of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(b) Findings of fact:

(1) The flood hazard areas within the jurisdiction of the City of Greenville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

(c) Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:
(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
(2) Require that uses vulnerable to floods, including facilities, which 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 which may increase erosion or flood damage; and,
(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(d) Objectives.

The objectives of this chapter are:
(1) To protect human life and health;
(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
(4) To minimize prolonged business losses and interruptions;
(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable and sewer lines, streets and bridges located in flood prone areas;
(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and
(7) To insure that potential homebuyers are notified that property is in a Special Flood Hazard Area.

**Sec. 9-6-2. Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

(1) *Accessory structure* means a structure, which is 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.
(2) *Addition (to an existing building*) means an extension or increase in the floor area or height of a building or structure.
(3) *Appeal* means a request for a review of the Local Floodplain Administrator's interpretation of any provision of this chapter.
(4) *Area of shallow flooding* means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
(5) *Area of special flood hazard* See Special Flood Hazard Area (SFHA).
(6) *Base flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
*(7) Base Flood Elevation (BFE) means a determination as published in the Flood Insurance Study of the water surface elevations of the base flood.*
(8) *Basement* means any area of the building having its floor subgrade (below ground level) on all sides.
(9) *Building* See Structure.
(10) *Chemical Storage Facility* means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
(11) *Development* means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations or storage of equipment or materials.
(12) *Disposal* defined as in NCGS 130A-290(a)(6).
(13) *Elevated building* means a non-basement building, which has its reference level raised above the ground by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water.
(14) *Encroachment* means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
(15) *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 8, 1978.
(16) *Flood or flooding* means 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
   b. The unusual and rapid accumulation of runoff of surface waters from any source.
(17) *Flood Boundary and Floodway Map (FBFM)* means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
(18) *Floodplain development permit* means any type of permit including grading, building, or any other development permit that is required in conformance with the provisions of this chapter prior to the commencement of any development activity.
(19) *Flood Hazard Boundary Map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard have been defined as Zone A.

(20) *Flood Insurance* means the insurance coverage provided under the National Flood Insurance Program.

(21) *Flood Insurance Rate Map (FIRM*) means an official map of a community, issued by the Federal Emergency Management Agency on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

(22) *Flood Insurance Study (FIS)* means an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

(23) *Floodplain or Flood Prone Area* means any land area susceptible to being inundated by water from any source.

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

(25) *Floodplain Administrator* is the individual appointed to administer and enforce the floodplain management regulations.

(26) *Floodplain Regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

(27) *Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

(28) *Flood Prone Area* See Floodplain.

(29) *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(30) *Flood Zone* means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

(31) *Floor* See Lowest Floor.

(32) *Freeboard* means the additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. See also Regulatory Flood Protection Elevation.

(33) *Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

(34) *Hazardous Waste Management Facility* means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

(35) *Highest Adjacent Grade (HAG)* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(36) *Historic structure* means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminary 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 (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

(37) *Lowest Adjacent Grade (LAG)* means the elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO use the natural grade elevation prior to construction.

(38) *Lowest floor* means subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or 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 chapter.

(39) *Manufactured home* means 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."

(40) *Manufactured home park (MHP) or subdivision* means a parcel (or contiguous parcels) of land divided into two(2) or more manufactured home lots for rent or sale.

(41) *Market Value* means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

(42) *Mean sea level* means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

(43) *New construction* means structures for which the "start of construction" commenced on or after the effective date of the original version of this chapter and includes any subsequent improvements to such structures.

(44) *Nonconforming building* or use means any legally existing building or use which fails to comply with the current provisions of this chapter.

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

(46) *Obstruction* includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(47) *Post-FIRM* means construction or other development, which started on or after January 1, 1975, or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

(48) *Pre-FIRM* means construction or other development, which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

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

(50) *Recreational vehicle (RV)* means 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 a temporary living quarters for recreational, camping, travel, or seasonal use.

(51) *Reference Level* is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor or lowest attendant utility(including ductwork), whichever is lower.

(52) *Regulatory Flood Protection Elevation* means the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or flood proofed, if non-residential. Within areas that have approved engineering flood studies such as the FEMA Flood Insurance Study, local flood study extensions, or flood analysis, this elevation shall be the Base Flood Elevation plus one (1) foot for all structures and other development except manufactured homes, two-family attached (duplex) dwellings, multi-family dwellings, and single-family dwellings located on lots which have a net area of less than 20,000 square feet. For two-family attached (duplex) dwellings, multi-family dwellings, and single-family dwellings located on lots which have a net area of less than 20,000 square feet, the regulatory flood protection elevation shall be the Base Flood Elevation plus one (1) foot or the 500-Year Floodplain Elevation, whichever is greater. For manufactured homes, the regulatory flood protection elevation shall be the Base Flood Elevation plus two (2) feet provided that no portion of the manufactured home below the lowest floor is lower than the base flood elevation. Allowable elements below the lowest floor are limited to electrical, mechanical, and ductwork, which are considered a standard part of the manufactured home. Cross over ducts for double and triple wide manufactured homes are specifically exempted from the freeboard requirement provided the bottom of all such cross over ducts are above the base flood elevation. All electrical, mechanical, and duct work which is not a part of the manufactured home shall be no lower than one (1) foot above the base flood elevation. For Special Flood Hazard Areas that do not have established flood elevations, the required elevation shall be two (2) feet above the highest adjacent grade. For the

purpose of this chapter 500-Year Floodplain Elevation means a determination as published in the Flood Insurance Study of the water surface elevations of the flood having a two-tenths of one (0.2) percent chance of being equaled or exceeded in any given year.

(53) *Remedy a violation* means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

(54) Repetitive Loss means flood-related damages sustained by a structure on two (2) separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

(55) *Retrofitting* means measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

(56) *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(57) *Salvage Yard* means property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

(58) *Special Flood Hazard Area (SFHA)* is the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 9-6-3(b) of this ordinance.

(59) *Solid Waste Disposal Facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

(60) *Solid Waste Disposal Site* defined as in NCGS 130A-290(a)(36).

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

(62) *Structure* means for floodplain management purposes, a walled and roofed building, a manufactured home, or a gas or liquid storage tank, or that is principally above ground.

(63) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure during any one year period 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 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(64) *Substantial improvement* means any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one year period whereby the cost of which 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: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(65) *Variance* is a grant of relief from the requirement of this chapter that permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(66) *Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 9.6.4 and 9.6.5 is presumed to be in violation until such time as the documentation is provided.

(67) *Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(68) *Water Surface Elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Sec. 9-6-3. General Provisions**.

(a) Lands to which this ordinance applies:

This chapter shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extraterritorial Jurisdictions (ETJ) if applicable, of the City of Greenville.

(b) Basis for establishing the Special Flood Hazard Areas:

The areas of special flood hazard shall include the following:

(1) Those areas identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for the City of Greenville dated January 2, 2004, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:
   a. generated as a requirement of Section 9-6-4-(e)(11) of this Ordinance;
   b. preliminary FIRMs where more stringent than the effective FIRM; or
   c. post-disaster Flood Recovery Maps.

(2) In addition, upon annexation to the City of Greenville or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood hazard Area identified by the Federal Emergency management Agency (FEMA) and or produced under the cooperating technical State agreement between the State of North Carolina and FEMA as stated above for the Unincorporated Areas of Pitt County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

(3) Lands immediately adjacent to streams or watercourses where locally approved engineering flood studies have identified the limits and/or elevation of the one percent (1%) flood.

(c) Establishment of development permit:

A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within the Special Flood Hazard Area to which this chapter applies.

(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 chapter and other applicable regulations.

(e) Abrogation and greater restrictions:

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation:

In the interpretation and application of this chapter all provisions shall be:

(1) Considered as minimum requirements.
(2) Liberally construed in favor of the governing body; and,
(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

(g) Warning and disclaimer of liability:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This chapter 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 chapter shall not create liability on the part of the City of Greenville or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(h) Penalties for violation:

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than fifty dollars ($50.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Greenville from taking such other lawful action as is necessary to prevent or remedy any violation.

**Sec. 9-6-4. Administration.**

(a) Designation of Local Floodplain Administrator:

The City Engineer or a designee is hereby appointed to administer and implement the provisions of this chapter. For the purposes of this chapter, the City Engineer or designee shall hereafter be referred to as “Local Floodplain Administrator”.

(b) Floodplain Development permit and certification requirements:

Plans and Application Requirements. Application for a Floodplain Development Permit shall be made to the Local Floodplain Administrator on forms furnished by him or her prior to any development activities within flood prone areas. The following items/information shall be presented to the Local Floodplain Administrator to apply for a floodplain development permit.

(1) A plot that shows the one hundred (100) year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the floodplain development permit applicant when the lot is or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either Section 9-6-4(e)(11), Section 9-6-5(d) and 9-6-5(e). The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) The plot plan required by Section 9-6-4(b)(1) must show the floodway or non-encroachment area(s), if any, as identified by the Federal Emergency Management Agency or the floodway/non-encroachment area identified pursuant to either Section 9-6-4(e)(11) or 9-6-5(e).

(3) Where base flood elevation data is provided in accordance with Section 9-6-3(b) or 9-6-4(e)(11), the application for a Floodplain Development Permit within the Zone A on the Flood Insurance Rate Map shall show:

(a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(b) if the structure has been flood proofed in accordance with Section 9-6-5(b)(2), the elevation (in relation to mean sea level) to which the structure was flood proofed.

(c) elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(4) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.

(5) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

(6) When a structure is flood proofed, the applicant shall provide a floodproofing certificate and back-up plans from a registered professional engineer or architect that the non-residential flood proofed structure meets the flood proofing criteria in Section 9-6-5 (b)(2).

(7) An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is completed. Within twenty-one (21) calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Local 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 progressive work being permitted to proceed. Failure to submit the certification or failure to make said corrections required shall be cause to issue a stop-work order for the project.

(8) A Final As-Built Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(9) If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Section 9-6-3(b).

(10) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(11) A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

a. Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

b. Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Section 9-6-5(b)(5)**.**

(12) Usage details of any enclosed space below the regulatory flood protection elevation.

(13) 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.

(14) Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.).

(15) If floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Section 9-6-5(b)(4)&(6) of this code are met.

(c) Certification Exemptions. The following structures, if located within A, AO, AE or A1-30 zones, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

(1) Recreational Vehicles meeting requirements of Section 9-6-5(b)(4);

(2) Temporary Structures meeting requirements of Section 9-6-5(b)(6); and

(3) Accessory Structures less than 150 square feet meeting requirements of Section 9-6-5(b)(7)**.**

(d) Floodplain Development Permit Data Requirements:

The following information shall be provided at a minimum on the Floodplain Development Permit to ensure compliance with this code:

(1) A description of the development to be permitted under the floodplain development permit issuance
(2) The Special Flood Hazard Area determination for the proposed development per available data specified in Section 9-6-3 (b).
(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
(4) The regulatory flood protection elevation required for the protection of all public utilities.
(5) All certification submittal requirements with timelines.
(6) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.
(7) If in an A, AO, AE or A1-30 zone, specify the minimum foundation opening requirements.
(8) State limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

(e) Duties and responsibilities of the Local Floodplain Administrator:

Duties of the Local Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the permit requirements of this chapter have been satisfied.
(2) Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
(3) Notify adjacent communities and the North Carolina Department of Crime Control and 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.
(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
(5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9-6-5 are met.
(6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and all attendant utilities in accordance with Section 9-6-4(b)(7) or (8).
(7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood proofed, in accordance with 9-6-4(b)(7) or (8).
(8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Section 9-6-4(b).
(9) When flood proofing is utilized for a particular structure, the Local Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Sections 9-6-4 and 9-6-5(b)(2).
(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Local Floodplain Administrator shall 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 chapter.
(11) When base flood elevation data has not been provided in accordance with Section 9-6-3(b), then the Local Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation along with floodway data and/or non-encroachment area data available from a Federal, State or other source, including data developed pursuant to Section 9-6-5(e)(4) in order to administer the provisions of Section 9-6-5.
(12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 9-6-3(b), obtain, review, and reasonably utilize any floodway data, and/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 exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Local Floodplain Administrator in the permit file.

(14) Make on-site inspections of projects in accordance with Section 9-6-4(f). As the work pursuant to a floodplain development permit progresses, the Local Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Local Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(15) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 9-6-4(f). Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Local Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(16) All records pertaining to the provisions of this chapter shall be permanently maintained in the office of the Local Floodplain Administrator and shall be open for public inspection.

(17) Annexation. Provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two (2) copies of the maps delineating new corporate limits within six (6) months from date of annexation or change in corporate boundaries.

(18) Revocation of floodplain development permits as required. The Local Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(19) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Local Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(20) Follow through with corrective procedures of Section 9-6-4(f).

(f) Administrative corrective procedures:

(1) Violations to be corrected: When the Local Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he owns.

(2) Actions in event of failure to take corrective action: If the owner of a building or property shall fail to take prompt corrective action, the Local Floodplain Administrator shall give the owner written notice, by certified or registered mail to his or her last known address or by personal service, stating

(a) that the building or property is in violation of the Flood Damage Prevention Ordinance;

(b) that a hearing will be held before the Local Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(c) that following the hearing, the Local Floodplain Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(3) Order to take corrective action: If upon a hearing held pursuant to the notice prescribed above, the Local Floodplain Administrator finds that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within sixty (60) days. The Local Floodplain Administrator may prescribe a period shorter than sixty (60) days; provided that the Local Floodplain Administrator finds that there is imminent danger to life or other property.

(4) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the Local Floodplain Administrator and the City Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Local Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(5) Failure to comply with order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(g) Variances:

(1) The Board of Adjustment as established by the City of Greenville, shall hear and decide requests for variances from the requirements of this chapter.

(2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the superior court as provided in Chapter 7A of the North Carolina General Statutes.

(3) Variance may be issued for 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 the variance is the minimum necessary to preserve the historic character and design of the structure.

(4) In passing upon such applications for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, 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, 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.

(5) The findings listed above shall be submitted to the Board of Adjustment, in writing, and included in the application for a variance.

(6) Upon consideration of the factors listed above, and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(7) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

(8) Conditions for variances:

(a) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations or ordinances.

(b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(c) Variances shall only be issued upon;

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, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or chapters.

(d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference

level elevation. Such notification shall be maintained with a record of all variance actions.

(e) The Local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(9) A variance may be issued for solid waste disposal facilities, 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 Floodplain Development permit may be issued for such development only if a variance is granted:

(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 level

(d) The use complies with all other applicable federal, state and local law

(e) The City of Greenville has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) days prior to granting the variance.

**Sec. 9-6-5. 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 improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be elevated to the regulatory flood protection elevation and/or designed so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(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 floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

(8) Any alteration, repair, reconstruction or improvement to a structure which is in compliance with the provisions of this chapter shall meet the requirements of “new construction” as contained in this chapter.

(9) Non-conforming structures or other development may not be enlarged, replaced or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter 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 that the bulk of the building or structure below regulatory flood protection elevation in the Floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction or replacement meets all of the other requirements of this chapter.

(10) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. 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 according to Section 9-6-4(b) of this ordinance.

(b) Specific standards:

In all Special Flood Hazard Areas where base flood elevation data have been provided as set forth in Section 9-6-3(b) or Section 9-6-4(e)(11) and (12), the following provisions are required:

(1) Residential construction. New construction or 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. (Ord. No. 00-19, § 4, 2-10-00)

(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Such structures may be flood proofed to the regulatory flood protection elevation in lieu of being elevated, provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 9-6-4(b)(3).

(3) Manufactured Homes.

(a) New or replacement manufactured homes shall be elevated on a foundation such that the reference level of the manufactured home is elevated no lower than the regulatory flood protection elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 9-6-5 (b)(3a) must be elevated so that the lowest floor of the manufactured home is elevated no lower than the regulatory flood protection elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement in accordance with the State of North Carolina Regulations For Manufactured/Mobile Homes, 1995 Edition and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15 or a certified engineered foundation. Additionally, all manufactured homes located in special flood hazard areas must be installed either on a pre-approved foundation design from the Manual of Standard Designs and Details or on a foundation design certified by a professional engineer registered in the state of North Carolina. Furthermore, all tanks, decks, porches, and steps to the manufactured home must be sufficiently designed and anchored to prevent collapse and/or flotation off the site, except that porches and steps serving a manufactured home on a lot that is less than five (5) feet below the lowest floor of the manufactured home at the location of the porch or steps shall not be required to be anchored.

(c) An evacuation plan must be developed for evacuation of all residents of all new substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Local Floodplain Administrator and the local Emergency Management Coordinator.

(d) When the elevation of the manufacture home 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 other foundation elements of at least equivalent strength.

(e) If a manufactured home is placed with the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Section 9-6-5(b)(3)

(f) All foundation enclosures or skirting shall be in accordance with Section 9-6-5(b)(5).

(4) Recreational Vehicles. Recreational vehicles placed on sites within a Special Flood Hazard Area shall either:

(a) be on site for fewer than one hundred eighty (180) consecutive days; and

(b) 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); or

(c) meet all the requirements for new construction, including anchoring and elevation requirements of Section 9-6-4(b) , 9-6-5(a)and 9-6-5(b)(3).

(5) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed for human habitation, but shall be designed to be usable solely for the parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises in an area other than a basement, be constructed entirely of flood resistant materials below the regulatory flood protection level and meet the following design criteria.

(a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum criteria:
   1. Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
   2. The bottom of all openings shall be no higher than one (1) foot above the adjacent grade;
   3. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
   4. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter; and,
   5. Foundation enclosures:
      a. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
      b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except to enclose storage areas.

(6) Temporary structures. Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

(a) All applicants must submit to the Local Floodplain Administrator prior to the issuance of the floodplain development permit a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
   1. a specific time period for which the temporary use will be permitted:
   2. the name, address and phone number of the individual responsible for the removal of the temporary structure;
   3. 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);
   4. a copy of the contractor other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
   5. designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

(b) The above information shall be submitted in writing to the Local Administrator for review and written approval.

(7) Accessory structures. When accessory structures (sheds, detached garages, etc.) are to be placed in the floodplain, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistant to the flow of flood waters;

(d) Accessory structures shall be firmly anchored in accordance with Section 9-6-5(a)(1);

(e) All service facilities such as electrical and heating equipment shall be elevated in accordance with Section 9-6-5(a)(4); and
   1. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section 9-6-5(b)(5).
   2. An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9-6-4(b).

(8) Additions/Improvements

(a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure.

1. are 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. are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction

(c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure

1. are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction
2. are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction

(d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(c) Floodways and non-encroachment areas.

Located within Special Flood Hazard Areas established in Section 9-6-3(b), are areas designated as floodways or non-encroachment areas. Since the floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential; the following provisions shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during occurrence of the base flood. Such certification and technical data shall be presented to the Local Floodplain Administrator.
2. If Section 9-6-5(c)(1) is satisfied, all development and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured homes (mobile homes) park or subdivision provided the anchoring and the elevation standards of Section 9-6-5(b)(3), and the no encroachment standards of Section 9-6-5(b)(1) are met.
4. Notwithstanding any other provisions of 44CFR 60.3, a community may permit encroachments within the adopted regulatory floodway or non-encroachment area that would result in an increase in base flood elevations, provided that the community first applies for a conditional LOMR and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44CFR 65.12 of the "National Flood Insurance Program and Related Regulations", and receives the approval of the Local Floodplain Administrator prior to commencement of such development.

(d) Standards for floodplains without established base flood elevations:

Within the Special Flood Hazard Areas established in Section 9-6-3(b) are floodplains where no base flood elevation data has been provided, the following provisions shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 9-6-5(e)(1) is satisfied and base flood elevation is available from other source, all new construction and substantial improvements within such areas shall comply with all applicable provisions of this ordinance and shall be elevated or flood proofed in accordance with elevations established in accordance with Section 9-6-4(e)(11&12). When base flood elevation data is not available from a Federal, State or other source, the reference level, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(e) Standards for subdivision, manufactured home park and major development proposals:
(1) All proposals shall be consistent with the need to minimize flood damage;
(2) All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
(3) All proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
(4) Base flood elevation data shall be provided for all proposals and other proposed development, which is greater than the lesser of fifty (50) lots/manufactured home sites or five (5) acres. Such Base Flood Elevation (BFE) data shall be adopted by reference per 9-6-3(b) to be utilized in implementing this code.

(f) Standards for Floodplains with BFE but without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(g) Standards for areas of shallow flooding (AO Zones):

Located within the Special Flood Hazard Areas established in Section 9-6-3(b) 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. The following provisions apply within such areas:
(1) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BFE has been established.
(2) All new construction and substantial improvements of nonresidential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is 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 as per 9-6-4(b)(3) and 9-6-4(b)(2).

**Sec. 9-6-6. Legal Statutes and Provisions.**

(a) Effect on rights and liabilities under the existing flood damage prevention ordinance:

This chapter in part is adopted due to re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted June 8, 1978, 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 chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Greenville enacted on June 8, 1978, as amended, which are not re-enacted herein are repealed.

(b) Effect upon outstanding building 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, Local Floodplain Administrator or his authorized agents, before time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this chapter.

## CHAPTER 7. RESERVED*

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***Editor's note--**Ordinance No. 1153 amended the Greenville City Code by deleting Title 9, Chapter 7, relating to mobile homes and mobile home parks.
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## CHAPTER 8. SOIL EROSION AND SEDIMENTATION CONTROL

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***Editor's note**--Ord. No. 98-7, adopted January 8, 1998, amended Title 9, Chapter 8 in its entirety. Prior to that, Ordinance No. 2684 adopted July 8, 1993 amended Title 9, Chapter 8 in its entirety. Prior to that, Title 9, Chapter 8 pertained to similar subject matter and derived from Code 1971; Ord. No. 787, adopted June 8, 1978; Ord. No. 1569, adopted December 11, 1985; Ord. No. 2065, adopted September 14, 1989 and Ord. No. 2117, adopted January 11, 1990.

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Sec. 9.8.1. Title.
Sec. 9.8.2. Purposes.
Sec. 9.8.3. Definitions.
Sec. 9.8.4. Scope; exclusions.
Sec. 9.8.5. General requirements.
Sec. 9.8.6. Basic control objectives.
Sec. 9.8.7. Mandatory standards for land-disturbing activity
Sec. 9.8.8. Design and performance standards
Sec. 9.8.9. Storm water outlet protection
Sec. 9.8.10. Borrow and waste areas.
Sec. 9.8.11. Access and haul roads.
Sec. 9.8.12. Operations in lakes or natural watercourses.
Sec. 9.8.13. Responsibility for maintenance.
Sec. 9.8.14. Additional measures.
Sec. 9.8.15. Existing uncovered areas.
Sec. 9.8.16. Permits.
Sec. 9.8.17. Erosion and sedimentation control plans.
Sec. 9.8.18. Appeals.
Sec. 9.8.19. Inspections and investigations.
Sec. 9.8.20. Penalties.
Sec. 9.8.21. Injunctive relief.
Sec. 9.8.22. Severability.
Sec. 9.8.23. Revisions.


### Sec. 9-8-1. Title.

This chapter may be cited as "The City of Greenville Erosion and Sedimentation Control Ordinance."

### Section 9-8-2. Purposes.

This chapter is adopted for the purpose of:

(1) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation within the city limits of the City of Greenville and the extraterritorial jurisdiction of the City; and

(2) Establishing procedures through which these purposes can be fulfilled. (Ord. No. 06-50, § 1, 6-8-06)

### Section 9-8-3. Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) *Accelerated* erosion means any increase over the rate of natural erosion as a result of land-disturbing activities.

(2) *Act* means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

(2.1) *Active construction* means activities which contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.

(3) *Adequate erosion and control measure*, structure or device means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

(3.1) *Affiliate* means a person that directly, or indirectly through one or more intermediaries control, is controlled by or is under common control of another person.

(4) *Being conducted* means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

(5) *Borrow* means fill material which is required for on-site construction and is obtained from other locations.

(6) *Buffer-zone* means the strip of land adjacent to a lake or natural watercourse.

(6.1) *Coastal counties* means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Care, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasqotank, Pender, Tyrrell and Washington.

(7) *Commission* means the City of Greenville Planning and Zoning Commission.

(8) *Completion of construction or development* means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

(8.1) *Denuded* means the removal of ground cover from, on, or above the soil surface.

(9) *Department* means the North Carolina Department of Environment, Health, and Natural Resources.

(10) *Director* means the Director of the Division of Land Resources of the Department of Environment, Health, and Natural Resources.

(11) *Discharge point* means that point at which runoff leaves a tract of land.

(12) *District* means the Pitt County Soil and Water Conservation District created pursuant to Chapter 139 of the North Carolina General Statutes.

(12.1) *Drainage easement* means a minimum strip of land reserved for conveyance of stormwater generally located along the rear or side lot lines but may cross lots at such points that will not pose a hazard to persons or property.

(13) *Energy dissipator* means any structure or a shaped channel section with mechanical armoring placed at the outlet or pipes or conduits to receive and break down the energy from high velocity flow.

(14) *Erosion* means the wearing away of the land surface by the action of the wind, water, gravity or any combination thereof.

(15) *Extraterritorial jurisdiction* means that territory surrounding the corporate limits of the City over which the City exercises its planning and zoning authorities as established by action of the City Council on June 26, 1972 and subsequently amended.

(15.1) *Special flood hazard area* is the land located within the floodplain subject to a one (1) percent or greater chance of flooding in any given year and subject to the conditions of Title 9, Chapter 6 of the City Code, Flood Damage Prevention.

(16) *Ground cover* means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

(17) *High quality waters* means those classified as such in 15A NCAC 2B.0101 (e) (5) -General Procedures, which is incorporated herein by reference to include further amendments pursuant to G.S. 150B-14(c).

(18) *High quality water (HQW) zones* means areas in the Coastal Counties that are within 575 feet of High Quality Waters and for the remainder of the State areas that are within one mile and drain to HQW's.

(19) *Lake or natural watercourse* means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment.

(20) *Land-disturbing activity* means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

(20.1) *Land-disturbing permit* means the approval document allowing land-disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.

(21) *Local government* means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

(22) *Natural erosion* means wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

(22.1) *Parent* means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

(23) *Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body or other legal entity.

(24) *Person conducting land-disturbing activity* means any person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.

(25) *Person responsible for the violation* as used in this chapter and G.S. 113A-64 means:

(a) The developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; or
(b) The landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefitted from it or he has failed to comply with any provision of this chapter, the Act or any order adopted pursuant to this chapter or the Act as imposes a duty upon him.

(26) *Phase of grading* means one (1) of two (2) types of grading-rough or fine.

(27) *Plan* means erosion and sedimentation control plan.

(27.1) *Protective cover* means natural or artificial ground cover of grass, trees, shrubs, or mulch sufficient to reduce erosion potential.

(27.2) *Receiving watercourse* means a lake, natural watercourse, or other natural or manmade area into which stormwater run-off flows from a land-disturbing activity.

(28) *Sediment* means solid particulate matter, both mineral and organic, that has been or is being transported by water, air gravity or ice from its site of origin.

(29) *Sedimentation* means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

(30) *Siltation* means sediment resulting from accelerated erosion which is settlable or removable by properly designed, constricted and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited or is in suspension in water.

(31) *Storm drainage facilities* means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

(32) *Storm water runoff* means the direct runoff of water resulting from precipitation in any form.

(33) *Ten-year storm* means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

(34) *Tract* means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

(35) *Twenty-five year storm* means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

(36) *Uncovered* means the removal of ground cover from, on or above the soil surface.

(37) *Undertaken* means the initiating of any activity or phase of activity which results or will result in a change in the ground cover or topography of a tract of land.

(38) *Velocity* means the average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

(39) *Wastes* means surplus materials resulting from on-site construction and disposed of at other locations.

(40) *Working days* means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

(Ord. No. 99-119, § 1, 9-9-99)

**Section 9-8-4. Scope; exclusions.**

This chapter shall not apply to the following land-disturbing activities:

(1) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to:

1. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
2. Dairy animals and dairy products.
3. Poultry and poultry products.
4. Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
5. Bees and apiary products.
6. Fur producing animals.

(2) Activities undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality as adopted by the Department. If land-disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract; and

(3) Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

(4) Land-disturbing activity over which the State, has exclusive regulatory jurisdiction as provided in GS 113A-56(a).

(5) For the duration of an emergency, activities essential to protect human life.

**Section 9-8-5. General requirements.**

(a) *Plan and Permit Required*: No person shall initiate any land disturbing activity which uncovers more than one (1) acre without having an erosion control plan and land-disturbing permit approved by the City of Greenville. Additionally, no person shall initiate any land-disturbing activity greater than 5000 SF without having a land-disturbing permit approved by the City of Greenville. Furthermore, no person shall initiate land disturbing activity of any size within the Special Flood Hazard Area without first obtaining a land-disturbing permit and an approved sedimentation and erosion control plan meeting the requirements of this chapter and Chapter 6 entitled "Flood Damage Prevention". (Ord. No. 99-119, §§ 2-6, 9-9-99)

(b) *Protection of property*: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

(c) *More restrictive rules shall apply*: Whenever conflicts exist between Federal, State, or local laws, ordinances or rules, the more restrictive provision shall apply.

**Section 9-8-6. Basic control objectives**.

(a) An erosion and sedimentation control plan may be disapproved pursuant to Section 9-8-17 of this chapter if the plan fails to address the following control objectives:

(1) *Identify critical areas*. On-site areas which are subject to severe erosion and off-site areas, which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(2) *Limit time of exposure*. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.

(3) *Limit exposed areas*. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.

(4) *Control surface water*. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(5) *Control sedimentation*. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.

(6) *Manage stormwater runoff*. When the increase in the velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

(b) When deemed necessary by the approving authority, a preconstruction conference may be required. (Ord. No. 00-155, §§ 1-2, 12-14-00)

**Section 9-8-7. Mandatory standards for land-disturbing activity.**

No land disturbing activity subject to the control of this chapter shall be undertaken except in accordance with the following mandatory standards:

(1) (a) *Buffer zone*. No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity provided that this subsection shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over or under a lake or natural watercourse.

(b) Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

(2) *Graded slopes and fills*. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within fifteen (15) working days or thirty (30) calendar days of completion of any phase of grading, whichever period is shorter, be planted or otherwise provided with ground cover, devices or structures sufficient to restrain erosion. (Ord. No. 99-119, § 8, 9-9-99)

(3) *Ground cover*. Whenever land-disturbing activity is undertaken on a tract in excess of five thousand (5000) feet, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 9-8(b)(5), provisions for ground cover sufficient to restrain erosion must be accomplished within twenty-one (21) calendar days following completion of any phase of grading. (Ord. No. 99-119, § 10, 9-9-99; Ord. No. 00-155, §§ 3-4, 12-14-00; Ord. No. 06-50, § 2, 6-8-06)

(4) *Prior plan approval*. No person shall initiate any land-disturbing activity on a tract if more than one (1) acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the City of Greenville.

**Section 9-8-8. Design and performance standards**

(a) Except as provided in Section 8 (b) (2) of this ordinance, erosion and sedimentation control measures, structures and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures.

(b) In High Quality Water (HQW) zones the following design standards shall apply:

(1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of twenty (20) acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director.

(2) Erosion and sedimentation control measures, structures and devices within HQW zones shall be so planned, designed and constructed to provide protection from the run off of the 25-year storm which produces the maximum peak rate of run off as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

(3) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy percent (70%) for the forty (40) micron (0.04 mm) size soil particle transported into the basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering field Manual for Conservation Practices" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.
(4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
(5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within fifteen (15) working days or sixty (60) calendar days following completion of construction or development, whichever period is shorter.

**Section 9-8-9. Storm water outlet protection**

(a) Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

(1) the velocity established by the table in Paragraph (d) of this section; or
(2) the velocity of the 10-year storm runoff in the receiving watercourse prior to development.

If conditions (1) or (2) of this Paragraph cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by ten percent (10%).

(b) Acceptable management measures. Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The commission recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

(1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
(2) Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;
(3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge (these may range from simple rip-rapped sections to complex structures);
(4) Protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion-resistant lining.

(c) Exceptions. This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

(d) Table. The following is a table for maximum permissible velocity for stormwater discharges:

| | Maximum Permissible Velocities for | |
|---|---|---|
| Material | F.P.S. | M.P.S. |
| Fine sand (noncolloidal) | 2.5 | 0.8 |
| Sandy loam (noncolloidal) | 2.5 | 0.8 |
| Silt loam (noncolloidal) | 3.0 | 0.9 |
| Ordinary firm loam | 3.5 | 1.1 |
| Fine gravel | 5.0 | 1.5 |
| Stiff clay (very colloidal) | 5.0 | 1.5 |
| Graded, loam to cobbles (non-colloidal) | 5.0 | 1.5 |

| | | |
|---|---|---|
| Graded, silt to cobbles (colloidal) | 5.5 | 1.7 |
| Alluvial silts (noncolloidal) | 3.5 | 1.1 |
| Alluvial silts (colloidal) | 5.0 | 1.5 |
| Coarse gravel (noncolloidal) | 6.0 | 1.8 |
| Cobbles and shingles | 5.5 | 1.7 |
| Shales and hard pans | 6.0 | 1.8 |

(Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

**Section 9-8-10. Borrow and waste areas.**

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department's Division of Solid Waste Management, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

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**State law reference** -Mining Act of 1971, G.S. 74-46--74-68.
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**Section 9-8-11. Access and haul roads.**

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

**Section 9-8-12. Operations in lakes or natural watercourses.**

Land-disturbing activity in connection with construction in, on, over or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when necessary justification for significant alteration to flow characteristic is provided. (Ord. No. 06-50, § 3, 6-8-06)

**Section 9-8-13. Responsibility for maintenance**.

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this chapter, the Act, or any order adopted pursuant to this chapter or the Act. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

**Section 9-8-14. Additional measures.**

Whenever the City determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

**Section 9-8-15. Existing uncovered areas**.

(a) All uncovered areas existing on December 11, 1985, which resulted from land-disturbing activity, exceed one (1) acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation shall be provided with a ground cover or other protective measures, structures or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(b) The City will serve upon the landowner or other person in possession or control of the land a written notice of violation by registered or certified mail, return receipt requested or other means authorized under G.S. § 1A-1, Rule 4. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance. (Ord. No. 06-50, § 4, 6-8-06)

(c) The City reserves the right to require preparation and approval of an erosion control plan in any instance wherein extensive control measures are required.

(d) This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

**Section 9-8-16. Permits.**

(a) Required; exceptions. No person shall undertake any land-disturbing activity subject to this chapter without first obtaining a permit therefor from the City, Office of the City Engineer, except that no permit shall be required for any land-disturbing activity as identified in Section 9-8-4. (Ord. No. 06-50, § 5, 6-8-06)

(b) Fees. A fee established in accordance with the Manual of Fees adopted by the City Council shall be submitted with each application for a land-disturbing permit.

(c) Prerequisite to issue of building permit. No building permit shall be issued for a structure until the building inspector has obtained evidence that a valid land-disturbing permit has been obtained. (Ord. No. 99-119, § 11-14, 9-9-99)

**Section 9-8-17. Erosion and sedimentation control plans.**

(a) An erosion control plan shall be prepared for all land-disturbing activities subject to this chapter whenever the proposed activity is to be undertaken on a tract comprising more than one (1) acre, if more than one (1) acre is to be uncovered. The plan shall be filed with the City, Office of the City Engineer and the Pitt County Soil and Water Conservation District at least thirty (30) days prior to the commencement of the proposed activity.

(b) Persons conducting land-disturbing activity on a tract which covers one (1) or more acres shall file three (3) copies of the erosion control plan with the Office of the City Engineer at least thirty (30) days prior to beginning such activity and shall keep another copy of the approved plan on file at the job site. After approving the plan, if the Office of the City Engineer, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Office of the City Engineer will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

(c) Erosion control plans may be disapproved unless accompanied by an authorized Statement of Financial Responsibility and Ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or noncompliance with the plan, the Act, this chapter or rules or orders adopted or issued pursuant to this chapter.

(d) The Pitt County Soil and Water Conservation District shall review the plan and submit any comments or recommendations to the Office of the City Engineer within twenty (20) days after the Soil and Water Conservation District received the erosion control plan, or within any shorter period of time as may be agreed upon by the Soil and

Water Conservation District and the Office of the City Engineer. Failure of the Soil and Water Conservation District to submit its comments and recommendations within twenty (20) days or within any agreed upon shorter period of time shall not delay final action on the plan.

(e) The Office of the City Engineer will review each complete plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. The Office of the City Engineer shall condition approval of a draft erosion control plan upon the applicant's compliance with federal and state water quality laws, regulations, and rules. Failure to approve, or disapprove, approve with performance reservations, or approve with modifications a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Disapproval of a plan or a revised erosion control plan must specifically state in writing the reasons for the disapproval. The Office of City Engineer must approve or deny a revised plan within fifteen (15) days of receipt, or it is deemed to be approved. If following commencement of a land-disturbing activity pursuant to an approved plan, the Office of City Engineer determines that the plan is inadequate to meet the requirements of this chapter, the Office of City Engineer may require any revisions as are necessary to comply with this chapter. Failure to approve, approve with modifications or disapprove a revised erosion control plan within fifteen (15) days of receipt shall be deemed approval of the plan. (Ord. No. 00-155, §§ 5-6, 12-14-00)

(f) Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The City shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 17(e) of this ordinance shall not begin until a complete environmental document is available for review.

(g) The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this chapter. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Office of the City Engineer, on request.

(h) An erosion control plan may be disapproved upon a finding that an applicant, or a parent, subsidiary or other affiliate of the applicant:

(1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;
(2) Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act by the time the payment is due;
(3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act;
(4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to the Act. For purposes of this subsection (h) an applicant's record may be considered for only the two (2) years prior to the application date; or
(5) If implementation would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters under G.S. 113A-61(b1). (Ord. No. 06-50, §§ 6-8, 6-8-06)

(i) Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Office of City Engineer, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

(j) Any person engaged in land-disturbing activity who fails to file a sedimentation and erosion control plan and obtain a land-disturbing permit in accordance with this chapter, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this chapter. (Ord. No. 99-119, § 15, 9-9-99)

(k) An approved land-disturbing permit and/or erosion control plan shall be valid for a period of two (2) years from the date of approval. (Ord. No. 99-119, § 16, 9-9-99)

(l) A copy of the erosion control plan for any land-disturbing activity that involves the utilization of ditches for the purpose of dewatering or lowering the water table must be forwarded to the Director of the Division of Water Quality. (Ord. No. 00-155, § 7, 12-14-00)

(m) No person may initiate a land-disturbing activity until notifying the Office of the City Engineer of the date that the land-disturbing activity will begin. (Ord. No. 00-155, § 7, 12-14-00)

(n) A plan issued under this article shall be prominently displayed until all construction is complete, all permanent sedimentation and erosion control measures are installed and the site has been stabilized. A copy of the approved plan should be kept on file at the job site. (Ord. No. 06-50, § 9, 6-8-06)

(o) The City Engineer shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The City Engineer shall condition approval of plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. The City Engineer may establish an expiration date, not to exceed three (3) years, for plans approved under this ordinance. (Ord. No. 06-50, § 9, 6-8-06)

**Section 9-8-18. Appeals**.

(a) The disapproval or modifications of any proposed plan by the Office of City Engineer shall entitle the person submitting the plan to a public hearing if such person submits written demand to the City Manager for a hearing within fifteen (15) days after receipt of written notice of disapproval or modification.

(b) Hearings held pursuant to this section shall be conducted by the Planning and Zoning Commission within forty-five (45) days after the date of the receipt of the written demand for a public hearing. The date of the public hearing shall be advertised once a week for two (2) successive calendar weeks in a newspaper having general circulation. The notice shall be published the first time not less than fifteen (15) days nor more than twenty-five (25) days before the date fixed for the hearing.

(c) The applicant requesting a public hearing under this section will be charged for the exact cost of the advertising charges plus five dollars ($5.00).

(d) The Planning and Zoning Commission will render its final decision on any erosion control plan upon which a hearing is requested within forty-five (45) days of conducting the hearings.

(e) If the Planning and Zoning Commission upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be entitled to appeal the local government's decision to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the General Statutes of North Carolina and Title 15A, NCAC 4B .0018(b).

(f) In the event that an erosion control plan is disapproved pursuant to Section 9-8-17(h), the City shall notify the Director of Division of Land Resources of such disapproval within ten (10) days. The City shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the City's disapproval of the plan pursuant to Section 9-8-17(h) directly to the Commission.

**Section 9-8-19. Inspections and investigations.**

(a) The City Engineer and other appropriate officials of the City will periodically inspect land-disturbing activities to ensure compliance with the Act, this chapter, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the Notification of Plan Approval.

(b) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the City, while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

(c) If it is determined that a person engaged in land-disturbing activity has failed to comply with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter; a notice of violation shall be served upon that person. The notice may be served by any means authorized under GS 1A-1 Rule 4. The notice shall specify a date by which the person must comply with this chapter, or rules or orders adopted pursuant to this chapter, and inform the person of the actions that need to be taken to comply with this chapter, or rules, or orders adopted pursuant to this chapter. However, no time period for compliance need to be given for failure to submit an erosion control plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Any person who fails to comply within the time specified is subject to the civil and criminal penalties provided in this chapter.

(d) The City shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.

(e) The City shall also have the power to require written statements or the filing of reports under oath with respect to pertinent questions relating to land-disturbing activity.

**Section 9-8-20. Penalties**.

(a) Any person who violates any of the provisions of this chapter, or rules or orders adopted or issued pursuant to this chapter, or who initiates or continues a land-disturbing activity for which a plan is required except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation, other than a stop-work order issued under G.S. 113A-65.1, is five thousand dollars ($5,000.00) per day. The maximum civil penalty for a violation of a stop-work order is five thousand dollars ($5,000.00). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation as provided in Section 9-8-19(c). A civil penalty may be assessed from the date of the violation. Refusal to accept the notice or failure to notify the City Engineer of a change of address shall not relieve the violator's obligation to comply with this chapter or to pay such penalty. Each day of continuing violation shall constitute a separate violation. A person may also be assessed a one time civil penalty of up to five thousand dollars ($5,000.00) for the day the violation is first detected. (Ord. No. 00-155, §§ 8-10, 12-14-00)

(b) The person responsible for the violation of this chapter shall be subject to a civil penalty in the amount of one hundred dollars ($100.00) to five thousand dollars ($5,000.00) per day maximum for the first offense, two hundred and fifty dollars ($250.00) to five thousand dollars ($5,000.00) per day maximum for the second offense during the life of the project, and five thousand dollars ($5,000.00) per day maximum for the third and subsequent offenses for the life of the project. The offenses shall be considered on a site-by-site basis. The penalty shall be established by the City Engineer, depending on the existence of aggravating and/or mitigating circumstances surrounding the violation. Violations of this type may include, but are not limited to, the following:

(1) Grading without a permit issued by the City of Greenville.
(2) Grading beyond the limits of an existing grading permit without approval of an amended grading permit.
(3) Failure to properly install or maintain erosion control measures in accordance with the approved plan so as to prevent off-site sedimentation.
(4) Failure to retain sediment from leaving a land-disturbing activity, in accordance with the approved plan or other terms, as required by this chapter.
(5) Failure to restore off-site areas affected by sedimentation during the time limitation established in a notice of violation.
(6) Any other violation of this chapter which resulted in off-site sedimentation and, in the discretion of the City Engineer, warrants an assessment of a civil penalty.
(7) Failure to provide an angle on graded slopes sufficient to retain vegetative cover or other adequate erosion control devices or structures or failure to plant or otherwise provide with ground cover, devices, or structures sufficient to restrain erosion within fifteen (15) working days of completion of any phase of grading on slopes left exposed.
(8) Failure to provide a ground cover sufficient to prevent erosion within thirty (30) working days or one hundred twenty (120) calendar days, following completion of construction or development, whichever period is shorter.

(9) Failure to submit to the Office of the City Engineer for approval an acceptable revised erosion and sedimentation control plan after being notified by the City Engineer of the need to do so.

(10) Failure to retain a buffer zone of sufficient width along a lake or natural water course to confine visible siltation within the twenty-five (25) percent of the buffer zone nearest the land-disturbing activity.

(11) Failure to schedule and conduct a preconstruction meeting prior to any land-disturbing activity, as required on the approved plan.

(12) Any other action that constituted a violation of this chapter.

(Ord. No. 00-155, 11, 12-14-00; Ord. No. 06-50, § 10, 6-8-06)

(c) In determining the amount of the civil penalty, the City Engineer shall consider the following factors: the degree and extent of harm caused by the violation; the risk to receiving water courses; the cost of rectifying the damage; whether the violator saved money by noncompliance; whether the violator took reasonable measures to comply with the notice of violation; whether the violation was committed willfully after being informed of the potential violation; and the prior record of the violator in complying or failing to comply with this chapter. The City Engineer is authorized to reduce the amount of the per diem penalty set out in subsection (b) to take into account any relevant mitigating factors. (Ord. No. 06-50, § 11, 6-8-06)

(d) Notwithstanding any other provision of this chapter, no required time period need be given for compliance for failure to submit an erosion control plan and land-disturbing permit for greater than one (1) acre before a land-disturbing activity occurs and the penalty for the commencement of the land-disturbing activity without submittal of such plan and permit shall be a minimum of five hundred dollars ($500.00) and a maximum of five thousand dollars ($5,000.00), if warranted, for the land-disturbing activity in question. (Ord. No. 06-50, § 12, 6-8-06)

(e) Any person who fails to protect adjacent properties from pollutants shall be subject to a civil action as provided in Section 9-8-21. Civil penalties for pollutants leaving the construction site may be assessed based on those factors listed in Section 9-8-20(c). (Ord. No. 06-50, § 13, 6-8-06)

(f) The City Engineer shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4 and shall direct the violator to either pay the assessment or contest the assessment as specified in Subsection (g). If a violator does not pay a civil penalty assessed by the City Engineer within forty-five (45) days after it is due or does not request a hearing as provided in Subsection (g), the City Engineer shall request the City Attorney to institute a civil action to recover the amount of the assessment. The civil action may be brought in Pitt County Superior Court or in the superior court for the county where the violator's residence or principal place of business is located.

(g) A violator may contest the assessment of a civil penalty by submitting a written request for a review of the assessment by the Director of Public Works to the City Engineer within fifteen (15) days after receipt of the notice of assessment. Upon receipt of the written request, the City Engineer shall confer with the Director of Public Works concerning the civil penalty; and after the conference, the Director of Public Works shall notify the violator within ten (10) days after receipt of the written request for a review whether the penalty has been upheld or modified. If the violator is not satisfied with the action of the Director of Public Works, the violator may further contest the assessment by submitting a written demand for a public hearing before the Board of Adjustment to the City Engineer and the Community Development Director within forty-five (45) days after receipt of the initial notice of assessment from the City Engineer. A hearing on a civil penalty shall be conducted by the Board of Adjustment within forty five (45) days after receipt of the written demand for the hearing. The Board of Adjustment shall make its decision to uphold or modify the civil penalty within thirty (30) days after the date of the hearing. An appeal from the decision of the Board of Adjustment shall be to the Superior Court of Pitt County.

(h) A civil action must be filed within three (3) years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(i) Civil penalties collected pursuant to this chapter shall be credited to the civil penalty and forfeiture fund. (Ord. No. 06-50, § 14, 6-8-06)

(j) Any person who knowingly or willfully violates any provisions of this chapter or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a class 2 misdemeanor and may be subject to a fine not to exceed five thousand dollars ($5,000.00).

(k) A violation of the City Soil Erosion and Sedimentation Control Ordinance that is not knowing or not willful shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes, section 14-4, but instead shall be subject to the civil penalties provided in this section. (Ord. No. 99-119, § 17, 9-9-99)

**Section 9-8-21. Injunctive relief.**

(a) Whenever the City Engineer has reasonable cause to believe that any person is violating or threatening to violate this chapter or any rule or order adopted or issued pursuant to this chapter or any term, condition or provision of an approved erosion control plan, it may, either before or after institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Pitt County.

(b) Upon determination by a court that an alleged violation is occurring or is threatened the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this chapter. (Ord. No. 99-119, §§ 19-20, 9-9-99)

**Section 9-8-22. Restoration of areas affected by failure to comply**

The City Engineer may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this chapter. (Ord. No. 99-119, §§ 21-22, 9-9-99)

**Section 9-8-23. Severability.**

If any section or sections of this chapter is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

(Ord. No. 98-7, § 1, 1-8-98)

# CHAPTER 9. STORMWATER MANAGEMENT AND CONTROL

**(Editor's Note—This chapter was rewritten by Ord. No. 04-112 dated September 9, 2004.)**

Sec. 9-9-1. Title.
Sec. 9-9-2. Purposes.
Sec. 9-9-3. Definitions.
Sec. 9-9-4. Scope; exclusions.
Sec. 9-9-5. Objectives.
Sec. 9-9-6. Protection of Riparian Areas.
Sec. 9-9-7. Calculating Nitrogen and Phosphorus Export.
Sec. 9-9-8. Best Management Practices (BMP'S) and Maintenance.
Sec. 9-9-9. Offsite Partial Offset Option.
Sec. 9-9-10. Peak Flow Requirements.
Sec. 9-9-11. Exceptions to Peak Flow Requirement.
Sec. 9-9-12. New Subdivisions.
Sec. 9-9-13. Private Property Other than New Subdivisions.
Sec. 9-9-14. Acceptance of Responsibility for Certain Structures by City.
Sec. 9-9-15. Duty of City Engineer to Make Decisions on Application of Policy.
Sec. 9-9-16. Illicit Discharges and Connections.
Sec. 9-9-17. Enforcement.
Sec. 9-9-18. Variances.

## Sec. 9-9-1. Title.

This chapter shall be known and may be cited as the City of Greenville's "Stormwater Management and Control Ordinance."

## Sec. 9-9-2. Purposes.

(a) This chapter is adopted for the purposes of:

(1) Protecting the public health, safety and welfare by controlling the discharge of pollutants into the stormwater conveyance system;

(2) Promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by regulations designed to control the rate of release of stormwater runoff of certain developments where the rate of runoff has been significantly increased;

(3) Promoting activities directed toward the maintenance and improvement of surface and ground water quality;

(4) To protect the Riparian Buffer along all intermittent and perennial streams;

(5) To limit the nitrogen and phosphorus load from new development

(6) Satisfying the requirements imposed upon the City of Greenville under the Tar-Pamlico Stormwater Rule (15A NCAC 2B .0258) and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) discharge permit issued by the State; and

(7) To establish administration and enforcement procedures through which these purposes can be fulfilled.

(b) The provisions of this chapter are supplemental to regulations administered by Federal and State governments.

## Sec. 9-9-3. Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) *Best Management Practices (BMP's)* means structural and/or non-structural controls that temporarily store or treat stormwater runoff, which act to reduce flooding, remove pollutants, and provide other amenities.

(2) *Built upon area* (BUA) means that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

(3) *City* means the City of Greenville, North Carolina.

(4) *Detention facility (Dry)* means a facility, constructed for the purpose of detaining stormwater runoff from a developed site to control the peak discharge rates that is normally maintained as a dry basin.

(5) *Detention facility (Wet)* mean a facility, constructed for the purpose of detaining stormwater runoff from a developed site to control the peak discharge rates that is normally maintained with a permanent pool of water.

(6) *Drainage easement* means the land required for the installation of stormwater drainage facilities and/or along a natural stream or water course for preserving the channel and providing access for maintenance and operation.

(7) *Drainage facilities* means all ditches, channels, conduits, retention-detention systems, tiles, swales, sewers, and other natural or artificial means of draining stormwater from land.

(8) *Drainage requirements* means (1) minimum drainage standards as established by this chapter (2) regulations promulgated by the Public Works Department of the City of Greenville, (3) obligations and requirements relating to drainage established under the Subdivision Control Ordinance of the City of Greenville, (4) requirements stated under the Zoning Ordinance of the City of Greenville, including floodway zoning requirements, and (5) conditions relating to drainage attached to a grant of variance by the Board of Adjustment of the City of Greenville.

(9) *Drainage (Subsurface)* means a system of pipes, tile, conduit, or tubing installed beneath the ground surface used to collect underground water from individual parcels, lots, building footings, or pavements.

(10) *Drainage (Surface)* means a system by which the stormwater runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways and yards so that stormwater runoff is removed without ponding and flows to a drainage swale, open ditch, or a storm sewer.

(11) *Drainage (Swale)* means a natural or constructed waterway, usually broad and shallow, covered with erosion - resistant grasses, used to conduct surface water from a field, diversion, or other site feature.

(12) *Drainage system* means any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this ordinance.

(13) *Easement* means a grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

(14) *Engineer* means the City Engineer of the City of Greenville, North Carolina.

(15) *Extraterritorial jurisdiction* means the area beyond the city limits within which the planning, zoning and building regulations of the City apply in accordance with state law. Such area is delineated on the official zoning map for the City of Greenville.

(16) *Impervious surfaces* shall mean those areas within developed land that prevent or significantly impede the infiltration of stormwater into the soil. Common impervious surfaces include, but are not limited to, roof tops, sidewalks, walkways, patio areas, roads, driveways, parking lots, storage areas, brick or concrete pavers, compacted gravel surfaces (roads, driveways, parking and storage areas), and other surfaces which prevent or significantly impede the natural infiltration of stormwater into the soil.

(17) *Illicit connection* means any unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the State in violation of this chapter.

(18) *Illicit discharge* means any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater, unless associated with permitted activity as identified in section 9-9-16 (a), into a stormwater conveyance, the waters of the State, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the State.

(19) *Land-disturbing activity* means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

(20) *Land preservation* means the permanent dedication of development rights for conservation purposes to a third party on currently undeveloped property contained wholly within one parcel as registered with Pitt County or a portion of a developed parcel that is permanently dedication to a third party for conservation purposes.

(21) *Maintenance* means cleaning, spraying, removing obstructions from and making minor repairs to a drainage facility so that it will perform the function for which it was designed and constructed.

(22) *Municipal Separate Storm Sewer System (MS4)* means a stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that:

(1) Is located within the corporate limits of Greenville, North Carolina; and

(2) Is owned or operated by the State, County, the City, or other public body; and

(3) Discharges to waters of the State, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the State.

(23) New development means the following:

(1) Any activity including grubbing, stump removal and/or grading that disturbs greater than one acre of land to establish, expand, or replace a single family or duplex residential development or recreational facility. For individual single family residential lots of record that are not part of a larger common plan of development or sale, the activity must also result in greater than ten percent built-upon area.

(2) Any activity including grubbing, stump removal and/or grading that disturbs greater than one-half an acre of land to establish, expand, or replace a multifamily residential development or a commercial, industrial or institutional facility.

(3) Projects meeting (1) or (2) above that replace or expand existing structures or improvements and that do not result in a net increase in built-upon area shall not be required to meet the basinwide average non-urban loading levels.

(4) Projects meeting (1) or (2) above that replace or expand existing structures or improvements and that result in a net increase in built-upon area shall achieve a 30 percent reduction in nitrogen loading and no increase in phosphorus loading relative to the previous development. Such projects may achieve these loads through onsite or offsite measures or some combination thereof.

(5) New development shall not include agriculture, mining, or forestry activities.

(24) *NPDES* means National Pollutant Discharge Elimination System, a Federal Environmental Protection Agency program initiated to reduce and eliminate pollutants reaching water bodies of all types.

(25) *Open channel* means a drainage channel, which may or may not have a continuous water flow. Intended to convey surface, subsurface, and stormwater runoff.

(26) *Pollution* means a man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

(27) *Qualified professional* means an individual who (1) has received a baccalaureate or postgraduate degree in the natural sciences or engineering; and (2) is trained and experienced in stormwater treatment techniques and related fields as may be demonstrated by state registration, professional certification, or completion of coursework that enable the individual to make sound, professional judgments regarding stormwater control/treatment and drainage planning.

(28) *Registered professional* means an individual who is registered in the State of North Carolina as a Professional Engineer.

(29) *Riparian Buffer* means the 50-ft wide area directly adjacent to surface waters in the Tar-Pamlico and Neuse River Basins (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. For the purpose of this definition, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

(30) *Redevelopment* means any rebuilding activity other than a rebuilding activity that

(i) results in no net increase in built-upon area, and

(ii) provides equal or greater stormwater control than the previous development.

(31) *Stormwater* means the runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

(32) *Stormwater and drainage systems* means natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff.

(33) *Stormwater management programs* means programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater.

(34) *Waters of the State* means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the State and which are not the result of impoundment of waters of the State, are not waters of the State.

**Sec. 9-9-4. Scope; exclusions.**

This chapter shall apply within the city limits of the City and within the extraterritorial jurisdiction of the City, with the following exclusions:

(1) Any area or subject matter where Federal, State, or local government, including their agencies, have jurisdiction preempting the City unless intergovernmental agreements have been established giving the City enforcement authority.

(2) All new development projects that have received approval from the City for a site-specific or phased development plan before September 10, 2004, and that have implemented the development project in accordance with the vesting provisions of the Greenville City Code shall be exempt from the requirements of the Tar-Pamlico stormwater rule. Any preliminary plats associated with such development approved before September 10, 2004, must be recorded no later than five years from the date of approval in accordance with section 9-5-43. Any building permit related to a site plan associated with such development approved before September 10, 2004, must be applied for no later than two years from the approval of the site plan in accordance with section 9-4-34. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be considered exempt if a state permit was issued prior to September 10, 2004.

**Sec. 9-9-5. Objectives.**

The objectives of this chapter are to:

(1) Regulate the discharge of substances, which may contaminate or cause pollution of stormwater, stormwater conveyances, or waters of the State;

(2) Regulate connections to the stormwater conveyance system;

(3) Provide for the proper handling of spills; and

(4) Provide for the enforcement of same.

**Sec. 9-9-6. Protection of Riparian Areas.**

(a) The Tar-Pamlico Riparian Buffer Protection Rule, 15A NCAC 2B .0259 requires that 50-foot riparian buffers be maintained on all sides of intermittent and perennial streams, ponds, lakes and estuarine waters in the basin. The buffer rule provides for certain "allowable" uses within the buffer with Division of Water Quality approval, such as road and utility crossings.

(b) The City shall disapprove any new development activity proposed within the first 50 feet adjacent to a waterbody that is shown on either the USGS 7.5 minute topographic map or the NRCS Soil Survey map unless the owner can show that the activity has been approved by Division of Water Quality. Division of Water Quality approval may consist of the following:

(1) An on-site determination that surface waters are not present.

(2) An Authorization Certificate from Division of Water Quality for an "allowable" use such as a road crossing or utility line, or for a use that is "allowable with mitigation" along with a Division-approved mitigation plan. A table delineating such uses is included in the buffer rule.

(3) An opinion from Division of Water Quality that vested rights have been established for the proposed development activity.

(4) A letter from Division of Water Quality documenting that a variance has been approved for the proposed development activity.

(c) After site development, it shall be the responsibility of the landowner or person in possession or control of the land to properly maintain all necessary permanent erosion and sediment control measures installed for the protection of the riparian buffers.

**Sec. 9-9-7. Calculating Nitrogen and Phosphorus Export.**

(a) The nitrogen and phosphorus export from each new development within the Tar-Pamlico River Basin must be calculated. The nitrogen export from each new development outside the Tar-Pamlico River Basin must be calculated. These exports will be calculated in pounds per acre per year (lbs/ac/yr). Worksheets to carry out this method are provided in the *City of Greenville's Stormwater Management Program* and shall be provided along with a description of the development. It is the responsibility of the person proposing the development to calculate and submit this information to the City.

(b) For a given project, the methodology calculates a weighted annual load export for both nitrogen and phosphorus based on event mean concentrations of runoff from different urban land covers and user-supplied acreages for those land covers. All new developments must achieve a nitrogen export of less than or equal to 4.0 lbs/ac/yr and a phosphorus export of less than or equal to 0.4 lbs/ac/yr. The applicant chooses BMPs that reduce the export to required levels.

(c) All plans shall be prepared by and sealed by a registered professional who certifies under seal that the plan, including engineering detail, conforms to the minimum requirements established by this ordinance.

(d) The review of all plans and applications submitted to the City will be overseen by the City Engineer.

**Sec. 9-9-8. Best Management Practices (BMP's) and maintenance.**

(a) Best management practices in any new development shall be the entire and sole responsibility of the landowner except those natural streams, channels, ditches, branches and drainage outfall lines for which the City has accepted the responsibility for continuous maintenance.

(b) For residential (or commercial or industrial) development:

(1) If the computed nitrogen export is greater than 6.0 (or 10.0) lbs/ac/yr, then the landowner must either use on-site BMPs or take part in an approved regional or jurisdiction-wide stormwater strategy or some combination of these to lower the nitrogen export to at least 6.0 (or 10.0) lbs/ac/yr. The owner may then use one of the following two options to reduce nitrogen from 6.0 (or 10.0) to 4.0 lbs/ac/yr.

(2) If the computed nitrogen export is greater than 4.0 lbs/ac/yr but less than 6.0 (or 10.0) lbs/ac/yr, then the owner may either:

(a) Install BMPs onsite or take part in an approved regional or jurisdiction-wide stormwater strategy or some combination of these to remove nitrogen down to 4.0 lbs/ac/yr.
(b) Provide treatment of an offsite developed area that drains to the same stream to achieve the same nitrogen mass loading reduction that would have occurred onsite.

(3) The landowner must install BMPs that also achieve a phosphorus export of less than or equal to 0.4 lbs/ac/yr, but may do so through any combination of on-site and offsite measures.

(c) Each BMP shall be constructed to meet the requirements of the City of Greenville's Stormwater Management Program and shall have a maintenance plan.

(d) Each maintenance plan shall be on file in the office of the City Engineer. Maintenance plans must be on file prior to construction and shall contain the following information:

(1) Owner's name or names

(2) Owner's mailing address

(3) Deed book, page number or other recording information for the land containing the BMP(s).

(4) Any easements for maintenance, ingress, egress, and regress to the BMP(s).

(5) A description of the BMP (s)

(6) Maintenance recommended for the BMP(s) to achieve the maximum effect.

(7) Notarized signature of the owner of the BMP(s) and statement that the owner understands the requirements of the rules and regulations for the BMP(s).

(e) Each BMP shall be maintained as required in the maintenance plan as to allow the BMP to achieve its maximum effect. Maintenance is to be performed as needed.

(f) Maintenance of the BMP includes maintaining access for the stormwater to reach and leave the BMP, maintenance of the BMP structure itself, and maintaining access to the BMP for the purpose of inspections, maintenance, and repairs.

(g) An annual maintenance and inspection report completed by a qualified professional shall be maintained by the owner for each BMP in accordance with the operation and maintenance agreement submitted in the initial plan submittal. The annual report will describe the maintenance and repair activities of the subject year, including copies of inspection and repair logs, and note any needed modifications to the repair plan for the following year. Annual reports shall be kept on record for a minimum of five years and shall be made available to the City upon request.

(h) All BMP(s) shall be inspected annually by the City. If repairs or maintenance to the BMP is required the City will notify the property owner in writing that maintenance is required. The owner will have ninety (90) days from the receipt of such written notice to bring the BMP into proper working order.

(i) If any person, having been ordered to perform such maintenance, fails, neglects, or refuses to perform such maintenance within 90 days from receipt of the order, the Public Works Director shall, at his own discretion, have employees of the City or other designated persons go upon said premises and perform the necessary maintenance.

(j) The cost of repairs and work completed by the City shall be the responsibility of the owner. The City will submit a statement of charges to be reimbursed by the owner. The owner shall have 30 days to remit payment.

**Sec. 9-9-9. Offsite Partial Offset Option**

Landowners shall have the option of partially offsetting their nitrogen and phosphorus loads by providing treatment of off-site developed areas. The off-site area must drain to the same classified surface water, as defined in the Schedule of Classifications, 15A NCAC 2B .0316, that the development site drains too most directly. The developer must provide legal assurance of the dedicated use of the off-site area for the purposes described here, including achievement of specified nutrient load reductions and provision for regular operation and maintenance activities, in perpetuity. The legal assurance shall include an instrument, such as a conservation easement, that maintains this restriction upon change of ownership or modification of the off-site property. Before using off-site treatment, the new development must attain a maximum nitrogen export of six (6) pounds/acre/year for residential development and ten (10) pounds/acre/year for commercial or industrial development.

**Sec. 9-9-10. Peak flow requirements.**

(a) At a minimum, new development and redevelopment as described in Section 9-9-3 shall not result in a net increase in peak flow leaving the site from pre-development conditions for the 1-year, 24-hour storm event.

(b) Peak flow leaving the site from pre-development conditions for the 1-year, 24-hour storm event shall be calculated and the plan shall be prepared and approved using the standards of the City Engineer, as set forth in the *City of Greenville's Manual of Standard Designs and Details* and *Stormwater Management Program.*

(c) The drainage plan as required by this section shall include but not be limited to a site plan showing existing proposed buildings, storm drainage facilities, ground cover, site construction plans with grading plan, and drainage system; drainage facility design data including area map, engineering calculations, area of impervious cover and total land area.

(d) In the event that literal interpretation of this section creates an undue hardship, the applicant may appeal to the Board of Adjustment for a variance in whole or in part from this section.

(e) No part of this section shall be applied to structures existing prior to the effective date of this section nor shall existing impervious ground cover be used in the calculation of runoff.

**Sec. 9-9-11. Exceptions to Peak Flow Requirement**

Peak flow control is not required for developments that meet one or more of the following requirements:

(a) The increase in peak flow between pre- and post-development conditions does not exceed ten percent (note that this exemption makes it easier to conduct redevelopment activities).

(b) The development occurs in a part of a drainage basin where stormwater detention can aggravate local flooding problems as determined by the City.

**Sec. 9-9-12. New subdivisions.**

Storm drainage systems in any new subdivision shall be the entire and sole responsibility of the developer except those natural streams, channels, ditches, branches and drainage outfall lines for which the City has accepted the responsibility for continuous maintenance. All new subdivisions shall have drainage systems installed by the developer in accordance with title 9, chapter 5 of this Code. Any drainage ditch in a new subdivision that will require a 48-inch diameter or smaller pipe must be piped. Larger ditches and creeks may be left open. The required pipe size shall be as determined by the engineer for the developer and approved by the City Engineering Division.

**Sec. 9-9-13. Private property other than new subdivisions.**

(a) The City will participate with property owners in the installation of storm drains crossing private property in other than new subdivisions within the City's corporate limits under the following conditions:

(1) The storm drain to be installed will carry storm drainage water discharged from an existing City or state street or streets dedicated for public street purposes, including alleys, and accepted for maintenance by the City or state.
(2) The property owners will furnish the City, without cost therefore, a duly signed good and sufficient statement of interest and a petition, conveying to the City perpetual permission to enter and cross their property as necessary for the purpose of doing any and all types of work related to correcting and maintaining the problem.
(3) The shortest distance in which the City will participate in the installation of storm drainage will be one (1) City block; any shorter distances than one (1) block must be deemed feasible by the City Engineering Division before City participation. Any application of the installation of storm drainage must be signed by 100 percent of the affected residents within the project proposed.
(4) All pipe sizes, structural accessories, discharge points and other specifications shall be as determined by the City Engineering Division.
(5) The City will furnish all labor and equipment and the adjoining property owners will pay for all materials for construction. These materials shall be as determined necessary by the City Engineering Division and shall include headwalls, manholes, catchbasins and all other structures normal to a complete storm drainage system. All monies for materials must be deposited by property owners before construction is started.
(6) Cost for each property owner shall be determined by dividing the total cost of materials by the total footage of property owners adjoining the proposed pipe locations directly and multiplying the result by the footage of each individual owner to determine his share of the cost.
(7) All storm drainage construction on private property shall be on a low priority and shall be done on a scheduled basis so as not to interfere with other City projects and then only as budgeted funds of the City are available.
(8) The City will not participate in the construction of any storm drainage systems which will require a pipe size larger than 48 inches due to the greatly increased cost of labor, equipment and engineering required due to the use of box culverts, paved channels and other types of solutions.

(b) Storm drainage crossing private property, which does not carry storm drainage from existing City or State system streets, dedicated for public street purposes and accepted for maintenance by the City or State, is the responsibility of the property owners and the City will not participate in the installation of storm drains therefore.

(c) No action or inaction of the City pursuant to the policy established by this section shall impose upon the City, its agents, officers or employees any responsibility of liability of any kind, past or future, relating to any person or property. The petitioners shall agree to covenant to and hold the City harmless from any death, personal injury or property damage resulting from the work. No such action by the City shall be considered as a taking or appropriation of any stream, drain or ditch as a part of the City's drainage system.

(d) The conditions set forth in this section shall be binding on the heirs, successors, assigns and grantees of the petitioners.

(e) Nothing herein shall be construed, interpreted or applied in a manner to mean that the City will participate in any way in the construction of any box culvert or other structure to be built or constructed in place. The applications of this resolution to the piping of streams shall be restricted in all instances to that drainage where pre-cast or preassembled pipe will be of sufficient capacity, as calculated by the City engineering department, for the piping and enclosing herein mentioned and contemplated.

(f) Nothing herein shall be construed, interpreted or applied in such manner as to aid or assist in the subdivision or development of property in the City. The policy set out herein shall be applicable only to those properties for which no new subdivision or development is anticipated as planned.

**Sec. 9-9-14. Acceptance of responsibility for certain structures by City.**

The City accepts the responsibility for the maintenance, upkeep and installation of necessary structures in the following natural streams, channels, ditches, branches and drainage outfall lines:

(1) Green Mill Run, Tar River westerly to City limits west of Memorial Drive.

(2) Fornes Run, from Green Mill Run to NC 43.

(3) Reedy Branch, from Green Mill Run to Red Banks Road.

(4) Town Branch, from Tar River southwesterly to Thirteenth Street.

(5) Drainage ditch south of Blount Fertilizer Plant, from Green Mill Run westerly to Dickinson Avenue Underpass.

(6) Lincoln Park drainage system, from Tar River through Lincoln Park to Memorial Drive.

**Sec. 9-9-15. Duty of City Engineer to make decisions on application of policy.**

All decisions concerning application of the stormwater management and control policy and any matters related to the policy shall be the responsibility of the City Engineer.

**Sec. 9-9-16. Illicit Discharges and Connections.**

(a) Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the waters of the State), any fluid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

(1) Filter backwash and draining associated with swimming pools;

(2) Filter backwash and draining associated with raw water intake screening and filtering devices;

(3) Condensate from residential or commercial air conditioning;

(4) Residential vehicle washing;

(5) Flushing and hydrostatic testing water associated with utility distribution systems;

(6) Discharges associated with emergency removal and treatment activities, for hazardous materials, authorized by the federal, State, or local government on-scene coordinator;

(7) Uncontaminated ground water (including the collection or pumping of springs, wells, or rising ground water and ground water generated by well construction or other construction activities);

(8) Collected infiltrated stormwater from foundation or footing drains;

(9) Collected ground water and infiltrated stormwater from basement or crawl space pumps;

(10) Irrigation water;

(11) Street wash water;

(12) Flows from fire fighting;

(13) Discharges from the pumping or draining of natural watercourses or waterbodies;

(14) Flushing and cleaning of stormwater conveyances with unmodified potable water;

(15) Wash water from the cleaning of the exterior of buildings, including gutters, provided that the discharge does not pose an environmental or health threat; and

(16) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by Department of Environmental Management, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(b) Illicit Connections

(1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in section (a) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

(2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one (1) year following application of this regulation; provided that, this grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

(3) Where it is determined that said connection:

1. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
2. Was made in violation of any applicable regulation or ordinance, the City Engineer or his designee shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the City shall take into consideration:
   a. The quantity and complexity of the work,
   b. The consequences of delay,
   c. The potential harm to the environment, to the public health, and to public and private property, and
   d. The cost of remedying the damage.

(c) Spills

Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to the stormwater conveyance system, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition.

Persons associated with the spill or leak shall immediately notify the City Fire Chief or his designee of all spills or leaks of polluting substances. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

(d) Nuisance

Illicit discharges and illicit connections which exist within the city limits or within one mile thereof are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in section 12-3-4.

**Sec. 9-9-17. Enforcement.**

(a) Authority to Enter

Any authorized City personnel shall be permitted to enter upon public or private property for the purposes of observation, inspection, sampling, monitoring, testing, surveying, and measuring for compliance. Should the owner or occupant of any property refuse to permit such reasonable access, the City Engineer or his designee shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

No person shall obstruct, hamper or interfere with any such representative while carrying out his official duties. For the purpose of enforcing this ordinance, the City Engineer or any employee so designated by him may at any time enter upon a property to inspect or repair any part of the stormwater system.

(b) Civil Penalties

(1) Illicit Discharges

Any designer, engineer, contractor, agent, or any other person who allows, acts in concert, participates, directs, or assists directly or indirectly in an illicit discharge in violation of this chapter shall be subject to civil penalties as follows:

a. For first time offenders, if the quantity of the discharge is equal to or less than five (5) gallons and consists of domestic or household products in quantities considered ordinary for household purposes, said person shall be assessed a civil penalty not to exceed one hundred dollars ($100.00) per violation or per day for any continuing violation, and if the quantity of the discharge is greater than five (5) gallons or contains non-domestic substances, including but not limited to process waste water, or if said person cannot provide clear and convincing evidence of the volume and nature of the substance discharged, said person shall be assessed a civil penalty not to exceed one thousand dollars ($1,000.00) per violation or per day for any continuing violation.
b. For repeat offenders, the amount of the penalty shall be double the amount assessed for the previous penalty, not to exceed ten thousand dollars ($10,000.00) per violation or per day for any continuing violation.
c. In determining the amount of the penalty, the City Engineer or his designee shall consider:
    1. The degree and extent of harm to the environment, the public health, and public and private property;
    2. The cost of remedying the damage;
    3. The duration of the violation;
    4. Whether the violation was willful;
    5. The prior record of the person responsible for the violation in complying or failing to comply with this chapter;
    6. The costs of enforcement to the public; and
    7. The amount of money saved by the violator through his, her, or its noncompliance.

(2) Illicit Connections

Any person found with an illicit connection in violation of this chapter and any designer, engineer, contractor, agent, or any other person who allows, acts in concert, participates, directs, or assists directly or indirectly in the establishment of an illicit connection in violation of this chapter, shall be subject to civil penalties as follows:

a. First time offenders shall be subject to a civil penalty not to exceed five hundred dollars ($500.00) per day of continuing violation.
b. Repeat violators shall be subject to a civil penalty not to exceed one thousand dollars ($1,000.00) per day of continuing violation.
c. In determining the amount of the penalty, the City Engineer or his designee shall consider:
    1. The degree and extent of harm to the environment, the public health, and public and private property;
    2. The cost of remedying the damage;
    3. The duration of the violation;
    4. Whether the violation was willful;
    5. The prior record of the person responsible for the violation in complying or failing to comply with this chapter;
    6. The costs of enforcement to the public; and
    7. The amount of money saved by the violator through his, her, or its noncompliance.

d. Procedures for assessing penalties pursuant to Illicit Connections.

Said penalties shall be assessed by the City Engineer or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested, or personal service. Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The notice shall describe the violation with particularity and specify the measures needed to come into compliance. The notice shall designate the time within which such measures must be completed. In setting the time limit for compliance, the City shall take into consideration:

1. The quantity and complexity of the work;
2. The consequences of delay;
3. The potential harm to the environment, the public health, and public and private property; and
4. The cost of remedying the damage.

The notice shall warn that failure to correct the violation within the specified time period will result in the assessment of a civil penalty and/or other enforcement action. If after the allotted time period has expired, and the violation has not been corrected, the penalty shall be assessed from the date of receipt of notice of violation and each day of continuing violation thereafter shall constitute a separate violation under this section.

(3) Other violations

Any person found in violation of other provisions of this chapter, not specifically enumerated elsewhere, shall be subject to a civil penalty not to exceed two hundred and fifty ($250.00) per violation or per day for any continuing violation.

(4) Payment/Collection Procedures

Penalties shall be assessed by the City Engineer or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested, or personal service. Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The City Engineer or his designee shall make written demand for payment upon the person in violation. If the payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City, in the appropriate division of the general court of justice in Pitt County for recovering the penalty.

(C) Injunctive Relief

(1) Whenever the City Engineer has a reasonable cause to believe that any person is violating or threatening to violate this chapter, rule, regulation, order duly adopted or issued pursuant to this chapter or making a connection to a stormwater conveyance or stormwater conveyance system other than in accordance with the terms, conditions, and provisions of approval, the City may, either before or after the institution of any other action or proceeding authorized by the Code, institute a civil action in the name of the City for injunctive relief to restrain and abate the violation or threatened violation.

(2) The institution of an action for injunctive relief under subsection (c) shall not relieve any party to such proceeding from any further civil or criminal penalty prescribed for violations of this Code.

(d) Criminal Penalties.

Any person who knowingly or willfully violates any provision of this chapter, rule, regulation, order duly adopted or issued pursuant to this chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment for not longer than thirty (30) days. Each violation shall be a separate offense.

**Sec. 9-9-18. Variances.**

The Board of Adjustment as established by the City shall hear and decide requests for variances from the requirements of this chapter. When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this chapter, the Board of Adjustment may vary or modify any provision of this chapter so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done.

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## CHAPTER 10. HISTORIC PRESERVATION COMMISSION*

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***Editor's note--**Section 1 of Ord. No. 1925, adopted Dec. 8, 1988, deleted former Ch. 10, "Historic properties commission," in its entirely and enacted a new Ch. 10 in lieu thereof to read as herein set out. Former Ch. 10 contained §§ 9-10-1--9-10-16 which derived from Ord. No. 1546, § 1, adopted Oct. 10, 1985.

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### Sec. 9-10-1. Establishment.

There is hereby established a historic preservation commission of Greenville which shall serve jointly as a historic district and a historic landmarks commission for the city under the authority of the North Carolina General Statutes. The preservation commission, performing the duties of both a historic districts commission and a historic landmarks commission, shall conform their actions to this chapter and the statutory directive when acting in either capacity. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 1, 5-10-90)

### Sec. 9-10.2. Definitions.

For purposes of this chapter only:

*Alteration* shall mean any change because of construction, repair, maintenance, or otherwise to a building located within a historic district or designated as a historic landmark.

*Building* shall mean any structure, place, or any other construction built for the shelter or enclosure of persons, animals, or chattels, or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls.

*Certificate of appropriateness* shall mean a document evidencing approval of the commission for work proposed in a historic district or to a historic landmark by an applicant.

*City* shall mean the City of Greenville.

*Commission* or *preservation commission* shall mean the historic preservation commission of the city.

*Commissioners* shall refer to the members of the historic preservation commission of the city.

*Construction* shall mean the erection of any on-site improvements on any parcel of ground located within a historic district or on a historic site, whether the site is presently improved, unimproved, or hereinafter becomes unimproved by "demolition," destruction of the improvements located thereon by fire, windstorm or other casualty.

*Demolition* shall mean the complete or constructive removal of a building on any site.

*Department* shall mean the North Carolina Department of Cultural Resources.

*Design guidelines* or *guidelines* shall mean criteria that is considered by the historic preservation commission when considering and deciding the appropriateness of a proposed change in a historic district or to a historic landmark.

*Designation* shall mean the creation of a historic district or a historic landmark through the passage of an ordinance by the city council.

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

*Historic district* shall mean an area containing buildings, structures or places which have a character and ambience being of special significance in terms of their history, prehistory, architecture, or cultural importance and possess integrity of design, setting, material, feeling and association; and is designated by an ordinance of the city council.

*Historic landmark* shall mean any site, landmark, structure, or artifact which is found to be of special significance in terms of its historical, prehistorical architectural, or cultural importance and possess integrity of design, setting, workmanship, material, feeling and association; and is so designated by ordinance of the city council.

*Ordinary repairs and maintenance* shall mean work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay, or damage to a building or any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

*Overlay zoning districts* shall mean a district that is imposed in addition to those of the underlying district. Developments within overlying zoning districts must conform to the requirements of both zones or the more restrictive of the two (2).

*Rules of procedures* shall mean procedures for organizing the business of the historic preservation commission, and the processing of applications for certificate of appropriateness.

*Separate use districts* shall mean a section of the city designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building development standards are prescribed. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 2, 5-10-90)

**Sec. 9-10-3. Qualifications of members; terms; appointments; general duties.**

(a) Until January 31, 1997, the commission shall consist of eleven (11) members. Thereafter the commission shall consist of ten (10) members. All members shall reside within the planning and zoning jurisdiction of the city. In addition, a majority of the members of the preservation commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.

(b) Commission members duly appointed and currently serving on the commission as of the effective date of this ordinance may continue to serve for the remainder of that member's current term, and the eligibility of any member for reappointment to a subsequent term shall not be affected. Commission members shall serve overlapping terms of three (3) years, with appointment of replacements or reappointment as provided in paragraph (c), below.

(c) The terms of office shall be configured as follows:

(1) Three (3) members shall be appointed or reappointed for three-year terms in January 1997.
(2) Three (3) members shall be appointed or reappointed for three-year terms in January 1998.
(3) Four (4) members shall be appointed or reappointed for three-year terms in January 1999.

The appointments or reappointments for expiring terms shall occur every year thereafter for the terms expiring in that year.

(d) For purposes of taking action on any matter that the commission is required by law or ordinance to act on, a quorum of the commission shall consist of five (5) members.

(e) The members of the historic preservation commission shall be appointed by and will serve at the pleasure of the city council.

(f) The historic preservation commission shall select from among its members a chairman and vice-chairman who shall be elected annually by the members.

(g) Upon its first formal meeting, and prior to performing any duties under this chapter or under the authority of the North Carolina General Statutes, the historic preservation commission shall adopt rules of procedure governing the commission's actions which are not governed by this chapter or the general statutes. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 3, 5-10-90; Ord. No. 96-107, § 1, 11-14-96)

**Sec. 9-10-4. Meetings--Attendance.**

Any member of the historic preservation commission who misses three (3) consecutive regularly scheduled meetings or fails to attend seventy-five (75) percent of the regularly schedule meetings in a calendar year shall lose his or her status as a member of the commission and shall be replaced by the city council pursuant to section 9-10-3, of this chapter. Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as excused absences, as approved by the chairman, and shall not affect the member's status on the commission. In the event of a long illness or any other such cause for prolonged absence, the member shall be replaced. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 4, 5-10-90)

**Sec. 9-10-5. Same--Time and date.**

The historic preservation commission shall establish a meeting time, and shall meet at least quarterly and more often as it shall determine and require. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-6. Same--Minutes.**

The commission shall keep permanent minutes of all its meetings, which shall be a public record. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-7. Members--Rights and privileges.**

All members of the commission shall have equal rights, privileges and duties in all matters whether they reside within the corporate limits of the city or in the extraterritorial jurisdiction of Greenville. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-8. Same--Compensation.**

All members of the commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any fund available to the commission. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-9. Rules of procedure; principles and guidelines.**

The commission shall adopt rules of procedure for the conduct of its business; and principles and guidelines for new construction, alterations, additions, moving and demolition of designated historic properties and properties in historic districts. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-10. Receipt of gifts.**

The city council shall have the right to accept gifts and donations in the name of the city for historic preservation purposes.
(Ord. No. 1925, § 1, 12-8-88)

**Secs. 9-10-11--9-10-13. Reserved.**

**Editor's note--**Section 5 of Ord. No. 2186, adopted May 10, 1990, deleted former §§ 9-10-11--9-10-13, which pertained to the certificate review committee and derived from Ord. No. 1925, § 1, adopted Dec. 8, 1988.

**Sec. 9-10-14. Role of city council.**

(a) The designation of a historic landmark or district shall be effective through an ordinance passed by the city council.

(b) Upon compliance with the North Carolina General Statutes, the city council may adopt and, from time to time, amend or repeal an ordinance designating one (1) or more properties or districts.

(c) No landmark or district shall be recommended for designation unless it is deemed to be of special significance in terms of its history, prehistory, architecture, and/or cultural importance. The landmark or district must lie within the planning and zoning jurisdiction of the city. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 6, 5-10-90)

**Sec. 9-10-15. Powers of preservation commission.**

The commission shall be authorized within the planning and zoning jurisdiction of the city to:

(1) Undertake an inventory of landmarks of historical, prehistorical, architectural, and/or cultural significance;

(2) Recommend to the city council areas to be designated by ordinance as "historic district"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "historic landmark";

(3) Recommend to the city council that the city acquire, by any lawful means, the fee or any lesser included interest, including options to purchase, of landmarks within designated districts or of any such designated landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the landmark by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the landmark.

(4) Restore, preserve and operate historic landmarks;

(5) Recommend to the city council that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a historic landmark, be revoked or removed;

(6) Conduct an educational program with respect to historic landmarks and districts within its jurisdiction;

(7) Cooperate with the federal, state, and local governments in pursuance of the purposes of historic preservation, and to offer or request assistance, guidance, or advice concerning matters under its purview or of mutual interest.

(8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands, following written notification, for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;

(9) Prepare and recommend the official adoption of a preservation element as part of the city's comprehensive plan;

(10) Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated properties;

(11) Recommend to city council the negotiations with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

(12) Propose changes to this chapter or any related ordinance and to propose new ordinances or laws relating to historic landmark districts, or to the total programs for the development of the historical resources of the city and its environs.

(13) Give advice to property owners concerning the treatment of the historical and visual characteristics of their properties such as color schemes, garden and landscape features, and minor decorative elements.

(14) Take steps, during the period of postponement of demolition or alteration of any historic landmark, to ascertain what the city council can or may do to preserve such property, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of potential acquisition by the city council when the preservation of a given historic landmark is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance.

(15) Establish guidelines under which the director of community development, or his designee, may approve minor works on behalf of the commission. No application shall be denied without first being considered by the commission.

(16) Conduct public hearings on applications for certificate of appropriateness where the commission deems that such a hearing is necessary.

(17) Assist the city staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis.

(18) Publish information about, or otherwise inform the public of any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements as its budget may allow.

(19) Report violations of this chapter, or related ordinances with respect to historic properties to the chief building inspector. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 7, 5-10-90; Ord. No. 06-75, §2, 8-10-06)

**Sec. 9-10-16. Reserved.**

**Editor's note--**Section 8 of Ord. No. 2186, adopted May 10, 1990, deleted former § 9-10-16, which pertained to the role of the preservation commission relative to historic districts and derived from Ord. No. 1925, § 1, adopted Dec. 8, 1988.

**Sec. 9-10-17. Certificate of appropriateness--Required.**

(a) *Generally.*

(1) After the designation of a historic landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such designated landmark or district until after an application for a certificate of appropriateness has been submitted to and approved by the historic preservation commission. The commission shall have no jurisdiction over the interior arrangement, except as provided in (b) below, and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features which would be incongruous with the special character of the historic landmark or historic district.
(2) The certificate of appropriateness shall be issued prior to the issuance of a building or other permit, and shall be required whether or not a building or other permit is required.
(3) The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of six (6) months shall render the certificate null and void, and application shall be made for a new certificate before work can recommence.
(4) The issuance of a certificate of appropriateness does not run with the land and cannot be conveyed in the sale of property.

(b) *Interiors.* The commission may have jurisdiction over the interior, but shall be limited to, specific interior features of architectural, artistic or historical significance in publicly owned historic landmarks, and in privately owned historic landmarks for which consent for interior review has been given by the owner. The consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds of the county and indexed according to the name of the owner of the landmark in the grantee and grantor indexes. The ordinance designating such interior shall specify the interior features to be covered and the nature of the commissions jurisdiction over the interior.

(c) *Public utilities.* The city and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating work in a historic district for any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the city or public utility companies. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 9, 5-10-90)

**Sec. 9-10-18. Same--Requirements for issuance.**

(a) *Application submitted to appropriate administrative official.* An application for a certificate of appropriateness shall be obtained from and, when completed, filed with the director of community development or designee in the community development department.

(b) *Contents of application.*

(1) The application shall, in accordance with the historic preservation commission's rules of procedure, contain data that is reasonably necessary to determine the nature of the application. An application for a certificate of appropriateness shall not be considered complete until all required data has been submitted.
(2) Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

(c) *Notification of affected property owners.* Prior to any action taken on a certificate of appropriateness, the owners of any landmark likely to be materially affected by the application, shall be notified in writing, and the applicant and such owners shall be given an opportunity to be heard.

(d) *Public hearing.* When an application is presented to the historic preservation commission a public hearing may be held when deemed necessary.

(e) *Action on an application.*

(1) The action on an application shall be approval, approval with modifications, or denial.
(2) Prior to any action on an application, the review criteria in section 9-10-19 and the commission's design guidelines shall be used to make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the designated landmark or district.
(3) All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time as defined by the rules of procedure. As part of this review procedure, the commission may view the premises and seek advice from the department of cultural resources or other such expert advice as it may Deem necessary under the circumstances.

(f) *Appeal.* An appeal may be taken to the board of adjustment from the commission's action in granting or denying any certificate, which appeal:

(1) May be taken by any aggrieved party;
(2) Shall be taken within the time prescribed by the commission's rules of procedure; and
(3) Shall be in the nature of certiorari.

Any appeal from the board of adjustment's decision in any such case shall be heard by the superior court of Pitt County as provided by applicable laws.

(g) *Submission of new application.* If a certificate of appropriateness is not issued, a new application affecting the same landmark may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 10, 5-10-90)

**Sec. 9-10-19. Same--Review criteria.**

(a) *Intent.* It is the intent of these criteria to insure, insofar as possible, that changes to a designated landmark in a historic district shall be in harmony with the reasons for designation.

When granting a certificate of appropriateness, the commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity. In a historic district it is not the intention of these guidelines to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of same or to impose architectural styles from particular historic periods. In considering new construction in a historic district the commission may encourage contemporary design which is harmonious with the character of the district.

(b) *Form and appearance.* The historic preservation commission shall adopt detailed guidelines which will take into account the historic and architectural significance and visual and historic elements for each designated historic district.

The following criteria shall be considered, when relevant along with other appropriate guidelines including "The Secretary of the Interior's Standards for Rehabilitating Historic Buildings," in reviewing applications for a certificate of appropriateness.

(1) Lot coverage, defined as the percentage of lot area covered by primary structures.
(2) Setback, defined as the distance from the lot lines to the building(s).
(3) Building height.
(4) Spacing of buildings, defined as the distance between adjacent buildings.
(5) Building materials.
(6) Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration.
(7) Surface textures.
(8) Roof shapes, forms and materials.
(9) Use of local or regional architectural traditions.
(10) General form and proportions of buildings and structures, and relationship of any additions to the main structure.

(11) Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
(12) Orientation of the building to the street.
(13) Scale, determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures.
(14) Proportion of width to height of the total building facade.
(15) Archaeological sites and resources association with standing structures.
(16) Major landscaping efforts that would impact known archaeological sites.
(17) Appurtenant fixtures and other features, such as lighting.
(18) Structural condition and soundness.
(19) Walls, physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these.
(20) Maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement.
(21) Other exterior construction, including surfaced areas and signs.

(c) *Conditions to certain approvals.* In the event that the historic preservation commission, in reviewing an owner's proposed plans, shall find that a building or structure for which a building permit is required is to be an authentic restoration or reconstruction of a building or structure which existed at the same location but does not meet zoning requirements, the building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the board of adjustment authorizes such restoration or reconstruction and no use other than that permitted in the district in which it is located is made of the property. Such conditions as may be set by the historic preservation commission and the zoning board of adjustment shall be conditions for the issuance of the building permit. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-20. Minor works; exempt.**

A certificate of appropriateness application, when determined to involve a minor work, may be reviewed and approved by an administrative official according to review criteria and guidelines. Minor works will be specified in the design guidelines. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-20.1. Demolition of buildings.**

(a) *Generally.* An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within a designated district may not be denied. However, the effective date of such certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the historic preservation commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the historic preservation commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the historic preservation commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition, or removal.

(b) *Delay of demolition of properties or properties within district in process of being designated.* If the historic preservation commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the city council, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the historic preservation commission for a period of up to one hundred eighty (180) days or until the city council takes final action on the designation, whichever occurs first.

(c) *Antidemolition by neglect ordinance.* The city council may enact an ordinance to prevent the demolition of any designated landmark or any building, structure, or site within a designated district due to neglect. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(d) *Denial of demolition of statewide significant landmarks.* An application for a certificate of appropriateness authorizing the demolition or destruction or 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. (Ord. No. 2186, § 11, 5-10-90; Ord. No. 2454, § 1, 5-14-92)

**Sec. 9-10-21. Certain changes not prohibited.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or in a historic district which does not involve a change in design, materials, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, or demolition of such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making the use of his property not prohibited by other statutes, ordinances, or regulations. Also, nothing herein shall prevent the maintenance; or, in the event of an emergency the immediate restoration of any existing above-ground utility structure without the approval of the preservation commission. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 12, 5-10-90)

**Sec. 9-10-22. Ownership of property.**

All lands, buildings, structures, sites, areas or objects shall be acquired in the name of the city unless otherwise provided by the city council. So long as owned by the city, historic landmarks may be maintained by or under the supervision and control of the city. (Ord. No. 1925, § 1, 12-8-88)

**Sec. 9-10-23. Publicly owned buildings and structures.**

All provisions of this chapter and the general statutes are hereby made applicable to the construction, use, alteration, moving and demolition by the state, its political subdivisions, agencies and instrumentalities provided that they shall not apply to the interior of buildings or structures owned by the state. The secretary of the interiors standards for rehabilitation and guidelines for rehabilitating historic buildings shall be the sole guidelines used in reviewing applications of the state for certificate of appropriateness. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 13, 5-10-90)

**Sec. 9-10-24. Public meeting and hearings.**

All meetings and hearings of the commission shall be in accordance with the rules of procedure and the North Carolina Open Meeting Law. (Ord. No. 1925, § 1, 12-8-88; Ord. No. 2186, § 14, 5-10-90)

**Sec. 9-10-25. Enforcement and appeals.**

The zoning enforcement officer shall be responsible for the enforcement of the chapter. The zoning enforcement officer may provide for the enforcement of this chapter by means of withholding permits and/or issuance of civil citation(s) in accordance with Title 9, Chapter 4, Article U, Section 9-4-356 of the City code. He may provide for enforcement by instituting injunction, mandamus or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to correct or abate such violation; or to prevent the occupancy of said building, structure or land. If a decision of the zoning enforcement officer is questioned, the aggrieved person may appeal such decision to the board of adjustment in accordance with applicable procedure and law. (Ord. No. 99-18, § 1, 2-11-99)

**Sec. 9-10-26. Penalties for violations.**

Any violation of this chapter shall be considered a violation of the zoning regulations and shall subject the offender to a civil penalty and other appropriate equitable action in accordance with Title 9, Chapter 4, Article U, Section 9-4-356 of the City Code. (Ord. No. 99-18, § 2, 2-11-99)

**Sec. 9-10-27. Extraterritorial provisions.**

The provisions of this chapter shall be applicable only within the planning and zoning jurisdiction of the city. (Ord. No. 1925, § 1, 12-8-88)

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