

The City
of

Clinton

NORTH CAROLINA

Land Development Ordinance

Adopted: May 4, 2021

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CHAPTER 1: PURPOSE AND APPLICABILITY

Section 1.1 Title

This Ordinance shall be known and may be cited as the *City of Clinton Land Development Ordinance (LDO)*. The official map designating the various zoning districts shall be titled, *City of Clinton Zoning Map*, and shall be known as the *Zoning Map*.

Section 1.2 Purpose

The purpose of the Land Development Ordinance is:

- A. To promote the public health, safety, and general welfare;
- B. To secure safety from fire, panic, and other danger;
- C. To facilitate the adequate provisions of transportation, water supply, sewerage, schools, parks, and other public requirements;
- D. To conserve the value of land and buildings;
- E. To establish procedures and standards for the orderly growth and development of the City;

Section 1.3 Authority

This Ordinance is adopted pursuant to the authority contained in Article 19, Chapter 160A; Article 4, Chapter 113A; Article 21, Chapter 143, and Article 4, Chapter 63 of the North Carolina General Statutes.

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes, Court Ruling, State or Federal Departmental Rule or Regulation and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1.4 Applicability

1.4.1 Jurisdiction

- A. This Ordinance shall be effective throughout the City's planning jurisdiction. The City's planning jurisdiction comprises the area within the corporate boundaries of the City as well as the city's extraterritorial jurisdiction (ETJ). Such planning jurisdiction may be modified from time to time in accordance with Section 160D-202 of the North Carolina General Statutes.
- B. In addition to other locations required by law, a copy of a map showing the boundaries of the City's planning jurisdiction shall be available for public inspection in the Planning Department.

1.4.2 Exemptions

Pursuant to NCGS 160A-458.5, forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General

CHAPTER 1: PURPOSE AND APPLICABILITY

Statutes, or forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes, shall not be subject to the regulations of this Ordinance.

Section 1.5 Relationship to Other Ordinances

When the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace in the City's Zoning, Subdivision, or Flood Damage Prevention Ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this Ordinance merely by the repeal of the zoning ordinance.

Section 1.6 Conformance with Adopted Plans

In accordance with the requirement of NCGS 160A-383, it is the intention of the City Council that this Ordinance implement the planning policies adopted by the Council for the City and its extraterritorial planning area, as reflected in the Land Development Plan and other planning documents. While the Council reaffirms its commitment that this Ordinance and any amendment to it shall be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Ordinance nor any amendments to it may be challenged on the basis of any alleged nonconformity with any planning document.

Section 1.7 Severability

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

Section 1.8 Effective Date

The provisions in this Ordinance were originally adopted and became effective on _____, 20____.

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CHAPTER 2: GENERAL PROVISIONS

Section 2.1 Applicability of General Provisions

- A. The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.
- B. Subject to Chapter 13 Nonconformities, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this Ordinance. For purposes of this Section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 2.2 Uses Not Expressly Permitted by Right or Conditionally

- A. Uses designated as "permitted uses" and "uses permitted with special requirements" are allowed in a district as a matter of right if other applicable regulations of this Ordinance are met.
- B. Uses classified as "special uses" are permitted upon approval of a Special Use Permit and development plan by the City Council.
- C. The Board of Adjustment may after having held a public hearing determine if a use is permitted within a zoning district based on its interpretation of this Ordinance if the Zoning Administrator determines that the use's permissibility within a zoning district is unclear in the Ordinance.
- D. Unless a use is allowed as a "permitted", "use permitted with special requirements", "special use", "nonconforming use", or "temporary use", then such use is prohibited.

Section 2.3 Lot Access

No building shall be erected on any lot, which does not abut at least 25 feet along a street or road. Such a street or road shall meet one of the following criteria:

- A. It shall have been accepted by the City of Clinton as a local public street and be identified by a specified name.
- B. It shall have been accepted by the North Carolina Department of Transportation as a primary or secondary road, with corresponding primary or secondary road number and/or state-identified name.
- C. All new lots shall front upon a street built in accordance with this Ordinance.
- D. Generally, all buildings shall front directly upon a street and shall be of sufficient design to allow for the provision of emergency services.

Section 2.3 Maintenance of Common Areas, Improvements, and Facilities

The recipient of any Zoning, Sign, or Special Use Permit, or his/her successor, shall be responsible for maintaining all common areas, improvements or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

CHAPTER 3: ZONING DISTRICTS

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Section 3.1 Interpretation

3.1.1 District Interpretation

Each zoning district has uses permitted by right, uses permitted with special requirements, and special uses. A detailed permitted uses table showing the uses allowed in each district. The following describes the processes of each of the three categories that the uses are subject to:

- A. **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- B. **Permitted with Special Requirements:** Administrative review and approval subject to district provisions, other applicable requirements, and special requirements outlined in Chapter 4.
- C. **Special Uses:** City Council approval of Special Use Permit subject to district provisions, other applicable requirements, and conditions of approval. Some Special Uses may also be subject to special requirements outlined in Chapter 4.

3.1.2 Zoning Map Interpretation

The map entitled *City of Clinton Zoning Map*, as adopted by the Clinton City Council establishes the official zoning districts and overlay districts. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Administrator shall employ the following rules of interpretation.

- A. **Centerline:** Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- B. **Edge Line:** Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- C. **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- D. **City Limits:** Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.

- E. **Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. **Extensions:** Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- G. **Scaling:** In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- H. Where the Administrator determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret zoning district boundaries.

Section 3.2 Zoning Districts

Zoning districts are created to provide comprehensive land use regulations throughout the City of Clinton. There are 13 zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this Ordinance, the City of Clinton is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this Ordinance. The uses permitted in each of these districts are listed in Section 3.3. The dimensional requirements for each of these districts are listed in Section 3.4. *(TA-7-16-1)*

- PC Public Conservation District
- RA-20 Residential/Agricultural District
- R-20 Very Low Density Residential District
- R-15 Low Density Residential District
- R-8 Medium Density Residential District
- R-6 High Density Residential District
- NS Neighborhood Shopping District
- OI Office & Institutional District
- CB Central Business District
- HC Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PI Planned Industrial District
- PRD Planned Residential District (Conditional Zoning District only)
- MU Mixed Use District (Conditional Zoning District only)

3.2.1 Public Conservation (PC) District

The PC district is created to encourage the protection and preservation of environmentally sensitive areas including swamps or wetlands, areas subject to occasional flooding, and/or unique or unspoiled vegetation and/or animal habitats from incompatible forms of development.

3.2.2 Residential/Agricultural (RA-20) District

The RA-20 district is established for very low-density residential uses, as well as agricultural and horticultural uses. The regulations of the district are designed for use in areas with a minimum of public services.

3.2.3 Very Low Density Residential (R-20) District

The R-20 district is established for low-density residential uses. The regulations of the district are designed for use in areas with a minimum of public services.

3.2.4 Low Density Residential (R-15) District

The R-15 district is established for low density residential uses. The regulations for this district are designed to stabilize and encourage a suitable environment for family life.

3.2.5 Medium Density Residential (R-8) District

The R-8 District is established for medium density residential uses consisting of single-family, two-family, and multi-family dwellings, and public, community uses. The district shall be applied in areas currently or proposed to be served by public water and sewer facilities.

3.2.6 High Density Residential (R-6) District

The R-6 District is established for high density residential uses consisting of single-family, two-family, and multi-family dwellings. The district shall be applied in areas currently or proposed to be served by public water and sewer facilities.

3.2.7 Neighborhood Service (NS) District

The NS district is established for those areas of the community where the principal use of land is to provide for the retailing of goods and services to surrounding residential neighborhoods. The regulations of the district are designed to reduce traffic and parking congestion to a minimum in order to protect the surrounding residential area. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable in the CB zoning district. The types of uses permissible in this zone are generally similar to the types permissible in the CB zoning district, except that additional automobile-oriented businesses (e.g., drive-in banks and restaurants) not allowed in the CB district are permissible in this zoning district. The NS district may provide a transition in some areas between a CB district and a residential zoning district, or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the City (as opposed to a regional shopping center). The dimensional restrictions in the zoning district are also designed in appropriate areas to encourage the renovation for commercial purposes of buildings that formerly were single-family residences.

3.2.8 Office & Institutional (OI) District

The OI District is established to provide an area in which the principal uses are office and institutions. It is intended that this zoning classification be applied primarily in areas that are no longer viable as single-family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as location for single-, two-, and multi-family residential developments or offices. Such areas will also be generally constitute

transition or buffer zones between major arterials or more intensely developed commercial areas and residential districts.

3.2.9 Central Business (CB) District

The CB District is established to provide retailing, personal services, and office space for local and regional commercial activities (particularly those that are pedestrian-oriented) that will result in the most intensive and attractive use of the City’s Central Business district. The regulations are designed to permit a concentrated development of permitted facilities and to protect the district itself from over intensive development and congestion.

3.2.10 Highway Commercial (HC) District

The HC district is designed to accommodate the widest range of commercial activities, and is established to accommodate commercial activities that draw business primarily from, and provide services to, major thoroughfares within the City’s planning jurisdiction, as well as industrial areas.

3.2.11 Light Industrial (I-1) District

The I-1 District is designed as an area primarily for industrial assembly, fabrication, and storage located on planned sites with access to major highways and with adequate utility facilities. Specific performance standards place limitations on the characteristics of uses located in this district.

3.2.12 Heavy Industrial (I-2) District

The I-2 district is designed to promote and protect existing industrial activities and potential sites that are considered suitable for future industrial use; to prohibit uses that would substantially interfere with the continuation of uses permitted in the district; and to promote the operation of well-planned and maintained industrial facilities. Specific performance standards place limitations on the characteristics of uses located in this district.

3.2.13 Planned Industrial (PI) District

The PI district is designed to provide for low-intensity industrial sites that prevent congestion and create an aesthetically pleasing area for industrial development while planning for further growth of the area. Specific performance standards place limitations on the characteristics of uses located in this district.

3.2.14 Planned Residential (PRD) District (Conditional District only – See Section 3.6)

The PR district is established to allow for design flexibility of development and is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as support services and open space for the residents of the development. These regulations are intended to permit integration with adjacent non-residential uses and to promote compatibility with existing and emerging patterns of development.

3.2.15 Mixed Use (MU) District (Conditional District only – See Section 3.6)

The MU district is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions. They are intended to encourage

design and emphasizes livable, people-oriented environments within compatible and visually appealing developments. Mixed use districts are intended to provide areas where moderate scale missed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses, and public spaces. It is further intended that mixed use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian circulation systems and mass transit to further reduce the need for automobile usage. Mixed use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space and vehicular or pedestrian access shall be such as to provide appropriate transition and reduce potentially adverse effects.

Section 3.3 Permitted Uses Table

3.3.1 Permitted Uses and Specific Exclusions

- A. If a use is not listed in the Permitted Uses Table, the Administrator shall make the determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described, using the North American Industry Classification (NAICS) Manual. Uses not listed as permitted or conditional shall be presumed to be prohibited from the applicable zoning district.

- B. Without limiting the generality of the foregoing provision, the following uses are specifically prohibited in all districts:
 - 1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City’s fire prevention code;
 - 2. Stockyards;
 - 3. Use of a travel trailer as a permanent residence. Situations that do not comply with this Section on the effective date of this Ordinance are required to conform within one year;
 - 4. Use of a motor vehicle, trailer, recreational vehicle, cargo container, or manufactured home parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. Situations that do not comply with this Section on the effective date of this Ordinance are required to conform within 30 days.

3.3.2 Accessory Uses

- A. The Permitted Uses Table classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in the Permitted Uses Table) is conducted in conjunction with another principal use and the former use:
 - 1. constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or
 - 2. is commonly associated with the principal use and integrally related to it,

then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming

pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a **Special Use Permit**.

- B. For purposes of interpreting Subsection (A):
1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,
 2. To be “commonly associated” with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
- C. Without limiting the generality of Subsections (A) and (B), the following activities are specifically regarded as accessory uses to residential principal uses as long as they satisfy the general criteria set forth above:
1. Yard sales or garage sales of personal property on the residential premises owned or rented for residential purpose by the seller, so long as such sales are not conducted on the same lot for more than four (4) days (consecutive or not) during any one (1) year period.
 2. Towers and antennas, as long as:
 - a. Such towers, 50 feet tall or less, intended for the personal and noncommercial use of the residents of the property where located; and
 - b. Such towers and antennas comply with the district setback requirements and are installed only in rear or side yards; and
 - c. No more than one (1) such tower or antenna may be regarded as an accessory use on a single lot; and
 - d. The owner must be able to demonstrate compliance with Federal Communications Commission (FCC) regulations, 47 CFR Part 97, Subpart 97.15, Sections (a) through (e), inclusive.
 3. Child day care arrangements for one (1) or two (2) children, as well as other child day care arrangements, such as arrangements operated in the home of any child receiving care if all the children in care are related to each other, or no more than two (2) additional children are in care, and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.
- D. Without limiting the generality of Subsections (A) and (B), the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:
1. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
 2. Parking outside a substantially enclosed structure of more than 4 motor vehicles between the front building line of the principal building and the street on any lot used for purposes of single-family and two-family use, or homes emphasizing special services, treatment, or supervision.

- E. Without limiting the generality of Subsections (A) and (B), the use of a manufactured home as a storage building shall not be regarded as accessory to a principal use and are prohibited in all districts.
- F. No accessory use shall be established on any lot prior to the time of construction or establishment of the principal structure or use to which it is accessory.

3.3.3 Permitted Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, no Zoning or **Special Use Permit** is necessary for the following uses:

- A. Streets;
- B. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
- C. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (State or City) of the right-of-way;

3.3.4 Change in Use

- A. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - 1. The change involves a change from one principal use category to another;
 - 2. If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered;
 - 3. If the original use is a combination use, the mixture of the types of individual principal uses that comprise the combination use changes;
 - 4. If there is only one business or enterprise conducted on the lot (regardless of whether the business or enterprise consists of one individual principal use or combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within the same principal use classification. However, if the florist shop were replaced with another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.
- B. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two (2) active uses of the property without regard to any intervening time

period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 days or has been abandoned.

- C. A mere change in ownership of a business or enterprise or a change in name shall not be regarded as a change in use.

3.3.5 Combination Uses

When a combination use comprises two (2) or more principal uses that require different types of permits (Zoning or **Special Use**), then the permit authorizing the combination use shall be:

- A. A **Special Use Permit** if any of the principal uses combined requires a **Special Use Permit**;
- B. A Zoning Permit in all other cases.

3.3.6 More Specific Controls

Whenever a development could fall within more than one use classification in the Permitted Uses Table, the classification that most closely and most specifically describes the development controls.

3.3.7 Table Key

- A. The Permitted Uses Table contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows:
 - 1. Residential
 - 2. Civic , Government, & Institutional
 - 3. Office & Service
 - 4. Retail & Wholesale
 - 5. Recreation & Entertainment
 - 6. Industrial, Warehousing, & Transportation
 - 7. Other
- B. The following is a list of the meanings of table entries:
 - 1. “P” indicates that the use is permitted by right in the zoning district with a Zoning Permit issued by Administrator
 - 2. “CS” indicates that the use is permitted with a **Special Use Permit** in the zoning district
 - 3. A section number listed in the “SR” column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the regulations in Chapter 4.

SECTION 3.3 PERMITTED USES TABLE

<i>Residential Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Accessory apartments		S	S	S	S	S	P	P	P							4.2.1
Accessory structures (residential)		P	P	P	P	P	P	P	P							4.2.2
Boarding or rooming houses					S	S	S	S	S							4.2.3
Conservation development		S	S	S	S	S										4.2.4
Family care homes for the handicapped		P	P	P	P	P	P	P	P					P	P	4.2.5
Home occupations		P	P	P	P	P	P	P	P							4.2.6
Manufactured home (Class A) on individual lot		MHA-O only										3.5.1				
Manufactured home (Class B) on individual lot		MHB-O only				MHB-O only										3.5.1
Manufactured home (Class C)	Not Permitted															
Manufactured home park	Not Permitted															
Multi-family dwellings					S	S										4.2.7
Single-family dwellings, detached (1 dwelling per lot)		P	P	P	P	P	P	P	P					P	P	
Temporary emergency, construction or repair residences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.2.8
Two-family dwellings (duplexes)		S	S	S	S	S								P	P	4.2.9
Upper Floor residential dwelling unit								P	P						P	
<i>Civic, Government, & Institutional Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Cemeteries	S									S	S	S				4.3.1
Civil defense operation							S	S	S	S	S	S				
Colleges, Universities, & associated facilities		S	S	S	S	S		P			S	S				4.3.2
Correctional facility											S	S				4.3.3
Child Care Center		S	S	S	S	S	P	P		P					P	4.3.4
Emergency Services (fire, police, rescue squad, ambulance, EMT, & similar uses)		S	S	S	S	S	S	S	S	P	P	P	S			
Government office buildings							P	P	P	P	P	P				
Hospitals & medical treatment facilities (greater than 10,000 sq. ft.)								S		P						
Instructional Schools (karate, dance gymnastics, music, art, & similar instruction)		S						S	P	P	P				P	
Libraries, museums, art galleries, art		S	S	S	S	S	P	P	P	P					P	

SECTION 3.3 PERMITTED USES TABLE

centers, & similar uses																
Military reserve & national guard											C	C				
<i>Civic, Government, & Institutional Uses (cont.)</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI			SR
Post Office							S	S	S	S						
Religious institutions & related uses (excluding elementary or secondary schools)		P	P	P	P	P	P	P		P						
Research Facilities											P	P	P			
Residential care institutions (including halfway houses)								S	S	S						4.3.5
Residential care homes (excluding halfway houses)				S	S	S	S	S								4.3.5
Schools & associated facilities (public & private elementary & secondary)			S	S	S	S	S	S							P	4.3.6
Schools (trade & vocational)							S	S	S	S	S	S	S			4.3.7
Social, fraternal clubs & lodges, union halls, & similar uses operated on a non-profit basis							P	P		P						
<i>Office & Service Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Animal services (no outdoor kennels)							S	S	S	P						4.4.1
Animal services (with outdoor kennels)										S						4.4.2
Bed and breakfast inns				S	S	S	S	S	S							4.4.3
Crematoriums											S	S				
Dry cleaning and laundry establishments							S	P		P						
Funeral homes and mortuaries							P		P	P						
Hotels, motels, & inns							S	S	S	S						4.4.4
Motor vehicle or boat services (no vehicle storage)							S			P	P	P				4.4.5
Motor vehicle boat services (with vehicle storage)											P	P				4.4.5
Medical, dental, & optical clinics (less than 10,000 square feet)							P	P	P	P					P	
Professional Offices							P	P	P	P	P	P	P		P	
Services, other (inside fully enclosed building)							P	P	P	P	P	P	P		P	

SECTION 3.3 PERMITTED USES TABLE

<i>Retail & Wholesale Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Convenience stores (no automotive services)							S		P	P					P	4.5.1
Microbrewery/Microdistillery/ Microwinery							S	S	S	S	S				P	4.5.2
Motor vehicle or boat sales or rental							S			P						4.5.3
Open air markets (including farmers markets)										S					P	4.5.4
Restaurants (no drive-through)							S		P	P					P	
Restaurants (with drive-through)							S			P						4.9.1
Retail uses, high volume traffic (inside fully enclosed building)							S		P	S					P	
Retail uses, high volume traffic (outside fully enclosed building)										P						
Retail uses, low volume traffic (inside fully enclosed building)							P		P	P					P	
Retail uses, low volume traffic (outside fully enclosed building)									S	P					P	
Retail sales, miscellaneous (inside fully enclosed building)							P		P	P					P	
Tattoo Studios										S						
Wholesale										P						
Winery			S								P					
<i>Recreation & Entertainment Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Bars and Nightclubs									S	S					S	4.6.1
Family Campgrounds	S	S														
Golf, tennis, swimming clubs & related uses (private, separate from residential development)			S	S	S	S										4.6.2
3Golf, tennis, swimming facilities, athletic fields & related uses (public, separate from schools)			S	S	S	S		S		S	S	S				4.6.2
Parks (public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Motor vehicle racing tracks											S	S				4.6.3
Recreation facility (indoor, designed to accommodate less than 1,000 people)							S		S	S					S	

SECTION 3.3 PERMITTED USES TABLE

Recreation facility (indoor, designed to accommodate 1,000 or more people)										S	S	S			S	4.6.4
<i>Recreation & Entertainment Uses (cont.)</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Recreation facility (outdoor, including golf driving ranges, miniature golf, skateboard parks, water slides, batting cages & similar uses)										S						
Sexually Oriented Businesses										S						4.6.5
Theater (indoor)									P	P						
Theater (outdoor)										S	S	S				4.6.6
<i>Industrial, Warehousing, & Transportation Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Airports & heliports											S	S				4.7.1
Automobile parking lots or garages (principal use)							P	P	P	P					S	
Bus & train stations							S		S	S						
Distribution centers											P	P	P			
Hazardous material storage												S				
Indoor Recycling Operations with no outdoor storage											P	P	S			
Junk yards, salvage yards, recycling operations, and similar uses											S	S				4.7.2.1
Landfill (construction, demolition, land clearing & inert debris)											S	S				4.7.3.2
Landfill, sanitary												S				4.7.3.3
Manufacturing, processing, & assembly (inside fully enclosed building)							S	S	S	P	P	P	P			4.7.4
Manufacturing, processing, & assembly (outside fully enclosed building)											S	P	S			4.7.4
Mining & quarrying operations											S	S				4.7.5
Taxicab stand or office							S			P						4.7.6
Trucking terminals											P	P				
Warehouse uses										P	P	P				
Warehouse, mini										S	P	P				

SECTION 3.3 PERMITTED USES TABLE

<i>Agricultural Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI	PRD	MU	SR
Agricultural operations, farming (excluding equestrian uses & swine production)	P	P	S	S	S	S				P	P	P				4.8.1
Equestrian uses (horseback riding, stables)		S														4.8.2
Greenhouse or horticultural nursery (no on-premises sales)		S	S	S			P			P	P	P				
Greenhouse or horticultural nursery (with on-premises sales)							P			P	P	P				4.8.3
Silvicultural operations	P	P	P	P			P			P	P	P	P			
<i>Other Uses</i>	PC	RA-20	R-20	R-15	R-8	R-6	NS	OI	CB	HC	I-1	I-2	PI			SR
Bulk Fuel Storage										S	P	P				
Drive-through/Drive-in uses (associated with permitted use)							S	S		S						4.9.1
Dry Cleaning and Laundry Establishments										P						
Elevated water tank		S	S	S	S	S	S	S		P	P	P	P			4.9.2
Billboards											S	S				4.9.3
Outdoor Storage (excluding outdoor sales display)									S	P	P	P	S			4.9.4
Soup Kitchens								S		S						
Special Events	S	S	S	S	S	S	S	S	S	S	S	S	S			4.9.5
Tower & antennas (more than 50 feet tall)		S								S	S	S				4.9.6
Private Monopole Communication Tower (Not Exceeding 150 Feet Tall)										S	S	S	S			4.9.6.1
Temporary Uses																4.9.7
Utility facilities (community or regional)											S	S	S			
Utility facilities (neighborhood)	S	S	S	S	S	S	S	S	S	S	S	S	S			4.9.8

Section 3.4 Dimensional Requirements

3.4.1 General Provisions (TA-4-14-1)

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - 1. Could be used for purposes that are permissible in that zoning district, and
 - 2. Could satisfy any applicable setback requirements for that district.

- B. Without limiting the generality of the foregoing standard, the Dimensional Table indicates minimum lot widths that are required and that are deemed presumptively to satisfy the standard set forth in Subsection (A) above. The lot width shall be measured at the horizontal distance between the side lot lines measured at the front setback line.

- C. The creation of flag lots is prohibited, unless a variance is granted by the Board of Adjustment.

- D. In all residential districts, the front and/or widest portion of the principal building shall extend parallel to the street on which it fronts. In cases where the lot does not front on a street, the building shall face parallel to the property line that is parallel to the closest street. The requirements of this Section shall not be effective on corner lots.

- E. No portion of any building may be located on any lot closer to any lot line or to the street right-of-way line, than is authorized in the Dimensional Table unless a Variance has been granted by the Board of Adjustment in accordance with Section 15.7 of this Ordinance.

- F. If the street right-of-way line is readily determinable (by reference to a recorded plat, set irons, or other means), the setback shall be measured from such right-of-way line.

- G. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

- H. As used in this Section, the term “lot boundary line” refers to lot boundaries other than those that abut streets.

- I. As used in this Section, the term “building” includes any structure that by the nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
 - 1. Gas pumps and overhead canopies or roofs;
 - 2. Fences, running along lot boundaries adjacent to public street rights-of-way, if such fence exceeds 6 feet in height and is opaque.

3.4.2 Dimensional Table

District	Utilities	Lot size & Density			Minimum setback requirements			Max. height (feet) ⁵
		Max. Dwelling Units Per Acre (DUA)	Min. Lot Area (sq. ft.)	Min. Lot width (feet)	Min. Front from Existing or Proposed R-O-W (feet)	Min. Side (feet)	Min. Rear (feet)	
PC		NA	NA	NA	NA	NA	NA	40
RA-20	Without water &/or sewer	2 DUA	20,000	100	40	20	25	40
	With water & sewer	3 DUA	15,000	100	40	20	25	40
R-20	Without water &/or sewer	2 DUA	20,000	100	40	20	25	40
	With water & sewer	3 DUA	15,000	100	40	20	25	40
R-15	With water &/or sewer	3 DUA	15,000	80 ¹²	35 ¹³	10	25	40
R-8	With water & sewer	5 DUA	8,000	75	30	10	25	40
R-6	With water & sewer	7 DUA	6,000	60	25	10	25	40
NS	With water & sewer	4 DUA	10,000	75	15	15	15	40
OI	With water & sewer	5 DUA	8,000	75	15	15	15	40
CB	With water & sewer	20 DUA	NA	25	0	0 ¹	10 ²	50
HC	With water & sewer	NA	10,000	75	15	15	15	40
I-1	With water & sewer	NA	15,000	100	20	15 ³	15 ³	50
I-2	With water & sewer	NA	15,000	150	35	15 ³	15 ³	50
PI	With water & sewer	NA	217,800 (5 acres)	350	50	30 ⁴	30 ⁴	50
PRD¹¹	With water & sewer	15 DUA	NA	50 ¹⁰	15 ⁷	0 ⁸	10	50
MU	With water & sewer	15 DUA	NA	50 ¹⁰	15 ⁷	0 ⁸	0 ⁸	36 ⁹

- 1 15 feet when abutting a residentially zoned or used property
- 2 Five (5) feet if lot adjoins rear alley
- 3 50 feet when abutting a residentially zoned or used property
- 4 10-foot parking area setback
- 5 Any structure, building, tree, or use to be constructed or erected to a height of 50 feet or greater shall require initial clearance through the Federal Aviation Administration (FAA) prior to any City permit issuance or approval.
- 6 Any structure, building, tree or use to be constructed or erected to a height of greater than 50 feet shall require an additional one foot of front, side and rear setback for every foot in height above 50 feet. *(TA-1-13-2)*
- 7 Measured from the back of the curb of any street.
- 8 Rear and side yards are not required if yards do not border a street. However, if yards are provided, they must be a minimum of five feet measured from the property line.
- 9 Provided, however, structures containing at least three floors limited to residential uses may be constructed to a height of greater than 36 feet shall require an additional one foot of front, side and rear setback for every foot in height above 36 feet up to a maximum of 50 feet.
- 10 Minimum lot widths may be reduced to 25 feet for lots that do not have driveway access on the fronting street.
- 11 See Section 3.6.3 for additional PRD dimensional standards
- 12 Minimum lot widths may be reduced to 60 feet for lots utilizing an off-site septic area of 6,000 square feet. Each individual off-site septic area must be platted with the individual lot it services.

- 13 Minimum front setbacks may be reduced to 25 feet for lots utilizing an off-site septic area of 6,000 square feet. Each individual off-site septic area must be platted with the individual lot it services.

3.4.3 Exceptions

- A. Minimum lot size may be reduced for Conservation Developments in accordance with Section 4.2.4.
- B. Balconies, open porches, overhangs, cantilevers, canopies, awnings, open stairways, bay windows, chimneys, and heating units may encroach into the setback up to three (3) feet.
- C. Except as specifically noted in the Dimensional Table, whenever a lot in a non-residential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the non-residential lot, then the lot in the non-residential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
- D. The following features are exempt from the district height limitations set forth in the Dimensional Table, so long as such features do not make up more than 1/3rd of the total roof area:
1. Chimneys, church spires, elevator shafts, tanks and similar structural appendages required to be placed above the roof level not intended as places of occupancy; *(TA-1-13-1)*
 2. Flagpoles and similar devices;
 3. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices. This equipment must be set back from the edge of the roof a minimum distance of one (1) foot for every foot by which such features extend above the roof surface of the principal building to which they are attached. The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield these features.
- E. The vertical distance from the ground to a point of access to a roof surface of any non-residential building or any multi-family residential building containing 4 or more dwelling units may not exceed 40 feet unless the Fire Chief certifies to the permit issuing authority that such building is designed to provide adequate access for fire-fighting personnel, or the Building Inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.
- F. Towers and antennas are allowed in all zoning districts to the extent authorized in the Permitted Uses Table.
- G. Within the Airport Height Overlay (AH-O) District, no structure or use shall be erected, constructed, established or maintained at a height of 50 feet or greater, without initial review and approval of the Federal Aviation Association (FAA).

3.4.4 Density on Lots Where Portion Dedicated to City

- A. Subject to the other provisions of this Section, if (i) any portion of a tract lies within an area designated on any officially adopted City plan as part of a proposed public park, gateway,

or bikeway, and (ii) before the tract is developed, the owner of the tract, with concurrence of the City, dedicates to the City that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this Section.

- B. If the proposed use of the remainder is a single-family detached residential subdivision, then the lots in such subdivision may be reduced in accordance with the provisions of Section 3.4.4 above except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the City in accordance with Subsection (A).
- C. If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
- D. If the portion of the tract that remains after dedication as provided in Subsection (A) is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the “density bonus” provided for in Subsections (B) and (C).

Section 3.5 Overlay Districts

The following overlay zoning districts are hereby established: MHA-O, MHB-O AH-O, and HP-O. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section.

3.5.1 Manufactured Home Overlays

3.5.1.1 Class A Manufactured Home Overlay (MHA-O)

The MHA-O District is established to allow the placement of Class A manufactured homes in specifically designated overlay districts, provided the home meets appearance and dimensional criteria that will protect the character and property values of those single-family residential areas. The overlay shall only be applied in the RA-20, R-20, R-15, R-8, and R-6 districts. The following appearance and dimensional criteria shall apply:

- A. All Class A manufactured homes shall meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. *(TA-2-13-1)*
- B. The manufactured home shall contain at least 1,000 square feet of habitable floor space after installation or completion, have a minimum width of 24 feet, with each half of any double-wide unit being not less than 12 feet wide.

- C. The manufactured home shall be situated so that the long side of the home faces the street;
- D. The pitch of the roof shall have a minimum vertical rise of 3½ feet for each 12 feet of horizontal run (3½' x 12'), and the roof shall be finished with a type of shingle that is commonly used in standard residential construction, except that corrugated aluminum, corrugated fiberglass, or metal roofs shall not be permitted;
- E. Permanent masonry, concrete steps, or treated wood steps shall be provided at the entrance;
- F. The exterior siding shall consist predominantly of vinyl or wood horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- G. The home shall be set up in accordance with the standards set by the NC Department of Insurance and a continuous, permanent masonry foundation on a concrete footing, un-pierced except for required ventilation and access, shall be installed under the manufactured home;
- H. The moving hitch, wheels and axles, transporting lights shall be removed;
- I. The manufactured home shall be permanently connected to local utilities; and

3.5.1.2 Class B Manufactured Home Overlay (MHB-O)

The MHB-O District is established to allow the placement of Class A and Class B manufactured homes in specifically designated overlay districts, provided the home meets appearance and dimensional criteria. The overlay shall only be applied in the RA-20 and R-6 districts. The following appearance and dimensional criteria shall apply:

- A. All Class B manufactured homes shall meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. *(TA-2-13-2)*
- B. The home shall be set up in accordance with the standards set by the NC Department of Insurance and a continuous, permanent masonry foundation on a concrete footing, or vinyl skirting approved for use for manufactured homes, un-pierced except for required ventilation and access, shall be installed under the manufactured home;
- C. The manufactured home shall be situated so that the long side of the home faces the street;
- D. Permanent masonry, concrete steps, or treated wood steps, shall be provided at the front entrance; and

- E. The moving hitch, wheels and axles, transporting lights shall be removed.

3.5.2 Airport Height Overlay (AH-O)

3.5.2.1 Purpose

The AH-O District is hereby established as a district that is overlaid upon other districts in the vicinity of the Clinton-Sampson County Airport. All uses permitted in the underlying district, whether by right or as a **special** use, shall be permitted. It is declared that:

- A. The creation or establishment of an obstruction has the potential of being a public nuisance and may impact the utility of the Clinton-Sampson County Airport and the public investment therein;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented, and;
- C. The prevention of these obstructions should be accomplished, to the extent legally permissible, by the exercise of the authority invested in the City of Clinton.
- D. The prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are in the public interest for which a political subdivision may raise and expend public funds and acquire land or interests in land.

3.5.2.2 Airport Height Zones & Height Limitations

In order to carry out the provisions of this overlay, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones, and conical zone. Such areas and zones are shown as the Clinton-Sampson County Airport Height Restriction Overlay Map, which is incorporated by reference and made a part hereof. The various zones are established and defined as follows:

- A. Primary Surface Zone - A rectangular surface longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. Runway 6-24: 1,000 feet wide and extends 200 feet beyond each runway end.
- B. Approach Surface Zones – A trapezoidal inclined plane symmetrically centered along the extended runway centerline, longitudinally extending outward and upward from the end of the primary surface. The perimeter of the approach surface coincides with the perimeter of the approach zone, extending per a boundary and slope defined below, and as shown on the Clinton-Sampson County Airport Height Restriction Overlay Map.

Runway End	Inner Width/Length/Outer Width (Slope)
Runway 6 approach surface zone:	1,000' x 50,000' x 16,000' (0' to 10,000' @ 50:1)

	(10,001' to 50,000' @ 40:1)
Runway 24 approach surface zone:	1,000' x 10,000' x 4,000' (0' to 10,000' @ 34:1)

- C. Horizontal Surface Zone - A plane, elliptical in shape, with a height one hundred and fifty (150) feet above the established airport elevation and having a specified radius from the center of the primary surface for each runway end. The perimeter of the horizontal surface coincides with the perimeter of the horizontal zone as indicated on the Clinton-Sampson County Airport Height Restriction Overlay Map. Runway 6-24 horizontal radius: 10,000'

- D. Conical Surface Zone – A surface, elliptical in shape, extending radially outward and upward from the periphery of the horizontal surface zone at a slope of 20:1 for a horizontal distance of 4,000 feet and vertical elevation of 200 feet above the horizontal surface. The conical surface zone is shown on the Clinton-Sampson County Airport Height Restriction Overlay Map.

- E. Transitional Surface Zones – Inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the centerline of the runway and approach surfaces. The transitional surface zones, located on either side of the runway and symmetrically parallel to and level with the runway centerline, extend upward and outward from the primary surface and approach surface elevation to a point intersecting the horizontal or conical surface (150 feet above the airport elevation). Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7:1 measured upward and outward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline. The transitional surface zones are shown on the Clinton-Sampson County Airport Height Restriction Overlay Map. Nothing in this overlay shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of 50 feet above the surface of the land.

3.5.2.3 Use Restrictions

Notwithstanding any other provisions of this Overlay, no use may be made of land or water within any approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between Airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger the landing, taking-off or maneuvering of aircraft intending to use the Clinton-Sampson County Airport.

3.5.2.4 Nonconforming Structures

- A. The regulations prescribed by this Overlay shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Overlay, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in

the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay, and is diligently prosecuted.

- B. Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in:
 - 1. an increase in the total amount of space devoted to a nonconforming structure , or
 - 2. greater nonconformity with respect to height limitation.

- C. Nonconforming Uses Abandoned or Destroyed - Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 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 overlay regulations.

- D. Marking and Lighting - Notwithstanding the preceding provision of this overlay, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport. Notwithstanding any preceding provision of this overlay, if, by a determination of the NC Division of Aviation or Federal Aviation Administration, the encroachment of any structure or tree into regulated airspace is such that providing markers and lights is insufficient to protect the life and property of the flying public, the Authority shall institute steps to have such structures or trees mitigated at the expense of the Authority. If unsuccessful in obtaining the cooperation of the parties involved, the City shall institute the appropriate legal action, as reasonably necessary, to insure the safety of the flying public in airspace regulated by this overlay.

3.5.2.5 Permits

- A. All applications for zoning permits for new or altered structures in the AH-O shall be accompanied by a completed Notice of Proposed Construction or Alteration, FAA Form 7460-1.

- B. Future Uses - Except as specifically provided in (1) and (2) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this overlay, as depicted on the Clinton-Sampson County Airport Height Restriction Overlay Map, shall be granted unless a variance has been approved.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.

The preceding paragraphs (1) and (2) corresponds with permit areas (Zones 2, 3, and 4) identified on the Clinton-Sampson County Airport Height Restriction Overlay Map. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this overlay except as set forth in Sections 3.5.2.2 and Section 3.5.2.3.

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

3.5.3 Historic Preservation Overlay (HP-O) District

The HP-O District is established as an overlay district that may be applied over all other zoning districts. All uses permitted in the underlying district, whether by right or as a **special** use, shall be permitted. However, the HP-O district shall not be applied to an area unless the area is deemed to be of special significance in terms of its historical, pre-historical, architectural, or cultural importance. Such areas shall possess integrity of design, setting, workmanship, materials, feeling, and/or association.

3.5.3.1 Historic Districts

- A. Historic districts are hereby established as districts, which overlap with other zoning districts. All uses permitted in any such district, whether by right or as a special use, shall be permitted in the historic district.
- B. Historic districts, as provided for in this section, may from time to time be designated, amended or repealed, provided however that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural or cultural importance. Such district must also possess integrity of design, setting, workmanship, materials, feeling and/or association. No district shall be designated, amended or repealed until the following procedures have been carried out:

1. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared; and
 2. The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the Clinton City Council within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the City Council of any responsibility for awaiting such analysis, and the City Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.
- C. The City Council may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the zoning ordinance.
- D. With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the City's jurisdiction, the investigative studies and reports shall be prepared by the Historic Preservation Commission and shall be referred to the Planning Board for its review and comment according to the procedures set forth in the zoning ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources.
- E. Upon receipt of these reports and recommendations, the City Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions.

3.5.3.2 Historic Landmarks

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

- C. No property shall be designated as a landmark until the following steps have been taken:
1. As a guide for the identification and evaluation of landmarks, the Historic Preservation Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical, architectural, pre-historical and cultural significance within the City of Clinton and its extraterritorial jurisdiction;
 2. The Historic Preservation Commission shall make or cause to be made an investigation and report on the historic, architectural, pre-historical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources;
 3. The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his or her designee, shall either upon request of the Department or at the initiative of the Historic Preservation Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Historic Preservation Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission and the City Council shall be relieved of any responsibility to consider such comments;
 4. The Historic Preservation Commission and the City Council shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given;
 5. Following the public hearing(s) the City Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary or reject the proposed ordinance;
 6. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be filed by the Historic Preservation Commission in the office of the Register of Deeds of Sampson County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Historic Preservation Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Clinton City Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector. The fact that a building, structure, site area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Sampson County for such period as the designation remains in effect; and
 7. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Historic Preservation Commission to give notice thereof to the tax collector of Sampson County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax collector in appraising it for tax purposes.

3.5.3.3 Certificate of Appropriateness Required

- A. From and after the designation of a 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 any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within the historic district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. Such a certificate is required to be issued by the Historic Preservation Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required.

- B. For purposes of this ordinance, “exterior features” shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. Exterior features may also include historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size and location of all such signs.

- C. The State of North Carolina (including its agencies, political subdivisions and instrumentalities), the City of Clinton and all public utilities shall be required to obtain a certificate of appropriateness for construction, alteration, moving or demolition within the historic district or on designated landmarks.

3.5.3.4 Application for Certificate of Appropriateness

- A. Applications for a certificate of appropriateness shall be obtained from and when completed, filed with the administrator. The application shall be filed not less than 21 calendar days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of property within 100 feet on all sides of the property which is the subject of the application must also be filed. No application which does not include the aforementioned information will be accepted.

- B. It shall be the policy of the Historic Preservation Commission, in regard to applications involving new construction or extensive alterations and/or additions to existing structures, that a sub-committee of the Historic Preservation Commission shall be available to meet with persons involved in planned or pending applications in order to advise them informally at an early stage in the development process concerning the Historic Preservation Commission’s guidelines, the nature of the area where the proposed project will take place and other relevant factors. The members of the sub-committee,

collectively and individually, shall refrain from any indication of approval or disapproval. Advice or opinions given by any member of the sub-committee at such an informal meeting shall not be considered official or binding upon the Historic Preservation Commission.

3.5.3.5 Application for Certificate of Appropriateness

- A. The secretary of the Historic Preservation Commission shall, by a mailing that is sent not less than seven (7) days prior to the meeting at which the matter is to be heard, notification to the owners of property within 100 feet on all sides of the subject property.
- B. Applications for certificates of appropriateness shall be acted upon within 90 days after filing, otherwise the application shall be deemed to be approved and certificate shall be issued. An extension of time may be granted by mutual consent of the Historic Preservation Commission and the applicant. As part of the review procedures the Historic Preservation Commission may view the premises and seek the advice of the Department of Cultural Resources or other such expert advice as it may deem necessary under the circumstances.
- C. The Historic Preservation Commission may hold a public hearing on any application when deemed necessary. The action on an application shall be approval, approval with conditions, or denial, and the decision of the Historic Preservation Commission must be supported by specific findings-of-fact indicating the extent to which the application is or is not congruous with the special character of the historic district or landmark.
- D. Once issued, a certificate of appropriateness is valid for one (1) year. If after commencement of work authorized by the certificate the work is not completed within one year the certificate shall expire.

3.5.3.6 Hearings for Certificate of Appropriateness

- A. Prior to the issuance or denial of a certificate of appropriateness, the applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. All meetings of the Historic Preservation Commission shall be open to the public in accordance with the North Carolina Open Meetings Law, G.S. 143, Article 33C.
- B. The Historic Preservation Commission shall have no jurisdiction over interior arrangement, except as provided below, and shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of the historic district or landmark.
- C. The jurisdiction of the Historic Preservation Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned landmarks for which consent for interior review has been given by the owners. Said consent of an owner for interior

review shall bind future owners and/or successors in title, provided such consent has been filed in the Register of Deeds office and indexed according to the name of the owner of the property in the grantor and grantee indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Historic Preservation Commission's jurisdiction over the interior.

- D. In any action granting or denying a certificate of appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment. This hearing shall be conducted using the record of the Historic Preservation Commission with no new evidence being heard or considered when the Board of Adjustment makes decision on appeal. *(TA-9-14-1)*
- E. Written notice of the intent to appeal must be sent to the Historic Preservation Commission, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Sampson County.
- F. The State of North Carolina shall have a right of appeal to the North Carolina Historical Historic Preservation Commission, which shall render its decision within 30 days from the date that a notice of appeal by the state is received by the Historic Preservation Commission. The decision of the Historic Preservation Commission shall be final and binding upon both the State and the Historic Preservation Commission.
- G. All hearings for Certificates of Appropriateness must follow standard quasi-judicial procedures per G.S. 160D-947c.

3.5.3.7 Administrative Approval of Minor Works

- A. Notwithstanding the subsection above (Action on Certificates of Appropriateness), upon receipt of a completed application the Zoning Administrator may issue a certificate of appropriateness for minor works that are consistent with the provisions of the review criteria set forth in this chapter and the Design Principles and Guidelines adopted by the Historic Preservation Commission. If the Zoning Administrator determines that an applicant seeks a certificate of appropriateness for a minor work as defined herein, he may waive the requirement that the application be submitted 21 days prior to the next Historic Preservation Commission meeting and the requirement that the application contain the names and addresses of nearby property owners.
- B. Minor works are defined as those exterior changes that do not involve a change to the visual character of the property but do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or district as a whole. The Zoning Administrator shall make the determination as to whether the application involves a minor work as defined herein.
- C. The Zoning Administrator may approve but may not deny an application for a certificate of appropriateness for minor works. If the Zoning Administrator decides not to issue a

certificate of appropriateness for a minor work, the application shall be referred to the Historic Preservation Commission for action.

- D. A decision by the Zoning Administrator to issue a certificate of appropriateness for minor works may be appealed to the Board of Adjustment in the same manner as other decisions by the Zoning Administrator.

3.5.3.8 Review Criteria

- A. No certificate of appropriateness shall be granted unless the Historic Preservation Commission finds that the application complies with the principles and guidelines adopted by the Historic Preservation Commission for review of changes. It is the intent of these regulations to insure insofar as possible that construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features in the district or of landmarks shall be congruous with the special character of the district or landmark. Notwithstanding the foregoing, the Historic Preservation Commission may apply the above-mentioned principles and guidelines in a manner that is consistent with their spirit, rather than literally, when it concludes that the benefit derived from strict adherence to the principles and guidelines is outweighed by the practical or financial hardships imposed on an applicant by such literal application on non-contributing structures.
- B. In addition to the principles and guidelines, the following features or elements of design shall be considered in reviewing applications for certificates of appropriateness:
1. Lot coverage, defined as the percentage of the lot area covered by primary structures;
 2. Setback, defined as the distance from the lot lines to the building;
 3. Building height.
 4. Spacing of buildings, defined as the distance between adjacent buildings;
 5. Proportion, shape, positioning, location, pattern, sizes and style of all elements of fenestration and entry doors;
 6. Surface materials and textures;
 7. Roof shapes, forms and materials;
 8. Use of regional or local architectural traditions;
 9. General form and proportion of buildings and structures and the relationship of additions to the main structure;
 10. Expression of architectural traditions;
 11. Orientation of the building to the street;
 12. Scale, determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures, maintenance of pedestrian scale;
 13. Proportion of width to height of the total building façade;
 14. Archaeological sites and resources associated with standing structures;
 15. Effect of trees and other landscape elements;
 16. Major landscaping which would impact known archaeological sites;
 17. Style, material, size and location of all outdoor advertising signs;
 18. Appurtenant features and fixtures, such as lighting;
 19. Structural condition and soundness;

- 20. Walls – physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses;
- 21. Ground cover or paving; and
- 22. Significant landscape, archaeological and natural features.

C. The Secretary of the Interior’s “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” shall be the sole principles of and guidelines used in reviewing applications of the State of North Carolina for certificates of appropriateness.

3.5.3.9 Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark which does not involve a change in design, materials or outer appearance thereof; the ordinary maintenance or repair of streets, sidewalks, pavement markings, street signs or traffic signs; the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Inspector shall certify is required for the public safety because of an unsafe or dangerous condition. None of the foregoing work shall require a certificate of appropriateness. Nothing herein shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration of the existing above-ground utility structure without approval by the Historic Preservation Commission.

3.5.3.9 Delay in Demolition

- A. An application for a certificate of appropriateness authorizing the demolition, removal or destruction of a designated landmark or a building, structure or site within a historic district may not be denied except as provided in subsection (C) below. However, the effective date of such a certificate may be delayed for up to 365 days from the date of approval. The period of delay shall be reduced by the Historic Preservation Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the Historic Preservation Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure or site. If the Historic Preservation Commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.
- B. If the Historic Preservation Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and final designation has not been made by the City Council, the demolition or destruction of any building, structure or site in the proposed district or on the property of the designated landmark may be delayed by the Historic Preservation Commission for up to 180 days or until the City Council takes final action on the designation, whichever occurs first.
- C. The City Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any structure or building within the established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue hardship.

- D. An application for a certificate of appropriateness authorizing the demolition of a building, structure or site determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

3.5.3.10 Demolition by Neglect

- A. The exterior features of any building or structure, including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature, or any type of outdoor advertising sign, either designated as a historic landmark or located within a local historic district shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects.
- B. The owner, or other person having such legal possession, custody, and control, shall upon written request by the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:
1. Deterioration of exterior walls, foundations or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
 2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.
 3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
 4. Deterioration or crumbling of exterior plasters or mortars.
 5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
 6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 7. Rotting, holes, and other forms of decay.
 8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes deterioration, instability, loss of shape and form, or crumbling.
 9. Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
 10. Deterioration of fences, gates, and accessory structures.
 11. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the historic landmark.
 12. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
- C. The Historic Preservation Commission or any other interested party may file a petition listing specific defects with the Zoning Administrator requesting that he act under the following procedures to require the correction of deterioration or making of

repairs to any historic landmark or significant structure located within the local historic district so that such structure shall be preserved and protected in accordance with the purposes of this chapter.

1. Whenever a petition is filed with the Zoning Administrator charging that a structure is undergoing demolition by neglect, the Zoning Administrator, or a designated agent, shall, if preliminary investigation discloses a basis for such charges, within seven days issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as such person may be determined by reasonable diligence, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Zoning Administrator at a place within the city in which the property is located therein fixed not less than 30 nor more than 45 days after the serving of such complaint; that the owner and/or parties in interest shall be given a right to answer and to give testimony at the place and time fixed in the complaint; that the Historic Preservation Commission shall also be given notice of the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Zoning Administrator. The purpose of the hearing is to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or parties in interest wishes to petition the Historic Preservation Commission for a claim of undue economic hardship.
2. If after such notice and hearing, the Zoning Administrator determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, according the standards of the previous section of this ordinance, the Zoning Administrator shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within the time specified those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated. In the event that the owner and/or other parties in interest wish to petition for a claim of undue economic hardship, the Zoning Administrator's order shall be stayed until after the Historic Preservation Commission's determination. Findings made by the Zoning Administrator or Historic Preservation Commission may be appealed to the board of adjustment.
3. If after receipt of the findings of fact and order to repair, the property owner does not comply within the time specified, upon direction by City Council the Zoning Administrator may institute, perform and complete the necessary repairs to prevent deterioration and/or demolition by neglect and the expenses incurred by the City for such work, labor, and materials shall be a lien against the property, and draw interest at the legal rate, the amount to be amortized over a period of ten years subject to a public sale if there is a default in payment.

3.5.3.11 Enforcement & Remedies

- A. Compliance with the terms of the certificate of appropriateness shall be enforced by the Zoning Administrator. Failure to comply with the certificate shall be a violation of the Land Development Code and is punishable according to established procedures and penalties for such violations in Chapter 15 of this Ordinance.

- B. In case any building, structure, site, area or object designated as a landmark or within a historic district is about to be demolished, whether as a result of deliberate neglect or otherwise materially altered, remodeled, removed or destroyed except in compliance with this ordinance, the City Council, the Historic Preservation Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling or removal to restrain, correct or abate such violation or to prevent any illegal act or conduct with respect to such a building or structure.

Section 3.6 Conditional Zoning Districts

3.6.1 Purpose

- A. Conditional Zoning districts are created to correspond to each of the base zoning districts created in Section 3.2. Conditional Zoning (CZ) Districts allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project.
- B. The purpose is to provide a voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in the base district. However, there are instances where a base zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted under this district and subject to development requirements would be consistent with the spirit and intent of this Ordinance. Conditional Zoning districts, herein established, are intended to accommodate such situations. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.
- C. There are 13 base zoning districts, there are 13 corresponding Conditional Zoning Districts. An additional two (2) districts are only available for use as Conditional Zoning Districts, PRD and MU
- CZ PC Conditional Zoning Public Conservation District
 - CZ RA-20 Conditional Zoning Residential/Agricultural District
 - CZ R-20 Conditional Zoning Very Low Density Residential District
 - CZ R-15 Conditional Zoning Low Density Residential District
 - CZ R-8 Conditional Zoning Medium Density Residential District
 - CZ R-6 Conditional Zoning High Density Residential District
 - CZ NS Conditional Zoning Neighborhood Shopping District
 - CZ OI Conditional Zoning Office & Institutional District
 - CZ CB Conditional Zoning Central Business District
 - CZ HC Conditional Zoning Highway Commercial District
 - CZ I-1 Conditional Zoning Light Industrial District
 - CZ I-2 Conditional Zoning Heavy Industrial District
 - CZ PI Conditional Zoning Planned Industrial District
 - CZ PRD Conditional Zoning Planned Residential District (CZ only)
 - CZ MU Conditional Zoning Mixed Use District (CZ only)

3.6.2 Applicability

- A. Property may be placed in a Conditional Zoning District only in response to a petition by the owners of all the property to be included.
- B. Specific conditions applicable to these districts may be proposed by the petitioner or the City or its agencies, but only those conditions mutually approved by the City and the petitioner may be incorporated into the requirements of the district. Conditions and site-specific standards imposed in a Conditional Zoning District shall be limited to those that address the conformance of the development and use of the site to the City’s ordinances and to any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.
- C. Conditional Zoning Districts allows specific standards for a particular use after review and comment from the public. A petition to rezone a property to a Conditional Zoning District shall be accompanied by a site specific plan.
- D. Within a CZ district, only those uses authorized as either permitted or special uses in the base zoning district with which the CZ district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards.
- E. In approving a CZ district, the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. All conditions related to a conditional zoning approval must obtain applicant’s/landowner’s written consent.
- F. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such CZ district shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.
- G. Conditional Zoning districts shall be approved through the map amendment approval process outlined in Chapter 14.

3.6.3 Planned Residential District Standards

- A. A Planned Residential District shall only be considered as a Conditional Zoning District.
- B. Residential Uses; Variety of Housing. The Planned Unit Development is designed to allow a variety of dwelling types and to provide for creative approaches to the development of land. The following list and definitions is an example of some of the housing, uses and structures allowed in a Planned Unit Development.
 - 1. Zero Lot-Line House: A single-family detached unit, which instead of being centered on the lot, is placed against one of the side lot lines. Any wall constructed on the side

lot line shall be a solid wall with the exception of a few windows located on the ground floor for cross ventilation and lighting.

2. Townhouse: A single-family attached dwelling in which units share common side walls and are often designed in rows. Yard areas are small and privacy requires careful protection. The minimum number of townhouse units attached to each other shall be two (2) and the maximum number shall be eight (8).
3. Proposed dimensional standard that differ from the standards set forth in Section 3.4.2 may be considered if submitted as part of the Conditional Zoning District request. Additional dimensional standard for lots in Planned Residential Developments shall be as follows:
 - a. Zero Lot-Line House. Side Yard Setback: Shall be a minimum of eight (8) feet if not utilizing the zero lot line provision. The minimum side yard when constructing a zero lot-line development shall be 16 feet on the side yard opposite of the zero lot-line construction.
 - b. A five foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance shall be established in the deed and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.
 - c. Townhouse. Side Yard Setback: Shall be a minimum of 15 feet from the side property line opposite of the shared common wall.

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Section 4.1 Purpose

The special requirements listed herein are additional to other requirements in this Ordinance. These special requirements ensure compatibility among other uses. These requirements are use specific and apply to certain uses permitted with a Zoning Permit or a Special Use Permit. Uses requiring a Special Use Permit shall be subject to these standards and any additional standards or conditions required by this Ordinance and the granted Special Use Permit.

Section 4.2 Residential Uses

4.2.1 Accessory Apartments

- A. The accessory apartment unit shall be located on the same lot as the primary residence. The lot shall contain at least 150 percent of the minimum square footage required for the zoning district in which the use is to be located.
- B. No more than one accessory apartment shall be permitted on the same lot with a primary residence.
- C. No accessory apartment shall be permitted on the same lot with a duplex or other two-family or multi-family dwelling unit.
- D. Detached accessory apartments shall be located behind and at least 20 feet from, the primary residence.
- E. A detached accessory apartment shall not be a manufactured or mobile home, travel trailer, camper, or recreational vehicle.
- F. A detached accessory apartment may be a dwelling unit that is part of a detached garage or a freestanding dwelling unit meeting the requirements of the North Carolina State Building Code, including any amendments thereto.
- G. An attached accessory apartment shall not occupy more than 25 percent of the gross floor area of the primary residence. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total floor area.
- H. Attached accessory apartments shall not be altered in such a way so as to appear to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways or multiple mailboxes. Access to the accessory apartment shall be by a means of an existing side or rear door, except where a new entrance is required by the North Carolina State Building Code, including any amendments thereto. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a street.

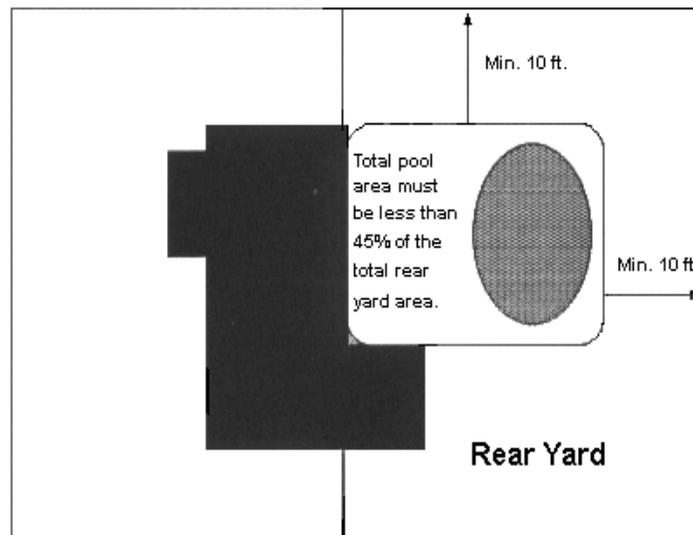
4.2.2 Accessory Structures (Residential)

- A. All accessory structures shall be located in the side or rear yard only, except in the RA-20 district on lots of greater than two (2) acres if the accessory structure is set back a minimum of 150 feet from the street right-of-way.
- B. Cargo containers, trailers, manufactured homes, recreational vehicles and similar items shall not be used as accessory structures or storage containers.
- C. All accessory buildings in residential zoning districts must comply with the street right-of-way and side lot boundary setbacks set forth in the Dimensional Table in Section 3.4.2 but, shall be required to observe an eight (8) foot setback from rear and side lot boundary lines.

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- D. Where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from side and rear lot boundary lines an additional one (1) foot for every one foot of height exceeding 12 feet. *(TA-3-11-3)*
- E. The high point of the roof or any appurtenance of any accessory building may not exceed 30 feet in height. *(TA-3-11-3)*
- F. Additional accessory buildings shall be permitted to lots for every 150 percent of the minimum square footage required for the zoning district in which the use is to be permitted. Not to exceed two accessory buildings per lot within the corporate limits. *(TA-3-11-3) (TA-6-16-2)*
- G. No accessory building may exceed 10 percent of the gross lot area. *(TA-3-11-3)*
- H. Swimming Pools shall:
 - a. Be located in rear yard only, and
 - b. Not exceed 45 percent of a required rear yard, and
 - c. Be set back a minimum of 10 feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines, and
 - d. Be enclosed by a fence with a minimum height of four (4) feet and a maximum height of eight (8) feet.

Residential Accessory Swimming Pool Requirements



4.2.3 Boarding & Rooming Houses

- A. The use must be owned and operated by a resident owner.
- B. The use shall be located in a structure that was originally constructed as a dwelling. A floor plan of the building, including each lodging unit or dwelling unit shall be submitted indicating ingress and egress from each unit. If structural alterations to an existing structure are required, a complete description of the nature and extent of the alterations and new construction shall be submitted with the application.
- C. Meals served on the premises shall be for residents of the facility only.
- D. A statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed use shall be submitted with the application.

- E. A statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures shall be submitted with the application.
- F. Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Chief and Building Inspector prior to the issuance of any Certificates of Occupancy. In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Chief and Building Inspector and submit documentation of site approval to the Administrator prior to commencing the operation.
- G. Each lodging or dwelling unit shall have direct access to a hall or exterior door.

4.2.4 Conservation Developments

The purpose of Conservation Development design is to preserve agricultural and forestry lands, natural and cultural features, and rural character that would be likely lost through conventional development approaches. Lot sizes in residential districts may be reduced subject to the following requirements:

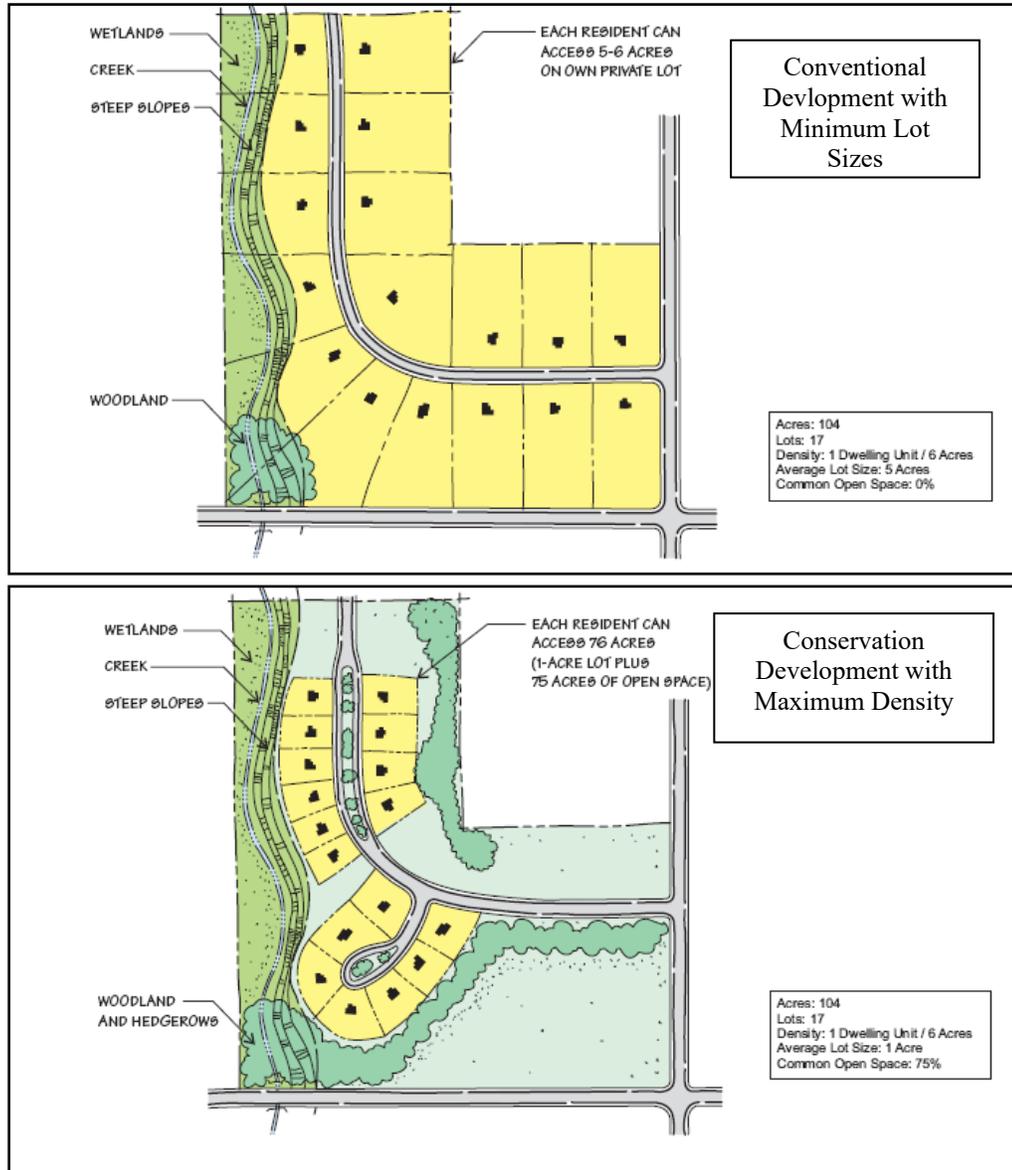
- A. The development density shall not exceed the overall density permitted in the zoning district in which the development is located. A Yield Plan shall be provided at the pre-application conference. The purpose of the Yield Plan is to determine the maximum permissible density of the subject property. Permissible density shall be calculated using the underlying zoning district(s). Yield Plans shall be conceptual in nature and are not intended to involve significant engineering costs, they shall be realistic and not show development in areas that would not ordinarily be legally permitted in a conventional layout (i.e. the location of streets or residential lots in wetland areas).
- B. A minimum of 50 percent of the total area of the development shall be set aside in Common Open Space and shall meet the open space requirements of Chapter 7.
- C. Public water and sewer shall serve the site.
- D. Each Special Use Permit site plan for a Conservation Development shall follow a four-step design process as described below. When the conceptual site plan is submitted, applicants shall be prepared to demonstrate to the City that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots and open space.
 - 1. During the first step all potential Conservation Areas (both Primary and Secondary) shall be identified, using an Existing Conditions Survey as outlined in Section 7.1.2. Primary Conservation Areas shall consist of wetlands and other environmentally protected areas. Secondary Conservation Areas shall include the most sensitive and noteworthy natural, scenic and cultural resources.
 - 2. During the second step, potential house sites are tentatively located. Because the proposed location of the houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the Subdivision applicants shall identify tentative house sites on the conceptual Sketch Plan. House sites should generally be located not closer than 50 feet to Primary Conservation Areas.
 - 3. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on both the Primary and Secondary Conservation Areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of cul-de-sacs and

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to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).

- The fourth step is simply to draw in the lot lines where applicable.

EXAMPLE OF CONSERVATION DEVELOPMENT



*Source of Conservation Development images: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002. http://www.sewrpc.org/ca/conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf

4.2.5 Family Care Homes for the Handicapped

- No family care home shall be located within $\frac{1}{2}$ mile of another family care home. The distance shall be measured by following a straight line from the nearest point of the lot line on which a proposed family care home is to be located to the nearest point of the lot line for the lot on which an existing family care home is located.

- B. No more than six (6) residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
- C. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- D. No exterior signage is permitted.
- E. Only incidental and occasional medical care may be provided.

4.2.6 Home Occupations

4.2.6.1 Customary Home Occupation

- A. The Administrator has the right to inspect the home occupation and premises to check for compliance with the issued Zoning Permit.
- B. Customer/client visits are limited to the hours of 8:00 AM to 6:00 PM. The home occupation shall not generate more than 10 customer/client visits in any one day, and no more than two (2) customers/clients may be present at any one time.
- C. There shall be no more than one non-resident employee on the premises at any one time. The number of non-resident employees working at locations other than the site of the home occupation is not limited.
- D. Delivery vehicles used to deliver goods to the home occupation are limited to passenger vehicles, mail carriers, and express carriers such as UPS (United Parcel Service). Deliveries shall be permitted between 8:00 AM and 6:00 PM.
- E. The home occupation shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one ton capacity.
- F. Home occupations are not required to provide any additional parking beyond what is required for the residential use.
- G. The equipment used by the home occupation and the operation of the home occupation shall not create any vibrations, heat, glare, dust, odors, or smoke discernable at the property lines, generate noise discernable by the human ear at the property lines from 8:00 AM to 6:00 PM, generate any noise discernable by the human ear at the property lines from 6:00 PM to 8:00 AM, create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted in residential structures.
- H. Signs for Home Occupations shall not exceed two (2) square feet in total sign surface display area, and shall not be illuminated. Freestanding signs are prohibited.

4.2.6.2 Child Care Home Occupation

- A. The use shall be located in a residence and shall be located in an area that is determined to be free from conditions dangerous to the physical and mental welfare of the children.
- B. The lot shall have direct frontage and access on a public street.
- C. Adequate access to and from the site as well as adequate space off the road right-of-way is provided for the safe pick-up and discharge of children in such a manner that traffic generated by the use is not disruptive to adjacent residentially developed properties.
- D. At least 75 square feet of fenced outdoor play space shall be provided for every child in care. This space shall not be located in any area that is used or reserved for use as a sewage disposal nitrification field in areas not served by public sewer.

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- E. Fencing that assures the protection of the children receiving child care and adjacent residentially developed properties from trespass shall be provided around the perimeter of the outdoor play space. Fences used for screening shall be at least three (3) feet in height and shall be located outside of any street right-of-way, driveways, and parking areas.
- F. The site plan shall indicate how the use will be screened from adjacent properties. These buffers will effectively screen the view of any outdoor play areas and reduce noise associated with the use.
- G. The Administrator shall review each family child care home annually to assure continued compliance with this Ordinance.

4.2.6.3 Artisan's Workshop Home Occupation

- A. An Artisan's Workshop Home Occupation is intended for craftsmen and artists who create and sell products in their homes on a limited basis.
- B. The Administrator has the right to inspect the home occupation and premises to check for compliance with the issued Zoning Permit.
- C. Customer/client visits are limited to the hours of 8:00 AM to 6:00 PM.
- D. There shall be no more than one non-resident employee on the premises at any one time. The number of non-resident employees working at locations other than the site of the home occupation is not limited.
- E. Delivery vehicles, used to deliver goods to the home occupation, are limited to passenger vehicles, mail carriers and express carriers such as UPS (United Parcel Service). Deliveries shall be permitted between 8:00 Am and 6:00 PM.
- F. The home occupation shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one ton capacity.
- G. Two (2) parking spaces in addition to the minimum required for the residential use shall be provided.
- H. The equipment used by the home occupation and the operation of the home occupation shall not create any vibrations, heat, glare, dust, odors or smoke discernable at the property lines, general noise discernable by the human ear at the property lines from 8:00 AM to 6:00 PM, create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted in residential structures.
- I. Signs for Home Occupations shall not exceed two (2) square feet in total sign surface display area, and shall not be illuminated. Freestanding signs are prohibited.

4.2.7 Multi-family Dwellings

- A. For conversions of single-family dwellings into three (3) dwelling units, the lot shall contain at least 200 percent of the minimum square footage required for the zoning district in which the use is to be located.
- B. For conversions of single-family dwellings into four (4) dwelling units, the lot shall contain at least 250 percent of the minimum square footage required for the zoning district in which the use is to be located.
- C. No building with multi-family dwelling units shall exceed a length of 150 feet.
- D. A distance of at least 20 feet shall be maintained between all buildings within a multi-family development.

4.2.8 Temporary Emergency, Construction, or Repair Residences

- A. Temporary health care structures shall be permitted in accordance with NCGS 160A-383.5.
- B. Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within 6 months after the date of issuance, except that the Administrator may renew such permit for one additional period not to exceed three (3) months if he/she determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

4.2.9 Two-family Dwellings

The lot shall contain at least 150 percent of the minimum square footage required for the zoning district in which the use is to be located.

Section 4.3 Civic, Government, & Institutional Uses

4.3.1 Cemeteries (commercial)

- A. A minimum lot size of 100,000 square feet shall be provided.
- B. Evidence that the requirements of the North Carolina General Statutes, Chapter 65 (Cemeteries), and that the standards of the North Carolina Cemetery Commission can be achieved shall be submitted with the application.
- C. The site shall have direct access to a collector or arterial street. No more than three (3) access points shall be permitted, and no more than one access point shall be open at any one time, unless two (2) or more funerals are being conducted within the cemetery.
- D. There shall be adequate space within the site for the parking and maneuvering of funeral entourages and cortege at each proposed burial site.
- E. No interments shall take place within 30 feet of any lot line.
- F. All interior vehicular access and maneuvering spaces shall be paved.

4.3.2 Colleges, Universities, & Associated Facilities

- A. A minimum lot size of 30 acres shall be provided.
- B. The minimum front setback shall be 125 feet.
- C. The minimum side and rear setbacks shall be 75 feet. The side and rear setback shall be 125 feet on sides adjoining residentially zoned or used property.
- D. Gymnasias shall be set back 175 feet.
- E. There shall be a 50-foot setback between principal buildings.
- F. The maximum lot coverage by buildings shall be no more than 15 percent.
- G. The maximum building height shall be 3 stories, or 40 feet, whichever is less.
- H. A master plan shall be submitted for the entire campus and shall indicate time schedules for construction of phases.
- I. Outdoor lighting shall be shielded to prevent light from directly illuminating adjacent properties and streets.
- J. All State permits and licenses that are required for the facility or evidence that the facility can meet all requirements shall be submitted with the application.

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4.3.3 Correctional Facilities

- A. A minimum lot size of one (1) acre shall be provided in order to accommodate outdoor recreational facilities and to allow for potential building expansion.
- B. The establishment shall be established at least 650 feet from the nearest property that is zoned residential or being used for residential purposes.
- C. The facility shall not be located within 1,320 feet of a public or private school, child care center, child care institution, family child care home, or place of worship.

4.3.4 Day Care Centers

- A. A floor plan of the proposed day care center showing the use and dimensions of each room and the location of entrances and exits shall be submitted with the application.
- B. The lot on which the day care center is located shall have access onto an arterial or collector street in residential zoning districts.
- C. Evidence that the facility will meet the minimum requirements to qualify for a State of North Carolina License is satisfied shall be submitted with the application.
- D. A statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed use shall be submitted with the application.
- E. A statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures shall be submitted with the application.
- F. Evidence shall be submitted indicating that adequate access to and from the site, as well as adequate space off the road right-of-way, is provided for the safe pick-up and discharge of clients and is provided in such a manner that traffic generated by the facility is not disruptive to adjacent residentially developed properties.
- G. Fencing and/or screening shall be provided that assures the protection of clients receiving care, protects adjacent residentially developed properties from trespass, effectively screens the view of any outdoor recreational areas, and reduces noise associated with the operation of the use. Fences used for screening shall be at least six (6) feet in height and shall be located outside of any street right-of-way, driveways, and parking areas.
- H. Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Chief and Building Inspector prior to the issuance of any Certificates of Occupancy. In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Chief and Building Inspector and submit documentation of site approval to the Administrator prior to commencing the operation.

4.3.5 Residential Care Institutions (including halfway houses)

- A. The following information shall be submitted as part of the application:
 - 1. A description of the type of persons to be cared for, the nature of the care to be provided, and the number of staff persons and specialists involved;
 - 2. If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of the alterations or new construction.
- B. The proposed facility shall not be located within ½ mile of an existing residential care institution. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
- C. Parking areas shall be to the side and/or rear of the building.

- D. Operators shall have a licensing permit or letter from the appropriate State agency that it will be issued.
- E. For halfway houses, there shall be on-site supervision at all times by persons employed by or volunteers trained by the agency operating the halfway house.
- F. Rules of conduct shall be established and enforced by the agency operating a halfway house. These rules shall prohibit the use or possession of drugs, alcohol, or weapons, as well as disorderly conduct.

4.3.6 Schools (Elementary & Secondary)

- A. Site plans submitted for review shall include the following information:
 - 1. Total student capacity of the school as designed;
 - 2. Total number of employees on the largest shift;
 - 3. Number and dimensions of designated parking spaces for school buses;
 - 4. Number of designated parking spaces for employees, visitors, and students;
 - 5. Location of student drop off points with stacking spaces identified;
 - 6. Location of all proposed and future athletic fields and structures, including the total number of seats for spectators and the location of concession stands, if any are anticipated;
 - 7. Proposed public roadway improvements; and
 - 8. Existing and proposed infrastructure improvements.
- B. A lighting plan shall be submitted indicating the locations of outdoor lighting fixtures and ensuring that outdoor lighting from athletic field and security lighting will not spill over onto adjacent properties.
- C. A report indicating estimated water usage for structures, landscaping, and athletic fields shall be submitted with the application.
- D. The project shall meet all applicable requirements of this Ordinance.
- E. The project shall meet all service provision criteria as set forth below:
 - 1. Fire – identifies the primary and secondary responders and the source(s) of water.
 - 2. Police – identifies the primary and secondary responders.
 - 3. Rescue Services – identifies the primary and secondary responders.
 - 4. Water Supply – identification of public or private utility source and capacity of water supply or identification of water source through a water resource study.
 - 5. Wastewater Treatment Method – provider and capacity of wastewater treatment source.
- F. The minimum lot size shall be, with respect to non-charter public schools, as required by the School Construction Standards adopted from time to time by the Sampson County Board of Education. The lot size shall be adequate to accommodate all activities. The proposed manner to handle the maximum number of participants and patrons for any single event shall be provided while also adhering to safe vehicular and pedestrian circulation.
- G. Access to the school project shall be via existing public roads. A Driveway Permit issued by NCDOT shall be required when the site takes access from a State maintained road.
- H. There shall be a minimum of two (2) access points to the site. Access points shall separate student drop-off areas and visitor parking from bus traffic. If school buses are used, then at least one access shall be limited to school employee and bus use during normal school hours. All access points shall be located to provide maximum visibility and safety. No driveway shall be permitted in a location that will hinder or congest traffic movement on a public street.

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- I. The site shall be designed so as to take advantage of shared use opportunities, such as use for parks and recreation activities as needed by the City of Clinton and/or Sampson County Parks and Recreation Department.
- J. The maximum building height shall be three (3) stories, or 40 feet, whichever is less.
- K. All State permits and licenses that are required for the facility or evidence that the facility can meet all requirements shall be submitted with the application.

4.3.7 Schools (Vocational or Trade)

- A. The use shall be compatible with uses on adjacent properties and other uses on the site if applicable.
- B. Adequate provisions shall be made to ensure the safety of students, staff, and visitors, including such as may arise from uses on adjacent properties or other uses on the site.
- C. Adequate parking for students, faculty, visitors, and others as shall be provided on site.
- D. Sufficient driveways shall be provided to accommodate automobiles so that vehicles do not disrupt traffic on public streets, or interfere with adjacent uses.
- E. Lighting for the property shall be adequate to ensure safety during evening hours. Lighting shall be designed so as to not spill over onto adjacent properties.

Section 4.4 Office & Service Uses

4.4.1 Animal Services (no Outdoor Kennels)

All portions of animal services businesses where animals are kept indoors shall be constructed in such a manner that the noise associated with such a facility remains inside the facility using the recommendations promulgated by the American Animal Hospital Association Hospital Standards regarding the soundproofing of such facilities.

4.4.2 Animal Services (with Outdoor Kennels)

- A. The site shall be of adequate size to protect adjacent properties from adverse effects of the kennel. A description of the methods of construction of pens and kennels in order to minimize noise and promote healthful conditions, including construction materials, fencing and climate control shall be submitted with the application.
- B. No part of any building, structure, or runway in which animals are housed or exercised shall be closer than 150 feet from a property line of property zoned residential. *(ZA-6-12-1)*
- C. Any kennel that is not wholly enclosed within a building shall be enclosed by a security fence at least 6 feet in height, including primary enclosures or runs.
- D. The facility shall be designed in a manner to minimize visual contact between animals and outside influences. The number of windows and doors shall be kept to a minimum. The facility shall be air conditioned and provided with heat.
- E. A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with the requirements set forth in Article 14 (Signs) of this Ordinance.
- F. Where required by the Sampson County Animal Control Ordinance, a Kennel Permit shall be obtained within the first 30 days of occupancy. Failure to obtain and maintain a valid Kennel Permit or other related permits that may be required by the United States Department of

Agriculture (USDA) or Wildlife Resources Commission will result in revocation of the permit issued by the City.

- G. The open side of runs must be screened from public view.
- H. A waste treatment plan shall be submitted to and approved by the Sampson County Environmental Health Department where required.
- I. There shall be no noise generating activities between the hours of 6:00 PM and 8:00 AM.

4.4.3 Bed and Breakfast

- A. The following information shall be submitted as part of the application:
 - 1. Amount of area allocated to each use;
 - 2. Number of full and part-time employees;
 - 3. Number of clients and/or occupants expected to use the facility;
 - 4. Proposed hours of operation for non-residential uses of the site and within buildings thereon.
- B. The use shall be located in a structure that was originally constructed as a dwelling.
- C. A statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed use shall be submitted as part of the application.
- D. A statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures shall be submitted with the application.
- E. Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only if there is sufficient overflow parking available.
- F. Overflow parking does not have to be paved or graveled but must be on a suitable, even surface.
- G. Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Chief and the Building Inspector prior to the issuance of any Certificates of Occupancy. In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Chief and Building Inspector and submit documentation of site approval to the Administrator prior to commencing the operation.
- H. Proposed uses and facilities shall be complementary and compatible with the surrounding area, and appropriate in the location proposed given the character of surrounding development.
- I. Each lodging unit shall have direct access to a hall or exterior door.
- J. Rooms shall not be equipped with cooking facilities.
- K. Parking shall not be permitted in front yards.
- L. A proposed bed and breakfast shall not be located within 400 feet of an existing bed and breakfast.

4.4.4 Hotels, Motels, & Inns

- A. The lot shall have direct access to an arterial or collector street.
- B. The minimum setback from property lines adjoining residentially-zoned property or residential uses for buildings and parking shall be 50 feet. A sight obscuring hedge or berm shall be installed along the property line adjacent to residentially zoned or used property.
- C. Accessory commercial activities such as restaurants and outdoor recreation facilities such as swimming pools shall not be located along the side of the property that adjoins residentially zoned or used property.

4.4.5 Motor Vehicle Services (*Amended 5/2012*)

4.4.5.1 All Motor Vehicle Services (*including gasoline sales*)

- A. A minimum lot size of 20,000 square feet shall be provided. If the rental of trucks, trailers, etc. is proposed as an accessory use, the minimum lot size required shall be increased by 10,000 square feet.
- B. Driveway Permits shall be approved by the North Carolina Department of Transportation (NCDOT) for access to State roads and by the City Public Works Director for City Streets per Chapter 20 Article III of the Clinton City Code.
- C. Per Building Code requirements, adequate provision shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids. Hazardous materials and byproducts such as fuel, lubricants, antifreeze (ethylene glycol), asbestos, freon, carbon monoxide, automobile batteries, and solvents must be registered, stored, handled, and disposed of in accordance with all State and Federal regulations.
- D. Hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, and similar equipment shall be entirely enclosed within a building.
- E. No outside storage of materials shall be permitted. Vehicles temporarily stored shall have a valid license plate.
- F. All garbage and refuse shall be stored in mechanical loading containers located at the side or rear of the lot or building, but not less than 20 feet from any adjacent property lines.
- G. Outdoor lighting shall be shielded to prevent light from directly illuminating adjacent properties and streets.
- H. No outdoor servicing, repair or disassembly of vehicles shall be permitted.
- I. Outside storage of secondhand material for resale shall be prohibited.

4.4.5.2 Car Washes

In addition to the requirements of 4.4.5.1 above, car washes shall meet the following requirements:

- A. Zoning Permit applications for car washes shall include a plan for staffing of the facility in a manner that will assure that the facility shall be well-maintained, with provisions for the regular collection of litter and debris during each day of operation, for regular care of the landscaping, for adequate protection of the equipment and structures from vandalism, and for the protection and safety of the customers.
- B. All proposals for car wash facilities shall demonstrate the provision of adequate drainage systems.

4.4.5.3 Motor Vehicle Services (*with Vehicle Storage*)

In addition to the requirements for all Motor Vehicle Services in Section 4.4.5.1, the following shall apply to motor vehicle services which have vehicle storage:

- A. Buildings shall be located forward towards the street and parking and vehicle storage areas shall be located to the rear of the lot whenever possible. Applicable setbacks shall be observed.
- B. Any vehicle stored on a lot where such use occurs must have a valid registration, be stored in a substantially enclosed structure, or located within a fenced or walled

enclosure. Fences and/or walls used for such enclosure shall be at least 6 feet in height and completely opaque.

Section 4.5 Retail & Wholesale Uses

4.5.1 Convenience Stores

- A. A minimum lot size of 20,000 square feet shall be provided. If the rental of trucks, trailers, etc. is proposed as an accessory use, the minimum lot size required shall be increased by 10,000 square feet. The site plan shall indicate the area to be used for display. Spaces for rental vehicles and accessories shall be in addition to any parking spaces required for operation of other operations. Rental activities shall not occupy more than 50 percent of the lot area.
- B. The lot shall front on a collector or arterial street and have direct access thereto. Proposals for lots with double frontage that desire multiple driveways shall be limited to one curb cut on the higher classified street. Additional curb cuts shall be on streets of lower classification. Driveway Permits shall be approved by NCDOT for access to State roads.
- C. Driveways shall not be located within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved convenience store. These distances shall be measured centerline to centerline.
- D. All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than 20 feet from any adjacent property lines.
- E. No portion of any building or associated equipment shall be closer than 25 feet to any property line.

4.5.2 Microbrewery/Microdistillery/Microwinery

- A. Only those operations that meet federal standards may be located within the City of Clinton.

4.5.3 Motor Vehicle Sales or Rental

- A. A written description of the proposed operation, including square footage, number of employees, hours of operation, and activities expected on site shall be submitted with the application.
- B. The lot shall front on a collector or arterial street and have direct access thereto. Proposals for lots with double frontage that desire multiple driveways shall be limited to one cut on the higher classified street. Additional cuts shall be on streets of lower classification. Driveway Permits shall be approved by NCDOT for access to State roads.
- C. The Fire Chief shall review and approve a submitted fire protection plan prior to commencement of the operation.
- D. Vehicles shall not be parked within 15 feet of any street or road right-of-way.

4.5.4 Open Air Markets (including farmers markets & produce markets)

- A. There shall be no sales of fuel and related products, tobacco products, alcoholic beverages, vehicles or related products.
- B. Food franchises are prohibited in any open air market use.
- C. Open air market uses shall be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one parking space per 200 square feet of selling and display area shall be provided, with a minimum of two (2) spaces provided. For

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the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. Overflow parking shall, at a minimum, be grass covered.

- D. There shall be a 20-foot setback between the street right-of-way line and the front of the sales area, excluding production facilities, garden plots, planting beds and outdoor storage areas open to the public. No parking is allowed within the front yard setback or within 20 feet of the edge of roadway, whichever distance is less. Setbacks from side property lines shall be 20 feet. There shall be a rear setback of 40 feet from rear property lines.
- E. Where an open air market use is located on a separate parcel of land, maximum lot coverage by buildings shall be 30 percent. Total coverage, including parking areas, shall not exceed 70 percent.
- F. Seasonal signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other City signage regulations may apply. No rotating or flashing lights on advertising signage shall be permitted.
- G. No outdoor lighting shall produce glare beyond the boundary of the property.
- H. Potable water is required on-site.
- I. Items for sale shall be removed from the site or placed in a secured building at the end of each business day.
- J. Adequate restroom facilities shall be provided. These facilities shall be located a minimum of 50 feet from the street right-of-way and shall meet the side and rear setbacks for the district in which the outdoor market is located.

Section 4.6 Recreational & Entertainment Uses (TA-9-14-8)

4.6.1 Bars and Nightclubs

- A. A statement shall be submitted with the application giving a detailed description of the type of operation proposed, including types and frequency of live entertainment or amplified sound systems, the maximum design occupancy of the building, the number of employees, and the hours and days of operation.
- B. Plans and specifications for soundproofing those buildings that will be used for entertainment with an amplified sound system shall be submitted with the application. The applicant shall supply a signed statement outlining his/her understanding that no live entertainment or amplified sound system shall be allowed in locations that do not provide soundproofing of the building at the time of permit application. The applicant shall also provide certification from a competent professional that the noise level at the lot line shall not exceed 45 decibels.
- C. There shall be sufficient number of employees to maintain the safe and orderly operation of the establishment. Live entertainment or amplified music shall cease no later than 12:00 AM.
- D. Such establishments shall not operate between the hours of 12:00 AM and 8:00 AM, Eastern Standard Time.

4.6.2 Golf, Tennis, Swimming Clubs, & Related Uses

4.6.2.1 Golf Courses

- A. A minimum lot size of 60 acres shall be provided for each 9-hole regulation golf course. A minimum lot size of 25 acres shall be provided for each 9-hole executive golf course. A minimum lot size of 20 acres shall be provided for each 9-hole par-three golf course. Golf courses having more than 9 holes shall meet the minimum lot area requirement for each type of course noted above.
- B. All parking and loading areas shall be graded and drained so as to dispose of all surface water without erosion or flooding.
- C. Storm sewers and water and sewage disposal systems shall be designed by a registered, licensed engineer. All utilities shall be installed underground.
- D. A lighting plan shall be submitted with the application. Lighting, if provided, shall be so designed and located as to be directed away from residential areas or shielded to protect such areas.
- E. A construction time and phasing schedule for the facility shall be submitted with the application.

4.6.2.2 *Golf Driving Ranges (Not Accessory to Golf Courses)*

- A. A 50-foot wide planted buffer shall be observed around the perimeter of the property and shall not be included in the required dimensional area required for the use.
- B. The depth of a range along a driving axis shall be not less than 350 yards measured from the locations of the tees, and the breadth not less than 200 yards at a distance of 350 yards from the tee.
- C. Service to customers shall be halted at dusk. Lighting of the driving and practice range is not permitted.
- D. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.
- E. The amount of noise generated shall not disrupt the activities of the adjacent land uses.

4.6.2.3 *Swimming, Tennis Clubs, & Related Uses (Private, Separate from Residential Development)*

- A. The minimum lot area shall be 2 acres.
- B. No building shall be located closer than the minimum requirement of the zoning district, or 20 feet from any public right-of-way or property line, whichever is greater.
- C. A description of the exact type of facility planned, and the number of members or participants expected, shall be submitted with the application for a Special Use Permit.
- D. A signed statement from the owners or operators shall be submitted with the Special Use Permit application stating that no activity will be allowed on site that will have adverse effects on adjacent property. The statement shall include a complete list of all recreational activities that will take place on the site.

4.6.3 *Motor Vehicle Racing Tracks*

- A. A minimum lot size of 40 acres shall be provided.
- B. The use shall have access to an arterial or collector street.
- C. All buildings and structures shall be a minimum of 500 feet from any residentially used or zoned property.
- D. The track may not be operated between the hours of 10:00 PM and 8:00 AM.

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- E. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- F. Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire boundary of the track.
- G. Lighting shall be so designed so that no light trespass will affect adjacent properties.

4.6.4 Recreational Facility (Indoor, Designed to Accommodate more than 1,000 people)

- A. The use shall have direct access to an arterial street.
- B. All buildings shall be set back a minimum of 100 feet from all property lines or public rights-of-way.
- C. Lighting shall be designed so that no direct source of light is detectable from a property line or public right-of-way.

4.6.5 Sexually Oriented Business

- A. No sexually oriented business shall locate within 1,000 feet of any other sexually oriented business, church, public or private school, day care center or nursery school, public park, or residentially used or zoned property.
- B. Except for adult motels, no sexually oriented business shall have sleeping quarters.
- C. There shall not be more than one sexually oriented business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually oriented business.
- D. Except for a business identification sign permitted in accordance with Chapter 6 Signs no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.

4.6.6 Theater (outdoor)

- A. A minimum lot size of 5 acres shall be provided.
- B. Projection screens shall not face a road or highway.
- C. Drive-in movie theaters shall be located within 500 feet of a major thoroughfare or limited access highway and shall have direct access thereto.
- D. An area capable of storing at least 1/3rd as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.
- E. At the points of access or egress from limited access highways, acceleration and deceleration lanes shall be provided to facilitate the continuous flow of traffic to and from the drive-in movie theater and shall be approved by the North Carolina Department of Transportation or the City, whichever is applicable.
- F. No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially-used or zoned property, or any closer than 50 feet to any other property line. No parking space shall be located closer than 100 feet to any residentially-used or zoned property.
- G. No form of single loudspeaker or public addressing device shall be used in connection with the facility.

Section 4.7 Industrial, Warehousing, & Transportation Uses

4.7.1 Airports and Heliports

- A. A configuration diagram depicting the layout of runways, taxiways, approach zones and overrun areas shall be submitted with the application. These diagrams shall also be depicted on aerial photographs that also show the area within 5 miles of the proposed site.
- B. A plan indicating isotonic contours that show the effects of aircraft operations upon land within one mile of the boundary of the proposed site shall be submitted with the application.
- C. The number and type of aircraft proposed to be stored including the storage area for aircraft, fuel and motor vehicles, and service areas for the aircraft shall be documented in the application and on the submitted site plan.
- D. A statement as to how on-site fire and rescue services will be provided, and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility, shall be submitted with the application.
- E. A list of land uses within the final approach zones of the airport/heliport shall be submitted with the application.
- F. A certification that all Federal Aviation Administration (FAA) and State standards and requirements have been, or will be, met shall be submitted with the application.
- G. A minimum of 50 acres is required for Basic Utility Stage 1 airports with a 2,000-foot runway. Additional area is required for larger airports.
- H. Airport and heliport size and layout shall conform to FAA Advisory Circular 150/5300-4B.
- I. There shall be a minimum 300-foot distance between the airport/heliport property and the nearest residence.
- J. Security fencing shall be provided that is sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.
- K. The site and its operations shall not adversely affect existing adjacent land uses.
- L. The land required for the provision of approach zones and overrun areas shall be owned or controlled by the applicant.
- M. Adequate land area shall be provided for all of the proposed uses, buildings, and storage areas.
- N. Screening of buildings, storage, and maintenance areas shall be provided from adjacent residentially-zoned or used land.
- O. A finding shall be made that compatible land uses are located in the final approach areas of the airport.

4.7.2 Junk Yards, Salvage Yards, Recycling Operations, & Similar Uses

- A. The following information shall be submitted as part of the application:
 - 1. Detailed plans and specifications for the site screening proposed, as well as management of drainage;
 - 2. Description of the type and number of motorized machines to be employed on site;
 - 3. The site plan shall indicate the extent of the area to be used for storage of junked or wrecked motor vehicles.
- B. The following standards shall be met:
 - 1. The site shall be of adequate size to protect adjacent properties from adverse affects of the proposed use;
 - 2. The site shall be secured from trespass by the installation of an 8-foot high security fence, uninterrupted except for required vehicle access points. The fence shall be located on the interior boundary of the required vegetative buffer;

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3. No materials shall be stored closer than 100 feet from a public right-of-way or property line;
4. A 100-foot wide vegetated buffer composed of at least 75% evergreen vegetation that is opaque to a height of at least 30 feet shall be provided around the perimeter of the property. Existing vegetation may be used to fulfill this requirement.
5. Operations shall not be any closer than 300 feet to any property line of a dwelling, school, hospital, child day care facility, or other residential facility;
6. Disposal of toxic or hazardous matter shall be prohibited;
7. Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited;
8. Emissions of smoke and burning of non-vegetative matter shall not be permitted;
9. Equivalent sound levels at the boundaries of the site shall not exceed the following standards:

Time of Day	Decibels (dBA)
Between 7:00 AM & 7:00 PM	68
Between 7:00 PM & 7:00 AM	58

10. Vibration levels at the boundaries of the site shall not exceed the following standards:

Maximum Peak Particle Velocity	
Steady State	1.0 Inches per Second
Impact	2.0 Inches per Second

Note: The maximum particle velocity shall be the product of 2 times the frequency in cycles per second times the sum of 3 mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the lot containing the use, shall be 125 decibels on the linear scale.

11. Roads shall be surfaced with dust free material such as soil cement, bituminous concrete or Portland Cement concrete from the nearest public road to the yard area. All roads located within 300 feet of residentially zoned land shall be treated the same;
12. Interior roads, other than those stated above, shall be treated with dust inhibitors that will reduce, to a minimum, the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition;
13. Storage of fuels shall be contained in above ground tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within 1,000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal;
14. The use shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects;

15. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than six (6) inches;
16. Storage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged so as to permit easy access to all such salvage for fire-fighting purposes;
17. The operator or owner of the facility shall obtain all applicable State and Federal Permits.

4.7.3 Landfills

4.7.3.1 Landfill, Construction and Demolition

- A. The waste disposal area shall not exceed one acre and must be at least 4 feet above the seasonal high water table.
- B. A copy of an approved Soil Erosion and Sedimentation Plan approved by the North Carolina Department of Environment and Natural Resources (NCDENR) shall be submitted with the application.
- C. The landfill shall be located at least one-fourth ($\frac{1}{4}$) mile from any other landfill of any other type.
- D. The perimeter of the landfill shall be at least 50 feet from the boundary of the property and 500 feet from the nearest existing drinking water well at time of approval.
- E. Within 30 days of the completion or termination of demolition activities, the landfill shall be closed pursuant to NCGS 130A-301.2 (Disposal of Demolition Debris in an On-Site Landfill Having a Disposal Area of One Acre or Less).
- F. The site shall be covered with at least two (2) feet of compacted earth, graded to minimize erosion, and planted with suitable vegetation.
- G. No building may be built or located immediately above any part of the landfill and no construction on any part of the site may be initiated, before the landfill is closed.
- H. The property owner shall be responsible for filing with the Sampson County Register of Deeds and with the North Carolina Department of Environment, Health and Natural Resources (NCDEHNR), a survey of the site and proper notice for disclosure purposes pursuant to NCGS 47-30 (Plats and Subdivisions; Mapping Requirements) and NCGS 130A-301.2 (Disposal of Demolition Debris in an On-Site Landfill Having a Disposal Area of One Acre or Less).

4.7.3.2 Landfill, Land Clearing and Inert Debris

- A. The maximum area for the use shall be two (2) acres.
- B. A copy of an approved Soil Erosion and Sedimentation Plan approved by the North Carolina Department of Environment and Natural Resources (NCDENR) shall be submitted with the application.
- C. The landfill shall be limited to a duration time of three (3) years from the date of issuance of the permit provided that the City Council may, upon request, grant one or more three (3) year intervals.
- D. The edge of the fill area shall be 100 feet from any property line and 300 feet from any residence not located on the same tract of land as the landfill.
- E. A 15-foot planted tree buffer shall be retained around the exterior property line. Vegetation shall be at least six (6) feet in height at the time of planting and shall be composed of evergreen material planted in such a manner that when mature the entire site will be screened from adjacent property.

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- F. Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- G. All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.
- H. No filling shall be permitted in the 100 year floodplain of any stream. Filling to the edge of the 100 year floodplain is permitted only if the back slope is stable and no steeper than three (3) to one (3:1).
- I. No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans.
- J. No filling is permitted in utility easements, except electrical transmission easements for 44 kilovolt (kv) or greater lines.
- K. Landfills shall be closed with a minimum of one foot of clean soil, graded to a maximum slope of three-to-one (3:1), and stabilized with vegetation or by other approved means.

4.7.3.3 Landfill, Sanitary

- A. A site plan containing the following information:
 - 1. Typical cross-sections showing extent of overburden, extent of fill, and water table, based on mean sea level datum;
 - 2. Proposed handling and storage areas for overburden, by-products and fill materials;
 - 3. Proposed fencing, screening and gates, parking, service and other areas;
 - 4. Land use, road system, natural features, and topographical (10-foot contour intervals) details for the area within 1,000 feet of the perimeter of the property.
 - 5. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust, and sight distances on all roads used for access to the site.
- B. An Operations Plan shall be submitted including the following:
 - 1. The date of commencement and their expected duration;
 - 2. Proposed hours and days of operations;
 - 3. Complete description of the operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used;
 - 4. Methods to control and respond to spillage of materials and vehicular mud on off-site roads;
 - 5. Any phasing of operations and the relationship among phases;
 - 6. Operating practices will be followed to ensure compliance with the performance standards applicable to the operation.
- C. Rehabilitation Plan shall be submitted including the following:
 - 1. A statement of planned future use of the site, including detailed methods of accomplishment;
 - 2. A map, to the same scale as the site plan, showing the final proposed topography, landscaping and ground cover proposed, and any drainage or other structures proposed;
 - 3. A phased plan of rehabilitation, related to the Operations Plan, showing how the rehabilitation will relate to the fill operations and the date of final completion.
- D. The following standards shall be met:
 - 1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application;

2. Equivalent sound levels at the boundaries of the site shall not exceed the following standards:

Time of Day	Decibels (dBA)
Between 7:00 AM & 7:00 PM	68
Between 7:00 PM & 7:00 AM	58

3. Vibration levels at the boundaries of the fill site shall not exceed the following standards:

Maximum Peak Particle Velocity	
Steady State	1.0 Inches per Second
Impact	2.0 Inches per Second

Note: The maximum particle velocity shall be the maximum displacement sums of 3 mutually perpendicular components recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this Ordinance, steady state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute shall be considered impact vibrations.

4. The Rehabilitation Plan shall be referred to the Sampson County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.;
5. The permanent roads, defined as those to be used in excess of one year within the fill site, shall be surfaced with dust free material such as soil cement, bituminous concrete or Portland Cement concrete to the nearest public road to the fill area. Also, all permanent roads located within 300 feet of residentially zoned land shall be treated in the same manner;
6. Roads, other than permanent roads, shall be treated with dust inhibitors, to be specified in the Operations Plan that will reduce, to a minimum, the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition;
7. Where the proposed fill shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least 6 feet in height shall be installed;
8. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept at the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.

4.7.4 Manufacturing & Processing

4.7.4.1 Smoke

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- A. For the purpose of determining the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringlemann number referred to in this Section refers to the number of the area of the Ringlemann chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringlemann #1 indicates a 20% density of the smoke observed.
- B. All measurements shall be taken at the point of emission of the smoke.
- C. In the CB, NS, HC, and OI districts, no use involving the manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment, may emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye.
- D. In the I-1 district, no use involving the manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment, may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann #1, except that an emission that does not exceed a density or equivalent capacity of Ringlemann #2 is permissible for a duration of not more than four (4) minutes during any eight (8) hour period if the source of such emission is not located within 250 feet of a residential district.
- E. In the I-2 district, no use involving the manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment, may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann #2, except that an emission that does not exceed a density or equivalent capacity of Ringlemann #3 is permissible for a duration of not more than four (4) minutes during any eight (8) hour period if the source of such emission is not located within 500 feet of a residential district.

4.7.4.2 Noise

- A. No operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, in any permissible business district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, if that use is one of several located on a lot, or (ii) uses located on adjacent lots.
- B. Except as provided in Subsection (E), the Table set forth in Subsection (D) establishes the maximum permissible noise levels for uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, in the I-1 and I-2 districts. Measurements shall be taken at the boundary line of the lot where the manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment use is located.

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- C. A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute (ANSI), that automatically takes account of the varying affect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this Section. And accordingly, all measurements are expressed in decibels (dB(A)) to reflect the use of this A-weighted filter.
- D. The standards established in the Table below are expressed in terms of the Equivalent Sound Level (Leq) that must be calculated by taking 100 instantaneous A-weighted sound levels at 10 second intervals and computing the Leq.

Table of Maximum Permitted Sound Levels, dB(A)					
(re: 0.0002 Microbar)					
Zoning of Adjacent Lot					
Zoning of Lot Where Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandising, & Equipment Use Is Located	Residential		CB, NS, HC, & OI	I-1 & PID	I-2
	7 AM-7 PM	7 PM-7 AM			
I-1, PID	50	45	55	60	65
I-2	50	45	60	65	70

- E. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10 dB(A) in excess of the figures listed in Subsection (D), except that this higher level of permissible noise shall not apply from 7:00 PM to 7:00 AM when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
- F. Noise resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM shall be exempt from the requirements of this Section.

4.7.4.3 *Vibration*

- A. No operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, in any permissible business district may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on the lot.
- B. No operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment

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located in a I-1, I-2, or PID district may generate any ground transmitted vibration in excess of the limits set forth in Subsection (D). Vibration shall be measured at any adjacent lot line or residential district line.

- C. The instrument used to measure vibration shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
- D. The vibration maximums set forth in the Table below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

- PV = Particle velocity, inches per second
- F = Vibration frequency, cycles per second
- D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

Table of Maximum Ground Transmitted Vibration		
Particle Velocity, Inches Per Second		
Zoning District	Adjacent Lot Line	Residential District
I-1 & PID	0.10	0.02
I-2	0.20	0.02

- E. The values stated in Subsection (D) may be multiplied by two (2) for impact vibrations (i.e., discrete vibration pulsations not exceeding one second between pulses).
- F. Vibrations resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM shall be exempt from the requirements of this Section.

4.7.4.5 Ground Water Supply

- A. All outdoor storage facilities for fuel, chemical, or industrial waste, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a 50-year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground and contaminating the groundwater.
- B. Non-corrosive storage tanks for heating oil and diesel fuel, not exceeding 275 gallons in size, may be exempted from the requirements of this Section provided that there is no seasonal high water table within four (4) feet of the surface, and that rapidly permeable sandy soils are not present.

4.7.4.6 Air Pollution

- A. Any operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, that emit any “air contaminant” (as defined in NCGS 143-213 (Definitions)) shall comply with applicable State standards concerning air pollution, as set forth in Article 21B (Air Pollution Control) of Chapter 143 (State Departments, Institutions, and Commissions) of the North Carolina General Statutes.
- B. No Zoning or ~~Conditional~~ Special Use Permit may be issued with respect to any development covered by Subsection (a) until the State Division of Environmental Management has certified to the permit issuing authority that the appropriate State permits have been received by the developer (as provided in NCGS 143-215.108 (Control of Sources of Air Pollution; Permits Required)) or that the developer will be eligible to receive such permits, and that the development is otherwise in compliance with applicable pollution laws.

4.7.4.7 Disposal of Liquid Wastes

- A. No operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, in any district may discharge any waste contrary to the provisions of NCGS 143-214.2 (Prohibited Discharges).
- B. No operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, in any district may discharge into the City sewage treatment facilities any waste that cannot be adequately treated by biological means.

4.7.4.8 Electrical Disturbance or Interference

- A. No operations or uses involving manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandising, and equipment, may:
 - 1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
 - 2. Otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- B. No use may be made of land or water within any approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with navigational signals or radio communication between the Clinton-Sampson County Airport and aircraft.

4.7.4.9 Visual Obstruction, Impairment, and Glare within the Airport Height Overlay (AH-O) District

No use may be made of land or water within any approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to make it difficult for flyers to distinguish between Airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger the landing, taking-off or maneuvering of aircraft intending to use the Clinton-Sampson County Airport.

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4.7.5 Mining & Quarrying Operations

- A. A site plan containing the following information:
 - 1. The extent of the area to be excavated;
 - 2. An aerial photograph of the site and all areas within 1,000 feet of the perimeter of the property flown within 2 months of the application for the permit;
 - 3. Existing topography at a contour interval of 2 feet based on mean sea level datum;
 - 4. Land use, road system, natural features, and topographical (10-foot contour intervals) details for the area within 1,000 feet of the perimeter of the property;
 - 5. Typical cross-sections showing extent of overburden, extent of sand and gravel deposits, and water table;
 - 6. Proposed handling and storage areas for overburden, by-products and excavated materials;
 - 7. Location and results of groundwater borings showing depth of groundwater;
 - 8. Any areas proposed for ponding;
 - 9. Wind pattern details and on-site windbreaks;
 - 10. Soils details and statement addressing reclamation;
 - 11. Traffic impact analysis addressing the capacity of the roads to serve the site;
 - 12. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust, and sight distances on all roads used for access to the site;
 - 13. Required setback areas, including screening/buffering existing and proposed. If plant materials are to be installed, the number and location, size and type of plants are to be identified;
 - 14. A truck routing plan showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses that will be negatively affected by truck traffic.
- B. An Operations Plan shall be submitted including the following:
 - 1. The date proposed to commence operations and their expected duration;
 - 2. Proposed hours and days of operations;
 - 3. Estimated type and volume of extraction;
 - 4. Description of method of operation, including the disposition of topsoil, overburden, and by-products;
 - 5. Methods to control and respond to spillage of extracted materials, overburden, by-products, and vehicular mud on off-site roads;
 - 6. Description of equipment to be used in the extraction process;
 - 7. Methods to prevent pollution of surface and groundwater;
 - 8. Operation test wells and schedule of results and analysis and response;
 - 9. Compliance with State Erosion and Sedimentation Control regulations;
 - 10. Depth of extractive operations;
 - 11. Any phasing of the operation and the relationship among the various phases;
 - 12. Operating practices will be followed to comply with the performance standards applicable to the operation.
- C. A Rehabilitation Plan shall be submitted including the following:
 - 1. A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land;

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2. A map showing the final topography, after rehabilitation, to the same scale as the site plan, depicting any water areas and methods of preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed, and the amount and type of back fill to be employed, if any;
 3. Typical cross-section showing rehabilitation;
 4. A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date when it will be complete;
 5. The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations;
 6. A written, legal description or survey of the property, prepared by a North Carolina professional land surveyor or registered, licensed engineer.
- D. The following standards shall be met:
1. The applicant must demonstrate that the activity fulfills primarily a local need as opposed to a regional need in terms of supplying sand and/or gravel for building and construction purposes;
 2. All operations associated with extraction shall conform to the following performance standards:
 3. Direct illumination resulting from the operation shall not fall upon any land not covered by the application;
 4. Equivalent sound levels at the boundaries of the site shall not exceed the following standards:

Time of Day	Decibels (dBA)
Between 7:00 AM & 7:00 PM	68
Between 7:00 PM & 7:00 AM	58

5. Vibration levels at the boundaries of the site shall not exceed the following standards:

Maximum Peak Particle Velocity	
Steady State	1.0 Inches per Second
Impact	2.0 Inches per Second

Note: The maximum particle velocity shall be the product of 2 times the frequency in cycles per second times the sum of 3 mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the lot containing the mining use, shall be 125 decibels on the linear scale.

6. The Rehabilitation Plan shall be referred to the Sampson County Soil and Water Conservation District for review and recommendation, that shall not be binding on the permit issuing authority, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.;
7. The permanent roads, defined as those to be used in excess of one year within the excavation site, shall be surfaced with dust free material such as soil cement, bituminous

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concrete or Portland Cement concrete from the nearest public road to the yard area. Also, all permanent roads located within 300 feet of residentially zoned land shall be treated in the same manner;

8. Roads, other than permanent roads, shall be treated with dust inhibitors, to be specified in the Operations Plan that will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition;
9. Where the proposed use shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least 6 feet in height shall be installed;
10. Spoil piles and other accumulations of by-products shall not be created to a height more than 35 feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of response;
11. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept at the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction;
12. No land disturbance shall take place within 250 feet of the property line. Within the 250-foot setback area, existing vegetation shall be retained for the purpose of providing a visual screen and noise buffer. No disturbance or removal of vegetation shall be permitted except for access roads leading from the excavation area to public roads. Where vegetation within the 250-foot setback does not exist, the applicant shall be required to provide a dense, evergreen buffer consistent with the purpose cited above. The buffer shall be in place prior to the initiation of any excavation activities;
13. The applicant shall submit operational reports, prepared on an annual basis, detailing the amounts of material extracted, extent of extractive area, depth of extractive area, and results of groundwater test borings;
14. Annual inspections of the operation shall be conducted by the Zoning Officer following submittal of the annual operations reports to determine compliance with the provisions of the permit;
15. In cases of abandonment or termination of operations for a period of 12 consecutive months, application for a new permit is required;
16. The permit issuing authority shall require for all uses in this category, a performance guarantee to insure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the City Attorney. The amount of such guarantee shall cover the cost of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State. If the rehabilitation cost exceeds the amounts required by the State, then the difference shall be made up in a bond to the City of Clinton;
17. A valid State issued mining permit must be obtained prior to commencement of the operation.

4.7.6 Taxi Cab Stands

All taxi cab stands shall comply with Chapter 21 "Vehicles for Hire" of the Code of Ordinances.

Section 4.8 Agricultural Uses

4.8.1 Agricultural Operations, Farming

- A. Farm buildings and uses shall be located at least 50 feet from any property line.
- B. Livestock or fowl shall not be kept, maintained, or stabled on a lot of less than five (5) acres.
- C. Not more than one (1) animal unit shall be kept, maintained or stabled per 10,890 square feet (1/4 acre). For the purposes, of this section, one (1) animal unit shall mean a goat, sheep, horse, cow, llama, alpaca, ostrich, or similar animal. Five (5) chickens or similar fowl shall count as one (1) animal unit. The keeping of hogs is not permitted.
- D. Stables, pens, coops, corrals or similar enclosures where livestock or fowl are kept, shall be located at least 100 feet away from any residentially zoned property line. Drainage shall be provided for the pen or enclosure so as not to create areas for breeding flies or mosquitoes.

4.8.2 Equestrian Uses (horseback riding & stables)

- A. Equestrian uses shall not be permitted on a lot of less than five (5) acres.
- B. Plans for all barns, exercise yards, riding arenas, related improvements, and signage shall be submitted with the application.
- C. No part of any manure storage area, building, structure, runway or riding arena in which animals are housed or exercised shall be closer than 150 feet from any residentially zoned property line.
- D. All unpaved areas shall be maintained in a manner that prevents dust from adversely affecting adjoining properties.
- E. Adequate restroom facilities approved by the Sampson County Health Department shall be provided.

4.8.3 Greenhouse or Horticultural Nursery (with On-premises Sales)

Notwithstanding any other provisions of this Ordinance, if horticultural sales with outdoor display are proposed for any lot less than 5,000 square feet in an area that was in existence on the effective date of this Ordinance, then on-site parking shall not be required if the Administrator determines that on-site parking is not feasible or practical or is undesirable from the standpoint of traffic safety.

Section 4.9 Other Uses

4.9.1 Drive-Through/Drive-In Uses (associated with a permitted use)

- A. The entrance/exit doors of such uses shall be located in such a manner that a person entering/exiting such business is not required immediately to cross a drive-in window exit lane.
- B. Drive-in windows shall be located in such a fashion that vehicles using or waiting to use such drive-in or drive-through facilities do not interfere with vehicles seeking to enter or leave parking areas.
- C. Where it is necessary for patrons wishing to park and enter such businesses to cross a drive-in window lane, crosswalks leading from parking areas to building entrances shall be clearly marked.
- D. Fast food restaurants shall be provided with six (6) stacking spaces per window. Drive-in banks shall be provided with six (6) stacking spaces per window. Laundry and dry cleaning

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services shall be provided with three (3) stacking spaces per window. Film kiosks shall be provided with two (2) stacking spaces per window on each side of the kiosk. The Administrator shall determine the required number of stacking spaces for those uses not specified in this Section. *(TA-3-11-2)*

4.9.2 Elevated Water Storage Tank

- A. Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials shall be submitted with the application.
- B. Adequate provisions shall be made, by means of fencing or otherwise, for the security of the site, including the provision of a gate at the access entrance of the access roads leading to the facility.
- C. The lot size shall be adequate for the proposed use.
- D. Adequate provision shall be made for the protection of adjacent property from the dangers of collapse, fire, flooding, or other menaces to public health and safety.
- E. A 50-foot wide vegetated buffer composed of 50 percent to 75 percent evergreen vegetation, distributed so as to create a semi-opaque screen from ground level to a height of at least 30 feet at maturity, shall be provided between the elevated water tank and the adjoining property.

4.9.3 Billboard Signs

- A. Billboard signs shall be considered a principal use of property and/or a principal structure, and shall not be considered as an accessory use/structure to residential, commercial, or industrial uses/structures.
- B. Minimum setbacks for billboard signs shall be as follows:
 - 1. There shall be a 1,000-foot setback between outdoor advertising signs. This setback shall be measured in a radius from the sign. A map showing the location of all outdoor advertising signs located within 1,200 feet of the proposed sign shall be submitted with the application.
 - 2. The minimum setback from an interstate or state designated primary highway right-of-way shall be 660 feet. The required front/street setback of the respective zoning district in which the sign is to be located shall be met adjacent to non-interstate or non-state designated primary highway rights-of-way. No off-premise sign shall be located closer than 100 feet to the intersection of two (2) public streets.
 - 3. Billboard signs shall be set back at least 10 feet from side and rear property lines, and set back at least 300 feet from any property zoned for residential use. A map showing the location of all residentially zoned property located within 400 feet of the proposed sign shall be submitted with the application.
 - 4. All setbacks 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, nearest zoning district, or nearest adjacent off-premise sign.
- C. The maximum total square footage of sign area for billboard signs shall be 400 square feet. The display surface shall be no more than 12 feet in the vertical dimension and no more than 40 feet in the horizontal dimension. Copy extensions of 10 percent or less shall not be included in the calculation of total sign surface area. A single side of a double-face or V-type sign shall be regarded as the total display surface for the purpose of calculating total sign surface area, provided such sides are separated by not more than 20 feet at any point.

- D. The maximum height of a proposed sign, exclusive of copy extensions, shall be 25 feet as measured from the surface elevation of the ground or main roadway surface elevation nearest the sign, whichever is highest. The minimum vertical clear distance between the property grade and the bottom of the trim or other frame support shall not be less than 12 feet.
- E. Display lighting of billboard signs shall be shielded so as to prevent the direction of such light into any structure used primarily for residential purposes. No rotating, revolving or intermittent lighting devices shall be attached to or made a part of, any billboard sign.
- F. All support structures shall be painted in a neutral color to blend with the surrounding area.
- G. The immediate premise on which the billboard sign is located shall be kept free from debris and undergrowth. A landscaping plan shall be submitted for approval with the permit application. Landscaping shall consist of ground cover, shrubs, trees or other permanent vegetation that will effectively screen the sign's base. Immediate premises, as defined herein, is the area surrounding the sign's structural support that is no less than 10 feet in all directions from the base of the sign. This area shall be kept free from debris and undergrowth.
- H. A permit shall be obtained from the North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit for all outdoor advertising signs located adjacent to interstate and primary highways.

4.9.4 Outdoor Storage

- A. All outdoor storage not associated with a sales display shall be located in the rear yard only.
- B. All such outdoor storage shall be screened from view of the street with an opaque screen in the form of landscaping and/or wood or similar fencing.

4.9.5 Special Events

- A. In deciding whether a permit for a special event should be denied, or deciding what additional conditions to impose, the City Council shall ensure that, (if the special event is conducted at all):
 - 1. The hours of operation allowed shall be compatible with the uses adjacent to the activity;
 - 2. The amount of noise generated shall not disrupt the activities of adjacent land uses;
 - 3. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the City;
 - 4. The City Council shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to, or interference with, the normal flow of traffic, or with the right of adjacent and surrounding property owners.
- B. In cases where it is deemed necessary, the City Council may require the applicant to post a bond to ensure compliance with the conditions of the permit.
- C. If the permit applicant requests the City to provide extraordinary services or equipment, or if the City Council otherwise determines that extraordinary equipment or services should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

4.9.6 Towers and Antennas (More Than 50 Feet Tall)

The submitted Special Use Permit application shall contain the following information:

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- A. A site plan showing the site of the proposed tower and all existing structures within 500 feet thereof.
- B. Plans and elevations for all proposed structures, including descriptions of the color and nature of exterior material.
- C. A landscape plan drawn to the same scale as the site plan showing existing and proposed trees, shrubs, ground cover, and other landscape materials.
- D. Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower. Such evidence shall consist of:
 1. A listing of all towers, including water towers, silos, and cross-country overhead transmission line towers, within ½ mile (for towers under 200 feet in height), or one mile (for towers 200 feet in height or taller) radius of the proposed tower site.
 2. Delineation of the boundaries of the maximum search range within which the tower equipment can function as intended. The following information shall be provided for all existing towers within the search range:
 - a. Tower height, as measured from the ground to the highest point of the support structure;
 - b. Existing and planned tower users;
 - c. Whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or radio frequency interference;
 - d. If the proposed antenna cannot be accommodated on the existing tower, assess whether the existing tower could be structurally strengthened or whether the antennas, transmitters, and related equipment could be protected from electromagnetic interference, and generally describe the means and projected cost of shared use of the existing tower; and
 - e. A summary explanation of why the proposed facilities cannot be located on any of the existing towers, water towers, silos, or cross-country transmission line towers.
- E. Documentation from applicable State or Federal agencies indicating requirements that affect the appearance of the proposed tower, such as lighting and coloring.
- F. Draft letter of credit that will guarantee the removal of the tower in the event that it is abandoned or unused for a period of 12 months.
- G. Photographs of a clearly visible balloon floated at the proposed tower location to the maximum height of the tower. Photographs shall be taken from locations such as property lines and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Planning Staff to assess the visual impact of the proposed tower.
- H. A statement shall be submitted indicating that the proposed facility and its equipment will comply with all Federal, State, and local emission requirements.
- I. The following specific standards shall be used in deciding upon an application for approval:
 1. When located on property adjacent to a residential zoning district, minimum setbacks from the base of the tower to the property line shall be equal to the height of the tower at its highest point. The setback may be reduced to no less than ½ of the tower height if easements for the remaining setback distance are granted by adjoining property owners.
 2. When located on property adjacent to non-residential zoning districts, minimum setbacks from the base of the tower to the property line shall be 20% of the tower height, or the minimum required setback, whichever is greater.

3. A 40-foot wide vegetated buffer composed of 50% to 70% evergreen vegetation, distributed so as to create a semi-opaque screen to a height of at least 30 feet, shall be provided between the tower and the adjoining property. Existing vegetation may be removed only to the extent necessary to accommodate the tower, equipment buildings, and support structures such as guy wires.
4. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant.
5. Security fencing shall be provided around the tower base or around the perimeter of the site. Vegetation for use as a buffer shall be located on the outside of the fence, not within the confines of the fenced area.
6. The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower, or other existing structure, due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of existing and approved towers or other structures, considering existing and planned use of those towers and structures, and they cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause radio frequency interference with other existing or planned equipment for those towers, and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers or other structures do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.
 - d. No tower or other suitable facility exists in an area where the equipment to be placed on the tower will function in its intended manner.
7. The tower is structurally designed to support at least one additional user, and the Special Use Permit includes a statement that the owner of the tower is willing to permit other users to attach communication facilities that do not interfere with the primary purpose of the tower, provided that such other user(s) agree to negotiate a reasonable compensation to the owner for such liability as may result from such attachment.
8. The color of the tower is of a light tone, except to the extent required by law, so as to minimize its visual impact.
9. The tower will not be artificially lighted unless required by the FAA, FCC, or other Federal or State agency. Where such agencies allow a choice between painting the tower or installing strobe lighting, painting shall be the preferred choice.
10. The tower and antenna will not result in a significant adverse impact on the view of, or from, any historic site, scenic road, or major view corridor.
11. All abandoned towers shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower in the event that it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified contractor. The amount of the security shall be 110 percent.
12. A determination shall be made that the facility and its equipment will comply with all Federal, State, and local emission requirements, and the Special Use Permit shall include a statement that the facility and its equipment will comply with all Federal, State, and local emission requirements.

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The Special Use Permit shall include a condition that the electro-magnetic radiation levels maintain compliance with requirements of the Federal Communication Commission (FCC), regarding emission of electromagnetic radiation. Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner shall provide documentation of emission levels in relation to FCC standards. In addition, the tower owner must provide documentation of emission levels within 5 working days if so requested by the City of Clinton. The City may make such requests at any time, not to exceed 4 times per year.

4.9.6.1 Private Monopole Communication Tower (Not Exceeding 150 Feet Tall)

The submitted Special Use Permit application shall contain the following information:

- A. A site plan showing the site of the proposed tower and all existing structures within 500 feet thereof.
- B. Plans and elevations for all proposed structures, including descriptions of the color and nature of exterior material.
- C. A landscape plan drawn to the same scale as the site plan showing existing and proposed trees, shrubs, ground cover, and other landscape materials.
- D. Documentation from applicable State or Federal agencies indicating requirements that affect the appearance of the proposed tower, such as lighting and coloring.
- E. Draft letter of credit that will guarantee the removal of the tower in the event that it is abandoned or unused for a period of 12 months.
- F. A statement shall be submitted indicating that the proposed facility and its equipment will comply with all Federal, State, and local emission requirements.
- G. The following specific standards shall be used in deciding upon an application for approval:
 1. When located on property adjacent to a residential zoning district, minimum setbacks from the base of the tower to the property line shall be equal to the height of the tower at its highest point. The setback may be reduced to no less than $\frac{1}{2}$ of the tower height if easements for the remaining setback distance are granted by adjoining property owners.
 2. When located on property adjacent to non-residential zoning districts, minimum setbacks from the base of the tower to the property line shall be 20% of the tower height, or the minimum required setback, whichever is greater.
 3. Security fencing shall be provided around the tower base or around the perimeter of the site.
 4. The color of the tower is of a light tone, except to the extent required by law, so as to minimize its visual impact.
 5. The tower will not be artificially lighted unless required by the FAA, FCC, or other Federal or State agency. Where such agencies allow a choice between painting the tower or installing strobe lighting, painting shall be the preferred choice.
 6. The tower and antenna will not result in a significant adverse impact on the view of, or from, any historic site, scenic road, or major view corridor.
 7. All abandoned towers shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower in the event that it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified contractor. The amount of the security shall be 110 percent.

8. A determination shall be made that the facility and its equipment will comply with all Federal, State, and local emission requirements, and the Special Use Permit shall include a statement that the facility and its equipment will comply with all Federal, State, and local emission requirements.

The Special Use Permit shall include a condition that the electro-magnetic radiation levels maintain compliance with requirements of the Federal Communication Commission (FCC), regarding emission of electromagnetic radiation. Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner shall provide documentation of emission levels in relation to FCC standards. In addition, the tower owner must provide documentation of emission levels within 5 working days if so requested by the City of Clinton. The City may make such requests at any time, not to exceed 4 times per year. *(TA-1-21-2)*

4.9.7 Temporary Uses

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance, and all other ordinances of the City of Clinton, shall be allowed. The following temporary structures and uses shall be permitted:

4.9.7.1 Construction Trailers

Construction trailers used in conjunction with construction projects provided that the following requirements are met:

- A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
- B. All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.
- C. In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.

4.9.7.2 Residential Sales Offices

- A. Structures, whether temporary or permanent, located in a subdivision containing 25 or more lots, and used as sales offices for the subdivision development are permitted.
- B. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district.
- C. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.
- D. If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.
- E. A trailer may be used as a temporary sales office, provided that the following conditions are met:
 1. The trailer shall be provided with underpinning, from the bottom of the walls to the ground, made of masonry, vinyl, pre-painted aluminum material, or other similar

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material.

2. Landscaping shall be provided around the base of the trailer.
3. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Administrator determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Zoning Administrator. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

4.9.7.3 School Manufactured Units

Public or private schools may install temporary manufactured classroom units with the issuance of a zoning permit.

4.9.7.4 Temporary Sales

Certain uses of a temporary nature may be permitted. The Administrator may grant a zoning permit for the following temporary uses:

- Temporary retail sales
- Produce Stands
- Christmas Trees Sales
- Civic and religious organization sales
- Government-sponsored sales

Such are subject to the following conditions:

- A. Temporary retail sales shall be subject to Chapter 14 Division 3 “Itinerant Merchants” of the Code of Ordinances.
- B. Truck trailers and flat beds are not permitted except for short-term delivery services.
- C. Temporary uses shall be permitted for a maximum of 60 days per calendar year on any individual property.
- D. No portion of the temporary use may be located within the public street right-of-way.
- E. Temporary uses shall present proof of property owner approval prior to the issuance of a permit.
- F. The proposed use will not materially endanger the public, health, welfare and safety.
- G. The proposed use will not have a substantial negative effect on adjoining properties.
- H. The site shall have adequate parking for the temporary use in addition to parking for any permanent use located on the property.

4.9.8 Utility Facilities, Neighborhood

- A. Neighborhood utility facilities located within a public right-of-way, with the permission of the owner of the right-of-way (State or City), do not require a Zoning or Special Use Permit.

CHAPTER 4: SPECIAL REQUIREMENTS

- B. Neighborhood utility facilities not located within a public right-of-way may be located on any size lot without regard to the minimum lot size requirements set forth in this Ordinance. However, if a substandard size lot is created after the effective date of this Ordinance to accommodate neighborhood utility facilities, then such lot shall not thereafter be regarded as a legitimate nonconforming lot for purposes of Chapter 13 Nonconformities. The plat creating such a substandard lot shall bear a notation indicating that the use of the substandard lot is restricted to utility purposes by this Section.
- C. Neighborhood utility facilities shall be permissible in any district only if such facilities:
 - 1. Do not exceed six (6) feet in height; and
 - 2. Do not generate any noise, smoke, odor, vibration, electrical interference, or other disturbance that is perceptible beyond the boundaries of the lot where such facilities are located, or that adversely affects the use of adjoining or neighboring properties.

CHAPTER 5: RESERVED

This chapter is reserved for future use.

CHAPTER 6: SIGNS

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CHAPTER 6: SIGNS

Section 6.1 Permit Required for Signs

- A. Except as otherwise provided in this Chapter, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Article. Mere repainting or changing the message of a sign shall not, in and of itself be considered a substantial alteration.
- B. If plans submitted for a Zoning or Special Use Permit include sign plans in sufficient detail that the permit issuing authority can determine whether the proposed sign or signs comply with the provisions of this Ordinance, then issuance of the requested Zoning or Special Use Permit shall constitute approval of the proposed sign or signs.
- C. Signs not approved as provided in Subsection (B), or exempted under the provisions referenced in Subsection (A), may be constructed, erected, moved, enlarged, illuminated, or substantially altered, only in accordance with a Sign Permit issued by the Administrator.
 - 1. Sign Permit applications and Sign Permits shall be governed by the same provisions of this Ordinance applicable to Zoning Permits.
 - 2. In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), Sign Permits shall be issued in the name of the lot owner or his/her agent, rather than in the name of the individual business enterprise requesting a particular sign. The City may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the City shall be responsible for enforcing only the provisions of this Ordinance, and not the provisions of any allocation formula, lease, or other private restriction.
- D. Signs for which a Sign Permit has been issued may be relocated in conformance with the regulations of this Chapter upon notification to the Administrator. Signs that are nonconforming shall be subject to Section 13.2.

Section 6.2 General Provisions

6.2.1 Determining the Number of Signs

- A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- B. A two (2) sided or multi-sided sign shall be regarded as one sign so long as:
 - 1. With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceeds five (5) feet, and
 - 2. With respect to double-faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.

6.2.2 Computation of Sign Area

- A. The surface of a sign shall be computed by including the entire unit within a single, continuous, rectilinear perimeter forming 90° 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-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 50 percent of the total sign display surface area. In cases where the base or pylon area exceeds 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.

6.2.3 General Sign Location

- A. As provided in the Permitted Uses Table, no off-premises signs (except those exempted from regulation or permit requirements under Sections 6.3 or 6.4) may be located in any district other than an industrial district.
- B. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- C. No sign may be erected so that by its location, color, size, shape, nature, or message, it would tend to obstruct the view of, or be confused with, official traffic signs or other signs erected by governmental agencies.
- D. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- E. 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.
- F. No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the City or the State Department of Transportation. In such cases, the sign must be at least eight (8) feet above ground level, and no larger than six (6) square feet in area.

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Section 6.3 Exempt Signs

The following signs shall not require a Sign Permit under this Chapter, provided however, any such signs shall comply with all other requirements of this Chapter and Ordinance 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.
- B. Incidental signs that are not legible from the property line of the property on which they are located and are not intended to be viewed from off-site.
- C. Official signs installed by units of local government having jurisdiction within the City of Clinton, agencies of the State of North Carolina and federal government agencies are exempt from the regulations established by this Ordinance, provided that such signs are installed upon public property or within a right-of-way owned or maintained by said governmental agency and fully conform to all safety provisions established by the Ordinance. For the purposes of this section, official signs shall include any sign erected by the City of Clinton.
- D. On-premise flags and balloons, insignia shall be allowed subject to all of the following requirements:
 1. Flags shall not exceed 100 square feet in surface area. Such flags shall be maintained in accordance with Section 6.9 (Maintenance of Signs).
 2. Balloons exceeding three (3) feet in diameter or three (3) feet in length 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 6.9 (Maintenance of Signs).
 - c. No balloon shall exceed a maximum height of 125 feet above grade, as measured from the point of ground attachment to the highest balloon surface.
 - d. Any balloon that exceeds 25 feet in height shall be set back 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 25 feet, as measured from the ground attachment point to the right-of-way line or to all ground points determined by a 90° vertical line extending from the closest overhead utility transmission and/or distribution line as projected upon the ground, whichever is closer. The purpose of this requirement is to provide a 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 in Section 3.4 and within the Airport Height Overlay (AH-O) district.
 - f. No individual balloon regulated under this Section shall exceed a dimension of 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.

- E. Integral decorative or architectural features of buildings or works of art, so long as such features or works, moving parts, or lights.
- F. Signs directing and guiding traffic on private property that do not exceed six (6) square feet in area. Examples of such signs include restroom signs, parking area entrance and exit signs, no trespassing signs, and other signs warning of danger.
- G. Signs painted on, or otherwise permanently attached to, currently licensed motor vehicles that are not primarily used as signs. Motor vehicles shall not be parked as to constitute a sign.
- H. Signs proclaiming religious, political, or other non-commercial messages (other than those regulated by Section 6.4 that do not exceed one per abutting street and 20 square feet in area, and that are not internally illuminated).

Section 6.4 Temporary Signs

6.4.1 Applicability

The provisions of this section shall apply to the placement and display of temporary signage within the Town's jurisdiction. Any temporary sign that does not comply with the provisions of this Section is prohibited. Any sign which is permanently displayed shall comply with the provisions of Section 6.6 Permanent Signs.

6.4.2 Common Standards

All temporary signs shall comply with the following common standards:

- A. Temporary signs shall not be illuminated or be provided with any electric service.
- B. Temporary signs shall not be placed within any public street right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
- C. Temporary signs attached to building walls (other than permitted temporary widow signs) shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, or street number sign.
- D. Temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.
- E. Temporary signs shall not be placed in a manner that obstructs clear sign distance (within the required sign triangle) for motorists at street intersections or driveways.
- F. Temporary signs, other than Type 4 Freestanding Temporary Signs, shall not be placed upon any sidewalk or other pedestrian walkway.
- G. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.
- H. Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such

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displays shall carry through to the following calendar year, and shall be observed prior to initiating the first allowed display during the new calendar year.

6.4.3 Freestanding Temporary Signs

6.4.3.1 General Provisions

The following standards shall apply to all Freestanding Temporary Signs:

- A. Signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques, unless otherwise specified.
- B. Signs, other than Type 4 Freestanding Temporary Signs, shall be set back from the edge of the right-of-way.
- C. No more than one (1) Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under commons ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.

6.4.3.2 Type 1 Freestanding Temporary Sign

Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns and meeting announcements. For examples Type 1 Freestanding Temporary Signs, see Figure 7.1. Such signs are also subject to NCGS 136-32(b).

6.4.3.3 Type 2 Freestanding Temporary Sign

Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community, sporting and similar special events. For examples of Type 2 Temporary Signs, see Figure 7.1.

6.4.3.4 Type 3 Freestanding Temporary Sign

Signs in this category are large temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction and development activity or the advertisement of commercial or industrial buildings for sale or lease. For examples of Type 3 Temporary Freestanding Signs, see Figure 7.1.

6.4.3.5 Type 4 Freestanding Temporary Sign

The category of signs defined as Type 4 Freestanding Temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an “A-frame” or “sandwich board” sign. The faces of the sign shall be connected at the top by hinges or similar mechanisms and the sign shall be self-supporting when placed in its display position.

Criteria	Type 1	Type 2	Type 3	Type 4
Zoning District	Any District	Any District	Any District	NS, OL, CB, HC, MU
Permit Required	No	No	Yes	No

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Land Use	<ul style="list-style-type: none"> • Any land use 	<ul style="list-style-type: none"> • Civic, Government & Institutional Use Group and Industrial Use Group 	<ul style="list-style-type: none"> • Residential Use Groups for lots or developments of greater than 3 acres • Vacant or undeveloped properties of greater than 1 acre • Any property with a minimum of 200 feet of frontage on a public right-of-way • Property of greater than 1 acre for which there is a valid building permit 	<ul style="list-style-type: none"> • Civic, Government & Institutional Use Group • Office & Service Use Group • Retail & Wholesale Use Group
Max. Size ¹ (square feet)	6	24	32	6
Max. Height (feet)	4	4	8	4
Number Permitted ²	1	1	1	1 per customer entrance ⁴
Max. Duration	30 days	7 days up to 12 times per calendar year	2 years ³	Between daily opening and Closing
Mounting	Supported by posts or stakes	Supported by posts or stakes	Supported by a minimum of 2 posts or stakes	A-frame
Material	Rigid	Flexible	Rigid	Rigid
Other	NCGS 136-32 applies within state rights-of-way		Shall not be displayed upon a parcel that contains a permanent freestanding sign	<ul style="list-style-type: none"> • Shall be located within 10 feet from building wall and within 10 feet of a customer entrance • May be located on sidewalk if with a

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				minimum 3-foot clearance • Shall not be placed in a landscape area or parking area or driveway
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¹The display area may be either single or dual-sided, but shall not consist of more than one (1) distinct component.

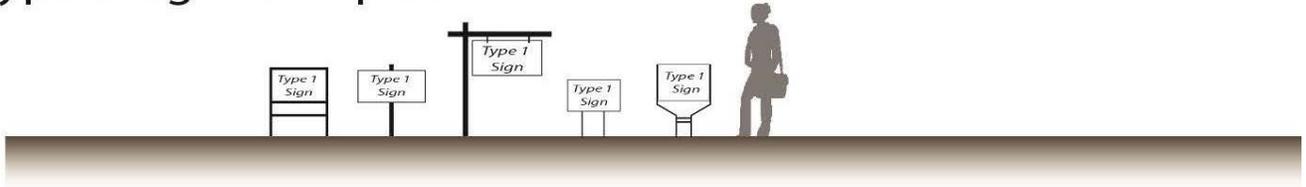
²Per parcel or group of adjacent parcels under common ownership or tenancy

³Provided that this limit shall not apply if the land, and any building(s) and/or structure(s) upon such parcel or group of parcels is not occupied or in active use for purposes other than a use in the Residential Use Group at any time during the period of display.

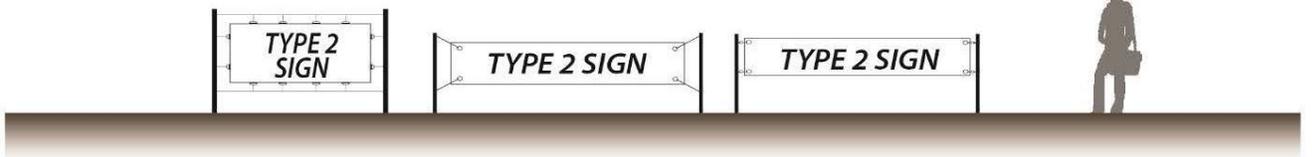
⁴Provided there is a separation of a minimum of 50 feet if there is more than one customer entrance per tenant space.

FIGURE 6.1: FREESTANDING TEMPORARY SIGN TYPES

Type 1 Sign Examples



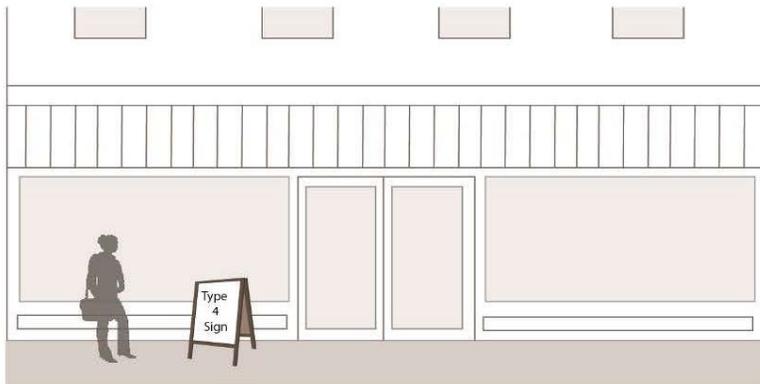
Type 2 Sign Examples



Type 3 Sign Examples



Type 4 Sign Example



6.4.4 Wall Mounted Signs

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Temporary signs, mounted to building walls, may be displayed subject to the following provisions:

- A. One (1) temporary wall sign may be displayed per building occupied by a single tenant. Buildings designed for occupancy by multiple tenants where each tenant has a separate entrance may display one (1) temporary wall sign per tenant space. Buildings occupied by multiple tenants that share a common entrance may not display more than one (1) temporary wall sign at any given time.
- B. Temporary wall signs shall be mounted flush against the building wall and secured by fasteners or other anchors at each corner.
- C. The maximum display area for temporary wall signs shall be 32 square feet.

6.4.5 Temporary Window Sign

Signs attached temporarily to the interior of a building, window or glass, individually or collectively, may not cover more than 75 percent of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within 30 days after placement.

Section 6.5 Prohibited Signs

Except as otherwise provided, the following signs are prohibited within the City of Clinton:

- A. Kites or similar devices;
- B. Balloons, except as provided under Section 6.3;
- C. Spotlights;
- D. Temporary signs other than as specified in Section 6.4;
- E. Signs attached to radio or television towers or poles including satellite dish transmission or reception devices;
- F. Signs suspended between two (2) structures or poles and supports by a wire, rope or similar device including banners, except as otherwise provided in Section 6.4.4;
- G. Roof signs;
- H. Signs which utilize movement or apparent movement to attract the attention of the public, are prohibited. Without limiting the foregoing, banners, streamers, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this Subsection shall not apply to signs specified in Section 6.3 or to signs indicating the time, date, or weather conditions;

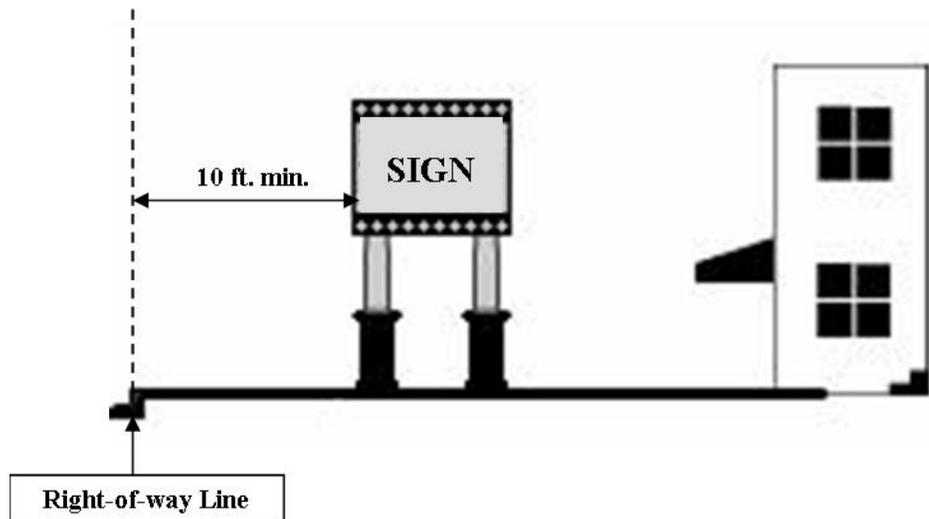
- I. Flashing signs, except as otherwise provided under Section 6.8;
- J. Strings or ribbons, tinsel, small flags and other similar devices;
- K. Pinwheels, windmills or other similar devices.

Section 6.6 Permanent Signs

6.6.1 Freestanding Signs

A. The following setbacks shall apply to all freestanding signs that require permits:

Minimum Distance From Existing or Proposed Street Right-of-Way Line (See diagram below)	10 feet
Minimum Distance from existing or proposed side walk (CB, NS, O&I)	5 feet
Minimum Distance from Lot Boundary Line	10 feet
Maximum Height (HC, I-1, I-2 districts)	20 feet
Maximum Height (residential districts & NS, OI, CB, PI, & PC districts)	10 feet



B. Except as authorized by Subsection (C), no lot or development may have more than one freestanding sign. However, If a lot development is located on a corner and has at least 150 feet of frontage on each of the two (2) intersecting public streets, then the lot or development may have not more than one freestanding sign along each side of the lot or development bordered by such streets.

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- C. If a lot or development has 300 or more feet of frontage on a public street, then the lot or development may have not more than two (2) freestanding signs along such street, provided such signs are spaced not less than 100 feet apart as measured from the center of the sign.
- D. For purposes of this Section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 6.2. For example, wall signs typically have one (1) side. Freestanding signs typically have two (2) sides (back-to-back), although four-sided and other multi-sided signs are also common.
- E. Unless otherwise provided in this Chapter or Chapter 4 (Special Requirements), a single side of a freestanding sign may not exceed $\frac{1}{2}$ square foot in surface area for every linear foot of frontage along the street toward which the sign is primarily oriented, except that an additional $\frac{1}{2}$ square foot in sign surface area may be permitted for every linear foot of setback of the primary building beyond the minimum front setback. However, in no case may a single side of a freestanding sign exceed 125 square feet in surface area. **(TA-12-10-1)**
- F. With respect to freestanding signs that have no discernable sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed one square foot in total surface area for every linear foot of lot frontage along the street toward which each sign is primarily oriented. However, in no case may such sign exceed 200 square feet in surface area.
- G. 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 three (3) feet at any point.

6.6.2 Wall Signs & Permanent Window Signs

- A. No wall sign may extend above any parapet walls or above rooflines of buildings without parapet walls. No wall sign shall extend above the lower eave line of a building with a pitched roof, except if the roof is a mansard-type, in which case the sign may be attached flat against, but not extend above said roof.
- B. No sign attached to a building may project more than 12 inches from the building wall.
- C. Unless otherwise provided in this Chapter or Chapter 4 (Special Requirements) the maximum sign surface area permitted for any residential use shall be three (3) square feet.
- D. Unless otherwise provided in this Chapter or Chapter 4 (Special Requirements), wall signs including permanent window signs for walls with one hundred (100) feet or less in linear footage, shall have a total sign surface area in square feet no greater than two times the linear frontage in feet of the wall of the building to in which the sign is attached, but in no case greater than two hundred (200) square feet. Wall signs for walls, which exceed one hundred (100) feet in length, may have a total sign surface area in square feet equal to one (1) foot per each linear foot of wall or two hundred (200) square feet, whichever is greater.
- E. The display area of wall signs painted on, affixed to, or otherwise displayed on or through a façade window shall not exceed 25 percent of the window area.

- F. If a lot has frontage on more than one (1) street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.
- G. Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one street used in the calculations.

6.6.3 Special Provisions for Certain Signs

- A. **Subdivision Entrance and Multi-family Development Entrance Signs.** At any entrance to a residential subdivision or multi-family development, there may be not more than two (2) sign. A single side of any such sign may not exceed 50 square feet in surface area. No such signs shall exceed a height of 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 used to calculate total sign surface area.
- B. **Signs for Permitted Nonresidential Uses in Residential Zoning Districts.** Except as otherwise provided, signs for permitted nonresidential uses located in any residential zoning district may be allowed provided such signs meet the following restrictions:
 - 1. the sign shall not exceed 12 square feet in display surface area,
 - 2. the sign shall not exceed 5 feet in height above the property grade in the case of a freestanding sign, and there shall be no more than one sign per lot.

Section 6.7 Downtown Historic District Signs

6.7.1 General Provisions

- A. No permanent signs other than those identifying the property or the use therein shall be permitted.
- B. Signs for discontinued tenants shall be removed unless the sign is a contributing feature on a building within the historic district.
- C. No flashing or moving signs shall be allowed except barber poles.
- D. The design of signs shall be of professional quality.

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- E. The size of irregular signs and the size of signs made up of individual letters shall be determined by measuring the smallest circle, square or rectangle that will wholly contain the sign.
- F. Signs shall not interrupt the vertical and horizontal features of the façade, which defines the building architectural order. Signs identifying group-level establishments shall be placed to avoid blocking or obscuring upper floor windows.
- G. No signs at or above roof level shall be permitted.

6.7.2 Specific Standards

- A. Primary signs shall include one of the following and meet the outlined standards:
 - 1. Wall signs require a Certificate of Appropriateness as major work item.
 - a. Maximum protrusion of 12 inches from the building.
 - b. A maximum of one square foot for each foot of building or business frontage up to a maximum of 200 square feet.
 - c. May not extend above the bottom of the cornice or cap.
 - d. Wall signs in the same building shall be uniform except in cases where arches, entrances or other features of the building prevent strict adherence to this requirement.
 - e. No sign shall be painted directly on the surface of the building.
 - 2. Projecting signs and suspending signs require a Certificate of Appropriateness as a major work item.
 - a. Projecting signs may be permitted one square foot of sign area per one linear foot of building frontage with a maximum of 50 square feet per sign face and a maximum of 20 feet height and five (5) feet of projection. Suspending signs may be permitted at a maximum of three (3) square feet per sign face. **(TA-9-19-5)**
 - b. May not extend above the bottom of the cornice or cap.
 - c. Must be coordinated with the City with regard to street tree planting and other public improvements.
 - d. The bottom of signs three (3) square feet or less in area shall be at least eight (8) feet and six (6) inches above the sidewalk. The bottom of signs larger than three (3) square feet shall be at least 10 feet above the sidewalk.
 - 3. Canopy or marquee signs identifying a business may be installed on the face of a canopy or marquee, provided that total copy area shall not exceed the area permitted for a wall sign based on linear feet of building frontage. On places of public entertainment, such as theaters, arenas and meeting halls, maximum permitted copy area for changeable copy shall be three (3) square feet per linear foot of canopy or marquee, in addition to the area permitted for permanent signs identifying the business, subject to a maximum height of five (5) feet for the changeable copy.
- B. Supplementary signs shall include up to two (2) of the following and meet the following standards:
 - 1. Door signs require a Certificate of Appropriateness as a minor work item.
 - a. Limited to the name, address of the business, and hours of operation.

- b. Letters shall be a maximum height of 6 inches and have a total copy area of two (2) square feet.
2. Window signs located within 12 inches of a window require a Certificate of Appropriateness as a minor work item.
 - a. Maximum letter height of eight (8) inches.
 - b. Maximum area shall be 1/3rd of the window area or 15 square feet, whichever is smaller.
3. Ground signs require a Certificate of Appropriateness as a major work item.
 - a. Must be located in a yard area not regulated by the zoning district and one sign shall be permitted for each yard so provided.
 - b. One square foot of sign area per linear foot of building frontage with a maximum area of 20 square feet and a maximum of five (5) feet in any dimension of the sign.
 - c. The sign shall not be higher than 10 feet above the elevation of the sidewalk from which it is intended to be viewed.
4. Pole signs require a Certificate of Appropriateness as a major work item.
 - a. Must be located in a yard area not regulated by the zoning district and one sign shall be permitted for each yard so provided.
 - b. One (1) square foot of sign area per linear foot of building frontage with a maximum area of 20 square feet and a maximum of five (5) feet in any one dimension of the sign.
 - c. The bottom of signs three (3) square feet or less in area shall be at least eight (8) feet and six (6) inches above the sidewalk. The bottom of signs larger than three (3) square feet shall be at least 10 feet above the sidewalk.
 - d. Signs shall not be higher than the underside of the cornice trim or roof cap.
5. Awning signs require a Certificate of Appropriateness as a minor work item. Lettering or advertising logos screened or painted on or sewn onto awnings or balances of awnings shall not exceed eight (8) inches in height and one and one-half (1½) linear feet per linear foot of store frontage. No sign shall hang from any awning.
6. Repair, replacement or replicas of historic signs, including internally illuminated, back-lighted, indirect, exposed bulb or neon signs, are permitted in the Downtown Historic District.
 - a. Signs shall be no larger than one-half (½) square feet for each two (2) feet of linear building frontage.
 - b. Signs shall be located on the interior of the building.
7. Portable signs (i.e., sandwich board) signs shall require a Certificate of Appropriateness as a minor work item and shall meet the following standards:
 - a. One double-sided sign per business or separate business entrance.
 - b. Signs are allowed only during business hours; signs must be removed after business hours
 - c. Sign face cannot exceed eight (8) square feet per side
 - d. Maximum height of sign is four (4) feet and maximum width is four (4) feet.
 - e. Signs must be located within six (6) feet of property line closest to the door.
 - f. Signs must be constructed of steel, aluminum or wood.
 - g. Signs may be constructed in the style of a double-sided pole sign or painting easel.
 - h. Signage distributed for the primary purpose of advertising national brand names are not allowed.

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- C. Right-of-way signs shall not require a Certificate of Appropriateness but shall meet the following standards:
1. Signage will be combined on one pole and in one area whenever possible to reduce clutter.
 2. Back of sign shall be painted black if no other signs are attached on the reverse side.
 3. Signs should be spaced to reduce the appearance of clutter.
 4. All sign supports regardless of material should be painted black.
 5. Street name signs must be painted with a black background and white lettering.
- D. Temporary signage shall meet the following standards:
1. Minor work Certificate of Appropriateness required.
 2. Maximum duration shall be 14 days.
- E. Upper floor business signs shall meet the following standards:
1. One sign identifying upper-floor establishments shall be permissible beneath the second floor windowsill. One single or double-faced sign identifying all upper-floor establishments in the same building shall be permitted for each entrance. The maximum size sign shall be six (6) square feet per side.
 2. Initial upper-floor business signs shall require a major work Certificate of Appropriateness.
 3. Following initial changes, subsequent upper-floor business signs will require a minor work Certificate of Appropriateness.

Section 6.8 Sign Illumination and Signs Containing Lights

- A. Unless otherwise prohibited by this Ordinance, signs may be illuminated if such illumination is in accordance with this Section.
- B. No sign within 150 feet of a residential zone may be illuminated between the hours of 12 AM and 6 AM, unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- D. Except as herein provided, (i) internally illuminated signs are not permissible in the residential zoning districts, and (ii) where permissible, internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This Subsection shall not apply to the following types of signs:
1. Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date, or weather conditions, or similar device whose principal function is not to convey the advertising message;

2. Signs that do not exceed two (2) square feet in surface area and that convey the message that a business enterprise is open or closed, or that a place of lodging does or does not have a vacancy.
- E. Subject to Subsection (G), illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
- F. Subject to Subsection (G), no sign may contain or be illuminated by flashing, or intermittent lights or lights of changing degrees of intensity.
- G. Subsections (E), and (F) do not apply to temporary signs erected in connection with the observance of holidays.

Section 6.9 Maintenance of Signs

- A. All signs and all components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- B. If a sign, other than a billboard, for a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- C. If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located, or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This Subsection shall not be construed to alter the effect of Section 13.12 (Nonconforming Signs), that prohibits the replacement of a nonconforming sign, nor shall this Section be construed to prevent the changing of the message of the sign.
- D. The area within 10 feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than five (5) inches in height.

Section 6.10 Unlawful Cutting of Trees or Shrubs

- A. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:
- B. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City or State Department of Transportation;

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- C. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;
- D. In any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.

CHAPTER 7: OPEN SPACE & RECREATIONAL FACILITIES

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CHAPTER 7: OPEN SPACE

Section 7.1 Environmental Assessment & Suitability of Land

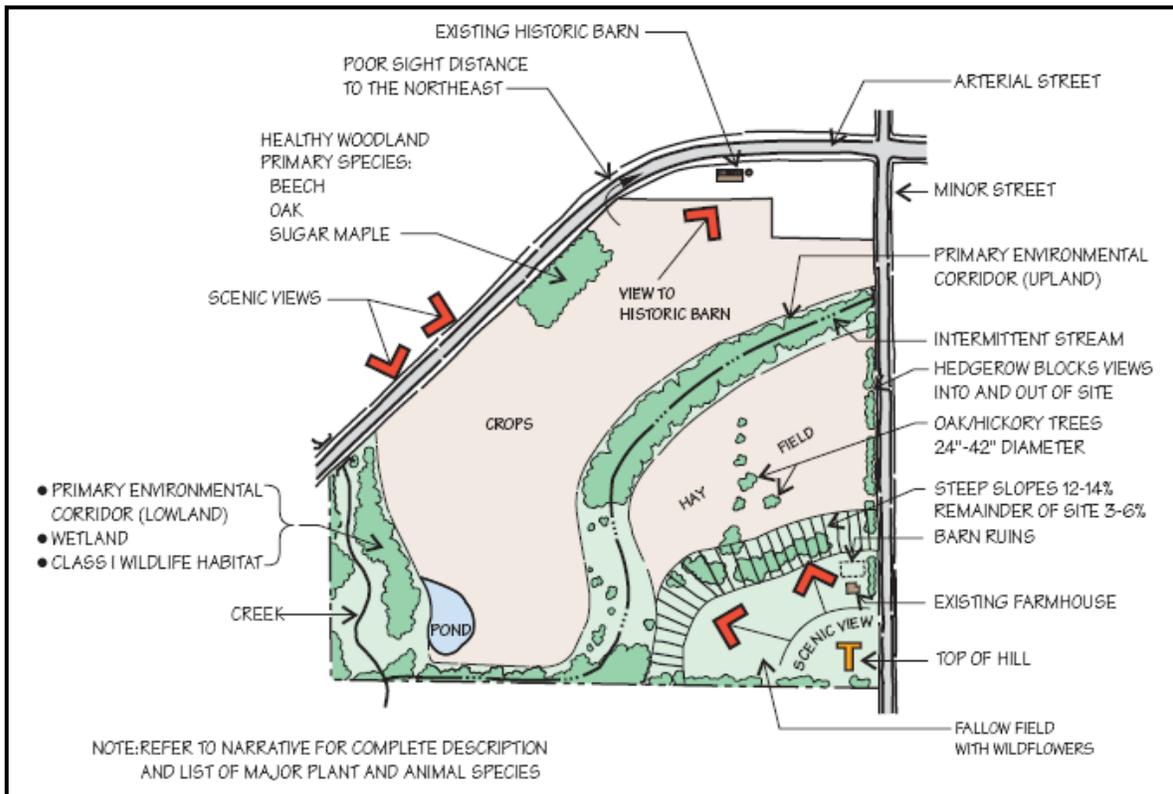
7.1.1 Preservation of Trees & Natural Features Encouraged

- A. Significant forest stands, natural vegetation, specimen trees, severe natural topography, drainage features and water courses are encouraged to be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development.
- B. Forested and vegetated areas whose physical site conditions render them unsuitable for development should be set aside as conservation areas or as open space. Wooded sites should be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration should be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees or specimen trees should be protected as a valuable asset of the property.

7.1.2 Existing Conditions Survey

Existing Conditions Surveys are required at the Preliminary Plat stage for all Major Subdivisions and for all multi-family residential development. Identification of existing tree stands, known endangered species, wetlands, streams and creeks, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing vegetation while considering unique site conditions.

EXAMPLE OF AN EXISTING CONDITIONS SURVEY



Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002. http://www.sewrpc.org/ca/conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf

CHAPTER 7: OPEN SPACE & RECREATIONAL FACILITIES

7.1.3 Flood Damage Prevention

The regulations governing building and subdivision development located entirely or partially within FEMA (Federal Emergency Management Agency) designated floodplains and floodways shall comply with all applicable requirements of the City of Clinton Flood Damage Prevention Ordinance, including any amendments thereto, which is hereby adopted by reference as fully as though set forth within this Ordinance. In addition to the requirements of the City of Clinton Flood Damage Prevention Ordinance, there shall be no fill brought onto properties within the FEMA designated floodplains and floodways for the intent of structural support within the City of Clinton's Jurisdiction.

Section 7.2 Open Space Requirements

7.2.1 Applicability

This Section shall apply to every residential major subdivision of 30 or more lots and multi-family residential development within the existing City limits or new developments that would be required to petition for annexation into the City under Section 10.2.1.1 of the Clinton Land Development Ordinance.

7.2.2 Minimum Open Space Dedication

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area.

Density (Dwelling Units per Acre-DUA)	Percent Open Space*
1 unit or less per 5 acres (0.20 DUA or less)	n/a
Between 1 unit per 5 acres and 2 units per acre (0.21 DUA-2.00 DUA)	5%
Between 2 units per acre and 4 units per acre (2.01 DUA-4.00 DUA)	10%
More than 4 units per acre (4.01 DUA or more)	15%

*Conservation Development minimum open space dedication shall meet the requirements of the Section 4.2.

How to Calculate DUA (Dwelling Units Per Acre):

$$\frac{\text{Total Number of Dwelling Units}}{\text{Total Development Area in Acres}} = \text{DUA}$$

7.2.3 General Provisions for Open Space

A. Land designated as open space on the approved development plan shall be maintained as open space and may not be separately sold, subdivided, or developed.

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- B. Access from a street shall be provided to all designated open space with a minimum 15 foot wide access to the open space area. Lakes or ponds within the subdivision used as open space shall provide adequate community access.
- C. Open space shall be contiguous wherever possible.
- D. City and County plans, particularly park and open space plans, shall be considered when evaluating proposals for dedication. If a properly located future greenway in the City of Clinton Comprehensive Pedestrian Plan, then the greenway open space type in Section 7.2.4 shall be used to meet minimum open space standards.
- E. Open space shall consist of land no more than 25 percent of which lies within a floodplain or floodway.

7.2.4 Types of Open Space

All required open space shall be classified in accordance with this Section. Dedicated open space shall fit into one or more of the following categories and be classified as private common area open space or public open space. The Existing Conditions Survey should be used as a guide to determine the most appropriate open space type and location.

- A. **Playground**-Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

Minimum Size: 10,000 square feet

Maximum Size: 20,000 square feet

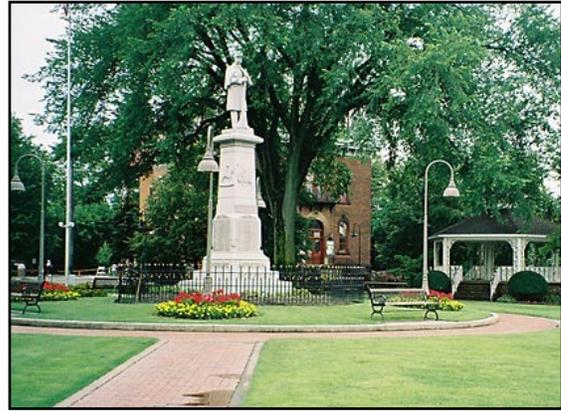


- B. **Square**-Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

Minimum size: 2,000 square feet

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Maximum size: 1 acre



- C. **Park**-Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens.

Minimum size: 1 acre



- D. **Green**- The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; paths are optional.

Minimum size: 20,000 square feet

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- E. **Greenway**-Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses. This open space type shall be used for any development that is shown along a designated greenway corridor within the City of Clinton Comprehensive Pedestrian Plan.



- F. **Greenbelt**-Greenbelts run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial



CHAPTER 7: OPEN SPACE & RECREATIONAL FACILITIES

district, or a developed area from agricultural areas or adjacent municipalities. Greenbelts differ from the other types of open spaces in that they are left natural, and are not intended for recreational use.

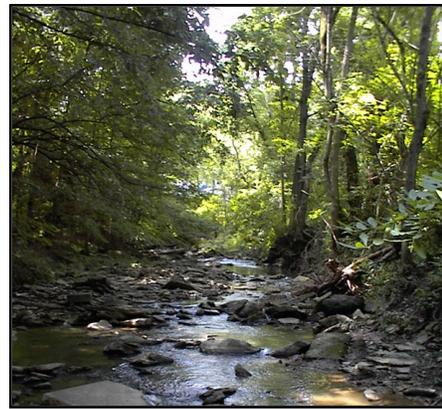
- G. **Agricultural Preserve**-Open spaces designated as Agricultural Preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural Preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations.

Minimum size: 5 acres



- H. **Nature Preserve**-Open spaces designated as Nature Preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature Preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature Preserves are the preferred form of open space for steep slopes in excess of 25 percent grade.

Minimum size: 3 acres



CHAPTER 7: OPEN SPACE

Section 7.3 Open Space Ownership & Maintenance

- A. Open space may be owned or administered by one or a combination of the following methods:
- Fee simple ownership by a unit of government or private non-profit land conservancy;
 - Common ownership by Homeowners Association;
 - Split deeded ownership by individual property owners within the subdivision;
 - By individual private ownership such as a farmer, developer or other private entity that maintains the open space in accordance with the purposes of this Chapter (i.e. farming, equestrian facility, etc. excluding confined livestock operations).
 - Deed restricted open space easements on individual private properties.
- B. The City Council shall have the authority to accept or reject land dedications made as a requirement of this Section. They shall also have authority to sell land accepted pursuant to this section with the proceeds of such sale used only for the acquisition, expansion or improvement of recreation, park, or open space sites.
- C. The owner of dedicated open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- D. In the case of common ownership by a Homeowners Association, the restrictive covenants shall provide that, in the event the Homeowners Association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice, demand that deficiency of maintenance be corrected, or enter the open space to maintain it. The cost of such maintenance shall be charged to the Homeowners Association.
- E. The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space.
- F. The developer will provide proof of registration of the Articles of Incorporation with the appropriate state agency for the formation of the Homeowners Association to the Subdivision Administrator.
- G. Homeowners' Associations or similar legal entities that are responsible for the maintenance and control of open space areas and common areas shall be established by the developer who shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity. A copy of the recorded document shall be provided to the Administrator and such document shall include, but not be limited to, the following:
1. Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer.

CHAPTER 7: OPEN SPACE & RECREATIONAL FACILITIES

2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common open space areas.
3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the homeowners association or similar legal entity.
4. The open space restrictions must be permanent, not just for a period of years.
5. The association or similar legal entity must be responsible for liability insurance, applicable taxes and the maintenance open space and other facilities under their control.
6. The association or similar legal entity must be able to adjust the assessment to meet changing needs.
7. The association shall be responsible for maintaining all public storm water drainage systems and easements within the subdivision not being maintained by the City, County, State or other approved entity.
8. It shall be expressly stated within the restrictive covenants/homeowners association documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the Homeowners Association Board of Directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the Homeowners Association Board of Directors.

Section 7.4 Payment-in-Lieu of Dedication

- A. If the developer chooses not to include the open space as outlined in Section 7.2 in the proposed residential major subdivision, then the City may accept a fee paid in lieu of dedication.
- B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the City, and the funds shall be used by the City for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the City, pending their expenditure in accordance with the terms of this code; such funds may be invested as other funds of the City. The City may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.
- C. Refunds shall not be granted to the developer should the project not be constructed after recording of Final Plat or if a reduction in density occurs.

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- D. Such payment in lieu of dedication shall be the product of the current assessed market value of the land to be subdivided (as established in subsection E below) multiplied by the number of acres to be dedicated.
- E. The current assessed market value of the gross land area of the development or subdivision at the time of submission of the required plan and/or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the Sampson County Tax Office. The average value per gross acres shall be calculated from this total tax value and applied to the required recreational land area in order to determine the land value.

$$\frac{\text{TOTAL MARKET VALUE OF UNDEVELOPED PROPERTY}}{\text{TOTAL ACRES OF UNDEVELOPED PROPERTY}} \times \text{ACRES OF REQUIRED OPEN SPACE} = \text{PAYMENT}$$

Section 7.5 Flexibility in Administration Authorized

- A. The requirements set forth in this Chapter concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the City Council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted City plans. The Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this Chapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing authority is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- B. Whenever the permit-issuing authority authorizes some deviation from the standards set forth in this Chapter pursuant to Subsection (A), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

CHAPTER 8: LANDSCAPING & BUFFERING

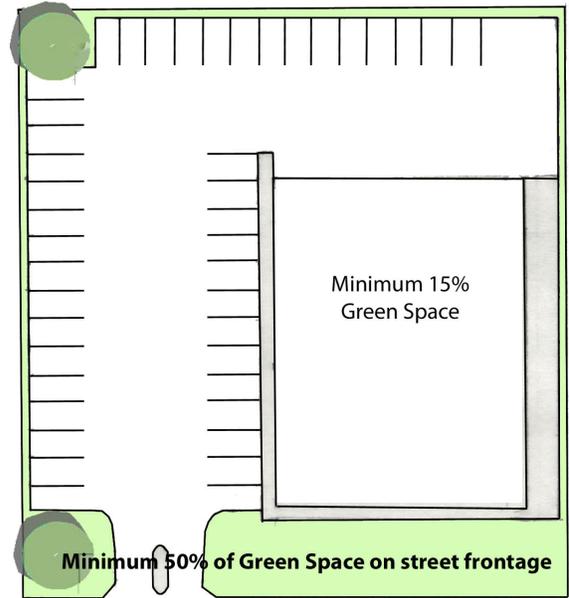
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CHAPTER 8: LANDSCAPING & BUFFERING

Section 8.1 Green Space and Landscaping

8.1.1 General Green Space Standard

A. All new commercial development or commercial development expanding by 20 percent or more of its existing square footage (located within NS-Neighborhood Shopping, OI-Office and Institutional, HC-Highway Commercial, I1-Light Industrial or I2-Heavy Industrial) shall designate a minimum of 15 percent of the total site area for green space. A minimum of 50 percent of the required green space shall be located along the street frontage with the most traffic and visibility. All green space at a minimum shall be planted in grass, mowed on a regular basis and kept weed and litter free by the property owner. The construction site area calculation shall include all portions of the parcel used for development, including 15 feet beyond the furthest rear portion of the construction site when the entire parcel is not being developed.



B. Although not required, planting of trees and other live vegetation to provide a more pleasing view from the travel ways and to provide a continuity of vegetation throughout the City is preferred.

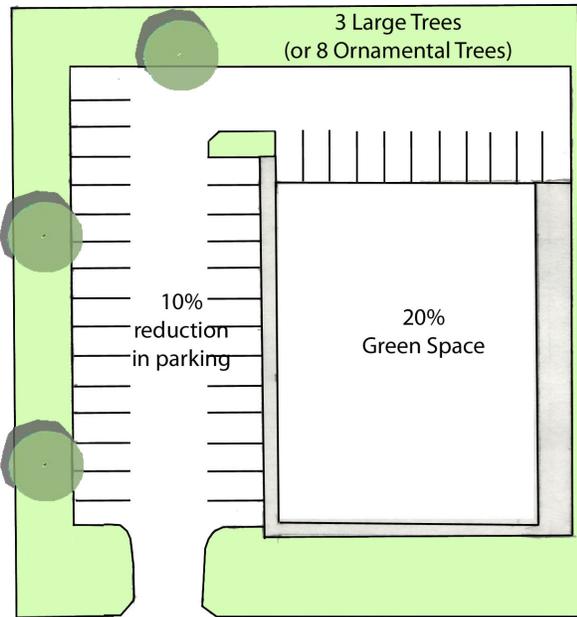
8.1.2 Incentives for Additional Green Space and Landscaping

In addition to the 15 percent minimum green space requirement, incentives are available for creating additional green space and/or landscaping on the site. For every five (5) percent increase in green space, 10 percent can be reduced from the total parking requirement. Where 30 percent or more area is provided or reserved as green space, a 30 percent reduction in the required total parking spaces will be allowed. If trees are planted or preserved, parking spaces may also be reduced. For every three (3) large trees, or for every eight (8) ornamental trees, planted/preserved per acre, five (5) parking spaces may be reduced from the total spaces required. At least five (5) large shade trees shall be planted/preserved and/or at least 10 ornamental trees planted/preserved per acre to qualify for a 30 percent reduction in total parking spaces required.

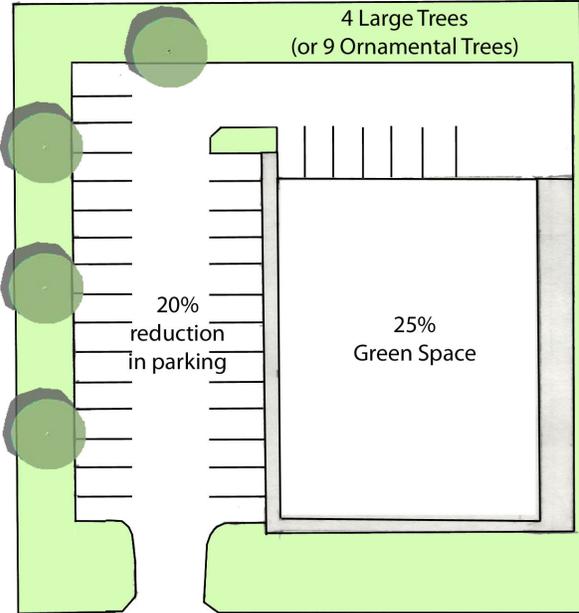
Green Space and Landscaping Incentives Table				
	Net Green Space Required		# of Trees per Acre	Parking Reduction
Minimum	15%	and	2 Large or 5 Ornamental	None
Incentive A	20%	and	3 Large or 8 Ornamental	10 % reduction in total parking
Incentive B	25%	and	4 Large or 9 Ornamental	20 % reduction in total

CHAPTER 8: LANDSCAPING & BUFFERING

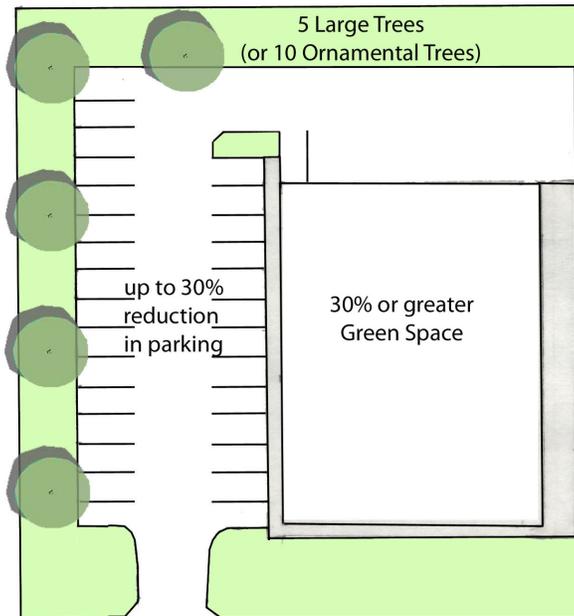
		and		parking
Incentive C	30% or greater		5 Large or 10 Ornamental	Up to a 30 % reduction in total parking



Incentive A



Incentive B



Incentive C

CHAPTER 8: LANDSCAPING & BUFFERING

8.1.3 Preservation of Existing Trees for Incentives

- A. If existing trees are within the 50 percent required green space area long the street with the most traffic and visibility, or in portions of the remainder of the total required 15 percent net green space, they may be accepted for the incentive if they meet or exceed the requirements of Section 8.1.4.
- B. If existing trees are within the 50 percent required green space area along the street with the most traffic and visibility, or in portions of the remainder of the total required 15 percent net green space, they may be accepted for the incentives if they are combined with new trees to meet or exceed the requirements of Section 8.1.4.

8.1.4 Tree Size at Planting for Incentive Landscaping

Trees used to obtain the incentives specified in Section 8.1.2 shall meet the following requirements at the time of planting:

- A. Each large shade tree shall be a minimum of two (2) inches caliper, have a minimum height of 10 feet from the ground surface, and not be located within a right-of-way.
- B. Small ornamental trees shall be a minimum of one inch caliper, have a minimum height of six (6) feet from the ground surface, and not be located within a right-of-way.

8.1.5 Exceptions to Green Space and Landscaping Requirements

It is the intent of this Chapter that existing development shall not be required to comply with the regulations contained in this Chapter unless such development is expanded or is substantially altered.

Section 8.2 Buffers

- A. Buffer strips shall be required where any use permitted in the NS (Neighborhood Shopping), HC (Highway Commercial), I-1 (Light Industrial), I-2 (Heavy Industrial), and PI (Planned Industrial) districts abuts land zoned for residential use.
- B. Unless otherwise specified elsewhere in this Ordinance, buffer strips shall be composed of evergreen plantings and shall be no less than six (6) feet in height and fifteen (15) feet in width at the time of planting.
- C. The applicant may choose to install a fence with evergreen plants to satisfy the buffer requirements of Section 8.2 with the approval of the permit issuing authority. Any fence used to meet the requirements of this section shall be a minimum six (6) feet in height, opaque, constructed of vinyl or composite wood and constructed so the finished side of the fence faces the residential use. The use of a fence allows for a 50 percent reduction in the evergreen buffer requirements of this section. All fences must remain free from mold and any areas of the fence that are broken or damaged must be replaced.
- D. The buffering requirements may be waived by the City Council upon recommendation of the Planning Board along a boundary that is naturally screened by evergreen plant materials or

topography. The buffer requirement may be deferred by the City Council in isolated areas. In residential PRD's (Planned Residential Developments), buffering may be waived in lieu of a fence as approved by the City Council.

Section 8.3 Flexibility in Administration Required

- A. The City Council recognizes that, due to the particularities of any given development, the inflexible application of the landscaping standards set forth in this Chapter, may result in a development either with inadequate landscaping or landscaping far in excess of its needs. Therefore, the permit issuing authority may permit deviations from the presumptive requirements of Sections 8.1 & 8.2, and may require more landscaping or allow landscaping, whenever it finds that such deviations are more likely to satisfy the standard set forth in Sections 8.1 & 8.2.

- B. Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the requirements set forth in Sections 8.1 & 8.2, when it finds that:
 - 1. Existing development is situated in such a manner to prevent full compliance; or
 - 2. Existing landscaping satisfies the requirements.

- C. Whenever the permit issuing authority allows or requires a deviation from the presumptive requirements set forth in Sections 8.1 & 8.2, it shall enter on the face of the permit the requirement that it imposes, and the reasons for allowing or requiring the deviation.

CHAPTER 9: PARKING

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Section 9.1 Number of Parking Spaces Required

- A. All developments in all zoning districts other than the CB District shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. The presumptions established by this Chapter are that: (i) a development must comply with the parking standards set forth in Subsection (E) to satisfy the requirement stated in Subsection (A), and (ii) any development that does not meet these standards is not in compliance. However, the Parking Requirements Table is only intended to establish a presumption and should be flexibly administered, as provided in Section 9.10 (Flexibility in Administration Required).
- C. When determination of the number of parking spaces required by the Parking Requirements Table results in a requirement of a fractional space, any fraction of ½ or less may be disregarded, while a fraction in excess of ½ shall be counted as one parking space.
- D. The City Council recognizes that the Parking Requirements Table set forth in Section 9.2 cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using the Table as a guide.
- E. See the Parking Requirements Table in Section 9.2 below for minimum and maximum parking space requirements.
- F. The minimum number of handicap accessible spaces shall be provided as follows:

Total Number of Spaces Provided	Total Minimum Number of Accessible Spaces	Minimum Van Accessible Spaces (96-inch isle)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2% of total parking provided	1/8 of total accessible spaces
1,001 and over	20 plus 1 for each 100 over 1,000	1/8 of total accessible spaces

SECTION 9.2 PARKING REQUIREMENTS TABLE

RESIDENTIAL USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Accessory apartments	1 per apartment	NA
Boarding or rooming houses	1 per bedroom	NA
Family care homes for the handicapped	1 + 0.5 per bed	NA
Home occupations	1 space in addition to residential use requirement	NA
Manufactured homes	2 per unit	NA
Multi-family dwellings	1.5 per unit	2.5 per unit
Single-family dwellings, detached (1 dwelling per lot)	2 per unit	NA
Temporary emergency, construction or repair residences	2 per unit	NA
Two-family dwellings (duplexes)	2 per unit	NA
Planned Residential Development District	2 per unit, excluding garages	
CIVIC, GOVERNMENT, & INSTITUTIONAL USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Cemeteries	NA	NA
Civil defense operation	1 per employee + 1 per 3 volunteer personnel on peak shift + 1 per 200 square feet of usable office space	NA
Colleges, Universities, & associated facilities	1 per 4 students	1 per 2 students
Correctional facility	1 per 2 employees on peak shift	NA
Daycare Center	1 per 375 square feet of gross floor area	1.5 per 375 feet of gross floor area
Emergency Services (fire, police, rescue squad, ambulance, EMT, & similar uses)	1 per employee + 1 per 3 volunteer personnel on peak shift + 1 per 200 square feet of usable office space	NA
Government office buildings	1 per 300 square feet of gross floor area	1 per 150 square feet of gross floor area
Hospitals & medical treatment facilities (greater than 10,000 sq. ft.)	1 per 400 square feet of gross floor area	1 per 100 square feet of gross floor area
Instructional Schools (karate, dance gymnastics, music, art, & similar instruction)	1 per 375 square feet of gross floor area	1.5 per 375 feet of gross floor area
Libraries, museums, art galleries, art centers, & similar uses	1 per 300 square feet of gross floor area	NA
Military reserve & national guard	1 per employee + 1 per 3 volunteer personnel on peak shift + 1 per 200 square feet of usable office space	NA

SECTION 9.2 PARKING REQUIREMENTS TABLE

Post Office	1 per 300 square feet of gross floor area	1 per 150 feet of gross floor area
Religious institutions & related uses (excluding elementary or secondary schools)	1 per 4 seats	1 per 1.5 seats
Research Facilities	1 per 2 employees on peak shift	NA
Residential care facilities (including halfway houses)	3 per 5 beds or 1 per residential unit	NA
Residential care homes (excluding halfway houses)	3 per 5 beds	NA
Schools, elementary	1.5 per classroom	3 per classroom
Schools, high	10 per classroom	20 per classroom
Schools (trade & vocational)	1 per 4 students	1 per 2 students
Social, fraternal clubs & lodges, union halls, & similar uses operated on a non-profit basis	1 per 250 square feet of gross floor area	1 per 200 square feet of gross floor area
OFFICE & SERVICE USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Animal services (no outdoor kennels)	1 per 300 square feet of gross floor area	1 per 150 square feet of gross floor area
Animal services (with outdoor kennels)	1 per 300 square feet of gross floor area	1 per 150 square feet of gross floor area
Bed and breakfast inns	1 per guest room + 2 for owner	NA
Crematoriums	1 per 2 employees on peak shift	NA
Dry cleaning and laundry establishments	1 per 500 square feet of gross floor area	1 per 200 square feet of gross floor area
Funeral homes and mortuaries	1 per 4 seats	1 per 2 seats
Hotels, motels, & inns	1 per room + 1 per 800 square feet of public meeting space & restaurant space	1 per room + 1 per 400 square feet of public meeting space & restaurant space
Motor vehicle services (no vehicle storage)	1 per 500 square feet of gross floor area + 1 per employee at peak shift	1 per 375 square feet of gross floor area + 1 per employee at peak shift
Motor vehicle services (with vehicle storage)	1 per 500 square feet of gross floor area + 1 per employee at peak shift	1 per 375 square feet of gross floor area + 1 per employee at peak shift
Medical, dental, & optical clinics (less than 10,000 square feet)	1 per 300 square feet of gross floor area	1 per 150 square feet of gross floor area
Professional Offices	1 per 300 square feet of gross floor area	1 per 150 square feet of gross floor area
Services, other (inside fully enclosed building)	1 per 300 square feet of gross floor area	1 per 150 square feet of gross floor area
RETAIL & WHOLESALE USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Convenience stores (no automotive services)	1 per 200 square feet of gross floor area	1 per 100 square feet of gross floor area
Motor vehicle sales or rental	1 per 375 square feet of gross floor area + 1 per employee at peak shift + 1 per vehicle stored on site	1.5 per 375 square feet of gross floor area + 1 per employee at peak shift + 1 per vehicle stored on site
Open air markets (including farmers markets)	1 per 1,000 square feet of gross floor area	NA
Restaurants	1 per every 3 seats	1 per 50 square feet of gross floor area

SECTION 9.2 PARKING REQUIREMENTS TABLE

Retail uses, high volume traffic	1 per 200 square feet of gross floor area	1 per 100 square feet of gross floor area
Retail uses, low volume traffic	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
Retail sales, miscellaneous (inside fully enclosed building)	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
Wholesale	1 per 400 square feet of gross office & sales floor area + 2 per each 3 employees at peak shift	NA
RECREATION & ENTERTAINMENT USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Bars	1 per 100 square feet of gross floor area	NA
Family Campgrounds	1 per campsite	NA
Golf, tennis, swimming clubs & related uses (private, separate from residential development)	1 per every 4 persons the facility is designed to accommodate	1 per every 2 persons the facility is designed to accommodate
Golf, tennis, swimming facilities, athletic fields & related uses (public, separate from schools)	1 per every 4 persons the facility is designed to accommodate	1 per every 2 persons the facility is designed to accommodate
Parks (public)	1 per every 4 persons the facility is designed to accommodate	1 per every 2 persons the facility is designed to accommodate
Motor vehicle racing tracks	1 per every 3 seats	NA
Nightclubs	1 per 100 square feet of gross floor area	NA
Recreation facility (indoor, designed to accommodate less than 1,000 people)	1 per every 4 persons the facility is designed to accommodate	1 per every 2 persons the facility is designed to accommodate
Recreation facility (indoor, designed to accommodate 1,000 or more people)	1 per every 4 persons the facility is designed to accommodate	1 per every 2 persons the facility is designed to accommodate
Recreation facility (outdoor, including golf driving ranges, miniature golf, skateboard parks, water slides, batting cages & similar uses)	1 per every 4 persons the facility is designed to accommodate	1 per every 2 persons the facility is designed to accommodate
Sexually Oriented Businesses	1 per 100 square feet of gross floor area	NA
Theater (indoor)	1 per 6 seats	1 per 4 seats
Theater (outdoor)	1 per every 4 persons the facility is designed to accommodate or 1 per each viewing space for drive-in theaters	1 per every 2 persons the facility is designed to accommodate
INDUSTRIAL, WAREHOUSING, & TRANSPORTATION USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Airports & heliports	1 per employee + spaces required to satisfy projected peak parking demands	NA
Automobile parking lots or garages (principal use)		NA
Bus & train stations	1 per employee + spaces required to satisfy	NA

SECTION 9.2 PARKING REQUIREMENTS TABLE

	projected peak parking demands	
Distribution centers	1 per employee at peak shift + 1 per each company vehicle at peak shift	NA
Junk yards, salvage yards, recycling operations, and similar uses	1 per 2 employees on peak shift + 1 per 5,000 square feet devoted to material storage + 1 per company vehicle	NA
Landfill (construction, demolition, land clearing & inert debris)	1 per 2 employees on peak shift	NA
Landfill, sanitary	1 per 2 employees on peak shift	NA
Manufacturing, processing, & assembly (inside fully enclosed building)	2 per 3 employees at peak shift + 1 per each company vehicle at peak shift	NA
Manufacturing, processing, & assembly (outside fully enclosed building)	2 per 3 employees at peak shift + 1 per each company vehicle at peak shift	NA
Mining & quarrying operations	1 per employee at peak shift + 1 per each company vehicle at peak shift	NA
Taxicab stand or office	1 per employee at peak shift + 1 per each company vehicle at peak shift	NA
Trucking terminals	1 per employee at peak shift + 1 per each company vehicle at peak shift	NA
Warehouse uses	1 per employee at peak shift + 1 per each company vehicle at peak shift	NA
Warehouse, mini	1 per 4,000 square feet of gross floor area	NA
AGRICULTURAL USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Agricultural operations, farming (excluding equestrian uses & swine production)	1 per 2 employees on peak shift	NA
Equestrian uses (horseback riding, stables)	1 per horse stall	NA
Greenhouse or horticultural nursery (no on-premises sales)	1 per employee at peak shift + 1 per each company vehicle at peak shift	NA
Greenhouse or horticultural nursery (with on-premises sales)	1 per 375 square feet of gross sales floor area	1.5 per 375 square feet of gross sales floor area
Silvicultural operations	1 per 2 employees on peak shift	
OTHER USES	MINIMUM NUMBER OF SPACES	MAXIMUM NUMBER OF SPACES
Drive-through/Drive-in uses (associated with permitted use)	Adequate stacking space	NA
Temporary Uses	Adequate for use	

SECTION 9.2 PARKING REQUIREMENTS TABLE

Utility facilities	NA	NA
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Section 9.3 Parking Area Dimensions

- A. Subject to Subsections (B), and (C), each parking space shall contain a rectangular area at least 19 feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
- B. In parking areas containing 10 or more parking spaces, up to 20 percent of the parking spaces may contain a rectangular area of 7½ feet in width by 15 feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- C. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking shall be no less than 22 feet by nine (9) feet.
- D. Parking area aisle widths shall conform to the following Table that varies the width requirements according to the angle of parking.

Parking Angle					
Aisle Width	0 Degrees	30 Degrees	45 Degrees	60 Degrees	90 Degrees
One-Way Traffic	13	11	13	18	24
Two-Way Traffic	19	20	21	23	24

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

Section 9.4 General Design Requirements

- A. Unless no other practicable alternative is available, parking lots shall be designed so that, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one (1) or two (2) dwelling units, although backing onto arterial streets is discouraged.
- B. Parking lots of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- C. Every parking lot shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

- D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

Section 9.5 Parking Lot Surfaces

- A. This shall not apply to single-family or two-family residences or other uses that are required to have only one or two (2) parking spaces.
- B. All parking spaces shall be paved with asphalt, concrete, or similar paving material except that required parking may be constructed with gravel or other comparable all-weather surface for:
 - 1. Parking facilities used on an irregular basis by religious assembly uses, or other similar non-profit organizations.
 - 2. Parking areas for agricultural uses.
 - 3. Parking areas in the I-2 Heavy Industrial District, I-1 Light Industrial District and Planned Industrial District. *(ZA-11-17-2)*
 - 4. Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment.
 - 5. Parking areas for uses which will require 8 or fewer parking spaces as set forth in Section 9.2
- C. When parking areas constructed with a gravel or other comparable all-weather surface, such parking areas shall be required to provide a buffer which shall meet the buffer dimensional requirements set forth in Section 8.2.B.
- D. All paved parking areas must be of sufficient thickness and consistency to support anticipated traffic volumes and weights. Spaces in paved parking areas shall be appropriately demarcated with painted lines or other markings.
- E. Access drives must be paved and maintained from the curb line to a point at least 10 feet beyond the public right of way line for all parking and loading facilities, whether paved or unpaved.
- F. All parking in Planned Residential and Mixed-Use Districts must be paved with asphalt, concrete or similar paving materials. *(TA-3-22-2)*

Section 9.6 Joint Use of Required Parking Spaces

- A. One parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to any other use.
- B. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a

parking lot is used in connection with an office building Monday through Friday, but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the space on that lot. Or, if a church parking lot is generally occupied only to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.

- C. If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of Section 9.7 (Satellite Parking) are also applicable.

Section 9.7 Satellite Parking

- A. If the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as satellite parking spaces.
- B. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.
- C. The developer wishing to take advantage of the provisions of this Section must present satisfactory written evidence that he/she has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his/her permit depends upon his/her continuing ability to provide the requisite number of parking spaces.
- D. Persons who obtain satellite parking spaces in accordance with this Section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this Chapter.

Section 9.8 Special Provisions for Lots with Existing Buildings

- A. Notwithstanding any other provisions of this Ordinance, whenever
 1. there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and
 2. a change in use that does not involve any enlargement of a structure is proposed for such lot, and
 3. the parking requirements of Section 9.1 (Number of Parking Spaces Required) that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 9.1 to the extent that

- a. parking space is practicably available on the lot where the development is located, and
- b. satellite parking space is reasonably available as provided in Section 9.6 (Joint Use of Required Parking Spaces).

B. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 9.9 Loading and Unloading Areas

- A. Subject to Subsection (E), whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following Table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this Section. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces ¹
1,000 – 19,999	1
20,000 – 79,999	2
80,000 – 127,999	3
128,000 – 191,999	4
192,000 – 255,999	5
256,000 – 319,999	6
320,000 – 391,999	7
Plus one space for each additional 72,000 square feet or fraction thereof.	

¹Minimum dimensions of 12 feet X 55 feet and overhead clearance of 14 feet from street grade required.

- C. Loading and unloading areas shall be so located and designed so that the vehicles intended to use them can
 - 1. maneuver safely and conveniently to and from a public right-of-way, and
 - 2. complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever

1. there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and
2. a change in use that does not involve any enlargement of a structure is proposed for such lot, and
3. the loading area requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this Section to the extent reasonably possible.

Section 9.10 Flexibility in Administration Required

- A. The City Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Sections 9.1 & 9.2, may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking on nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Sections 9.1 & 9.2, the permit issuing authority may permit deviations from the presumptive requirements of Sections 9.1 & 9.2, and may require more parking, or allow less parking, whenever it finds that such deviations are more likely to satisfy the standard set forth in Section 9.1.
- B. Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth in Sections 9.1 & 9.2, when it finds that:
 1. A residential development is irrevocably oriented toward the elderly;
 2. A business is primarily oriented to walk-in trade.
- C. Whenever the permit issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Sections 9.1 & 9.2, it shall enter on the face of the permit the parking requirement that it imposes, and the reasons for allowing or requiring the deviation.
- D. If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Sections 9.1 & 9.2, for a particular use classification is erroneous, it shall initiate a request for an amendment to the Parking Requirements Table in accordance with the procedures set forth in Chapter 14.

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CHAPTER 10: INFRASTRUCTURE

Section 10.1 Street and Sidewalk Standards

10.1.1 Access

- A. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- B. Whenever a major development that involves the creation of one (1) or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this development onto this street.
- C. All driveway entrances and other openings onto streets within the City's planning jurisdiction shall be constructed so that:
 1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- D. Specifications for driveway entrances shall meet minimum North Carolina Department of Transportation (NCDOT) requirements. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, this shall be deemed prima facie evidence of compliance with the standards set forth in Subsection (C).
- E. For purposes of this Section, the term prima facie evidence means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with Subsection (C).

10.1.2 Coordination with Surrounding Streets

- A. The street system of a development shall be coordinated with existing, proposed, and anticipated streets outside the development or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this Section.
- B. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- C. Sub-collector, local, and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- D. In an effort to improve and promote overall street connectivity, public streets constructed within the Clinton City Limits shall provide connections to existing adjacent public streets. When no off-site street stubs are present, the following connections shall be provided to undeveloped properties at the appropriate rate indicated below:

1. All new commercial developments are required to provide at least one stub-out to extend and connect with future streets. In the event that adjacent land is already developed with tub-outs present, the developer shall build streets to connect to the existing stub-out(s).
2. Residential developments containing 10 or more dwelling units shall include street connections or stubs to adjacent undeveloped properties. In the event adjacent land is already developed with streets, the developer shall connect to the existing sub-out(s).
3. Non-residential developments shall provide one stub to each adjoining parcel where, considering topography, land use compatibility and future development or redevelopment potential, it is deemed feasible and appropriate.

10.1.3 Relationship of Streets to Topography

- A. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Section 10.3, and street grades shall conform as practicable to the original topography.
- B. Proposed streets shall conform to grade standards adopted by the North Carolina Department of Transportation. The maximum grade at any point on a private road shall be six (6) percent.

10.1.4 Street Width, Sidewalk, and Drainage Requirements in Developments

- A. Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the City’s drainage system.
- B. Right-of-way widths, measured from lot line to lot line, shall be as wide as existing streets extended, but in no case shall said widths be less than the following:

Street Type	Minimum Required Right-of-Way Width (in Feet)
Arterial	100
Collector	70
Subcollector	50
Local	50
Minor	44

Additional street right-of-way may be required in cases where underground public utilities, sidewalks, and drainage facilities cannot be located within the minimum stated above.

- C. The latest edition of the NCDOT Division of Highways *Traditional Neighborhood Development Guidelines* may be followed for developments that utilize a more traditional design. In the absence of TND specific design guidelines, the criteria of the NCDOT *Development Roads Minimum Construction Standards* shall be followed. Additionally, the City of Clinton Pedestrian Plan shall be consulted for applicable street cross sections.

CHAPTER 10: INFRASTRUCTURE

- D. Sidewalks shall be provided along one side of all new streets exceeding 500 feet within developments located within the City Limits or developments that would be required to petition for annexation into the City under Section 10.2.1.1 of the Clinton Land Development Ordinance and shall be provided along any existing public street directly accessed by the proposed development as follows:
1. The sidewalk shall extend the length of the property adjacent to the roadway on the same side of the development.
 2. The developer shall not be required to install sidewalks around the bulb of the cul-de-sacs.
 3. The developer shall provide any necessary additional right-of-way needed for the sidewalk to either the City or the North Carolina Department of Transportation as appropriate.
 4. When the adjacent roadway is a North Carolina Department of Transportation facility, the sidewalk will be built to North Carolina Department of Transportation standards.
 5. When sidewalks are to be located within the corporate limits, sidewalks required by this Section shall be at least five (5) feet in width and constructed according to the following specifications:
 - a. Compacted sub-grade to 100 percent American Association of State Highway Officials (AAASHO) T99.
 - b. Four (4) inches thick increasing to six (6) inches at driveway entrances.
 - c. Expansion joints provided every 30 feet, with false joints every 10 feet.
- E. If all of the conditions listed below apply to a proposed residential development, City Council may wave sidewalks along new streets within the City Limits or within developments that would require annexation into the City:
1. The development would not connect to existing sidewalk networks.
 2. The development is not located within 1000 feet of an existing sidewalk network.
 3. The developer agrees to a payment in lieu of, equal to the length of sidewalk that would be required along any existing public street directly accessed by the proposed development. Fees collected in lieu of sidewalk installation shall be used by the City for the purposes of completing existing or installing new sidewalk networks identified in the Clinton Pedestrian Plan.
 4. The developer provides the necessary right-of-way needed for the installation of sidewalk in the future.
- F. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from the development to schools, parks, playgrounds, or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least 10 feet in width to provide access.

10.1.5 General Layout of Streets

- A. Sub-collector, local, and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

- B. Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- C. All permanent dead-end streets shall be developed as cul-de-sacs in accordance with the standards set forth in Subsection (D). Except where no other practicable alternative is available, such streets may not extend more than 800 feet in length, as measured to the center of the turnaround.
- D. The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved portion of the turnaround (measured to the outer edge of the pavement) shall be 35 feet, and the pavement width shall be 12 feet without curb and gutter or 18 feet with curb and gutter.
- E. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the development, creates or comprises a street that meets the right-of-way and pavement requirements of this Chapter.
- F. Streets shall be laid out so that residential blocks do not exceed 1,000 feet in length, unless no other practicable alternative is available.

10.1.6 Street Intersections

- A. Streets shall intersect as nearly as possible at right angles, and no two (2) streets may intersect at less than 60°. Not more than two (2) streets shall intersect at any one point, unless the permit-issuing authority certifies that such an intersection can be constructed with no extraordinary danger to public safety.
- B. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.
- C. Except when no other alternative is practicable or legally possible, no two (2) streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.
- D. The following shall apply to sight distances at street intersections:
 - 1. At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street 90 feet from the intersection of the street has an unobstructed view to a point located on the centerline of the intersecting street 90 feet (in either direction) from the intersection of the street centerlines.
 - 2. Subject to (3) below, at stop intersections, the intersection shall be constructed so that a person standing 10 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located 70 feet from the intersection of the right-of-way lines.

3. At stop intersections where a residential street intersects with a State maintained primary road, the intersection shall be constructed so that a person standing 30 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the centerline of the through street located 150 feet from the intersection of the street right-of-way lines.
4. There shall be no obstruction to vision between a height of two (2) feet and 10 feet above the average center line grade of each street, as applied in (1), (2), and (3) above.

10.1.7 Construction Standards and Specifications

All new streets shall be dedicated to the public and constructed to the standards of this Ordinance and all other applicable construction standards of the North Carolina Department of Transportation. Public streets in developments within the corporate limits shall be submitted for acceptance by the City of Clinton. Public streets in developments outside of the corporate limits shall be approved and accepted by the North Carolina Department of Transportation. Private roads shall be constructed to public street standards.

10.1.8 Public Streets in Developments

All lots created after the effective date of this Section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 10.1.1. For purposes of this Section, the term “public street” includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this Ordinance and is dedicated for public use. The recording of a plat showing a public street shall constitute an offer of dedication of such street.

10.1.9 Road and Sidewalk Requirements in Un-subdivided Developments

- A. Within unsubdivided developments, private roads and access ways may be allowed and shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. To the extent not otherwise covered by parking and drainage requirements, and to the extent that the requirements set forth in this Chapter for development streets may be relevant to the roads in un-subdivided developments, the requirements of this Chapter may be applied to satisfy the standard set forth in the first sentence of this Subsection.
- B. Whenever a road in an un-subdivided development connects two (2) or more sub-collector, collector, or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to development streets and shall be dedicated. In other cases when roads in un-subdivided developments within the City are constructed in accordance with the specifications for development streets, the City may accept an offer of dedication of such streets.
- C. In all un-subdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing,

sidewalks shall not be required where pedestrians have access to a road that serves not more than nine (9) dwelling units.

- D. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an un-subdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.
- E. The sidewalks required by this Section shall be at least four (4) feet wide and constructed according to the following specifications:
 - 1. Compacted sub-grade to 100 percent American Association of State Highway Officials (AAASHO) T99.
 - 2. 4 inches thick increasing to six (6) inches at driveway entrances.
 - 3. Expansion joints provided every 30 feet, with false joints every 10 feet,

except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

- a. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- b. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

10.1.10 Street Names and House Numbers

- A. Street names shall be assigned by the developer subject to the approval of the permit-issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the City's planning jurisdiction, regardless of the use of different suffixes (such as those set forth in Subsection (B)).
- B. Street names shall include a suffix such as the following:
 - 1. *Circle*. A short street that returns to itself.
 - 2. *Court* or *Place*. A cul-de-sac or dead-end street.
 - 3. *Loop*. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
 - 4. *Street*. All public streets not designated by another suffix.
- C. Building numbers shall be assigned by the City.

10.1.11 Bridges

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer.

CHAPTER 10: INFRASTRUCTURE

Section 10.2 Utility Standards

10.2.1 Utility Extension Policy

- A. The Utility Extension Policy is intended to define how extensions of the City's utility systems will be made and establish procedures for installing new utility infrastructure and the financial obligations thereto.
- B. The City's primary objective is to provide reliable and affordable utility service to its existing customers. New customers to the system are therefore expected to share in a majority of the expense for their new services. The specific objectives of this Policy are to:
 - 1. Define how requests for new services shall be submitted to the City
 - 2. Define the facilities necessary to provide new services
 - 3. Define the construction responsibilities for these new facilities
 - 4. Define the financial responsibilities for these new facilities
 - 5. Establish funding mechanisms for private contributions to publicly funded utility extensions
- C. The City may enter into development agreements with developers. In entering into such agreements, the City may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law.
- D. Before entering into a development agreement, the City shall conduct a legislative hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for this hearing. The notice for the public hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.
- E. Legislative decisions for development agreements must obtain a simple majority vote.

10.2.1.1 Petition

- A. Any interested party may request water and/or sewer service from the City. If the service is to be provided within the corporate limits and adequate public water and sewer mains are available to the adjacent property, service will be provided upon payment of the applicable fees. If the service is to be provided outside the corporate limits or requires extension of a main, a formal petition for service shall be submitted to the City Council for consideration.
- B. The City shall require all petitioners requesting water and sewer service shall file a petition for annexation to the City. The City will generally consider annexation and extension of utilities to the areas within the current ETJ. Failure to file a petition for voluntary annexation or satellite annexation on notice from the City shall result in immediate termination of water service. The City has the right to deny any petition for annexation, if it is not in the best interest of the City.

10.2.1.2 City Response

- A. Upon receipt of a petition to extend a water and sewer main, the City Council has the following four options for response. The criteria under which an option will be chosen are generally defined herein; however, the City Council may act to any aforementioned option, which it feels is in the best interest of the City.
 - 1. Install the extension at the City's expense
 - 2. Approve and allow the petitioner to install the extension at this expense
 - 3. Jointly finance the extension in cooperation with the petitioner and have the petitioner install the extension
 - 4. Deny the request
 - 5. Jointly financed and City install

- B. The City Council may also extend water and /or sanitary sewer mains on their own volition without receipt of a petition and assess the cost or collect utility fees as described herein, from those who connect to the main.

10.2.1.3 Service Connections

- A. New service connections to existing mains will generally be installed by the City and paid for by the new customer. Where new service connections are to be installed in conjunction with the extension of water and sewer lines, the customer may, at the City's discretion, install service connections, and pay applicable fees.

- B. No new service shall be commissioned until construction and state and federal required testing are completed, all applicable fees have been paid and the state has commissioned the facilities for public use.

10.2.1.4 Minor Facilities

- A. Extensions funded entirely by the petitioner will be designed and constructed by the petitioner in accordance with the City standards and applicable State and Federal regulations after review by the City.

- B. Privately funded extension projects constructed by the petitioner shall be reviewed and approved by the City prior to the petitioner submitting the plans to any other state review agency. Upon final approval of the plans the City will issue written notification to the petitioner who shall then secure all additional approvals and permits and construct the facilities. The petitioner will be responsible to pay for any and all permits. The petitioner shall commence construction within 18 months of the final approval and complete the installation and make service connections within 36 months. Failure to comply with the approval plan or time schedule will automatically terminate the approval for service.

10.2.1.5 Major Facilities

- A. Major facilities shall be funded, designed and constructed by the City. In the event where a major facility project benefits one area, those benefitting from the improvement shall help fund the project by an assessment according to state laws. These facilities shall be constructed in order of priority as adopted in the City's Capital Improvement Plan.

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Projects will only be undertaken as adequate capital funds are available. Projects to improve existing services will generally be funded by Availability Fees and sales revenue.

- B. Petitioners wishing to expedite a major utility extension project may be asked by the City Council to prepay System Development Charges, make a contribution to the project cost or both such that accelerating the project does not adversely impact existing customers or the orderly expansion of the utility system.

10.2.1.6 Permits & Responsibility of Maintenance

- A. The petitioner will be responsible for obtaining all required permits prior to any work is to be done, either by the city or the petitioner.
- B. The petitioner will perform any and all maintenance for one year on any utility extension project that they install, after the lines have been put into use. Once the year has passed, the City will assume all maintenance responsibilities within the right-of-way only, after an inspection is performed and the utilities are found to be in good repair. The petitioner will also be required to turn over all maintenance records.

10.2.1.7 Fees and Charges

- A. Tap fees will be collected from each new customer prior to initiating service. The fees are established by the City Council, and amended from time to time, to reflect the cost to the City for the installation of the taps and meter set. Where new service connections are installed as part of a new development, the fee reflects the cost of the meter set only.
- B. Payment of the tap & meter set fees shall be made prior to the installation of any meter or commissioning any new service connection.
- C. Impact fees are calculated to recover a portion of the capital cost of providing water and sewer systems that have adequate capacity. Impact fees will be collected in conjunction with the tap and meter set fees prior to the initiation of any service. Impact fees will be established by City Council and amended from time to time as needed.

10.2.2 Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

10.2.3 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains

Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the City the adequacy of the water supply and sewage disposal systems for the development shall be informed by the developer that a specified area within the development lies within a floodway or floodplain. Therefore, approval of the proposed system by that agency shall constitute a certification that:

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

10.2.4 Lots Served by Governmentally Owned Water and Sewer Lines

- A. Whenever it is legally possible and practicable in terms of topography to connect a lot with a City water or sewer line by running a connecting line not more than 200 feet from the lot to such line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.
- B. Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed 200 feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection and, after diligent effort, the easement necessary to run the connecting line cannot be reasonably obtained.
- C. For purposes of this Chapter, a lot is “served” by a City-owned water or sewer line if connection is required by this Section.

10.2.5 Sewage Disposal Facilities Required

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

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If		Then
The use (other than a subdivision) is located on a lot that is served by the City sewer system or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex):		No further certification is necessary.
The use (other than a subdivision) is located on a lot that is served by the City sewer system but service to the use necessitates the construction of an internal collection system (as in the case of a shopping center or apartment complex); and	a. The internal collection system is to be transferred to and maintained by the City:	The Public Works Director must certify to the City that the proposed system meets the City’s specifications and will be accepted by the City. A “Permit to Construct” must be obtained from the Division of Environmental Management of the North Carolina Department of Environment and Natural Resources (NCDENR).
	b. The internal collection system is to be privately maintained:	The Public Works Director must certify that the proposed collection system is adequate.
The use (other than a subdivision) is not served by the City system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge into surface waters:		The Sampson County Environmental Health Department must certify to the City that the proposed system complies with all applicable State and local health regulations. If the proposed use is a single dwelling other than a manufactured home, the developer must obtain an Improvement Permit from the Sampson County Environmental Health Department. If the proposed use is a single-family manufactured home, the developer must present to the City a Certificate of Completion from the Sampson County Environmental Health Department.
The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters:		The Division of Environmental Management of NCDENR must certify to the City that the proposed system complies with all applicable State regulations. A “Permit to Construct” and a “Permit to Discharge” must be obtained from the Division of Environmental Management of NCDENR.
The proposed use is a subdivision; and	a. Lots within the development are to be served by simple	No further certification is necessary.

	connection to existing City lines or lines of a previously approved private system:	
	b. Lots within the development are to be served by the City system but the developer will be responsible for installing the necessary additions to the City system:	The Public Works Director must certify to the City that the proposed system meets the City’s specifications and will be accepted by the City. A “Permit to Construct” must be obtained from the Division of Environmental Management of NCDENR.
	c. Lots within the development are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters:	The Sampson County Environmental Health Department must certify to the City that the proposed system complies with all applicable State and local health regulations. If each lot within the development is to be served by a separate on-site disposal system, the Sampson County Environmental Health Department must certify that each lot shown on a major subdivision Preliminary Plat can probably be served, and each lot on a major or minor subdivision Final Plat can be served by an on-site disposal system.
	d. Lots within the development are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or the discharges effluent into surface waters:	The Division of Environmental Management of NCDENR must certify to the City that the proposed system complies with all applicable State regulations. A “Permit to Construct” and a “Permit to Discharge” must be obtained from the Division of Environmental Management of NCDENR.

10.2.6 Water Supply System Required

- A. Every principal use and every lot within a development shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or development lot and that complies with all applicable health regulations.

- B. Primary responsibility for determining whether a proposed development will comply with the standard set forth in this Section often lies with an agency other than the City, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in Subsection (C). Whenever any such agency requires

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detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this Ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with this Section. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

C. In the following Table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the City whether the proposed water supply system complies with the standards set forth in this Section.

If		Then
The use (other than a subdivision) is located on a lot that is served by the City water system or a previously approved, privately owned water supply system, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex):		No further certification is necessary.
The use (other than a subdivision) is located on a lot that is served by the City water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex); and	a. The internal distribution system is to be transferred to and maintained by the City:	The Public Works Director must certify to the City that the proposed internal distribution system meets the City’s specifications and will be accepted by the City. A “Permit to Construct” must be obtained from the Division of Health Services of the North Carolina Department of Environment and Natural Resources (NCDENR).
	b. The internal distribution system is to be privately maintained:	The Public Works Director must certify that the proposed distribution system is adequate.
The use (other than a subdivision) is located on a lot not served by the City system or a previously approved, privately owned public water supply system; and	a. The use is to be served by a privately owned public water supply system that has not previously been approved:	The Division of Health Services (DHS) of NCDENR must certify to the City that the proposed system complies with all applicable State and Federal regulations. A “Permit to Construct” must be obtained from DHS. The Division of Environmental Management (DEM) of NCDENR must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by DEM. The Public Works Director must also approve the distribution lines for possible future addition to the City system.

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

10.2.7 Lighting Requirements

A. Subject to Subsection (B), all public streets, sidewalks, and other common areas and facilities in developments created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

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- B. To the extent that fulfillment of the requirement established in Subsection (A) would normally require street lights installed along public streets, this requirement shall be applicable only within the corporate limits of the City.
- C. All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas or facilities.
- D. All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- E. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use and enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth in this Section or if the standard set forth in this Section could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
- F. Lighting for retail uses adjacent to residential zoning districts shall not exceed six (6) foot-candles anywhere on the site and shall not exceed one-half (0.5) foot-candle at the property line. A photometric lighting plan shall be submitted that includes fixture details, light intensity contours and overlap, and a statement regarding light trespass on adjacent properties. No direct sources of light shall be detectable from exterior property lines or a public right-of-way. Foot-candles shall be measured in accordance with the definition of “foot-candle” in Appendix A.

10.2.8 Electric Power

Every principal use and every lot within a development shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such development. Compliance with this requirement shall be determined as follows:

- A. If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- B. If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed development.

10.2.9 Telephone Service

Every principal use and every lot within a development must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such development. Compliance with this requirement shall be determined as follows:

- (1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such telephone line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed development.

10.2.10 Underground Utilities

- A. All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors that may be pad mounted), telephone, gas distribution, and cable television lines in developments constructed after the effective date of this Ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers.
- B. Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this Ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

10.2.11 Utilities to be Consistent with Internal and External Development

- A. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense, or unnecessary duplication of service.
- B. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

10.2.12 As-built Drawings Required

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

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Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

10.2.13 Fire Hydrant

Fire hydrants shall be installed accordance with the most recent editions of the NC State Building Code Fire Prevention Code.

10.2.14 Sites for and Screening of Dumpsters

- A. Every development that, under the City's solid waste collection policies, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and
 2. Constructed according to specifications established by the Public Works Director to allow for collection without damage to the development site or the collection vehicle.
- B. All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
1. Persons located within any dwelling unit on residential property other than that where the dumpster is located.
 2. Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an I-1 or I-2 zoning district.
 3. Persons traveling on any public street, sidewalk, or other public way.
- C. When dumpster screening is required under this Section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.

Section 10.3 Drainage, Storm Water Management, & Erosion Control Standards

10.3.1 Natural Drainage System Utilized to Extent Feasible

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

10.3.2 Developments Must Drain Properly

- A. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
1. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

2. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
- B. No surface water may be channeled or directed into a sanitary sewer.
 - C. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
 - D. Roads and access-ways within un-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

10.3.3 Storm Water Management

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

- A. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
- B. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

10.3.4 Sedimentation and Erosion Control

- A. No Zoning or Special Use Permit may be issued and Final Plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity subject to the jurisdiction of the North Carolina Sedimentation Control Commission under G.S. 113A-57(4) unless the Commission has certified to the City, either that:
 1. An erosion control plan has been submitted to and approved by the Commission; or
 2. The Commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Commission approves the erosion control plan.
- B. For purposes of this Section, “land disturbing activity” means any use of the land by any person in residential, industrial, educational, institutional or commercial development, and 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 except activities that are exempt under G.S. 113A-52(6). Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

CHAPTER 11: DEVELOPMENT REVIEW PROCESS

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CHAPTER 11: DEVELOPMENT REVIEW PROCESS

Section 11.1 Purpose and Applicability

11.1.1 Purpose

The purpose of this Chapter is to establish an orderly process to develop land within the City of Clinton. It is also the intent of this Chapter to provide a clear and comprehensive development process that is fair and equitable to all interests including the applicants, affected neighbors, City staff, related agencies, the Planning & Zoning Board, and the City Council. Approved plans shall be the guiding documents for final approval and permitting.

11.1.2 Applicability

- A. The development review process applies to all new development and alterations of existing development within the City of Clinton.
- B. The Administrator or designee may waive the required development review for a change in principal use, where such change would not result in a change in lot coverage, parking, or other site characteristics. The development review may also be waived if the Administrator determines that the submission of a development plan in accordance with this Chapter would serve no useful purpose.
- C. The following chart indicates the appropriate approval process for each development type:

Development Type	Administrative Approval	City Council Approval
Zoning Permit (single-family residential)	X (plot plan, no site plan)	
Zoning Permit (with Site Plan)	X	
Subdivision Exemption	X	
Minor Subdivision	X	
Major Subdivision- Preliminary Plat		X
Major Subdivision- Final Plat	X	
Special Permits		X

Section 11.2 Zoning Permits

11.2.1 Zoning Permit Required

- A. No person shall commence or proceed with development without first securing any required development approval from the local government with jurisdiction over the site of the development. A development approval shall be in writing and may contain a provision that the development shall comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

- B. The use made of property may not be substantially changed, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to the issuance of a Zoning Permit.

- C. Substantial clearing, grading, or excavation may not be commenced without the issuance of a Zoning Permit, except in accordance with an approved Preliminary Plat for Major Subdivisions.

- D. A Zoning Permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority.

- E. If an application made in accordance with local regulation is submitted for a development approval required pursuant to Chapter 160D-108 and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and by local governments.

11.2.2 Zoning Permit Not Required

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- A. Street construction or repair

- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way

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- C. Specific signs exempted in Chapter 6 of this Ordinance
- D. Mailboxes, newspaper boxes, walls, birdhouses, flag poles, pump covers, doghouses, and fences.
- E. Interior alterations and renovations which do not alter the footprint, elevation, height, or use of an otherwise conforming use and/or structure.

11.2.3 Application Procedures

- A. Applications for a Zoning Permit will be accepted only from persons having the legal authority to take action in accordance with the permit. By way of illustration, in general this means that applications should be made by the owners of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees). The Administrator may require an applicant to submit evidence of his/her authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.
- B. All applications for Zoning Permits must be complete before the permit-issuing authority is required to consider the application. An application is complete when it contains all the information necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.
- C. A completed application form for a Zoning Permit shall be submitted to the Administrator by filing a copy of the application with the Administrator in the Planning Department. A fee, set by the City Council, shall be charged for the processing of such application. The adopted fee schedule shall be available at City Hall.
- D. For single-family residential structures, a plot plan and the following information shall be submitted to the Administrator with the Zoning Permit application and fee:
 - 1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
 - 2. The location of said lot with respect to adjacent rights-of-way;
 - 3. The shape, dimensions, and location of all buildings, existing and proposed, on said lot;
 - 4. The nature of the proposed use of the building or land, including the extent and location of the use, on said lot;
 - 5. The location and dimensions off-street parking and driveways;
 - 6. The proposed impervious area including all buildings, driveways, sidewalks, and patios;
 - 7. Building elevations of the front facade; and
 - 8. Any other information which the Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.
- E. For all other developments requiring a Zoning Permit, a Site Plan shall be submitted in accordance with the development plan requirements of Chapter 12 and follow the approval process as outlined in Section 11.3 prior to Zoning Permit issuance by the Administrator.

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Any development project requiring a Special Use Permit, shall follow the approval process outlined in Section 11.4 prior to Zoning Permit issuance by the Administrator.

11.2.4 Zoning Permit Approval, Effect of Approval, & Compliance

- A. The Administrator shall issue the Zoning Permit unless he/she finds, after reviewing the application and consulting with the applicant that:
1. The requested permit is not within his/her jurisdiction according to the Permitted Uses Table, or
 2. The application is incomplete, or
 3. If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Chapter 13 Nonconformities.
- B. No Zoning Permit shall be issued to any person who has failed, after notice, to remedy defective work or otherwise comply with the Code of the City of Clinton, this Ordinance, or the laws of the State of North Carolina.
- C. Issuance of a Zoning Permit, authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, the intended use may not be commenced, no building may be occupied until all of the requirements of this Ordinance, and all additional requirements imposed pursuant to the issuance of a Zoning Permit, have been complied with. In cases when, because of weather conditions or other factors beyond the control of the Zoning Permit recipient (exclusive of financial hardship), it would be unreasonable to require the Zoning Permit recipient to comply with all of the requirements of this Ordinance prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the Administrator to ensure that all of the requirements of this Ordinance will be fulfilled within a reasonable period (not to exceed 12 months) determined by the Administrator.

11.2.5 Right of Appeal

If a Zoning Permit is denied, then the applicant may appeal the action of the Administrator to the Board of Adjustment in accordance with Section 15.7; and that from the decision of the Board of Adjustment, recourse shall be had to courts as provided by law. Such appeal shall be made within 30 days of such permit denial.

11.2.6 Expiration of Permits

- A. Zoning permits shall expire automatically if, within twelve (12) months after the issuance of such permits:
1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or

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2. Less than 10 percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase.
- B. If, after some physical alteration to land or structures begins, and such work is discontinued for a period of twelve (12) months, then the permit authorizing such work shall immediately expire.
- C. The permit-issuing authority may extend for a period up to six (6) months the date when a permit would otherwise expire pursuant to Subsections (A) or (B) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
- D. For purposes of this Section, a Zoning Permit is issued when the earlier of the following takes place:
 1. A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
 2. The Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions.
- E. Notwithstanding any of the provisions of Chapter 13 Nonconformities, this Section shall be applicable to permits issued prior to the date this Section becomes effective.
- F. Building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.

11.2.7 Effect of Permit on Successors and Assigns

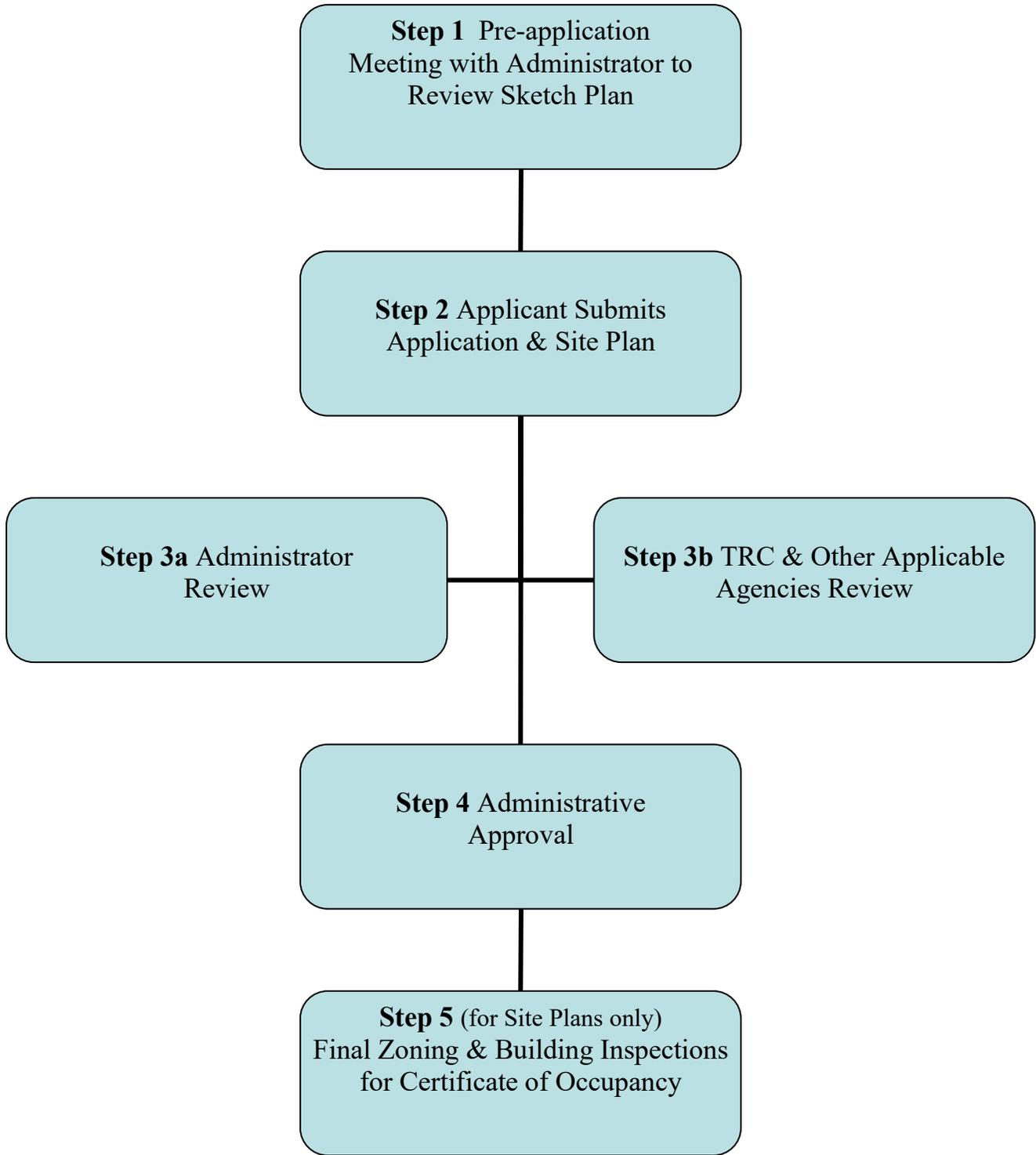
Zoning Permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion covered under a permit continues to be used for the purposes for which the permit was granted, then:

- A. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit, and
- B. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having an interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice.

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Section 11.3 Site Plan Provisions

Zoning Permits requiring Site Plans shall be approved administratively. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



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Step 1. Pre-Application Meeting with Administrator to Review Sketch Plan

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required.
- B. Before submitting an application for a development that requires a Site Plan, the developer shall submit to the Administrator a Sketch Plan in accordance with requirements of Section 12.2. The Administrator shall meet with the developer as soon as conveniently possible to review the Sketch Plan.
- C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- D. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Applicant Submits Application & Site Plan

The applicant shall submit the applicable application, fee, and the Site Plan that meets the development plan requirements of Chapter 12 and other required materials.

Step 3a & b. Administrator and TRC Review

- A. The Administrator and Technical Review Committee (TRC) shall review the plan in accordance with the requirements of this Ordinance and any other applicable requirements.
- B. The TRC shall provide comments to the Administrator regarding the design of the development. It shall be the responsibility of the Administrator to address those comments wherever possible. The reviewing government agencies and officials may include, but need not be limited to the following:

Technical Review Committee

Administrator (Administrator)
Public Works Department
Fire Chief
Police Department
Building Inspector

Others as needed: City Manager, City Attorney, NCDOT, NCDENR, Parks & Recreation Department, Utilities Providers, Health Department, Board of Education, Rural Planning Organization, US Army Corps of Engineers, contracted expertise, and other agencies as needed.

Step 4. Administrative Approval

If a Site Plan is found to meet all of the applicable regulations of this Ordinance, then the Administrator shall issue a Zoning Permit. The developer may then obtain a building permit from the Building Inspections Department.

Step 5. Final Building & Zoning Inspections for Certificate of Occupancy

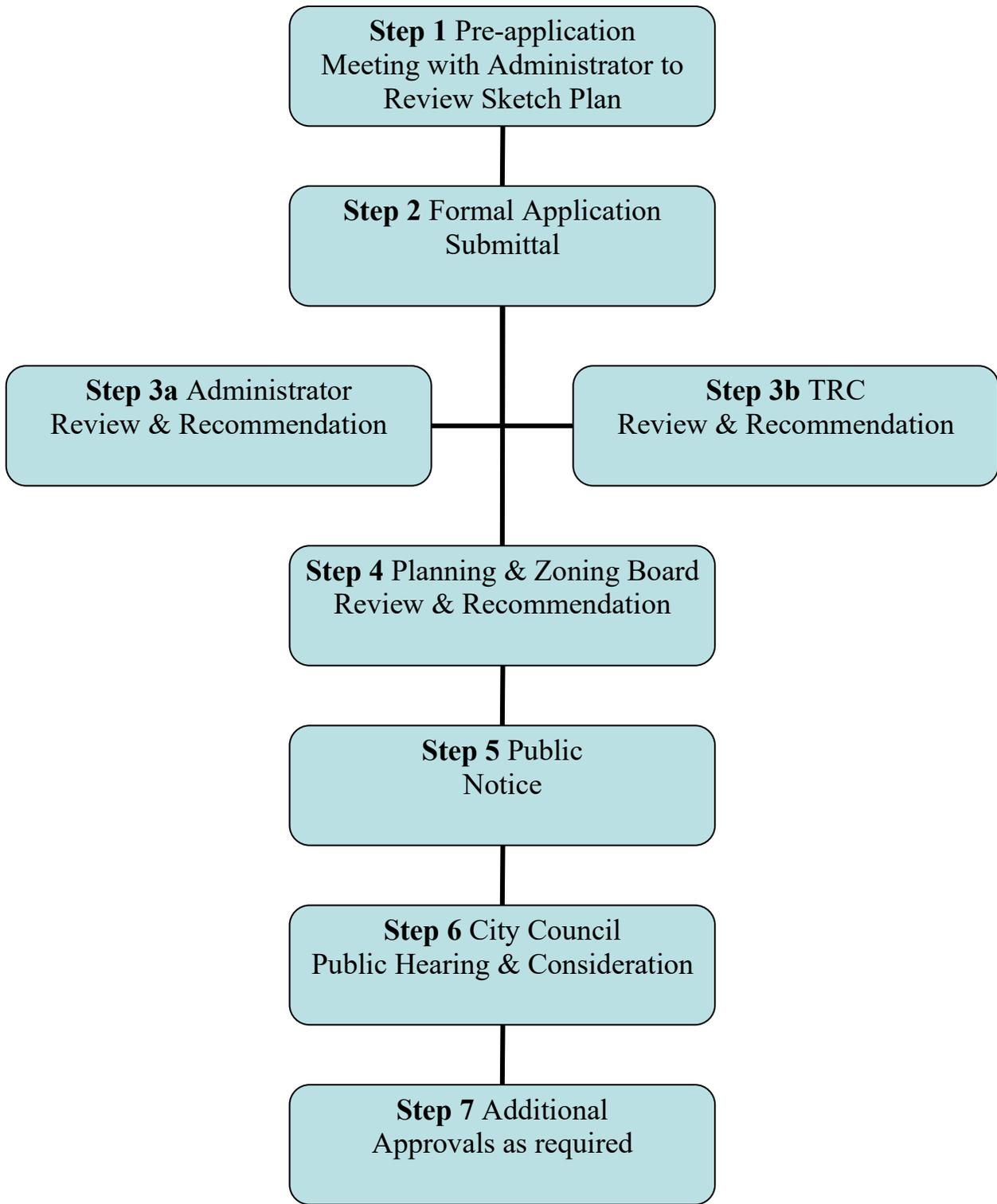
Prior to the issuance of a Certificate of Occupancy by the building inspector, the Administrator or his designee shall conduct a final zoning inspection to ensure that the approved plan has been followed and all required improvements have been installed to City standards.

Section 11.4 Special Use Permit Provisions (TA-9-14-9)

11.4.1 Special Use Permit Process

Special Use Permits shall be reviewed by the Planning & Zoning Board and approved by the City Council. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

CHAPTER 11: DEVELOPMENT REVIEW PROCESS



Step 1. Pre-Application Meeting with Administrator to Review Sketch Plan

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to

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the proposed development is required.

- B. Before submitting an application authorizing a Special Use Permit, the developer shall submit to the Administrator a Sketch Plan in accordance with requirements of Section 12.2. The Administrator shall meet with the developer as soon as conveniently possible to review the Sketch Plan.
- C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- D. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Formal Application Submittal

The applicant shall submit the applicable application, fee, and the Special Use Permit Site Plan that meets the requirements of Chapter 12 and other required materials.

Step 3a & b Administrator & TRC Review and Recommendation

- A. The TRC shall provide comments to the Administrator regarding the design of the development. It shall be the responsibility of the Administrator to address those comments wherever possible. The reviewing government agencies and officials may include, but need not be limited to the following:

Technical Review Committee

Administrator (Administrator)
Public Works Department
Fire Chief
Police Department
Building Inspector

Others as needed: City Manager, City Attorney, NCDOT, NCDENR, Parks & Recreation Department, Utilities Providers, Health Department, Board of Education, Rural Planning Organization, US Army Corps of Engineers, contracted expertise, other agencies as needed

- B. Upon receipt of the comments and recommendations from the Technical Review Committee and other applicable agencies, the Administrator shall submit to the Planning & Zoning Board a written analysis of the application and his/her recommendation.

Step 4. Planning & Zoning Board Review & Recommendation

- A. The Planning & Zoning Board shall consider the application and the attached staff report in a timely fashion, and may in its discretion, hear from the applicant or members of the public. Notice of such meetings shall be provided as follows:

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1. The Administrator shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the Board's agenda at a specified date and time. Such notice(s) shall be posted at least six (6) days prior to the meeting at which the matter is to be considered.
 2. The Administrator shall also send written notices to adjoining property owners. Such notice shall be mailed no less than 10 days prior to the meeting at which the matter is to be considered.
- B. The Planning & Zoning Board shall take action on the application solely on its findings as to compliance with applicable regulations of this Ordinance and shall:
1. Recommend approval of the application;
 2. Recommend approval subject to changes and/or conditions; or
 3. Recommend denial of the application.
- C. If the Planning & Zoning Board fails to take action within two (2) regularly scheduled meetings, or extensions thereof, the application shall be forwarded to the City Council with the Planning & Zoning Board minutes and the Administrator's recommendation, if any.
- D. If the Planning & Zoning Board recommends approval of the application subject to changes or conditions, then the applicant may amend his/her application to conform to all or some of the conditions, provided the Administrator reviews the amended application for compliance with applicable regulations and certifies that the amendments conform to the conditions of the Planning & Zoning Board recommendation. In such cases, the Administrator may amend his/her report to conform to any or all of the Planning & Zoning Board's recommendations. The Administrator shall then forward his/her report and the Planning & Zoning Board's recommendation to the City Council at its next regularly scheduled meeting.

Step 5. Public Notice

- A. For Special Use Permits, notice shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the City may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within the same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- B. The City Council may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates.

Step 6. City Council Public Hearing & Consideration

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- A. Before making a decision on an application, the City Council shall hold a public hearing. A quasi-judicial public hearing shall be held for issuance or revocation of Special Use Permits per North Carolina General Statutes 160D-406.
- B. The following shall apply to hearings for Special Use Permits.
1. All persons who present evidence or speak to the permit-issuing Board, rather than arguments only shall be sworn. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question is determined to be reliable, and the matter at issue is not seriously disputed. The City Council may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.
 2. The City Council shall approve, approve with conditions, or deny the request following the public hearing. In granting a Special Use Permit the City Council shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the City Council shall also make written findings that the following provisions are fulfilled:
 - a. If completed as proposed, the development will comply with all of the requirements of this Ordinance;
 - b. The use will not materially endanger the public health or safety; and
 - c. The use will not substantially injure the value of adjoining or abutting property; and
 - d. The use will be in harmony with the area in which it is to be located; and
 - e. The use will be in general conformity with the Land Development Plan, thoroughfare plan, or other plan officially adopted by the Council.
 3. The Council shall determine contested facts and make its decision within a reasonable time. Quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
 4. Quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Mayor or other duly authorized member of the Council. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Council or such other office or official as the ordinance specifies. The decision of the Council shall be delivered by personal deliver, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
 5. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with this Section. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

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6. The Clerk to the Council or any member acting as chair is authorized to administer oaths to witnesses for any Special Use Permit coming before the Council. Any person who, while under oath during a proceeding before the Council, willfully swears falsely is guilty of a Class 1 misdemeanor.
7. The Council may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under NCGS 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Council. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Council or the party seeing the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
8. City Council members shall not participate in or vote on any Special Use Permit matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
9. In considering whether to approve an application for a Special Use Permit, the Council shall proceed according to the following format:
 - a. The Council shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete), then this shall be taken as an affirmative finding by the Council that that application is complete.
 - b. The Council shall consider whether the application complies with all of the applicable requirements of this Ordinance. If a motion to this effect passes, the Council need not make further findings concerning such requirements. If such a motion fails or is not made, then a motion shall be made that the application be found not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Council to be unsatisfied through this process.
 - c. If the Council concludes that the application fails to comply with one or more requirements of this Ordinance, the application shall be denied.
10. No Special Use Permit shall be issued to any person who has failed, after notice, to remedy defective work or otherwise comply with the Code of the City of Clinton, this Ordinance, or the laws of the State of North Carolina.

11. The Council may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
 12. Conditions and safeguards imposed under this subsection shall not include requirements for which the city does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable.
 13. Without limiting the foregoing, the Council may attach to a Special Use Permit a condition limiting the permit to a specified duration.
 14. All additional conditions or requirements shall be entered on the permit. All additional conditions or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.
 15. The City must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability.
 16. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- C. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the City Council, the applicant may agree to modify his/her application, including the plans and specifications submitted. Unless such modifications are so substantial or extensive that the hearing board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it the hearing board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.

Step 7. Additional Approvals as Required

Approval of a Special Use Permit by the City Council does not necessarily constitute final approval of the development plan. Development plans that have received a Special Use Permit may still be subject to additional approval processes depending on the size and type of development that is proposed.

11.4.2 Amendments to and Modifications of Permits

- A. Insignificant deviations from the permit (including approved plans) issued by the City Council or the Administrator are permissible and the Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- B. Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this Section, minor design modifications or changes are those that have no substantial impact on

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neighboring properties, the general public, or those intended to occupy or use the proposed development.

- C. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the City Council, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his/her request for an amendment and may then proceed in accordance with the previously issued permit.
- D. A developer requesting approval of changes shall submit a written request for such approval to the Administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

Section 11.5 Subdivision Provisions

11.5.1 Exemptions, Minor & Major Subdivisions Defined

All plats and proposed subdivisions shall be reviewed by the Administrator for initial determination as to whether the proposed subdivision is to be classified as a Minor subdivision, a Major subdivision, or exempt from the subdivision provisions of this Ordinance.

- A. If the Administrator determines that a division of land does not meet the definition of a subdivision as set forth by NCGS 160A-376 (see Appendix A Definitions), then the division shall be considered a subdivision exemption and shall not be subject to the entire development review process. The Administrator shall ensure that resultant lots comply with the dimensional, frontage, and access requirements of the zoning district in which the property is located. Where a public street is to be created, dedicated, and platted as part of the division, the division shall not be exempt from the provisions of this Ordinance regardless of any other factors. If the Administrator determines that the proposed division is exempt from the subdivision provisions of this Ordinance, the plat shall be endorsed with the following certificate, signed and dated by all record property owner(s) with direct interest in the property, and the Administrator:

Certificate of "No Approval Required"

"This division of land does not meet the definition of a subdivision as set forth by North Carolina General Statute 160A-376 and is not subject to the subdivision standards or development review process of the City of Clinton. The minimum lot requirements for the subject zoning district have been met.

Subdivision Administrator

Date"

- B. A Minor Subdivision is a division of a tract of land where all lots front on an existing public street and that does not:
 - 1. Create more than five (5) lots, including the residual acreage, from any one parent tract of land in any 10-year period;
 - 2. Dedicate or improve any new public or private streets or roads, other than widening an existing public street or road;

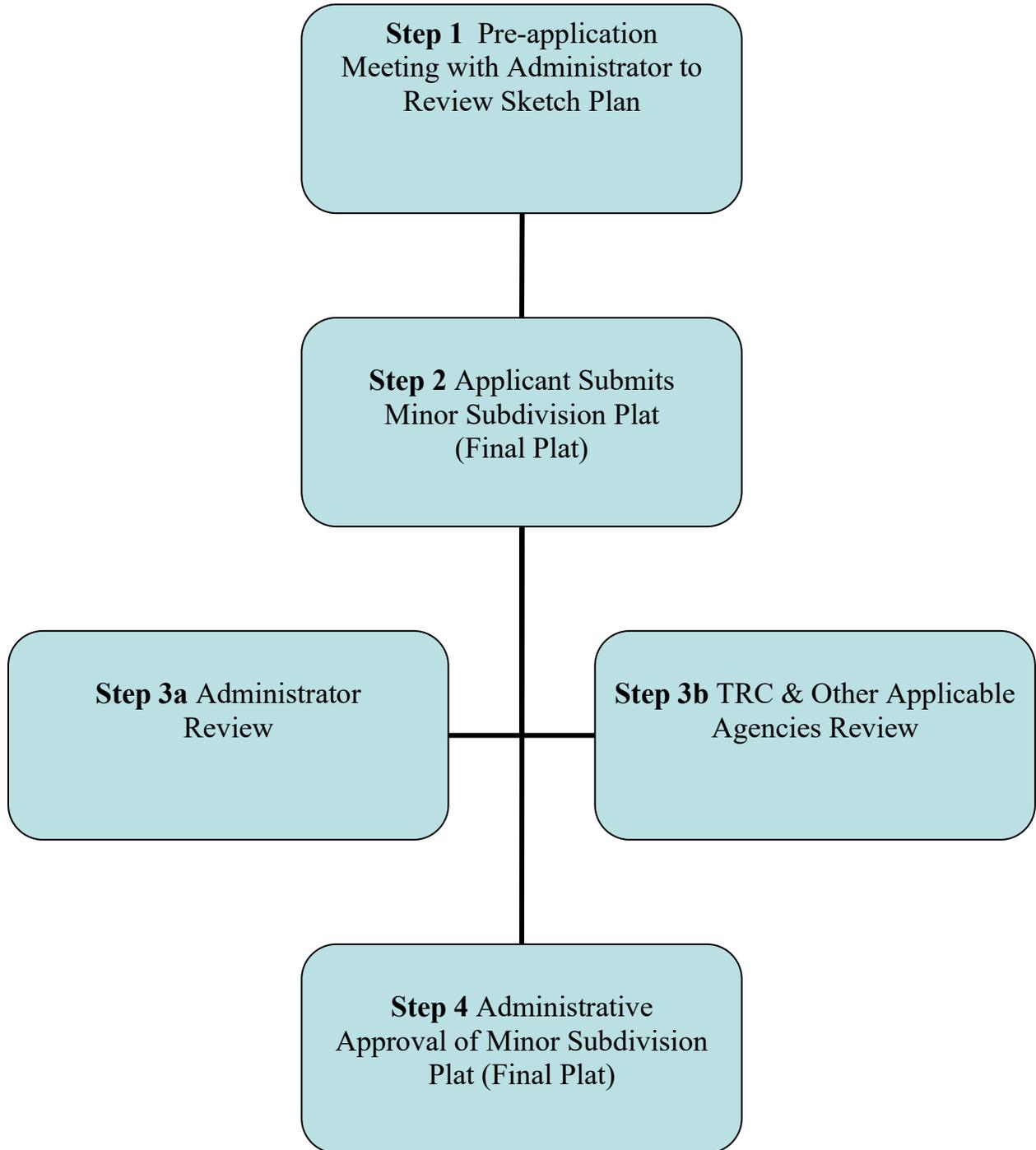
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3. Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots;
4. Necessitate the installation of drainage improvements that would require easements through one or more lots to serve other lots;
5. Adversely affect the remainder of the parcel or adjoining property;
6. Create a lot or lots that do not meet or exceed the standards of this Ordinance, or other City, State, or Federal regulations that may be in effect;
7. Conflict with the adopted *City of Clinton Land Development Plan*; and
8. Necessitate a variance or exception to this Ordinance or any other City, State, or Federal ordinance or regulation that may be in effect.

C. A Major Subdivision is any subdivision other than a Minor Subdivision or exemption.

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11.5.2 Minor Subdivision Approval Process



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Step 1. Pre-Application Meeting with Administrator to Review Sketch Plan

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required.
- B. Before submitting an application authorizing a development that consists of or contains a Minor Subdivision, the developer shall submit to the Administrator a Sketch Plan in accordance with requirements of Section 12.2. The Administrator shall meet with the developer as soon as conveniently possible to review the Sketch Plan.
- C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- D. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Applicant Submits Minor Subdivision Plat (Final Plat)

The applicant shall submit the applicable application, fee, and the Minor Subdivision Final Plat that meets the development plan requirements of Chapter 12 and other required materials.

Step 3a & b. Administrator and TRC Review

- C. The Administrator and Technical Review Committee (TRC) shall review the plan or plat in accordance with the requirements of this Ordinance and any other applicable requirements.
- D. The TRC shall provide comments to the Administrator regarding the design of the development. It shall be the responsibility of the Administrator to address those comments wherever possible. The reviewing government agencies and officials may include, but need not be limited to the following:

Technical Review Committee

Administrator (Administrator)
Public Works Department
Fire Chief
Police Department
Building Inspector

Others as needed: City Manager, City Attorney, NCDOT, NCDENR, Parks & Recreation Department, Utilities Providers, Health Department, Board of Education, Rural Planning Organization, US Army Corps of Engineers, contracted expertise, and other agencies as needed

Step 4. Administrative Approval of Minor Subdivision Plat (Final Plat)

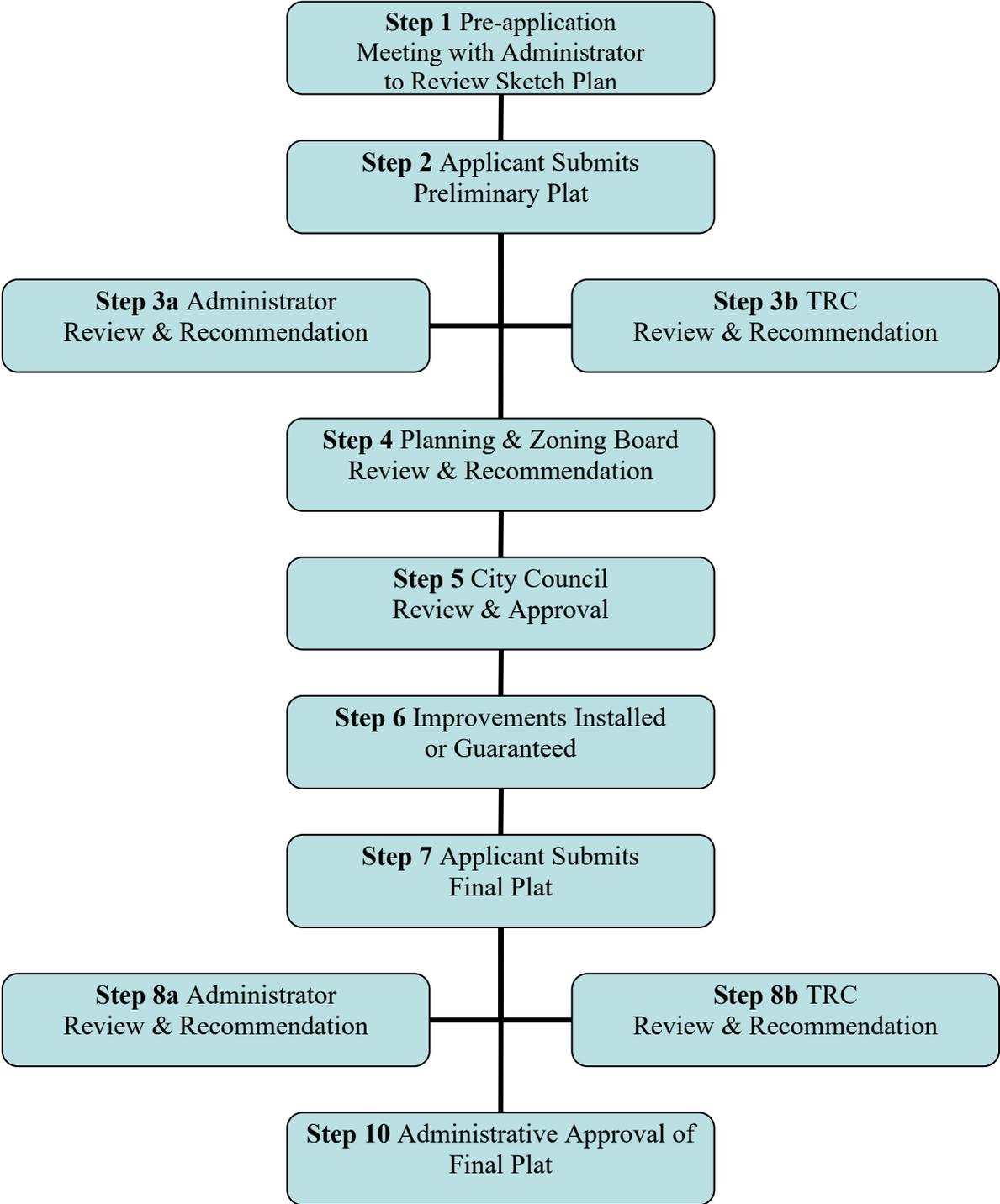
If a Minor Subdivision Final Plat is found to meet all of the applicable regulations of this

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Ordinance, then the plat shall be approved. The developer shall record the plat within 90 days of said approval. If such plat is not recorded within the specified time period, then plat shall become null and void.

11.5.3 Major Subdivision Approval Process

The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



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Step 1. Pre-Application Meeting with Administrator to Review Sketch Plan

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required.
- B. Before submitting an application authorizing a development that consists of or contains a Major Subdivision, the developer shall submit to the Administrator a Sketch Plan in accordance with requirements of Section 12.2. The Administrator shall meet with the developer as soon as conveniently possible to review the Sketch Plan.
- C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- D. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Applicant Submits Preliminary Plat

The applicant shall submit the applicable application, fee, and the Major Subdivision Preliminary Plat that meets the requirements of Chapter 12 and other required materials.

Step 3a & b Administrator & TRC Review and Recommendation

- A. The TRC shall provide comments to the Administrator regarding the design of the development. It shall be the responsibility of the Administrator to address those comments wherever possible. The reviewing government agencies and officials may include, but need not be limited to the following:

Technical Review Committee

Administrator (Administrator)
Public Works Department
Fire Chief
Police Department
Building Inspector

Others as needed: City Manager, City Attorney, NCDOT, NCDENR, Parks & Recreation Department, Utilities Providers, Health Department, Board of Education, Rural Planning Organization, US Army Corps of Engineers, other agencies as needed

- B. Upon receipt of the comments and recommendations from the Technical Review Committee and other applicable agencies, the Administrator shall submit to the Planning & Zoning Board a written analysis of the application and his/her recommendation.

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Step 4. Planning & Zoning Board Review & Recommendation

- A. The Planning & Zoning Board shall take action on the application solely on its findings as to compliance with applicable regulations of this Ordinance and shall:
 - 1. Recommend approval of the application;
 - 2. Recommend approval subject to changes and/or conditions; or
 - 3. Recommend denial of the application.

- B. If the Planning & Zoning Board fails to take action within two (2) regularly scheduled meetings, or extensions thereof, the application shall be forwarded to the City Council with the Planning & Zoning Board minutes and the Administrator's recommendation, if any.

- C. If the Planning & Zoning Board recommends approval of the Preliminary Plat subject to changes or conditions, then the applicant may amend his/her application to conform to all or some of the conditions, provided the Administrator reviews the amended application for compliance with applicable regulations and certifies that the amendments conform to the conditions of the Planning & Zoning Board recommendation. In such cases, the Administrator may amend his/her report to conform to any or all of the Planning & Zoning Board's recommendations. The Administrator shall then forward his/her report and the Planning & Zoning Board's recommendation to the City Council at its next regularly scheduled meeting.

Step 5. City Council Review & Consideration

- A. The City Council shall receive the Administrator's report and the Planning & Zoning Board's recommendation.

- B. After receiving the Administrator's report and the Planning & Zoning Board's recommendations, the City Council shall consider the application. The City Council shall base its action on its findings as to conformity with all applicable regulations and shall:
 - 1. Approve the application;
 - 2. Approve the application subject to conditions; or
 - 3. Deny the application.

- C. The application shall be placed on the City Council's agenda within 90 days of the Planning & Zoning Board recommendation. The City Council shall consider the application within a reasonable amount of time. During deliberations and consideration of the application, the Council may include the reasons for the need for additional analysis and review.

- D. If the City Council approves the application, with or without conditions, such approval shall be reasonable and shall seek to insure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.

- E. If the City Council denies the application, the reasons for such decision shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.

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- F. The Administrator shall notify the subdivider or his/her authorized agent in writing of the decision of the City Council within five (5) working days of the Council's decision.
- D. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the City Council, the applicant may agree to modify his/her application, including the plans and specifications submitted. Unless such modifications are so substantial or extensive that the hearing board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it the hearing board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.
- E. The Administrator shall notify the applicant or his/her authorized agent in writing of the decision of the City Council within five (5) working days of the Council's decision.

Step 6. Improvements Installed or Guaranteed

- A. The applicant shall proceed with the installation of improvements as shown on the Preliminary Plat and in accordance with Chapter 10 infrastructure requirements.
- B. Improvement Guarantees: For any required improvement that cannot be installed prior to Final Plat approval the following shall apply:
 - 1. In order to ensure compliance with this Ordinance, in lieu of requiring the completion and installation of required improvements prior to occupancy or final plat recordation, the City of Clinton may enter into an agreement with the developer whereby the developer shall agree to complete all required improvements. To secure this agreement, the developer shall provide to the City of Clinton one of the following guarantees. All such guarantees shall be subject to the approval of the City Council and shall be made payable to the City of Clinton.
 - a. Surety bond issued by any company authorized to do business in this State.
 - b. Letter of credit issued by any financial institution licensed to do business in this State.
 - c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
 - 2. Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
 - 3. Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements.

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If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

4. Release. – The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the city or county that the improvements for which the performance guarantee is being required are complete. The city or county shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the city or county, or upon acceptance of the required improvements, if the required improvements are subject to city or county acceptance. When required improvements that are secured by a bond are completed to the specifications of the city or county, or are accepted by the city or county, if subject to city or county acceptance, upon request by the developer, the city or county shall timely provide written acknowledgement that the required improvements have been completed.
5. Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The city or county may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
6. Timing. – A city or county, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
7. Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
8. Legal Responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
 - a. The local government to whom such performance guarantee is provided.
 - b. The developer at whose request or for whose benefit such performance guarantee is given.
 - c. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.
9. Multiple Guarantees. – The developer shall have the option to post one type of a

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performance guarantee as provided for in subdivision (1) of this subsection, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

10. Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the City Council, pay all or any portion of the bond or escrow fund to the City of Clinton up to the amount needed to complete the improvements based on a landscape architect's estimate. Upon payment, the City Council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the developer shall nonetheless be responsible for providing the funds to cover such costs. The developer shall at all times bear the financial burden for the installation of all required improvements. A lien shall be attached to the property if the developer fails to provide the full financial responsibility.
11. The Administrator may authorize the release of a portion of any security posted as the improvements are completed and approved. Such funds shall then be released within 10 days after the corresponding improvements have been so approved.

Step 7. Applicant Submits Final Plat

The applicant shall submit the applicable application, fee, and the Major Subdivision Final Plat that meets the requirements of Chapter 12 and other required materials.

Step 8a & b Administrator & TRC Review

- A. The Administrator and Technical Review Committee (TRC) shall review the plan or plat in accordance with the requirements of this Ordinance, the approved Preliminary Plat, and any other applicable requirements.
- B. The TRC shall provide comments to the Administrator regarding the Final Plat. It shall be the responsibility of the Administrator to address those comments wherever possible.

Step 9. Administrative Approval of Final Plat

If a Final Plat for a Major Subdivision is found to match the approved Preliminary Plat and meet all of the applicable regulations of this Ordinance and all improvements have either been installed or guaranteed in accordance with Step 6 below, then the plat shall be approved. The developer shall record the plat within 90 days of said approval. If such plat is not recorded within the specified time period, then plat shall become null and void.

11.5.3 No Subdivision Without Plat Approval

- A. No person may subdivide his/her land except in accordance with all of the provisions of this Ordinance. In particular, no person may subdivide his/her land unless and until a Final Plat

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of the subdivision has been approved and recorded in the Sampson County Register of Deeds.

- B. The Sampson County Register of Deeds shall not record a plat of any subdivision within the City's planning jurisdiction unless the plat has been approved in accordance with the provisions of this Ordinance or certified as exempt from regulation by the Administrator.
- C. Physical improvements to land to be subdivided may not be commenced except in accordance with and pursuant to one of the following approvals:
 - 1. Preliminary Plat approval by the City Council for Major Subdivisions.
 - 2. Final Plat approval by the Administrator for Minor Subdivisions.
- D. No Zoning Permit shall be issued by the City of Clinton for the construction of any building on any lot within a proposed subdivision until a Final Plat of said subdivision has been approved in a manner as prescribed by this Ordinance and recorded at the Sampson County Register of Deeds Office.
- E. A Final Plat must be recorded before final sale or lease of lots can occur. However, the developer, upon approval of a Preliminary Plat, may enter into contracts to sell or lease the lots shown on the approved Preliminary Plat, provided that the contract does all of the following:
 - 1. Incorporates as an attachment a copy of the approved Preliminary Plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the approved and recorded Final Plat prior to closing and conveyance.
 - 2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the Preliminary and Final Plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final approved and recorded plat differs in any material respect from the approved Preliminary Plat.
 - 3. Provides that if the approved and approved and recorded Final Plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 5 days after the delivery of a copy of the final approved and recorded plat.
 - 4. Provides that if the approved and recorded Final Plat differs in any material respect from the approved Preliminary Plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final approved and recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
- F. The provisions of this Section shall not prohibit any owner or his/her agent from entering into contracts to sell or lease land by reference to an approved Preliminary Plat for which

a Final Plat has not been properly approved under this Ordinance or recorded with the Office of the Sampson County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the Final Plat has been properly approved under the requirements of this Ordinance and recorded in the Office of the Sampson County Register of Deeds.

11.5.4 Completing Developments in Phases

- A. For phased developments, the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance will be satisfied with respect to each phase or stage.

- B. If a development that is to be built in phases or stages includes common area improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his/her application for development approval, the developer shall submit a proposed schedule for completion of such common area improvements. The schedule shall relate completion of such common area improvements to completion of one or more phases or stages of the entire development. Once a schedule of improvements has been approved and made part of the permit by the permit-issuing authority, no land may be used or no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit.

11.5.5 Preliminary Plat Validity

- E. Upon approval of the Preliminary Plat by the City Council, the developer may proceed with the preparation of the Final Plat, and the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance.

- F. The applicant shall submit an amended application for review as an original application if he/she proposes to substantially amend or modify his/her application after the City Council has approved the Preliminary Plat. This shall not apply to minor changes. A change may be considered a minor change if it does not involve any of the following:
 - 1. any substantive change in a condition of approval;
 - 2. an increase in the number of building lots proposed;
 - 3. any substantial change in the location of, or any decrease in, the amount of open space, buffers, or areas reserved for recreational use;
 - 4. any substantial change in pedestrian and/or vehicular access or circulation including road classification;
 - 5. any change in the provision of services such as water supply and wastewater disposal;
 - 6. any substantial change in the location of utilities or other easements.

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- G. The approval of a Preliminary Plat shall be effective for two (2) years from the date of approval by the City Council. By the end of that time period, approval of the Final Plat must have been obtained from the Administrator or his/her designee, although the plat need not have been recorded in the Office of the Register of Deeds. Any plat or portion thereof not receiving final approval within the time period set forth herein shall be null and void except under the following conditions:
1. The subdivision is built in sections or phases, and a Phasing Plan was approved as part of the Preliminary Plat;
 2. The period between the approval date of the Preliminary Plat and the approval date of the Final Plat for the first phase does not exceed two (2) years; and
 3. The period between the approval date of the Final Plat of the first phase and the approval date(s) of the Final Plat(s) of any subsequent phase(s) does not exceed the time limits specified in the Phasing Plan of the Preliminary Plat. If no Phasing Plan is indicated, then the period between Final Plat approvals shall not exceed 6 months.
- H. Where a Phasing Plan for construction of the subdivision is approved, construction may not begin until required utilities and/or other facilities are available to serve the development (e.g., adequate public facilities).
- I. The Administrator or his/her designee may upon expiration of a Preliminary Plat re-approve the expired Preliminary Plat or portions thereof, as long as the subdivision design and conditions of approval are in compliance with this Ordinance, and any other applicable City ordinances and/or plans in effect at the time of application for re-approval, and changes to the original design or conditions of approval are considered minor.
- J. Only one administrative re-approval may be approved for any subdivision. If a re-approved Preliminary Plat expires, the developer shall be required to resubmit a new Preliminary Plat for the tract or portion thereof for which approval has expired. The new plat shall be subject to all applicable regulations in existence at the time of re-submittal. Provided, however, the development Phasing Plan approved as part of the Preliminary Plat (hereafter “the Phasing Plan”) may be amended by the City Council upon application by the subdivider. In determining whether to approve an amended Phasing Plan, the City Council shall consider:
1. whether or not approval of other diligently pursued regulatory requirements can be obtained before the expiration of the time periods established in the Phasing Plan; and
 2. the quality and length of time of the experience of the subdivider in managing development projects; and
 3. whether factors other than market conditions and beyond the control of the subdivider caused a delay in meeting the Phasing Plan; and
 4. whether the development project, if completed consistent with the approved Preliminary Plat, will tend to aid or meet an important public policy goal established by the City Council; and
 5. whether the application for an amended Phasing Plan was submitted before the previously approved time limit(s) has lapsed; and
 6. the possibility of and practicality of the subdivider and developer completing the development project consistent with City of Clinton regulations applicable if the Phasing Plan amendment is not granted; and

7. whether the time by which improvements must be completed or installed would not be extended by the revised Phasing Plan.

After consideration of the evidence submitted by the applicant concerning each of the factors listed above, the City Council may, in its discretion and for good cause shown, grant the amendment to the Phasing Plan unless it concludes that to do so would not maintain or promote, in some specific manner, the general public health, safety, and welfare. If the City Council approves an amendment to the Phasing Plan, it may require reasonable additional conditions of approval of the unapproved Final Plat(s).

11.5.6 Appeal of Final Plat Denial

The applicant may, if the Final Plat is denied, submit a revised plat for review and approval or, within 30 days of the date of the Administrator's decision on the Final Plat, appeal the decision to the City Council. Ten (10) copies of the Final Plat shall be submitted along with the written appeal. The City Council shall have final approval authority and, where applicable, the Final Plat shall contain information and/or conditions approved by the City Council.

11.5.7 Plat Approval Not Acceptance of Dedication Offers

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

11.5.8 Protection Against Defects

- A. Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
- B. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he/she will correct all defects in such facilities or improvements that occur within one year after the offer of dedication of such facilities or improvements is accepted.
- C. An architect or engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Ordinance. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.
- D. For purposes of this Section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the City to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this Ordinance.

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11.5.9 Maintenance of Dedicated Areas Until Acceptance

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

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CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

Section 12.1 Purpose and Applicability

The purpose of this chapter is to provide uniform standards for all development plans requiring approval by the City of Clinton in accordance with Chapter 11. Every development plan shall include notes and graphics depicting the requirements of all applicable sections of this Ordinance.

Section 12.2 Sketch Plans

12.2.1 Sketch Plan Submittal Requirements

Two (2) copies for pre-application meeting

12.2.2 Plan Labeling & Documentation

A Sketch Plan shall be required for the pre-application meeting with the Administrator. The plan shall be scaled drawn by a professional surveyor, licensed, registered engineer, architect, or landscape architect, drawn to a scale of no less than 1" = 200', and no greater than 1" = 20' and show the proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions. It shall also include the following information:

- A. Property boundaries
- B. Existing street layout and right-of-way width
- C. Zoning classification of the property to be developed and of adjacent properties
- D. Existing topographic conditions of the property
- E. Water courses, watershed, flood plain, & preserved areas
- F. Existing and proposed uses of the land within the development and the existing uses of land adjoining it
- G. Proposed street layout with approximate pavement and right-of-way width, lot layout, and size of lots (if applicable)
- H. Name, address, and telephone number of the developer or owner, and the person responsible for the subdivision design,
- I. Proposed name of the development
- J. Scale, approximate north arrow, and date of plan preparation
- K. Total acreage of the proposed development,
- L. Tax map, block, and lot number and/or Sampson County Parcel Identification Number (PIN) of the tract to be subdivided
- M. Sketch vicinity map showing the location of the development in relation to the existing street or highway system
- N. The locations of readily identifiable easements, burial grounds, existing structures, natural areas, floodplains, railroad and street rights-of-way, major woods lines, water supply and sewage disposal lines, and storm drainage facilities that can be determined from aerial photographs, maps of record, Federal/State resource maps, and local planning documents
- O. A copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous 10 years

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Section 12.3 Subdivision Plats

12.3.1 Major Subdivision Preliminary Plat Submittal Requirements

- A. 5 full size paper copies for Technical Review Committee
- B. 10 full size paper copies for Planning & Zoning Board
- C. 10 full size paper copies for City Council
- D. 1 reduced 11x17 copy for file
- E. Digital copy in PDF format

12.3.2 Minor Subdivision Plat & Major Subdivision Final Plat Submittal Requirements

- A. 5 full size paper copies for review
- B. 1 copy of recorded plat for file
- C. Digital copy in PDF

Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Sampson County Register of Deeds. The Final Plat shall be of a size suitable for recording with the Register of Deeds and shall be at a scale of not less than one inch equals 100 feet. Maps may be placed on more than one sheet with appropriate match lines.

12.3.3 Plat Labeling Requirements for Preliminary & Final Plats

A. Labeling Matrix

The Preliminary and Final Plats shall depict or contain the information indicated in the following matrix. An X indicates that the information is required. Preliminary Plat information is only required for major subdivisions.

Title Block Information:	<u>Preliminary Plat</u>	<u>Final Plat</u>
a) Subdivision name	x	x
b) Name of owner	x	x
c) Name of the Subdivider/Developer	x	x
d) PIN number	x	x
e) Location (including township, county and state)	x	x
f) Bar graph scale and north arrow	x	x
Plat Preparation Information:	<u>Preliminary Plat</u>	<u>Final Plat</u>
a) Date or dates survey was conducted and plat prepared	x	x
b) Name and address of the Registered Land Surveyor and/or Professional Engineer	x	x
c) Surveyor's registration number and seal		x
d) Names and addresses of all owners, mortgagees,	x	x

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Registered Land Surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision		
Property & Site Calculation Information:	<u>Preliminary Plat</u>	<u>Final Plat</u>
a) Sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	X	X
b) Corporate limits, Extraterritorial Jurisdiction and county lines if on the subdivision tract	X	X
c) Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	X
d) Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands	X	X
e) Adjoining property information including owner name, zoning classification, existing structures, and subdivision name	X	X
f) Minimum building setbacks in table format and graphically on lots	X	X
g) Zoning classifications of the tract to be subdivided	X	X
h) Acreage in total tract to be subdivided	X	X
i) Acreage in parks and recreation areas and other nonresidential uses	X	X
j) Total number of parcels created	X	X
k) Acreage in the smallest lot in the subdivision	X	X
l) Linear feet in roads for each individual street	X	X
m) Name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the National Historic Register	X	X
n) Topographic map with contour intervals of no greater than five feet at a scale of no less than one inch equals two hundred (200) feet may be required (2 foot contour intervals are available from the state)	X	
o) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, road line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent		X

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distance for the center line of curved property lines that are not the boundary line of curved roads. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest minute.		
p) Accurate locations and descriptions of all monuments, markers and control points.		x
q) Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains	x	x
r) Proposed lot lines, lot and block numbers, and approximate dimensions	x	x
s) The lots numbered consecutively throughout the subdivision in a manner using only numeric symbols		x
t) Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	x	x
u) The exact location of the flood hazard area, floodway and floodway fringe areas from the county's Official Flood Maps, and Community Panel Number if applicable	x	x
Streets, Infrastructure, & Open Space Information:	<u>Preliminary Plat</u>	<u>Final Plat</u>
a) Proposed street right-of-way	x	x
b) Proposed street cross sections	x	
c) Existing and platted roads on adjoining properties and in the proposed subdivision	x	x
d) Rights-of-way, location and dimensions	x	x
e) Pavement widths	x	
f) Approximate grades-Terrain classification for streets	x	
g) Design engineering data for all corners and curves	x	x
h) Typical road cross sections	x	x
i) Road names	x	x
j) Private road disclosure statements indicating who will maintain private roads in subdivision and the right of access to any private road in the subdivision by all lots served by the road		x
k) Type of road dedication; all roads must be designated either "public" or "private".	x	x

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l) Where roads are dedicated to the public, but not accepted by the City or State before lots are sold, a statement explaining the status of the road		x
m) Utility and other easements (labeled as private or public)	x	x
n) Fire hydrants, if applicable	x	
o) Riding trails	x	x (right-of-way only)
p) Buffer strips	x	x
q) Pedestrian or bicycle paths	x	x (right-of-way only)
r) Parks and recreation areas with specific type indicated	x	x
s) School sites (both existing and proposed)	x	x
t) Areas to be used for purposes other than residential with the purpose of each stated	x	x
u) The future ownership (dedication or reservation for public use to governmental body, for owners' to duly constituted homeowners' association, or for tenants' remaining in Subdivider's ownership) of recreation and open space lands		x
Agency Approvals (where applicable):	<u>Preliminary Plat</u>	<u>Final Plat</u>
a) NCDOT approval of driveway permits and road construction drawings	x	
b) NCDENR approval of Soil & Erosion Control Plan	x	
c) Verification of private or community well and/or septic plan submittal to NCDENR	x	
d) Septic approval from Health Department or disclaimer if septic systems are proposed and soil testing is not yet completed		x
e) NCDOT approval of storm water drainage plan	x	
f) All certifications required below	x	x
g) Letter of water and sewer capacity from City of Clinton Public Works	x	
h) Verification of Compliance with environmental regulations	x	

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

B. Certificates & Statements for Preliminary Plats

1. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1: ____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., ____.

Surveyor

Seal or Stamp

Registration Number

2. Certificate of Approval for Preliminary Plat

If the City Council approves the Preliminary Plat, such approval shall be shown on each copy of the plat by the following signed certificate:

The City of Clinton City Council hereby certifies that the Preliminary Plat shown hereon has been found to comply with the City of Clinton Land Development Ordinance. Provided that a Final Plat is submitted within two (2) years of the date of Preliminary Plat approval, approved by the City Council on _____ (Date).

Mayor, City of Clinton

3. Private Water/Sewer Statement

As the date of this recording, the lots represented on this plat have not been inspected or approved by the Sampson County Health Department. Until inspected, there is no assurance that a building permit will be issued.

C. Certificates & Statements for Minor Subdivision Plats & Final Plats

1. Certificate of Ownership & Dedication

“I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, and water lines to the City of Clinton.

Owner(s)

Date

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

2. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1: ____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., ____.

Surveyor

Seal or Stamp

Registration Number

3. Certificate of Land Use Regulation

I, _____, certify to one of the following:

- a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one of the following:
 - 1) That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2) That this survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 - 3) That this survey is a control survey.
- d. That this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor’s professional ability as to provisions contained in a) through d) above.

Surveyor

Seal or Stamp

Registration Number

4. Division of Highways Engineer Certificate (Where Applicable)

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

District Engineer

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

5. Certificate of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements (if required)

I do hereby certify (1) that streets, utilities, and other required improvements have been installed in an acceptable manner and according to City of Clinton specifications and standards in the subdivision entitled _____, or, (2) that a guarantee of the installation of the required improvements in an amount or manner satisfactory to the City of Clinton has been received.

Administrator

Date

6. Road Maintenance Disclosure Statement (if required)

(a) Where roads are declared and dedicated as public State roads, the following Subdivision Roads Disclosure statement shall be shown:

All roads in this subdivision are hereby declared public and shall be maintained by the North Carolina Department of Transportation. The maintenance of all streets and roads in this subdivision shall be the responsibility of (owner/developer) and it shall be their responsibility to bring the roads up to the standards of the North Carolina Department of Transportation before any public streets or roads on this plat are included at any time after the approval of this plat, into the North Carolina State Road System.

(b) Where subdivision roads are declared and dedicated as public City roads, the following Subdivision Roads Disclosure Statement shall be shown:

All roads in this subdivision are hereby declared public and shall be maintained by the City of Clinton. The maintenance of all streets and roads in this subdivision shall be the responsibility of (owner/developer) and it shall be their responsibility to bring the roads up to the standards of the City before any public streets or roads on this plat are included at any time after the approval of this plat, into the City's Road System.

7. Certificate of Approval of Water Systems (Where Applicable)

I hereby certify that the water supply system installed, or proposed for installation in the subdivision entitled _____ fully meets the requirements of the (Sampson County Health Department, if the system contains between 2 and 9 connections; or the North Carolina Department of Environment and Natural Resources, Division of Environmental Health, for a system with 10 or more connections) and are hereby approved as shown.

Sampson County Health Officer or
Representative of NCDENR

Date

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8. Certificate of Approval of Sewage Systems (Where Applicable)

I hereby certify that the sewage collection system installed or proposed for installation in the subdivision entitled _____ fully meets the requirements of the (North Carolina Department of Environment and Natural Resources, Division of Environmental Health, for a system with a capacity of 3,000 gallons or more; or the Sampson County Health Department for private septic tanks or sewerage collection systems with a capacity of under 3,000 gallons) and are hereby approved as shown.

Sampson County Health Officer or
Representative of NCDENR

Date

9. Certificate for Lot(s) of Restricted Development Potential (Where Applicable)

Notice is hereby given that Lot(s) _____ is/are of restricted development potential because of:

- a. the fact that the suitability of the lot(s) for the installation of on-site subsurface soil absorption sewage disposal facilities has not been established by the Sampson County Health Department, Division of Environmental Health; or
- b. the unsuitability of the subsurface soil for the installation of an on-site soil absorption sewage disposal facility as determined by the Sampson County Health Department, Division of Environmental Health.

10. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Development Ordinance of the City of Clinton, North Carolina and that this plat has been approved for recording in the Office of the Register of deeds of Sampson County.

Administrator

Date

11. Review Officer Certificate (where applicable as indicated below)

- a. State of North Carolina
County of Sampson

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

Review Officer

Date

- b. The Review Officer, as required by NCGS 47-30.2 (Review Officer), shall not be required to review or certify a plat for recording within the jurisdiction of these regulations when the surveyor preparing the plat has certified on the plat that the survey is of one or more of the following:

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1. One that creates a subdivision of land within a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
 2. One of an existing parcel or parcels of land and does not create a new street or change an existing street; or
 3. One of an existing building or other structure, or natural feature, such as a watercourse.
- c. The Review Officer shall review and certify a plat for recording when the surveyor preparing the plat has certified on the plat that the survey is one or more of the following:
1. One that creates a subdivision of land within an area of a county or municipality that has an ordinance that regulates parcels of land;
 2. One that is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
 3. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in NCGS 47-30 (Plats and Subdivisions; Mapping Requirements), (f) (Plat To Contain Specific Information), (11).

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

Section 12.4 Site Plans

All Site Plans (including those for Special Use Permits), except plot plans for single-family dwellings, shall include but are not limited to the following information:

12.4.1 Plan Submittal Requirements

- A. 5 full-size copies for initial submittal
- B. 5 full-size copies for revisions
- C. 2 full-size copies & 1 reduced (11x17) copy for file
- D. 1 digital copy in PDF

12.4.2 Plan Labeling

- A. Title
- B. Original submittal date
- C. Revision dates
- D. Vicinity map
- E. North arrow
- F. Scale (no smaller than 1"=100')
- G. Lot lines with bearings and distances
- H. Zoning district and applicable overlay districts
- I. Adjacent property owner names, parcel numbers, and zoning
- J. Total acreage
- K. Acreage in right-of-way
- L. Density per acre
- M. Building setbacks in table format and building envelopes show on lots
- N. Locations of existing structures
- O. Landscaping notes
- P. Boundaries of flood plains or note stating that property is not within one
- Q. Topography and environmental information

12.4.3 Plans and Details

The following shall be provided in addition to the Site Plan, where applicable:

- A. Existing Conditions
- B. Grading Plan
- C. Soil and Erosion Control Plan & NCDENR approval
- D. Stormwater Plan
- E. Landscaping Plan
- F. Utility Plan
- G. Lighting Plan

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CHAPTER 13: NONCONFORMITIES

Section 13.1 Purpose and Applicability

The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Chapter. Many nonconformities may continue, but the provisions of this Chapter are designed to minimize substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming properties in order to preserve the integrity of the area in which it is located and the intent of this Ordinance.

Section 13.2 Continuation of Nonconforming Situations

- A. Unless otherwise provided in this Ordinance and subject to the restrictions and qualifications set forth in Sections 13.3 through 13.8, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.
- B. In the Airport Height Overlay (AH-O) District, the owner of any existing nonconforming structure or tree shall be required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator to indicate to the operators of aircraft in the vicinity of the Clinton-Sampson County Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport. If, by a determination of the North Carolina Division of Aviation or Federal Aviation Administration, the encroachment of any structure or tree into regulated airspace is such that providing markers and lights is insufficient to protect the life and property of the flying public, the applicable authority shall institute steps to have such structures or trees mitigated at the expense of the applicable authority. If unsuccessful in obtaining the cooperation of the parties involved, the City shall institute the appropriate legal action, as reasonably necessary, to insure the safety of the flying public in airspace regulated by this Ordinance.

Section 13.3 Nonconforming Lots

- A. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum for the zoning district, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family dwelling) that requires a greater lot size than the established minimum lot size for a particular zoning district is permissible on a nonconforming lot.
- B. If a nonconforming lot fails to meet lot area or width requirements, or both, in a district where single-family residences are permitted, such lot may be used as the location of a single-family dwelling with related accessory buildings. The Board of Adjustment may allow a 20 percent reduction in the applicable setback requirements if it finds that:

1. The property cannot reasonably be developed for the use proposed without such deviations,
 2. These deviations are necessitated by the size or shape of the nonconforming lot, and
 3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety.
- C. For purposes of Subsection (B), mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- D. This Section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 13.6.
- E. If two (2) or more adjoining and vacant lots of record are in single ownership at any time after the adoption of this Ordinance, and such lots individually have less frontage or area than the minimum requirement of the district in which such lots are located, such lots shall be considered as a single zoning lot of several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

Section 13.4 Extension or Enlargement of Nonconformities

- A. Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
1. An increase in the total amount of space devoted to a nonconforming use, or
 2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements, or other requirements such as parking requirements.
- B. Subject to Subsection (D), a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Section 13.7, a nonconforming use may not be extended to additional buildings or to land outside the original building.
- C. Subject to Section 13.7, a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural material from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if 10 percent or more of the earth products had already been removed on the effective date of this Ordinance.
- D. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased, and the equipment or processes used at a location where a

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nonconforming situation exists may be changed, if these or similar changes amount only to changes in the degree of activity rather than changes in kind, and no violations of other Subsections of this Section occur.

- E. Notwithstanding Subsection (A), any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements (e.g., where allowed, a single-wide manufactured home may be replaced with a double-wide manufactured home). This Subsection is subject to the limitations stated in Section 13.7.
- F. Notwithstanding Subsection (A), whenever: (i) there exists a lot with one or more structures on it, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking or loading requirements of Chapter 18 (Parking) that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Chapter 9 (Parking) if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required, and (ii) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the Zoning or Special Use Permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the Permit.

Section 13.5 Repairs, Maintenance and Reconstruction

- A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation (i.e., work estimated to cost more than 50 percent of its replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be) may be done only in accordance with a Zoning Permit pursuant to this Section.
- B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50 percent of its replacement cost at the time of destruction, then the damaged structure may be repaired or replaced only in accordance with a Zoning Permit issued pursuant to this Section. This Subsection does not apply to structures used for single-family residential purposes (including manufactured homes), which structures may be reconstructed pursuant to a Zoning Permit just as they may be enlarged or replaced as provided in Subsection (E) of Section 13.3.
- C. For purposes of Subsections (A) and (B):

1. The "cost" of renovation or repair or replacement shall mean the current fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
 2. The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsections (A) or (B) by doing such work incrementally.
 3. The Administrator may require the applicant to provide an appraisal to establish the cost.
- D. The Administrator shall issue a Zoning Permit authorized by this Section if he/she finds that, in completing the renovation, repair, or replacement work:
1. No violation of Section 13.3 (Extension or Enlargement of Nonconforming Situations) will occur, and
 2. The permittee will comply to the extent reasonably possible with all provisions of this Ordinance applicable to the existing use (except that the permittee shall not lose his/her right to continue a nonconforming use).

Section 13.6 Change in Use of Property Where Nonconformity Exists

- A. A change in use of property that is sufficiently substantial to require a new Zoning Permit or Special Use Permit may not be made except in accordance with Subsections (B) through (D). However, this requirement shall not apply if only a Sign Permit is needed.
- B. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.
- C. If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this Ordinance to issue a permit for that particular use (the Administrator, or City Council) issues a permit authorizing the change. This permit may be issued if the permit-issuing authority finds, in addition to any other findings that may be required by this Ordinance, that:
1. The intended change will not result in a violation of Section 13.3 (Extension and Enlargement of Nonconforming Situations); and
 2. All of the applicable requirements of this Section that can reasonably be complied with will be complied with.
- D. Compliance with a requirement of this Ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this Subsection to construct a

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building, or to add to an existing building, if additional nonconformities would thereby be created.

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

Section 13.7 Abandonment & Discontinuance of Nonconformities

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

- D. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the 180 day period for purposes of this Section begins to run on the effective date of this Ordinance.
- E. In the Airport Height Overlay (AH-O) District, whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed 49 feet in height otherwise deviate from Ordinance regulations applicable within the Airport Height Overlay (AH-O) District.

Section 13.8 Completion of Nonconforming Projects

- A. All nonconforming projects on which construction was begun at least 180 days before the effective date of this Ordinance, as well as all nonconforming projects that are at least 10% completed in terms of the total expected cost of the project on the effective date of this Ordinance, may be completed in accordance with the terms of their permits, so long as their permits were validly issued and remain un-revoked and un-expired. If a development is designed to be completed in stages, this Section shall apply only to the particular phase under construction.
- B. Except as provided in Subsection (A), all work on any nonconforming project shall cease on the effective date of this Ordinance, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a Zoning, Special Use, or Sign Permit issued in accordance with this Ordinance by the individual or board authorized by this Ordinance to issue permits for the type of development proposed. The permit-issuing authority shall issue such a permit if it finds that the applicant has, in good faith, made substantial expenditures, or incurred substantial binding obligations, or otherwise changed his/her position in some substantial way in reasonable reliance on the land use law as it existed before the date of this Ordinance, and project as proposed. In considering whether these findings may be made, the permit-issuing authority shall be guided by the following, as well as other relevant considerations:
 - 1. All expenditures made to obtain, or pursuant to, a validly issued and un-revoked Building, Zoning, Sign, or Special Use Permit shall be considered as evidence of reasonable reliance on the land use law that existed before this Ordinance became effective;
 - 2. Except as provided in Subsection (B)(1), no expenditures made more than 180 days before the effective date of this Ordinance may be considered as evidence of reasonable reliance on the land use law that existed before this Ordinance became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure;
 - 3. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new

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- classification as it was under the old, for the expenditure can be recovered by a resale of the property;
4. To the extent that a nonconforming project can be made conforming, and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures;
 5. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (i) the total estimated cost of the proposed project, and (ii) the ordinary business practices of the developer;
 6. A person shall be considered to have acted in good faith if actual knowledge of a proposed change in land use law affecting the proposed development site could not be attributed to him/her;
 7. Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the permit-issuing authority may still find that he/she acted in good faith if he/she did not proceed with his/her plans in a deliberate attempt to circumvent the effects of the proposed Ordinance. The permit-issuing authority may find that the developer did not proceed in an attempt to undermine the proposed Ordinance if it determines that (i) at the time the expenditures were made, either there was considerable doubt about whether any Ordinance would ultimately be passed, or it was not clear that the proposed Ordinance would prohibit the intended development, and (ii) the developer had legitimate business reasons for making expenditures.
- C. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing under Subsection (B). In addition to the matters and subject to the guidelines set forth in (1) through (6) of Subsection (B), the permit-issuing authority shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:
1. Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work;
 2. Whether any improvements, such as streets or utilities, have been installed in phases not yet completed;
 3. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location, or such a scale in anticipation of connection to or interrelationship with approved but uncompleted phases that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.
- D. The permit-issuing authority shall not consider any application for the permit authorized by Subsection (B) that is submitted more than 60 days after the effective date of this Ordinance. The permit-issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.

- E. The permit-issuing authority shall establish expedited procedures for hearing applications for permits under this Section. These applications shall be heard, whenever possible, before the effective date of this Ordinance, so that construction work is not needlessly interrupted.

Section 13.9 Authorization of Nonconforming Projects

Whenever an amendment to this Ordinance becomes effective after an application for a development permit is submitted, but before the permit is issued, and the effect of the amendment is to render the proposed development nonconforming in some respect, then the permit-issuing authority may nevertheless issue the permit even though the project is nonconforming, if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his/her position in some substantial way in reasonable reliance on this Ordinance as it existed prior to the amendment and thereby would be unreasonably prejudiced if required to comply with this Ordinance as so amended.

Section 13.10 Vested Rights Based Upon Site-Specific Development Plan

- A. The City Council determines that a Special Use Permit shall be regarded as a “site-specific development plan” under the provisions of GS 160A-385.1. Therefore, once a Special Use Permit has been issued, the permit recipient shall have a “vested right” to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this Ordinance, to the extent provided in GS 160A-385.1.
- B. The City Council further determines that recipients of Zoning Permits should be entitled to the same protections as recipients of Special Use Permits. Therefore, once a permit has been issued, the permit recipient shall have a “vested right” to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this Ordinance, to the same extent provided in NCGS 160A-385.1 for developments authorized by the approval of “site specific development plans.”
- C. A vested right under this Section commences upon the issuance of the permit in question.
1. A zoning right or a site-specific plan that has been vested as provided in this Ordinance shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site-specific development plan, unless expressly provided by the approval authority at the time the amendment or modification is approved;
 2. As provided in GS 160A-385.1(d)(6), a right that has been vested in accordance with this Section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid Building Permit applications have been filed.
 3. A multi-phase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development.
 4. Exceptions to multi-phased development adhere to General Statutes 160D-108(f).

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- D. Nothing in this Section shall prohibit the revocation of a permit pursuant to Section 15.8, and the vesting of rights provided for under this Section shall be terminated upon such revocation.
- E. The effect of this Section is to ensure that, during the period of vesting, the developer is protected from subsequent changes in this Ordinance to a greater extent than is authorized under Section 13.11 (Vested Rights Upon Issuance of Building Permits) (which provides for a vesting of rights only after a Building Permit has been obtained), or Section 13.8 (Completion of Nonconforming Projects) (which generally provides for a vesting of rights only after the developer has made substantial expenditures in good faith reliance upon this Ordinance).

Section 13.11 Vested Rights Upon Issuance of Building Permits

As provided in GS 160A-385, amendments, modifications, supplements, repeal or other changes in the zoning regulations set forth in this Ordinance or zoning district boundaries shall not be applicable or enforceable without consent of the owner with respect to buildings and uses for which a Building Permit has been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes, so long as the permit remains valid and un-expired pursuant to GS 160A-418, and un-revoked pursuant to GS 160A-422.

Section 13.12 Nonconforming Signs

- A. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Chapter may be continued until they are required to be removed.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Notwithstanding any provisions of Section 13.12, if any existing (at the time this ordinance was adopted) non-conforming sign is required to be moved due to a roadway expansion or some other form of eminent domain, the sign may be moved and reused on the property where it is located as long as the sign is not enlarged or altered in such a manner as to aggravate the nonconforming condition.
- D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Subsection, a nonconforming sign is “destroyed” if damage to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.

- E. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- F. Subject to the other provisions of this Section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any 12-month period, 50 percent of the value (tax value if listed for tax purposes) of such sign.
- G. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- H. If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Section or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Subsection, a sign is “blank” if:
 - 1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, or
 - 2. The advertising message it displays becomes illegible in whole or substantial part, or
 - 3. The advertising copy paid for by a party other than the sign owner, or promoting an interest other than the rental of the sign, has been removed.

Section 13.13 Nonconforming Manufactured Home Parks

- A. All manufactured home parks existing at the time of the adoption of this Ordinance are hereby deemed nonconforming uses. No person shall make any addition or alteration to a manufactured home park that either alters the number of sites for manufactured homes within the park or affects the facilities required.
- B. Each nonconforming manufactured home park shall have received Special Use Permit under the previous Zoning Ordinance. Failure to maintain adherence to the design and operating standards in this Section may result in revocation of the Permit. Upon failure to maintain standards staff may, after written notification, recommend a hearing before the City Council to consider revocation of the permit.
- C. No zoning compliance permits shall be issued for individual manufactured home setups or replacements within parks which have violations of the design and operation standards of this Section.
- D. If the owner of a nonconforming manufactured home park wishes to continue operation indefinitely, the following design standards shall be maintained:

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1. No more than one (1) manufactured home may be parked on any manufactured home space.
2. The supports of all manufactured homes parked within an authorized park shall rest upon footings which meet the North Carolina Regulations for manufactured homes.
3. No manufactured home stand shall be located less than 40 feet from a public street right-of-way. No manufactured home stand shall be located less than 25 feet from a private drive or from an exterior park boundary or less than thirty feet from another manufactured home stand, a manufactured home addition or any other structure.
4. A driveway and parking space sufficient to accommodate at least two (2) automobiles shall be constructed within each manufactured home space and shall be paved or covered with crushed stone or other suitable material.
5. Each manufactured home stand and the manufactured home space shall be graded to provide adequate storm drainage away from the mobile and such that there will exist no more than two feet difference between the chassis of the manufactured home and the finished grade of the manufactured home stand along the entire perimeter of the manufactured home proper.
6. The manufactured home park shall have all-weather surfaced roads and streets, lighted at night, abut all manufactured home spaces.
7. No manufactured home space shall have direct vehicular access to a public street.
8. Area to provide proper drainage ditches, and a three to one back slope shall be provided where determined necessary by the Planning Board or Zoning Administrator.
9. Closed ends of dead-end streets shall be provided with a turning circle at least 60 feet in diameter or a turning "Y" with an angle of at least 90 degrees.
10. Each manufactured home stand shall have adequate access, for both the manufactured home and autos, with a minimum access width of twenty feet unless more is deemed necessary because of topographical conditions or street curvature.
11. When the manufactured home park has more than one direct access to a public street, they shall not be less than 300 feet apart or less than 300 feet from a public street intersection unless topographical or site conditions demand otherwise.
12. All manufactured homes within a manufactured home park after adoption of this ordinance must be underpinned with an approved material such as vinyl, brick, masonry, or aluminum.
13. The following utility standards shall apply. In every manufactured home park, all installations (other than those within the manufactured home itself) of plumbing and electrical wiring and all gas and oil appliances shall comply with the provision of the building, plumbing, electrical, heating, and gas regulations of the State, City, and County.
 - a. **Manufactured Home Stand Utilities.** Each manufactured home stand shall be equipped with plumbing and electrical connections grouped together within the manufactured home stand.
 - b. **Water Supply.** Each manufactured home park shall obtain water from the City water supply when available, and when unavailable, from a source approved by the County Health Department.
 - c. The supply shall be adequate for park requirements. The drinking, cooking, laundry and general bathroom water supply for each individual manufactured home shall be obtained only from faucets or other plumbing connections located within each manufactured home.

- d. Sewage Disposal. Each manufactured home park shall be provided with an adequate sewage disposal system, either by connection to a public sewage system or septic tank system approved by the County Board of Health. All sewage wastes from each manufactured home park, whether from individual manufactured homes or manufactured home spaces, shall be piped into the manufactured home park sewage disposal system.
 - e. All bathing and laundry facilities and toilets shall be in conformity with regulations of the County Board of Health and the City Plumbing Code for such structures.
 - f. Ground anchors shall be installed as required by NC Building Code.
- E. If the owner of a nonconforming manufactured home park wishes to continue operation indefinitely, the following operating standards shall be maintained:
- 1. Manufactured Home Sales in Manufactured home Parks. It shall be unlawful to conduct on a commercial basis the sale of manufactured homes or travel trailers within a manufactured home park.
 - 2. Residential Units Not to be Travel Trailers. No manufactured home park shall permit a travel trailer as herein defined to locate within its boundaries for periods greater than one week if used for any dwelling purposes whatsoever.
 - 3. Registration. It shall be the duty of the operator of the manufactured home park to keep an accurate register containing a record of all manufactured homes, owners, and occupants of the manufactured home park. The register shall contain the following information:
 - a. Name and address of owner and each occupant.
 - b. The manufactured home space in which the manufactured home is parked.
 - c. Date of entering the park.
 - d. Date of leaving the park.
 - 4. Manufactured Home Equipment. Each manufactured home shall have a flush toilet, lavatory, bathtub or shower, cooking facilities, and electrical wiring and shall be required to connect with the utilities provided at each manufactured home space.
 - 5. Refuse Disposal. All garbage and refuse in every manufactured home park shall be stored in suitable water tight and fly-tight receptacles which shall be kept covered with closely fitting covers. The size and type of all garbage receptacles shall be in conformance with City standards. No person shall throw or leave garbage or refuse upon the grounds of any manufactured home park. It shall be the duty of the manufactured home park operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner. If the manufactured home park is located within the corporate limits, the City will pick up and dispose of such garbage and refuse. If the mobile park is located outside of the corporate limits, the manufactured home park operator shall be responsible for the pick-up and disposal of the garbage in a manner satisfactory to the City and Sampson County Health Department.
 - 6. Health Regulations. All County Health Regulations shall apply to manufactured home parks within the jurisdiction of the city except where such regulations are in conflict with the provisions of this section, in which case, the more restrictive provisions shall apply.
 - 7. Tie Downs. It shall be the responsibility of the owner of the manufactured home park to see that each manufactured home parked within the manufactured home park is properly tied down.

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8. Fire Prevention and Detection. In addition to the Fire Prevention Regulations of the City, the following shall apply:
 - a. The operator of a manufactured home park is responsible for informing each park resident of the location of the nearest fire alarm box, if any; the location of any accessible telephone and the telephone number to be used to report fires; and procedures to be followed in case of a fire.
 - b. The park owner shall install a fire extinguisher labeled as suitable for Class A, B, and C fires and of a type approved by the City Fire Department in each building open to the public and in the park office. The park staff shall be instructed in the proper use of any fire protection equipment available in the park and their specific duties in the event a fire shall be defined.
 - c. The park owner or operator shall maintain the park area free of rubbish, dry brush, leaves, weeds, junk vehicles, and any other materials which might communicate fires between manufactured homes and other buildings.
 - d. Empty liquefied petroleum gas containers and other objects and material not approved by the Clinton Fire Department shall not be stored under manufactured homes.
 - e. The manufactured home park owner shall be responsible for payment to the City any applicable fee if the City Fire Department is called upon.
 - f. The park owner shall be responsible to see that each manufactured home has an automatic smoke detector, emitting not less than 85 decibels at 10 feet, installed in accordance with the standards specified in the North Carolina.

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CHAPTER 14: MAP AND TEXT AMENDMENTS

Section 14.1 Purpose

- A. Amendments to the text of this Ordinance or to the Official Zoning Map may be made in accordance with the provisions of this Article.
- B. Current and prior Zoning Maps along with any State or Federal Agency Maps shall be maintained for public inspection in paper or digital format.

Section 14.2 Initiation of Amendments

- A. Whenever a request to amend this Ordinance or the Official Zoning Map is initiated by the City Council or the Planning & Zoning Board, then the Administrator shall draft an appropriate ordinance and present that ordinance to the City Council so that a date for a public hearing may be set. Requests for Conditional Zoning Map Amendments shall only be filed by the property owner of the subject or agent of the property owner.
- B. Any other person may also petition the City Council to amend this Ordinance or the Official Zoning Map. The petition shall be filed with the Administrator and shall include, among the information deemed relevant by the Administrator:
 - 1. The name, address, and telephone number of the applicant;
 - 2. A legal description (metes and bounds) of the land affected by the amendment if a change in zoning district classification is proposed;
 - 3. The alleged error in this Ordinance or on the Official Zoning Map, if any, that would be remedied by the proposed amendment;
 - 4. The changing or changed conditions, if any, of neighborhoods or areas in the City that make the proposed amendment reasonably necessary in order to promote the public health, safety, and welfare;
 - 5. The manner in which the proposed amendment will carry out the purpose of the adopted Land Use Plan;
 - 6. A statement analyzing the reasonableness of the proposed zoning map change when the request is for a small-scale rezoning (i.e., spot zoning) or Conditional Zoning district;
 - 7. All other circumstances, factors and reasons that the applicant offers in support of the proposed amendment; and
 - 8. A description of the proposed map change, or a summary of the specific objective of any proposed change in the text of this Ordinance.
- C. The applicant shall not, as part of their application, nor as part of their presentation on the request, indicate what the use of the proposed property is to be unless the proposed amendment is for a Conditional Zoning district.

Section 14.3 Amendment Approval Process

14.3.1 Administrator Action

Upon receipt of a complete petition, the Administrator shall forward the request to the Planning & Zoning Board with a written report at the Board's next regularly scheduled meeting.

14.3.2 Planning & Zoning Board Consideration of Proposed Amendments

- A. The Planning & Zoning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning & Zoning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning & Zoning Board; however, a comment by the Planning & Zoning Board that a proposed amendment is inconsistent with the comprehensive plan or other adopted plan(s) shall not preclude consideration or approval of the proposed amendment by the City Council.
- B. If no written report is received from the Planning & Zoning Board within 30 days of referral of the amendment to the Board, the City Council may proceed in its consideration of the amendment without the Planning & Zoning Board's report. The City Council is not bound by the recommendation, if any, of the Planning & Zoning Board.
- C. No Planning & Zoning Board member shall vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the matter.

14.3.3 Public Hearing & Notice

- A. No ordinance that amends any of the provisions of this Ordinance may be adopted until a public hearing has been held on such ordinance.
- B. The Administrator shall publish a notice of the public hearing on any ordinance that amends the provisions of this Ordinance once a week for two (2) successive weeks in a newspaper of general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be.
- C. The Administrator shall mail written notice of the public hearing via first class mail to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment, any portion of which is within 100 feet of the property rezoned by the amendment. Adjoining properties are considered to be "abutting" even if separated by a street, railroad, or other transportation corridor. The notice shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The Administrator shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.

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- D. The first class mail notice required by Subsection (C) shall not be required if the rezoning directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the City elects to use the expanded published notice in a newspaper of general circulation within the area where the rezoning is proposed. The expanded published notice shall consist of an advertisement of the public hearing that is no less than ½ of the newspaper page in size. The Administrator shall publish the notice once a week for two (2) successive weeks. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mailed notice, as prescribed in Subsection (C).
- E. For map amendments initiated by a third party, property owner(s) who are not signatories of the application for zoning map amendment must be notified through personal delivery or registered, certified, or delivery receipt mail. Such notice shall state the existing zoning classification and the classification requested by the third party and the date, time, and location of the public hearing. The notice shall be written by the Administrator, yet the burden for making this actual notice is on the third party requesting the rezoning, the proof of which shall be provided to the Administrator prior to the public hearing. This requirement shall not apply if a map amendment is initiated by the City. Down-zoning must be initiated by the property owners unless the zoning amendment is initiated by the city.
- F. The Administrator shall also post notices of the public hearing on the property being rezoned by the proposed amendment or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons. The Administrator may elect to take any other action deemed to be useful or appropriate to give notice of the public hearing on any proposed amendment. The notice shall be posted within the same time period specified for mailed notices of the hearing.
- G. The notices required or authorized by this Section shall:
1. State the date, time, and place of the public hearing,
 2. Summarize the nature and character of the proposed change,
 3. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment,
 4. State that the full text of the amendment can be obtained from the City Clerk, and
 5. State that substantial changes in the proposed amendment may be made following the public hearing.
- H. The posted notice shall only be required to state the property is subject to a rezoning request, that a public hearing will be held on the matter, and give contact information on where to obtain information on the request and the date and time of the hearing.

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- I. The Administrator shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is the City Council's intention that no failure to comply with any of the notice provisions (except those set forth in Subsection (B)) shall render any amendment invalid.
- J. Any municipality proposing to exercise or amend the existing extraterritorial jurisdiction shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records.
 1. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records.
 2. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160D-303.
 3. The notice shall be mailed at least 30 days prior to the date of the hearing.
 4. The person or persons mailing the notices shall certify to the city council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

14.3.4 City Council Action on Amendments

- A. At the conclusion of the public hearing on a proposed amendment, the City Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its rules of procedure.
- B. The City Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- C. Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances, subject to Section 14.5 (Protest Petitions).
- D. Prior to adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan or other officially adopted plan, and explaining why the Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.
- E. A City Council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- F. In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the City Council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues

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at the public hearing may be declared irrelevant by the Mayor and excluded. In particular, when considering proposed minor map amendments:

1. The City Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the City Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
2. The City Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
3. The City Council shall consider whether or not its action is consistent with an adopted comprehensive plan or other officially adopted plan, and if the action taken is reasonable and in the public interest.

G. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

H. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

14.3.5 Special Provisions for Conditional Zoning Map Amendments

A. The Conditional Zoning (CZ) approval process is established to address those situations when a particular use may be acceptable but the general zoning district(s) that would allow that use would not be acceptable. Rezoning of property to any CZ district is a voluntary procedure on the part of the property owner and is intended for firm development proposals. It is not intended or suited for securing early zoning for a tentative proposal that may be undertaken at some unknown time in the future.

B. The applicant initiating a CZ rezoning shall provide at a minimum the drawings and information required for a Sketch Plan as outlined in Chapter 12.

C. When considering a petition for a rezoning to a CZ District, the Planning & Zoning Board and the City Council shall evaluate the petition based on specific proposal for the use or development of the affected property and the petitioner shall provide materials and descriptions of the proposed use and development.

- D. Any use permitted under this process must also, as a minimum, conform to the development regulations for the corresponding underlying general zoning district.
- E. In approving a CZ rezoning, the City Council may impose such additional restrictions and requirements upon approval as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.
- F. If a petition for a CZ rezoning is approved as provided for herein, the district that is established and all conditions which may have been attached to the approval are binding on the property as an amendment to the Zoning Map. Subsequent development on the property(ies) in question shall be in accordance with the standards for the approved CZ district and any conditions attached to the approval. Except as herein provided for “minor changes”, changes to the approved petition or to the conditions attached to the approval shall be treated the same as an amendment to the Zoning Map. Minor changes in the detail of the approved application may be made with the approval of the Administrator. The following criteria qualify as a “minor change”:
 - 1. The proposed change(s) will not alter the basic relationship of the proposed development to adjacent property; and
 - 2. The proposed change(s) will not alter the uses permitted; and
 - 3. The proposed change(s) will not increase the height of any structure to the extent that additional usable floor space will be added; and
 - 4. The proposed change(s) will not increase the gross floor area of any non-residential use by the smaller of 10 percent or 10,000 square feet. Such limitations shall be cumulative and shall be based on the gross floor area specified in the CZ district as originally approved; and
 - 5. The proposed change(s) will not result in an increase in the number of dwelling units constructed for any residential use; and
 - 6. The proposed change(s) will not decrease the off-street parking below the minimum number of parking spaces required by this Ordinance.
- G. It is intended that property be rezoned to a CZ District only in light of firm plans to develop the property. Therefore, after the date of approval of the CZ District, if a building permit has not been secured or final plat recorded at the end of two (2) years following the date of the approval of the CZ District, the Administrator shall notify the applicant of such a finding. The Administrator shall then have the Planning & Zoning Board to make a recommendation to the City Council regarding the rescission of the Conditional Zoning District and the zoning of the property revert to the zoning district in effect prior to the initial approval.

Section 14.4 Effect of Denial or Withdrawal on Subsequent Applications

When the City Council shall have denied an application for an amendment, or the application shall have been withdrawn by the applicant by written notice after the first public hearing required, the Administrator shall not accept another application for the same or similar amendment affecting the same property or portion thereof, until the expiration of a one-year period extending from the date of denial or withdrawal as appropriate. Nothing in this Section,

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however, shall prohibit the City Council or Planning & Zoning Board from initiating an amendment for any property at any time.

Section 14.5 Statute of Limitations on Challenges

Pursuant to NCGS 1-54.1, an action contesting the validity of the adoption of, or any amendment to, a zoning ordinance adopted under Chapter 160A of the General Statutes or other applicable law shall be taken within 2 months of the adoption of the ordinance or amendment.

Section 14.6 Notice to NCDOT

Pursuant to NCGS 136-153 (Zoning Changes), all zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any industrial zone within 660 feet of interstate or primary highways. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment.

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CHAPTER 15: ADMINISTRATION & ENFORCEMENT

Section 15.1 Purpose

The purpose of this Chapter is to set forth the powers and duties of the Administrator, Planning & Zoning Board, Board of Adjustment, and City Council as they relate to this Ordinance. This Chapter also establishes the penalties for violation of the LDO.

Section 15.2 Administrator

- A. Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned by the City Manager to one or more individuals within the Planning Department. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the “Administrator.” The terms “Staff”, “Planning Staff”, “Planning Director”, “Zoning Administrator”, “Subdivision Administrator”, and “Floodplain Administrator” are used interchangeably with the term “Administrator.” The Planning Director is the administrative head of the Planning Department.
- B. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
- C. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

Section 15.3 Planning & Zoning Board

15.3.1 Powers and Duties of Planning & Zoning Board

The Planning & Zoning Board may:

- A. Make studies and recommend to the Council plans, goals, and objectives relating to the growth, development, and redevelopment of the City and the surrounding extraterritorial planning area.
- B. Develop and recommend to the Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- C. Make recommendations to the Council concerning proposed Special Use Permits, proposed Major Subdivision Preliminary Plats, proposed Zoning Map Amendments (Rezoning), and proposed Text Amendments to the Land Development Ordinance.

D. Perform any other duties assigned by the Council.

15.3.2 Appointment and Terms of Planning & Zoning Board Members

- A. There shall be a Planning & Zoning Board consisting, at a minimum of, seven (7) members. Five (5) members shall reside in the City of Clinton and two (2) members, in the effort to satisfy 160D-307 of the North Carolina General Statutes, both of whom shall reside in the City's extraterritorial planning area. All members shall be appointed by the City Council.
- A. In-town Planning & Zoning Board members shall be appointed for five (5) year terms. Extraterritorial planning area members shall be appointed for terms of four (4) years. Board members may continue to serve until their successors have been appointed. Vacancies may be filled for unexpired terms only.
- B. Members may be reappointed to successive terms without limitation.
- C. Board members may be removed by the Council, upon recommendation and approval by a majority of the Planning & Zoning Board members, at any time for failure to attend four (4) regularly scheduled meetings within any 12-month period. Upon request of the member proposed for removal, the Council shall hold a public hearing on the removal before it becomes effective.
- D. If an in-town member moves outside the City, or if an extraterritorial planning area member moves outside the planning jurisdiction that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.
- E. Each extraterritorial planning area member shall have, and may exercise, all the powers and duties of an in-town member.
- F. All members appointed to the Planning and Zoning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

15.3.3 Planning & Zoning Board Officers

- A. At its first regular meeting in July, the Planning & Zoning Board shall, by a majority vote of its membership (excluding vacant seats) elect one of its members to serve as chair and preside over the Board's meetings, and one member to serve as vice-chair. The people so designated shall serve in these capacities for terms of two (2) years. Elections shall be held at the beginning of the fiscal year in even years. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Board's membership (excluding vacant seats).
- B. The chair and vice-chair may take part in all deliberations and vote on all issues.

15.3.4 Meetings of the Planning & Zoning Board

- A. The Planning & Zoning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on items in a timely manner.

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- B. The Planning & Zoning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.
- C. Minutes shall be kept of all Board proceedings.
- D. All Board meetings shall be open to the public, and whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.

15.3.5 Quorum and Voting

- A. A quorum for the Planning & Zoning Board shall be four (4) members (excluding vacant seats). A quorum is necessary for the Board to take final action.
- B. All actions of the Planning & Zoning Board shall be taken by a majority vote, a quorum being present.
- C. A roll call vote shall be taken upon the request of any member.
- D. Extraterritorial planning area members may vote on all matters considered by the Board, regardless of whether the property affected lies within or without the City.

15.3.6 Advisory Committees

- A. From time to time, the City Council may appoint one or more individuals to help the Planning & Zoning Board carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider the thoroughfare plan, bikeway plans, housing plans, economic development plans, etc.
- B. Members of such advisory committees shall sit as nonvoting members of the Planning & Zoning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning & Zoning Board. However, all formal recommendations to the Council shall be made by the Planning & Zoning Board.
- C. Nothing in this Section shall prevent the Council from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Council.

Section 15.4 Board of Adjustment

15.4.1 Powers and Duties of Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

- A. Appeals: To hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. *(TA-9-14-2)*

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- B. Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.
- C. Questions involving interpretations of the Official Zoning map, including disputed district boundary lines and lot lines.
- D. Any other matter the Board is required to act upon by any other City ordinance.

15.4.2 Appointment and Terms of Board of Adjustment

- A. There shall be a Board of Adjustment consisting, at a minimum of, seven (7) members. Five (5) members shall reside in the City of Clinton and two (2) members, in the effort to satisfy 160D-307 of the North Carolina General Statutes, both of whom shall reside in the City's extraterritorial planning area. All members shall be appointed by the City Council.
- A. Board members shall be appointed for three (3) year staggered terms, excepting that the five (5) members first appointed shall serve respectively for terms of two (2) years; two (2) years; and one (1) year; and thereafter, members shall be appointed for terms of three (3) years each. Board members may continue to serve until their successors have been appointed. Vacancies may be filled for unexpired terms only.
- B. Members may be reappointed to successive terms without limitation.
- C. Board members may be removed by the Council at any time for failure to attend three (3) consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period, or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Council shall hold a public hearing on the removal before it becomes effective.
- D. If an in-town member moves outside the City, or if an extraterritorial planning area member moves outside the planning jurisdiction that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.
- E. Each extraterritorial planning area member shall have, and may exercise, all the powers and duties of an in-town member.
- F. All members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

15.4.3 Board of Adjustment Officers

- A. At its first regular meeting following July 1, the Board of Adjustment shall, by a majority vote of its membership (excluding vacant seats) elect one of its members to serve as chair and preside over the Board's meetings and one member to serve as vice-chair. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled

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for the unexpired terms only by majority vote of the Board's membership (excluding vacant seats). *(TA-9-14-3)*

- B. The chairperson or any member temporarily acting as chairperson may administer oaths to witnesses coming before the board.
- C. The chair and vice-chair may take part in all deliberations and vote on all issues.
- D. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board.

15.4.4 Meetings of the Board of Adjustment

- A. The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on items in a timely manner.
- B. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.
- C. The Board shall conduct its meetings in accordance with the quasi-judicial procedures found in 160D-406.
- D. All meetings of the Board shall be held in a regular place and shall be open to the public, and whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.
- E. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
- F. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- G. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.
- H. Minutes shall be kept of all Board proceedings.

15.4.5 Quorum

- A. A quorum for the Board of Adjustment shall consist of the number of members equal to a simple majority of the Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action. *(TA-9-14-4)*

- B. A member who has withdrawn from the meeting without being excused, as provided in Section 15.4.6, below shall be counted as present for purposes of determining whether a quorum is present.

15.4.6 Voting

- A. The concurring vote of 4/5^{ths} of the Board membership shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates to take the place of such members. *(TA-9-14-5)*

- B. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection (C), or has been allowed to withdraw from the meeting in accordance with Subsection (D).

- C. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - 1. If the member has a direct financial interest in the outcome of the matter at issue, or
 - 2. If the matter at issue involves the member's own official conduct, or
 - 3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 - 4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

- D. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

- E. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

- F. A roll call vote shall be taken upon the request of any member.

Section 15.5 Historic Preservation Commission

15.5.1 Powers and Duties of the Historic Preservation Commission

The powers and duties of the Historic Preservation Commission are as follows:

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- A. Undertake an inventory of properties of historical, pre-historical, architectural and/or cultural significance;
- B. Recommend to the City Council areas to be designated by ordinance as “historic districts” and individual structures, buildings, sites, areas, or objects to be designated by ordinance as “landmarks”;
- C. 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 landmark, be revoked or removed for cause;
- D. Review and act upon proposals for alterations, demolition, or new construction within historic districts, or for the alteration or demolition of designated landmarks;
- E. Conduct an educational program with respect to historic districts and landmarks within its jurisdiction;
- F. Cooperate with the Federal, State, County, and other local governments in pursuance of the purpose of this Ordinance; to offer assistance, aid, guidance or advice concerning matters under its review or of mutual interest. The City Council, or the Commission when authorized by the City Council, may contract with the United States or the State of North Carolina, or any agency of either, or with any other organization, provided the terms are not inconsistent with Federal or State law;
- G. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission may enter any private building or structure without express consent of the owner or occupant thereof;
- H. Prepare and recommend the official adoption of a preservation element as part of the City of Clinton Comprehensive Plan;
- I. Make recommendations to the City Council that the City acquire, by any lawful means, a fee simple or any lesser interest, including options to purchase, properties within established districts or any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property;
- J. With the permission of the City Council, restore, preserve and operate historic properties; and
- K. With the permission of the City Council, negotiate at any time 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.

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- L. Follow the procedures for the Historic Preservation Overlay (HP-O) District set forth in Section 3.5.4 of this Ordinance.
- M. All Certificates of Appropriateness must be obtained through the Quasi-judicial procedures set forth by North Carolina General Statutes 160D-406.

15.5.2 Appointment and Terms of Historic Preservation Commission

- A. There is hereby established a City of Clinton Historic Preservation Commission (“Commission”) under the authority of Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes.
- B. The Commission shall consist of seven (7) members appointed by the City Council. All members shall reside within the planning jurisdiction of the City of Clinton. At least three (3) members shall own property within the Clinton Downtown National Register Historic District or reside within one of the two (2) Clinton Residential National Register Historic Districts.
- C. Members of the Commission shall serve four (4) year staggered terms. Terms shall begin July 1, 2003. Initially, two (2) members shall be appointed for a two (2)-year term ending June 30, 2005, and three (3) members shall be appointed for a four (4)-year term ending June 30, 2007. A member may be reappointed for a second consecutive term, but after two (2) consecutive full terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of the termination of the second term. A member serving a partial term shall be eligible to serve only 1 additional term and then must wait until one (1) calendar year has elapsed before being eligible to serve again. Each member shall serve until his/her successor is appointed and qualified.
- D. The City Council shall use its best efforts to appoint qualified members to the Commission. A majority of the members of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The Commission may appoint advisory bodies and committees as appropriate.
- E. Prior to any official action, the Commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters. A public record shall be kept of the Commission’s resolutions, proceedings, and actions. The Commission shall also prepare and adopt principles and guidelines for altering, restoring, moving or demolishing properties designated as landmarks or within historic districts.

Section 15.6 City Council

The City Council shall hold the following powers and duties related to this Ordinance:

- A. The City Council, in considering Special Use Permit applications, acts in a quasi-judicial capacity in accordance with the procedures set forth in Section 11.4.

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- B. In considering proposed text amendments of this Ordinance or map amendments (rezoning) to the Official Zoning Map, the Council acts in its legislative capacity.
- C. Unless otherwise specifically provided in this Ordinance, in acting upon Special Use Permit requests or in considering amendments to this Ordinance or the Official Zoning Map, the Council shall follow the regular, voting, and other requirements as set forth in other provisions of the City Code, the City Charter, or general law.

Section 15.7 Appeals, Variances & Interpretations (TA-9-14-6)

15.7.1 Appeals

The Board of Adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- A. All Board of Adjustment hearings and decisions must adhere to the Quasi-judicial procedures set forth by North Carolina General Statutes 160D-406.
- B. Any person who has standing under NCGS 160A-393(d) or the City may appeal a decision to the Board of Adjustment under General Statutes 160D-947. An appeal is taken by filing a notice of appeal with the Administrator and City clerk. The notice of appeal shall state the grounds for the appeal.
- C. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- D. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- E. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal if the appellant is not the owner.
- F. The Board of Adjustment shall hear and decide the appeal within a reasonable time.
- G. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any

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party or the City would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

- H. When hearing an appeal pursuant to NCGS 160A-400.9€ or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in NCGS 160A-393(k).
- I. An appeal of a notice of violation or other enforcement order stays enforcement of the action from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with the enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for any expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application or permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issued being appealed.
- J. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution.

15.7.2 Variances

- A. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator in the Planning Department.
- B. When presented to the Board of Adjustment at the hearing, that application for a variance shall be accompanied by a report setting forth the Planning Staff's proposed findings concerning the application's compliance with the requirements of this Ordinance, as well as any Staff recommendations for additional requirements to be imposed by the Board of Adjustment. If the Staff proposes a finding or conclusion that the application fails to comply with any requirement of this Ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- C. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

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1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved.
- D. No change in permitted uses may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of the subsection.
- E. A variance may be issued for an indefinite duration or for a specified duration.
- F. The nature of the variance and any conditions attached to it shall be entered on the face of the Zoning Permit, or the Zoning Permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

15.7.3 Interpretations

- A. The Board of Adjustment is authorized to interpret the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.
- B. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator in the Planning Department. The application shall contain sufficient information to enable the Board to make the necessary interpretation.
- C. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines,
 2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries,
 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as following such shorelines,
 4. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map,

5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

15.7.4 Hearing Procedures

- A. The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice and obtain the necessary information to make sound decisions.
- B. Notice of Board of Adjustment hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the City may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- C. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
- D. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board or such other office or official as the ordinance specifies. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- E. The chair of the Board or any member acting as chair and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
- F. The Board of Adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under NCGS 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and cope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full

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Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

- G. Board of Adjustment members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and the member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- H. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with this Section. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

15.7.5 Modification of Application to Hearing

- A. When an appeal is taken to the Board of Adjustment, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall have the burden of persuasion.
- B. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions regarding findings-of-fact, as well as the burden of persuasion on those issues, remains with the applicant seeing the variance.

15.7.6 Record

- A. A tape recording shall be made of all hearings and such recordings shall be kept for at least two (2) years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- B. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the City for at least two (2) years.

Section 15.8 Enforcement & Judicial Review

15.8.1 Complaints Regarding Violations

Whenever the Administrator receives a written, signed complaint alleging a violation of this Ordinance, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

15.8.2 Persons Liable

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

15.8.3 Procedures Upon Discovery of Violations

- A. Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

- B. If the Administrator determines work or activity has been undertaken in violation of a development regulation, other local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

- C. The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment.

- D. Stop Work Orders. - Whenever any work or activity subject to regulation pursuant to this Chapter or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be

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deemed conclusive in the absence of fraud. Penalties or remedies authorized in Section 15.8.4 below.

15.8.4 Penalties and Remedies for Violations

A. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use Permits, shall constitute a Class 3 misdemeanor per NCGS 14-4 (Violations of Local Ordinances Misdemeanor), punishable by a fine of up to \$500.00, or pursuant to NCGS 15A-1340.23 (Punishment Limits for Each Class of Offense and Prior Conviction Level), Subsection (c) (Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described), or imprisonment as indicated in the table below or both. The Administrator may refer a violation to the City Attorney for institution of criminal prosecution of the alleged violator.

Imprisonment Chart for Prior Conviction Levels Per NCGS 15A-1340.23, (c)		
Number of Previous Convictions on Same Offense	Number of Days of Imprisonment That May Be Imposed	Sentence Disposition
None	Up to 10	Community Punishment Authorized
1-4	Up to 15	Community Punishment Authorized
		Intermediate Punishment Authorized
5 or More	Up to 20	Community Punishment Authorized
		Intermediate Punishment Authorized
		Active Punishment Authorized

B. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use Permits, shall also subject the offender to a civil penalty under G.S. 160A-175 in the amount of \$500.00. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time.

C. This Ordinance may also be enforced by any appropriate equitable action.

D. Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section.

- E. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

15.8.5 Permit Denial and Refusal of Application Processing

- A. No Zoning, Sign, or Conditional Special Use Permit, or Certificate of Appropriateness will be accepted for review, processed, or issued, no subdivision Sketch Plan or plat will be accepted for review and/or approved, and no application for a change to the Official Zoning Map, or variance request accepted for processing, when there is evidence that a violation of any provision of this Ordinance exists on the subject property.
- B. A permit, certificate, or approval shall be issued or granted in cases where the issuance of such permit, certificate, or approval will resolve the violation. If the permit, certificate, or approval will not resolve the violation, the permit, certificate, or approval shall not be issued until all violations are resolved and any fines levied are paid.
- C. In instances where evidence of a violation is noted after the acceptance, processing and/or issuance of a permit, certificate or approval, all activity with regards to the processing of the application and/or inspections will cease until the property is brought into compliance and all fines levied paid.

15.8.6 Permit Revocation

- A. In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.
- B. Before a Special Permit may be revoked, all of the notice and hearing requirements shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - 1. The burden of presenting evidence sufficient to authorize the City Council to conclude that a permit should be revoked for any of the reasons set forth in Subsection (A) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
 - 2. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- C. Before a Zoning or Sign Permit may be revoked, the Administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the

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alleged reasons for the revocation and of his/her right to obtain an informal hearing before the Administrator on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore, and that the revocation may be appealed to the Board of Adjustment.

- D. No person may continue to make use of land or buildings in the manner authorized by any Zoning, Sign, or Special Use Permit after such permit has been revoked in accordance with this Section.

15.8.7 Stop Work Order

- A. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of this Ordinance, or in a manner that endangers life or property, the Administrator may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped.
- B. Notice of a Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for the issuance of the Order, and the conditions under which the work may be resumed. Notice shall be given by registered or certified mail, return receipt requested. Upon issuance of such Order, and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.
- C. The person(s) conducting the violating activity, and/or the property owner, may appeal the Stop Work Order to the Board of Adjustment if the Stop Work Order is the initial notice of violation.
- D. Violation of a Stop Work Order is a Class 1 misdemeanor.

15.8.8 Judicial Review

- A. Every decision of the City Council granting or denying a Special Use Permit, every final decision of the Historic Preservation Commission, and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Sampson County by proceedings in the nature of certiorari.
- B. The petition for the writ of certiorari must be filed with the Sampson County Clerk of Court within 30 days after the later of the following occurrences:
1. A written copy of the board's decision has been filed in the office of the Planning Department, and
 2. A written copy of the board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
- C. A copy of the writ of certiorari shall be served upon the City of Clinton.

CHAPTER 15: ADMINISTRATION & ENFORCEMENT

- D. The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission regarding any decision of the Superior Court on a matter related to decisions of the Board of Adjustment relating to Historic Preservation Commission matters, which shall render its decision within 30 days from the date that a notice of appeal by the State is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

Section 15.9 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special use permits, subdivision plat approval, zoning amendments, variances, and other administrative relief. The amount of the fees charged shall be as set forth in the City's budget or as established by resolution of the Council filed in the office of the City Clerk. Fees shall be paid upon submission of a signed application.

APPENDIX A: DEFINITIONS

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APPENDIX A: DEFINITIONS

Section A.1 Purpose

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

Section A.2 Interpretation

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or "parcel" or "tract".
- F. The word "shall" is always mandatory and not merely directory.
- G. The word "structure" shall include the word "building."
- H. The term "street" shall include the word "road".
- I. The term "Zoning Map," shall mean the Official Zoning Map of Clinton, North Carolina.
- J. The term "City Council" shall mean the "City Council of Clinton, North Carolina."
- K. The term "Planning Board" shall mean the "Planning Board of Clinton, North Carolina."
- L. The term "Administrator" shall mean the "Zoning Administrator, Subdivision Administrator, Floodplain Administrator, or Land Development Ordinance Administrator of Clinton, North Carolina."
- M. The terms "Planning Department" and "Planning Staff" shall mean the "Planning Department of the Clinton, North Carolina."
- N. The terms "Ordinance", "Code", and "Land Development Ordinance" shall be synonymous and refer to the "City of Clinton Land Development Ordinance."

Section A.3 Acronyms

Below is a list of acronyms (other than zoning districts) and their meanings found throughout the Ordinance:

- BFE: Base Flood Elevation
- DUA: Dwelling Units per Acre
- FEMA: Federal Emergency Management Agency
- FIRM: Flood Insurance Rate Maps
- HOA: Homeowners Association
- LDO: Land Development Ordinance
- MPO: Metropolitan Planning Organization
- NC: North Carolina
- NCDENR: North Carolina Department of Environment and Natural Resources
- NCDOT or DOT: North Carolina Department of Transportation
- NCGS or GS: North Carolina General Statute
- ROW: Right-of-way
- SR: Secondary Road in the North Carolina Secondary Road system
- TRC: Technical Review Committee
- US: United States

Section A.4 Computation of Time

- A. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- B. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him/her and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

Section A.5 Definitions

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings.

Abandonment. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Access. A means of vehicular approach or entry to, or exit from, property.

APPENDIX A: DEFINITIONS

Accessory Apartment. A residential use having the external appearance of a single-family dwelling but in which there is located a second dwelling unit. An accessory apartment may also be located in a detached accessory building located on the same lot as the primary single-family dwelling.

Acre. A measure of land area containing 43,560 square feet.

Addition. When referring to an existing building, an extension or increase in the floor area or height of a building or structure. When referring to an open use of land or property, an extension or increase in the square footage or acreage of land used for the activity.

Adjacent. Property abutting directly on the boundary of, touching, or sharing a common point.

Administrator. The official charged with the enforcement of the Land Development Ordinance.

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

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

Adult Entertainment Establishment. See *Sexually Oriented Business*.

Adult Arcade (also known as “Peep Show”). Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.

Adult Bookstore or Adult Video Store. A commercial establishment that, as one of its principal business purposes, offers for sale or rental, for any form of consideration, any one of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
- b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret. A night club, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

- a. Persons who appear nude or semi-nude; or
- b. Live performances that are characterized by the exposure of specified anatomical areas and/or by specified sexual activities; or

- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and or specified anatomical areas.

Adult Massage Parlor. A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of North Carolina. This definition does not include an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Adult Motel. A hotel, motel, or similar commercial establishment that:

- a. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one of its principal business purposes; or
- b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified activities and/or specified anatomical areas.

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment that regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

Adverse Impacts. Off-site impacts that may have a negative effect on adjacent properties. These effects may include, but are not limited to, the following: noise, vibration, air pollution, liquid waste, glare, traffic congestion, and storm water runoff.

Agent or Authorized Agent. Any person who represents, or acts for or on behalf of, a developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, or site, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Agricultural Uses. Land used as pasture or in the commercial production of crops, horticultural products, fish hatcheries or aquaculture. Also, for the purposes of this Ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes, but is not limited to, poultry and hooved animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in

APPENDIX A: DEFINITIONS

this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings.

Airport. A place where aircraft may take off and land, be repaired, take on or discharge passengers or cargo, be stored or refueled, and includes customary accessory uses. The Clinton-Sampson County Airport, North Carolina.

Airport Authority. The advisory body appointed to represent the interests of the Clinton-Sampson County Airport.

Airport Elevation. The highest point of an airport's usable landing area measured in feet (tenths) from mean sea level. This shall be 148 feet.

Airport Hazard. Any structure, tree, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking-off at the Clinton-Sampson County Airport, or is otherwise hazardous to such landing or taking-off of aircraft.

Airport Reference Point (ARP). The point established as the approximate geographic center of the Clinton-Sampson County Airport landing area and so designated.

Alternative Septic System. A method of sewage disposal other than a conventional septic system. Examples of alternative septic systems include low-pressure pump systems, spray irrigation systems, package treatment plants and community systems in which 2 or more septic tanks use a common drain field.

Antenna. Equipment designed to transmit or receive electronic signals.

Apartment House. See *Dwelling, Multi-family*.

Appeal. A request for a review of the *Administrator's* interpretation of any provision of this Ordinance.

Applicant. The owner of land proposed for development or his/her/their representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach Surface Zones. A trapezoidal inclined plane symmetrically centered along the extended runway centerline, longitudinally extending outward and upward from the end of the primary surface. The perimeter of the approach surface coincides with the perimeter of the approach zone, extending per a boundary and slope defined below, and as shown on the Clinton-Sampson County Airport Height Restriction Ordinance Map.

Runway End	Inner Width/Length/Outer Width (Slope)
Runway 6 Approach Surface Zone	1,000' x 50,000' x 16,000' (0' to 10,000' @ 50:1) (10,001' to 50,000' @ 40:1)
Runway 24 Approach Surface Zone	1,000' x 10,000' x 4,000' (0' to 10,000' @ 34:1)

Archery. The art, sport, or skill of shooting with a bow and arrow.

Automatic Teller Machine, Freestanding. A machine or device through which a customer can conduct certain banking transactions and that is not located on the same lot as the bank or financial institution with which the machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings/structures where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic.

Automobile Repair Shop or Body Shop. An establishment where the following services are available: major mechanical repairs, including engine overhaul and transmission work, body work, straightening of body parts, painting, and welding.

Automobile Service Station. An establishment where gasoline or diesel fuel is supplied at retail and where, in addition, the services listed below are rendered and sales made. Uses permissible at an *automobile service station* do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in *automobile service stations*.

- a. Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- b. Sales, service, and repair of tires, but not recapping or re-grooving;
- c. Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning, flushing, and fluid replacement;
- e. Sale of automotive washing and polishing supplies;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor adjustment and repair of carburetors;
- i. Emergency repair of wiring;
- j. Minor motor adjustment not involving removal of the head or crankcase;
- k. Sale of beverages, packaged foods, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal operations;
- l. Provision of road maps and other travel information to customers;
- m. Provision of restroom facilities;
- n. Warranty maintenance and safety inspections.

APPENDIX A: DEFINITIONS

Basement. Any area of a building having its floor sub-grade below ground level on all sides.

Bed and Breakfast. A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to 8 dwelling rooms on a daily basis to tourists, vacationers, and business travelers. Employment shall not exceed 2 full time employees in addition to the owner(s).

Bedroom. Also known as “Sleeping Room”, a room designated as sleeping or bedroom on plans and permit application.

Berm. A man-made mound of earth whose length exceeds its height by a factor of at least 5 and whose side slopes are constructed at a steepness ratio of 6 to one (6:1) or steeper. The side slope of a berm shall not be constructed steeper than 2 to one (2:1).

Billboard. An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign. See also *Outdoor Advertising Sign*.

Block. A tract of land bounded on one or more sides by streets or roads.

Board of Adjustment. A board consisting of 7 members appointed to represent the City of Clinton in administration of this Ordinance.

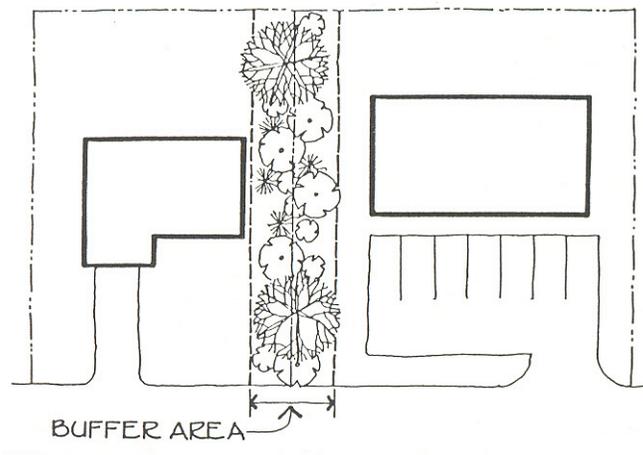
Board of County Commissioners. The Sampson County Board of Commissioners.

Boarding House. A building where, for compensation, lodging and/or meals are provided for not more than 14 persons.

Bona fide farm purposes. Agricultural activities as set forth in G.S. 160D-903.

Bond. Any form of a surety bond in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by this Ordinance.

Buffer. A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include fences, walls, hedges, landscaped areas, berms, additional setbacks, or combinations of the above.



APPENDIX A: DEFINITIONS

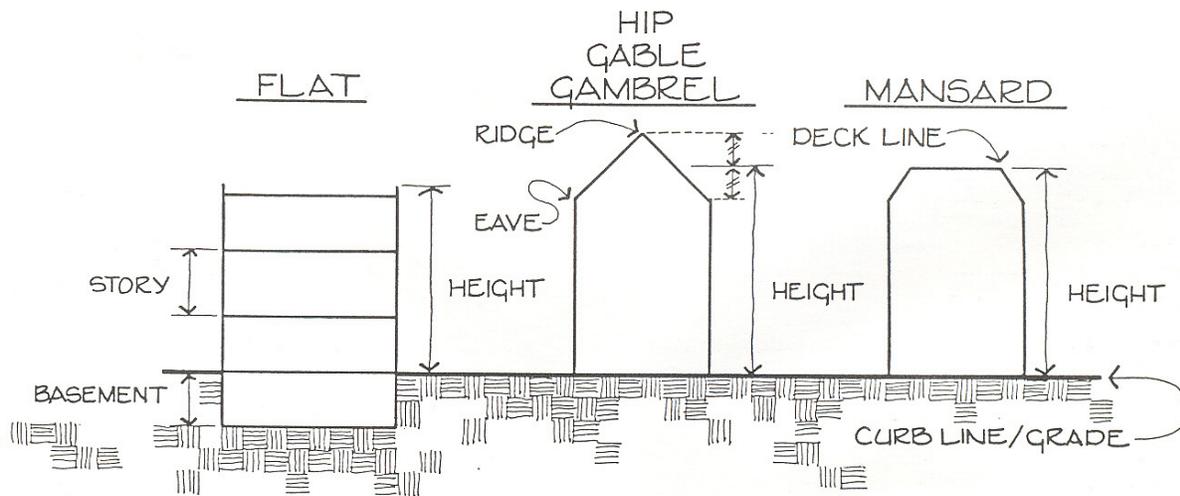
Building. Any structure used or intended for supporting or sheltering any use or occupancy. For purposes of this Ordinance, “structure” does not include landscape features such as ornamental pools, driveways, walls, fences, playhouses, or open stairs.

Building, Accessory. See *Structure, Accessory*.

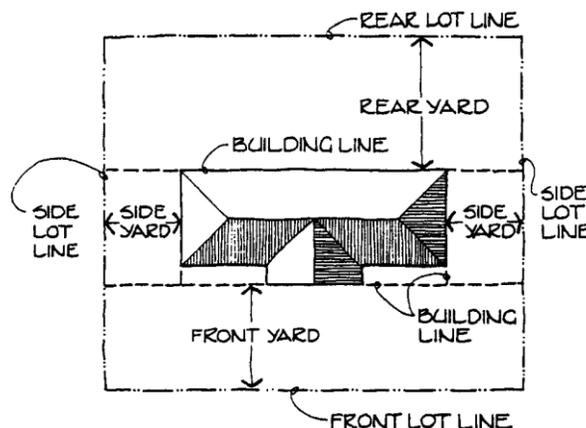
Building, Principal. See *Structure, Principal*.

Building Envelope. The portion of a lot located within the minimum prescribed front, rear, and side yard building setback lines.

Building Height. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.



Building Setback Line (Also Building Line). A line establishing the minimum allowable distance between the nearest part of any building, including eaves, bay windows, and overhangs and the nearest edge of a street right-of-way, property line, or easement line, when measured perpendicular thereto.



APPENDIX A: DEFINITIONS

Caliper. Diameter measurement of a tree trunk, in inches.

Camp. A recreation use that may include locations for tents, cabins, or other recreational sleeping structures, but would not include manufactured homes or recreational vehicles. A camp may or may not be owned by a profit or non-profit corporation.

Car Wash. A type of motor vehicle service where vehicles washed.

Cemetery. A place used or to be used and dedicated or designated for earth interments of human remains or pet animal remains.

Center Line of Street. The center line of a street right-of-way.

Certificate of Occupancy. A certificate issued by the Building Inspector upon completion of the final inspection denoting that construction has been favorably completed. This certificate grants permission to occupy the premises and begin using it for the intended purpose.

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

Certiorari. A writ of common law origin issued by a superior to an inferior court requiring the latter to produce a certified record of a particular case tried therein. The writ is issued in order that the court issuing the writ may inspect the proceedings and determine whether there have been any irregularities. See *Writ of Certiorari*.

Charter. As defined in G.S. 160A-1(2)

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

Child Care. A program or arrangement where 3 or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than 4 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. *Child care* does not include the following:

- a. Arrangements operated in the home of any child receiving care if all the children in care are related to each other, or no more than 2 additional children are in care;
- b. Recreational programs operated for less than 4 consecutive months in a year;

- c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- d. Drop-in or short-term care provided while parents participate in activities that are not employment related, and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- e. Public schools;
- f. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the North Carolina General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a *Child Care Facility* as defined under *Child Care Facility* of or less than 6½ hours per day either on or off the school site;
- g. Bible schools conducted during vacation periods;
- h. Care provided by facilities licensed under Article 2 of Chapter 122C of the North Carolina General Statutes;
- i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
- j. Any child care program or arrangement consisting of 2 or more separate components, each of which operates for 4 hours or less per day with different children attending each component.

Child Care Center. An arrangement where, at any one time, there are 3 or more preschool-age children or 9 or more school aged children receiving childcare.

Child Care Facility. Includes *Child Care Centers*, *Family Child Care Homes*, and any other child care arrangement not excluded by NCGS 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

Child Care Home Occupation. A childcare arrangement located in a residence where, at any one time, childcare is provided for 3 to 8 children. Of the children present at any one time, no more than 5 shall be preschool-aged, including the operator's own preschool-age children.

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

City. As defined in G.S. 160A-1(2). The City of Clinton, North Carolina.

City Attorney. The licensed attorney designated by the governing body to furnish legal assistance in the administration of these regulations. The person so designated by the City Council as City Attorney.

City Engineer or Consulting Engineer. The licensed engineer designated by the City Council to furnish engineering assistance to the City.

APPENDIX A: DEFINITIONS

Clinic. Establishments where humans receive treatment of illnesses or pregnancy, or examination by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

Close Familial Relationship. A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4.)

Club or Lodge. A non-profit association of persons, who are bona fide members paying dues, that owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objectives of the organization, and further provided that such sale of alcoholic beverages is in compliance with all applicable Federal, State, and local laws.

College or University. An institution other than a trade school that provides full-time or part-time education beyond high school.

Columbarium. A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Combination Use. A use consisting of a combination on one lot of 2 or more *principal uses* separately listed in the Permitted Uses Table. (Under some circumstances, a second *principal use* may be regarded as accessory to the first, and thus a combination use is not established. In addition, when 2 or more separately operated enterprises occupy the same lot, and all such enterprises fall within the same *principal use* classification, this shall not constitute a combination use).

Commercial. Relates to, or is connected with, trade and traffic or commerce in general; is occupied with business and commerce.

Commercial Use. Term implies use in connection with, or for furtherance of, a profit-making enterprise.

Common Area. A dedicated area, including structures, that is part of a development, and is accessible to, and useable by, all residents of a subdivision for recreational, social, or meeting purposes.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his/her family, owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Community Center. A publicly-sponsored, non-profit indoor facility providing for one or several of various types of recreational uses. Facilities in a community center may include, but are not limited to, gymnasia, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses. For the purposes of this definition, the term publicly-sponsored means that a significant City or County investment is involved in some fashion in the facility's development or operations.

Community Sewage System. A community sewer system including collection and treatment facilities established by a developer to serve a new subdivision in an outlying area.

Community Water System. A public water system that serves 15 or more service connections or that regularly serves at least 25 year-round residents.

Community Well. A well that supplies water to structures on 2 or more different lots.

Comprehensive Plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

Conditional zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Condominium. A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each one foot vertically (20:1) for a horizontal distance of 4,000 feet.

Conical Surface Zone. A surface, elliptical in shape, extending radially outward and upward from the periphery of the horizontal surface zone at a slope of 20 to one (20:1) for a horizontal distance of 4,000 feet and vertical elevation of 200 feet above the horizontal surface. The conical surface zone is shown on the Clinton-Sampson County Airport Height Restriction Ordinance Map.

Construction Plan. The maps or drawings accompanying a Preliminary Plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Council as a condition of plat approval.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Convenience Store. A one story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic.

APPENDIX A: DEFINITIONS

Conventional Septic System. An underground system used for disposal and decomposition of sewage and wastewater. The system consists of a septic tank, drain field, and repair area.

Correctional Facility. Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

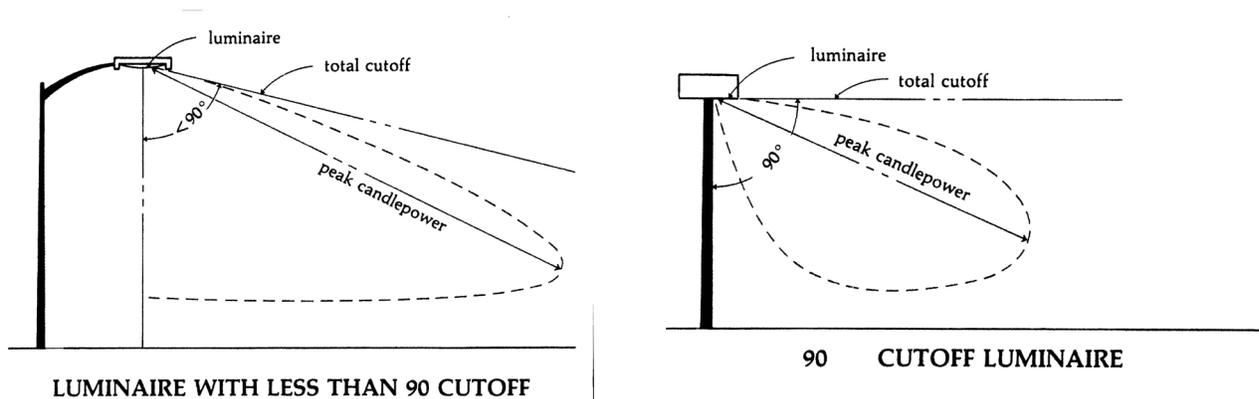
Council. The City Council of the City of Clinton, North Carolina.

County. Any one of the counties listed in G.S. 153A-10. Sampson County, North Carolina.

Crematory. A building or portion of a building that houses the cremation chamber and that may house the holding facility, business office or other part of the crematory business.

Cut-off. The point at which all rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground.

Cut-off Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted



Cut-off Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off light at a cut-off angle that is less than 90°.

dB(A). The sound pressure level, in decibels, as measured using the impulse mode and “A” weighting network on a precision sound level meter.

Decision-making board. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Chapter

Dedication. A gift, by the owner, of a right to use land for a specified purpose(s). Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with acceptance of the offer.

Density. An intensity measure expressed as the number of units per net buildable site area. It is the density allowed on the buildable portion of the site exclusive of road rights-of-way and required open space.

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

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

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

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

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

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Discontinued. When the structure is vacated and no physical attempt is made to reoccupy the structure and utilize it for its current use.

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

APPENDIX A: DEFINITIONS

District. Any section of the City of Clinton in which zoning regulations are uniform.

Drainage Facilities. Any temporary or permanent natural or man-made facility utilized to divert, convey, or store storm water runoff. Such facilities shall include, but shall not be limited to, drainage pipes and culverts, swales and ditches, intermittent and perennial streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing that will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices.

Down-zoning. A zoning ordinance that affects an area of land in one of the following ways:

- 1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- 2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

Drainfield. The underground area of a conventional or alternative septic system that must be large enough to absorb wastes without causing a backup in the septic tank, and without causing any waste material to rise to the surface, or contaminate a well or other underground water.

Drive-In and Drive-Through Window Establishment. An establishment that dispenses products or services to patrons who remain in vehicles.

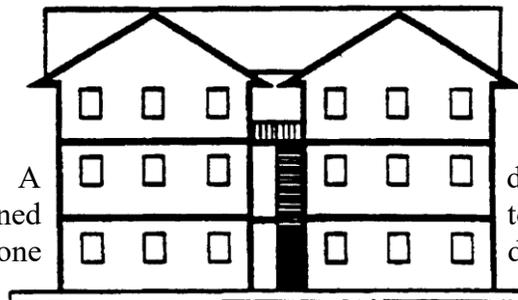
Driveway. That portion of a *vehicle accommodation area* that consists of a travel lane bounded on either side by an area that is not part of the *vehicle accommodation area*.

Duplex. See Dwelling Unit, Two-family.

Dwelling. A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. For the purposes of Article 12 of this Chapter, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling, Multi-family. A building, or portion thereof, arranged and designed to be occupied by 3 or more families.

Dwelling, multi-family

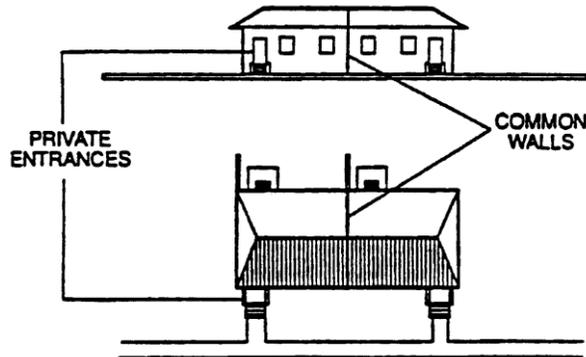


Dwelling, Single-family. A thereof, arranged or designed the structure having only one

detached building, or portion to be occupied by one family, dwelling unit, and being

located on a lot containing no other dwelling units.

Dwelling, Two-family. A building, or portion thereof, arranged or designed to be occupied by 2 families, the structure having only 2 dwelling units.



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

Easement. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Easement Agreement. The legal document that describes the terms of an easement.

Electronic Gaming Operation. Any business enterprise, whether as a principal or an accessory use, where persons utilize legal electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes but is not limited to internet cafes, internet sweepstakes, beach sweepstakes, or cybercafés. This does not include any lottery approved by the State of North Carolina.

Eminent Domain. The right of a government or its agent to expropriate private property for public use, with payment of compensation.

Encroachment. Any portion of a structure or appurtenance extending beyond a designated building or other setback required by this or other State or local Ordinance. Encroachments into easements or rights-of-way are prohibited.

Environmental Health Division. The agency designated to administer the environmental health regulations of the local government. The Sampson County Health Department, Division of Environmental Health.

Environmentally Sensitive Areas. Land that is subject to special natural environmental conditions, such as flooding, that present significant constraints to building development.

APPENDIX A: DEFINITIONS

Erosion and Sedimentation Control Plan. A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Escrow Agreement. Similar in concept to a letter of credit, except that real property is used instead of cash or credit.

Excepted Height Limitations. Within the Airport Height Overlay District, this term shall mean that nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.

Existing Development. Those projects that are built, or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance.

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

Extraterritorial Jurisdiction (ETJ). That portion of the City's planning jurisdiction that lies outside the City's corporate limits.

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

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
2. Four (4) unrelated people;
3. Two (2) unrelated people and any children related to either of them;
4. A family care home as defined by this Ordinance.

The definition of a "Family" does not include:

1. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
2. Any group of individuals whose association is temporary or seasonal in nature; and
3. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Family Care Home. A facility that may, or may not be, licensed by a State agency as a family care home with support and supervisory personnel that provide room and board, personal care, and habilitation services in a family environment in a single housekeeping unit for not more than

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six (6) resident persons, with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others. "Dangerous to others" means that within the relevant 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. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

Fill Site. An area being used, or proposed to be used, as a disposal site for fill material consisting of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel and involving no excavation. The purpose of a fill site is to improve land use potential or other beneficial reuses.

Final Plat. The map of a subdivision to be recorded after approval by the Planning Director or his/her designee (in the case of minor subdivisions) or the City Council (in the case of major subdivisions) and any accompanying material as described in these regulations.

Firearm. A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Fire Chief. The City of Clinton Fire Chief or his/her authorized agent.

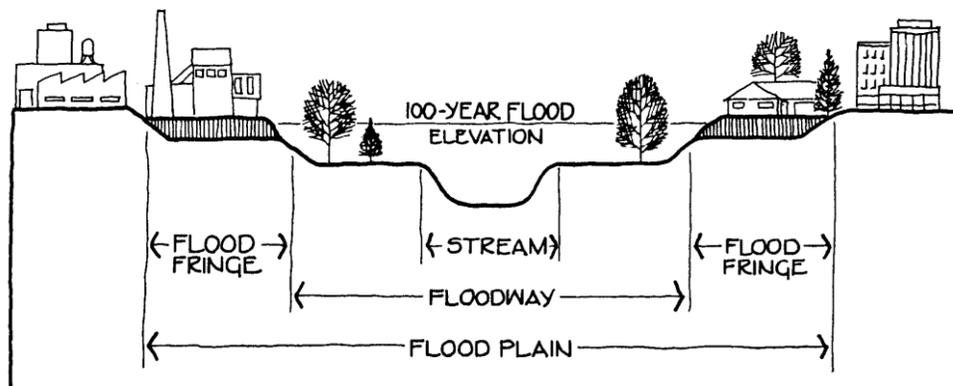
Firing Line. A line parallel to a target from which firearms or arrows are discharged.

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

- a. the overflow of inland or tidal waters; and/or
- b. the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Prone Area. See *Floodplain*.

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



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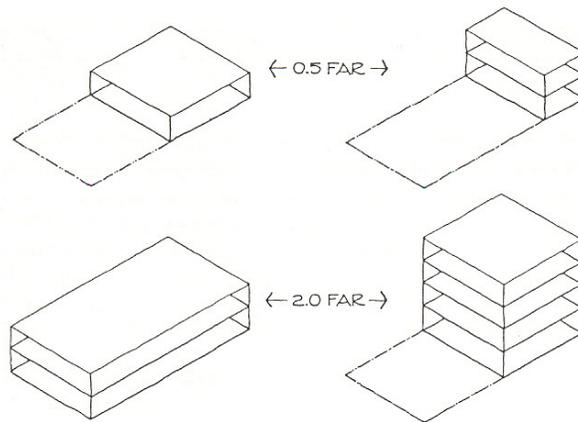
Floodplain Management Regulations. The regulations found in the City of Clinton, NC Flood Damage Prevention Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power that control development in flood-prone areas. This term describes Federal, State or local regulations, in any combination thereof, that provide standards for preventing and reducing flood loss and damage.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area Ratio (FAR). A decimal fraction that, when multiplied by the gross land area of a lot, determines the maximum floor area permitted within the lot.



Foot-candle. The unit of measure for lighting levels for this Ordinance measured with a direct-reading, portable light meter. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. The Administrator takes readings only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light source in question on, then with the same source off. The difference between the two readings shall be compared to the maximum permitted illumination and at the property line at ground level.

Fraternity or Sorority House. A structure used as a dwelling by fraternity and sorority members in association with a college or institution.

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Funeral Home. A building used in the preparation of the dead for burial. Also, a facility where funeral services are held, funeral vehicles are stored, and caskets and other funeral supplies are sold.

Glare. The brightness of a light source that causes eye discomfort.

Governing board. The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

Grade. The slope of a road, street, or other public way specified in percentage (%) terms. The degree of inclination of a slope.

Greenway. See *Open Space*.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Land Area. The total area of a project including rights-of-way, open space, and dedicated public properties.

Group Care Home. See *Residential Care Home*.

Guest Room. A room or suite used as living accommodations for one or more paying visitors.

Habitable Floor. Any floor useable for living purposes that includes working, sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Half-street. A street whose centerline coincides with a subdivision plat boundary, with ½ of the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace. A determination by the Federal Aviation Administration as to a hazard to air navigation is per FAA Form 7460-1.

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).

Hazardous Substance. Any substance that may pose a danger to the public health or safety if contained in the public water supply. This includes all substances defined as hazardous chemicals by the community right to know reporting requirements under Sections 311 and 312 of

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the Superfund Amendments and Reauthorization Act of 1986, and by the North Carolina Hazardous Chemicals Right to Know Act (NCGS 95-173 to 95-218).

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

Health, Safety, and General Welfare. The purpose for which local governments may adopt and enforce land use regulations for the prevention of harm or promotion of public benefit to the community; commonly referred to as police powers (See *Police Power*).

Height. For the purpose of determining the height limits in the Airport Height Overlay (AHO) District, the datum shall be mean sea level elevation unless otherwise specified.

Historic Structure. Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- d. certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.

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

Home Occupation. Any business use conducted entirely within a *dwelling* and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the *dwelling* for *dwelling* purposes and does not change the character thereof, and no person, not a resident on the premises, is employed specifically in connection with the home occupation.

Homeowners Association. See *Property Owners Association*.

Horizontal Surface. A circular horizontal plane 1,000 feet above the airport elevation established by swinging arcs of 10,000 feet radii from the end of the primary surface of each runway end centerline and connecting the adjacent arcs by drawing lines tangent to those arcs.

Horizontal Surface Zone. A plane, elliptical in shape, with a height 150 feet above the established airport elevation and having a specified radius from the center of the primary surface for each runway end. The perimeter of the horizontal surface coincides with the perimeter of the horizontal zone as indicated on the Clinton-Sampson County Airport Height Restriction Map.

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Runway	Horizontal Radius (Feet)
Runway 6-24	10,000

Hospital. An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

Hotel. A building used as an abiding place for more than 14 persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Improvements. See *Lot Improvement* or *Public Improvement*.

Independent Automobile Lots or Garages. An area or garage that is used for the temporary parking (not storage) of motor vehicles, that is located on a lot which there is no other principal use to which the parking is related, and where the parking spaces are used by more than one enterprise for a total period (including automatic renewals or renewal options) of not more than 4 years.

Individual Sewage Disposal/Treatment System. A septic tank, seepage tile sewage disposal system, or any approved sewage treatment device.

Industry. A use engaged in the processing of raw materials or the manufacture of materials or products.

Infiltration. The absorption of stormwater runoff into the ground. Infiltration allows for pollutants to be filtered from the water prior to its reaching the groundwater table, preventing the deposit of the pollutants directly into drinking water supplies. The absorption of water into the ground.

Intermittent Stream. A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year. Intermittent streams are designated as a dashed blue line on the USGS (United States Geologic Survey) 7½ Minute Quadrangle Maps.

Junked Motor Vehicle. A vehicle that:

- a. does not display a current license plate; or
- b. is partially dismantled or wrecked; or
- c. cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- d. is more than 5 years old and is worth less than \$100.00.

Junk Yard. Any building, space, land, or area used, in whole or in part, for commercial storage, collection, recycling, and/or sale of waste paper, rags, scrap metal or other junk, scrap materials,

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and including storage of motor vehicles, appliances and related machinery, and dismantling of such vehicles, appliances, or related machinery.

Kennel. A commercial operation that provides food, shelter, and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or engages in the breeding of animals for sale.

Lake or Watercourse. Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and that could be damaged by accumulation of sediment and pollutants.

Landowner or owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Landfill, Construction and Demolition (C&D). A disposal site for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

Landfill, Land Clearing and Inert Debris (LCID). A disposal site for stumps, limbs, leaves, concrete block, brick, rock, gravel, wood, and uncontaminated earth. Disposal of any other types of waste must be approved by the State Division of Solid Waste Management.

Landfill, Sanitary. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9, of the North Carolina General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Land Use, Compatible. The use of land adjacent to the Clinton-Sampson County Airport that does not endanger the health, safety, or welfare of the owner, occupants, or users of the land.

Larger Than Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Letter of Credit. The posting of money by an accredited financial institution to secure the completion of improvements required as part of subdivision approval. If the improvements are not completed by the expiration date of the letter of credit, the City may withdraw the money and use it to have the improvements completed.

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

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

Local act. – As defined in G.S. 160A-1(2).

Local Government. A city or county.

Lodging Unit. A room or rooms connected together, constituting a separate lodging for one family only, physically separated from any other rooms or dwelling or lodging units. Where 2 or more rooms are connected by a doorway or doorways, and arranged, equipped and furnished in such a manner that they might reasonably be rented, leased, or occupied, either individually or in combination, each room shall be construed as a lodging unit.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map, and that is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. The permit-issuing authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this Ordinance.

Lot Area. The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.

Lot Area, Usable. The portion of a lot unencumbered by marginal lands, stream buffers, land use buffers, open space, drainage easements, floodplains, wetlands, public and private rights-of-way, road rights-of-way, access easements, and transmission line easements. Usable lot area also excludes all areas within lots having slopes 15% or greater, and all bodies of water including, but not limited to, ponds, lakes, and reservoirs.

Lot Creation. A lot shall be recognized as “created” for the purposes of compliance with this Ordinance, at the time of Preliminary Plat approval in the case of a major subdivision, and Final Plat approval in the case of a minor subdivision. A lot shall no longer be recognized as having been created if a Final Plat was not approved and recorded within its required time limit, or the Preliminary Plat has expired. This definition does not apply to *lots of record*.

Lot Depth. The depth of a lot is the average horizontal distance between the front and rear lot lines.

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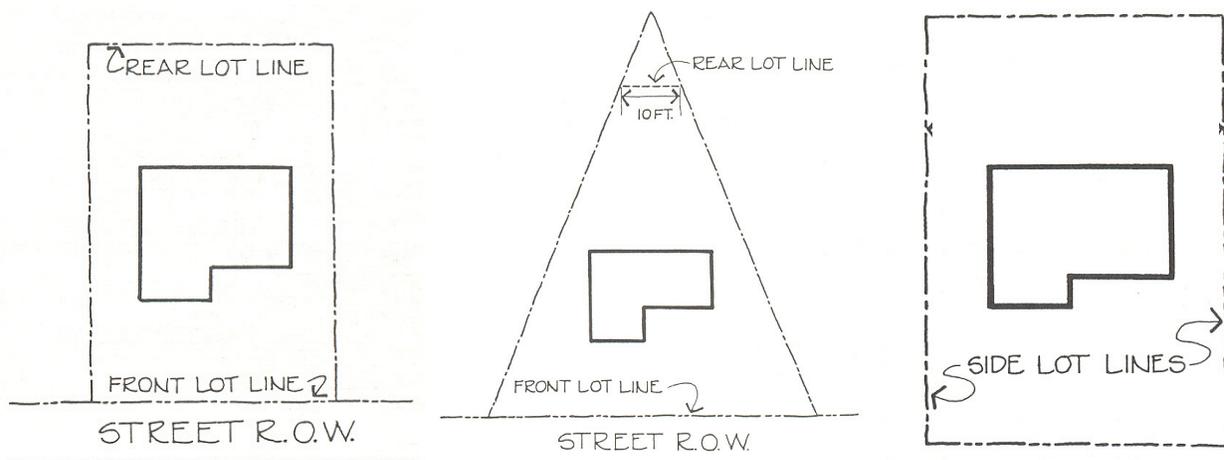
Lot Improvement. Any building, structure, place, work of art, or other object situated on a lot. Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for human activities. Typical improvements in these regulations would include, but not be limited to, grading, street paving, drainage ditches, and street name signs. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot Line. A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Lot Line, Front. In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or through lot, the lot line separating said lot from the street that is designated as the front street in the request for a permit.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line that is not a front lot line or rear lot line; a lot line separating a lot from a side street is an exterior lot line, while a lot line separating a lot from another lot, or lots, is an interior lot line.



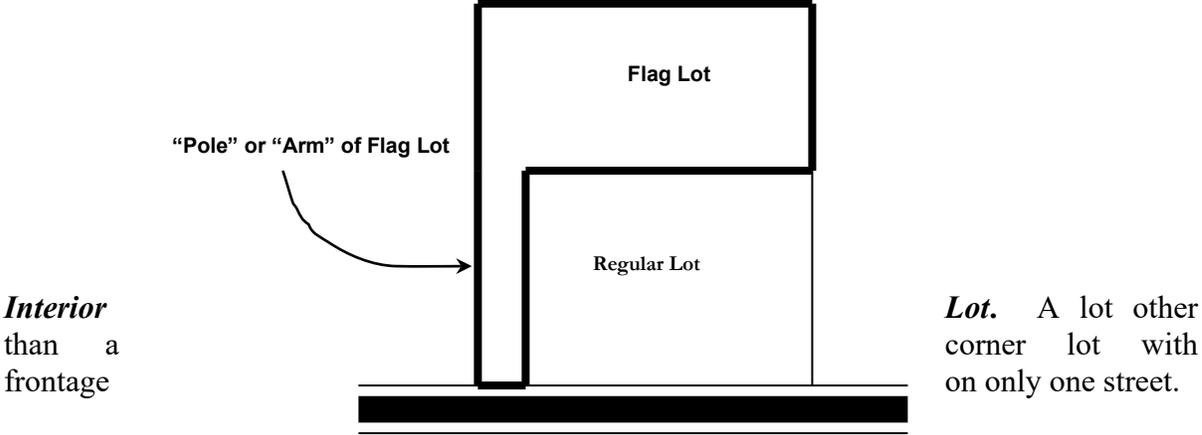
parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

Lot Types:

Corner Lot. A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than 135°.

Double Frontage Lot. A continuous (through) lot that is accessible from both streets upon which it fronts (See *Through Lot*).

Flag Lot. An irregularly shaped lot where the building portion of the lot is connected to its street frontage by an arm or “pole” of the lot.



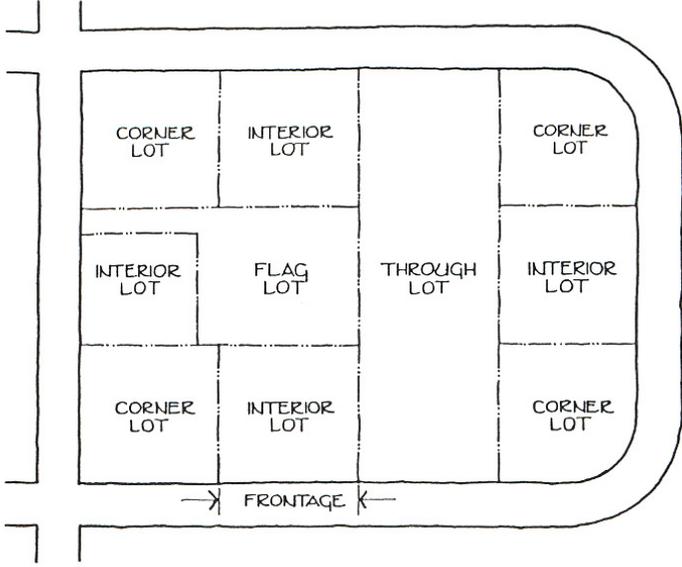
Interior than a frontage

Lot. A lot other corner lot with on only one street.

Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting 2 streets may be referred to as double frontage or reverse frontage lots.

Reverse Frontage Lot. A lot on which the frontage is at right angles or approximate right angles (interior angles less than 135°) to the general pattern in the area). A reverse frontage lot may also be a corner lot, an interior lot or a through lot.

Single-tier Lot. A lot that backs upon a limited access highway, a railroad, a physical barrier, or another type of land use, and to which access from the rear is usually prohibited.



APPENDIX A: DEFINITIONS

Lot Width. The horizontal distance between the side lot lines measured at the front setback line.
(TA-4-14-2)

Lot of Record. A lot that is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Sampson County, or a lot described by metes and bounds, the description of which has been so recorded.

Manufactured Home. A structure as defined in G.S. 143-145(7).

Manufactured Home, Class A. A manufactured home ~~constructed after July 1, 1976,~~ that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria (TA-2-13-3):

- a. The manufactured home shall contain at least 1,000 square feet of habitable floor space after installation or completion, have a minimum width of 24 feet, with each half of any double-wide unit being not less than 12 feet wide, and have a length not exceeding 4 times its width;
- b. The pitch of the roof shall have a minimum vertical rise of 3½ feet for each 12 feet of horizontal run (3½' x 12'), and the roof shall be finished with a type of shingle that is commonly used in standard residential construction, except that corrugated aluminum, corrugated fiberglass, or metal roofs shall not be permitted;
- c. Roof eaves and gable overhangs shall be a minimum of 6 inches (rain gutters may not be included in the minimum dimension);
- d. Permanent masonry, concrete steps, or treated wood steps, if used in conjunction with a minimum 10-foot by 10-foot (10' x 10') porch of similar material, shall be provided at all entrances;
- e. The exterior siding shall consist predominantly of vinyl or wood horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- f. The home shall be set up in accordance with the standards set by the NC Department of Insurance and a continuous, permanent masonry foundation on a concrete footing, unpierced except for required ventilation and access, shall be installed under the manufactured home;
- g. The moving hitch, wheels and axles, transporting lights shall be removed.
- h. The manufactured home shall be permanently connected to local utilities; and
- i. After installation on its lot, the manufactured home shall have the appearance of an on-site conventionally built, single-family dwelling unit. Landscaping shall be provided to enhance the aesthetic value of the designated property.
- j. The long side of the manufactured home shall be parallel to the primary fronting street.

Manufactured Home, Class B. A manufactured home that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy the criteria necessary to qualify the home as a *Class A Manufactured Home*, and that satisfies the following additional criteria (TA-2-13-4):

- a. The home shall be set up in accordance with the standards set by the NC Department of Insurance and a continuous, permanent masonry foundation on a concrete footing, or vinyl skirting approved for use for manufactured homes, un-pierced except for required ventilation and access, shall be installed under the manufactured home;
- b. Permanent masonry, concrete steps, or treated wood steps, if used in conjunction with a minimum 10-foot by 10-foot (10' x 10') porch of similar material, shall be provided at all entrances; and
- c. The moving hitch, wheels and axles, transporting lights shall be removed.

Manufactured Home, Class C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home Park. A residential use in which more than one manufactured home is located on a single lot.

Manufactured Home Space. A parcel of land in a manufactured home park for the placement of a single manufactured home for the exclusive use of its occupants.

Manufacturing, Processing & Assembly, Type A. A manufacturing establishment inside a fully-enclosed building primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Type A manufacturing products little or no noise, odor, vibration, glare and/or air and water pollution outside of the facility, and, therefore, has low impact on surrounding properties. This definition includes apparel manufacturing, transportation equipment, wood kitchen cabinet and countertop manufacturing, other miscellaneous manufacturing, motorcycle, bicycle and parts manufacturing, furniture and related product manufacturing, computer and peripheral equipment manufacturing, communications equipment manufacturing, audio and video equipment manufacturing, medical equipment and supplies manufacturing, food and beverage manufacturing, printing and related support activities.

Manufacturing, Processing & Assembly, Type B. A manufacturing establishment inside or outside a fully-enclosed building primarily engaged in the manufacture of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing, Processing, and Assembly Type B may impact surrounding properties due to noise, odor, vibration, glare and/or air and water pollution. This definition may include paper manufacturing, tobacco manufacturing, leather product manufacturing, primary metal manufacturing, textile and fabric finishing and manufacturing, pulp, paper and paper board mills, petroleum and coal products manufacturing, clay and glass product manufacturing (other than artists and craftsmen), mineral product manufacturing, commercial and service industry machinery manufacturing and transportation equipment manufacturing.

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

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Mean Sea Level. 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 (BFE's) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Medical or Dental Office. A building used exclusively by persons who are either physicians practicing in the building full-time or part-time, licenses to practice medicine under Article 1 of Chapter 90 of the General Statutes of North Carolina, or dentists licensed to practice dentistry under Article 2 of Chapter 90 of the General Statutes of North Carolina.

Microbrewery. A facility in which beer is brewed for distribution and consumption, and which possesses the appropriate license from the State of North Carolina Alcoholic Beverage Control Commission. Associated tasting rooms or restaurants for the consumption of on-site produced beer products are permitted on the premises.

Mini-Warehouse. A building divided into units that are leased individually for storage. Storage shall be limited to dead storage. For the purposes of this Ordinance, dead storage excludes on site retail, manufacturing, or service operations. Dead storage also excludes operations with employees on site or operations with material handling on site. A single caretaker's residence may be included.

Modular Home. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of 2 sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Modular Structure. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection. Such a structure must meet all State Building Code requirements as conventionally constructed buildings and may be used wherever and however conventional buildings are used.

Monuments. Markers placed on or in the land. Metal pins not less than $\frac{3}{4}$ inches in diameter and 18 inches long, or concrete monuments 4 inches in diameter or square, and 3 feet long.

Motel or Motor Lodge. A building or group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

Motor Vehicle. All motorized vehicles as defined by the State of North Carolina Department of Motor Vehicles, including, but not limited to, automobiles, trucks, tractor-trailers, buses, all

terrain vehicles (ATV's), and motorcycles. This definition does not include vehicles defined as heavy equipment.

Motor Vehicle Service Use. Any building or land which involves the maintenance or servicing of motor vehicles. This definition includes auto body shops, auto service stations, car washes, and gas stations. This does not include auto parts stores.

Movie Theater, Drive-In. An outdoor facility where motion pictures are viewed from passenger vehicles.

Movie Theater, Indoor. A building or structure that contains an assembly hall for the showing of motion pictures.

Multi-family Apartments. A multi-family residential use other than a *Multi-family Conversion* or *Multi-family Townhome*.

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

Multi-family Townhomes. A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Multi-phase Development. A development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

Museum. Establishments of a non-commercial nature, receiving some governmental funding that are used for the display of art, historic, or science objects for the purpose of education and research.

Mylar. Clear plastic sheet on which a survey is drawn, so that it can be copied through a blueprint machine.

NCDOT. North Carolina Department of Transportation.

NCGS. North Carolina General Statute(s).

Night Club. An establishment that stays open after 10:00 p.m. that offers entertainment or amusements. This definition includes, but is not limited to establishments that serve beverages to persons 21 years of age and older and require a fee for admittance or only permits persons 18 years of age and older, dance halls, discotheques and similar establishments. *(TA-1-13-3)*

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Non-buildable Area. Areas that are not reviewed and approved for use as lots or required improvements (e.g., street rights-of-way, stream buffers, wetlands, etc.) during original review.

Nonconforming Lot. A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirements of the district in which the lot is located.

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and that would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Situation. A situation that occurs when, on the effective date of this Ordinance, an existing lot, structure, tree, or use of an existing lot or structure, does not conform to one or more of the regulations applicable to the district (including overlay districts) in which the lot, structure, tree or use is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed minimum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable for the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use).

Non-point Source Pollution. Pollution that enters waters mainly as a result of precipitation and subsequent runoff from lands that have been disturbed by human activities, and includes all sources of water pollution that are not required to have State or local permits for discharge into a stream.

Non-precision Instrument Runway. A runway end having an instrument procedure utilizing air navigation facilities with horizontal approach guidance or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.

Office. A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature, including administration, record keeping, clerical work, and similar functions. This definition does not include

manufacturing, processing, repair, or storage of materials or products.

Official Maps or Plans. Any maps or plans officially adopted by the City Council.

Off-site. Any premises not located within the area of the property to be developed, whether or not in the common ownership of the applicant for development approval.

On-site. Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state. Open space also includes improved and accessible land within a development designed as parks and squares, reserved for public use and enjoyment (See Recreation Area or Park). This definition also includes the portion of a tract of land that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Such lands may be accessible to the residents of the development and/or a municipality or county, or it may contain areas of conservancy lots that are not accessible to the public.

Open Space, Permanent. Land to be used as landscaped green space, parks, playgrounds, parkway medians, active recreational uses or for other similar functions, areas required as building setbacks or for separation between structures, and natural or man-made lakes or other watercourses. Designated wetlands or marsh areas shall not be calculated as part of any permanent open space requirement, nor utilized in calculating overall project density.

Ordinance. Any legislative action, however denominated, of a local government that has the force of law, including any amendment or repeal of any ordinance.

Outdoor Storage. The storage of goods, products, or vehicles as an accessory use by their owner or on a commercial basis outside of a permanently constructed building. The keeping of cargo containers, trailers, manufactured homes, recreational vehicles, boats, vehicles, and similar items that are not for sale in a retail setting and are located outside of fully-enclosed building shall be considered outdoor storage.

Outparcel. Individual retail sites in a shopping center. The square footage of the outparcels is less than the square footage of the attached retail spaces that form the majority of the square footage of the shopping center.

Outside Display of Goods for Sale or Rent. Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.

Owner. The record owner(s) of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

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Package Treatment Plant. A sewage disposal system that is designed to serve a specific facility or development, and provide for collection, treatment, and discharge of wastewater into a stream or river.

Park. See Open Space and Recreation Area or Park.

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

Parking Lot. An area of land where vehicles are kept on a daily, overnight, or temporary basis, not to include the storage or junked, wrecked, or abandoned vehicles, vehicle parts, or the repair of vehicles.

Parking Space. That portion of the vehicle accommodation area set aside for the parking of one vehicle.

Perennial Stream. A stream that flows year round and is designated as a solid blue line on the USGS (United States Geologic Survey) 7½ Minute Quadrangle Maps.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity

Personal Service Establishment. An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel.

Phasing. Completion of a development in distinct stages, over a pre-planned period of time.

Phasing Plan. A plan showing the anticipated stages of development for a project, including the start and completion date of each phase.

Planning and development regulation jurisdiction. The geographic area defined in Part 2 of this Chapter within which a city or county may undertake planning and apply the development regulations authorized by this Chapter

Planning Board. Any board or commission established pursuant to G.S. 160D-301.

Planning Jurisdiction. The area within the City Limits and its extraterritorial jurisdiction within which the City is authorized to plan for and regulate development pursuant to the authority granted in Article 19 of Chapter 160A of the North Carolina General Statutes.

Plat. A map or plan of a parcel of land that is to be, or has been, subdivided.

Police Power. Inherent, delegated, or authorized legislative power for purposes of regulation to secure the health, safety, and general welfare.

Point of Access. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75% are regarded as walls;

Precision Instrument Runway. A runway end having air navigational facilities with horizontal and vertical approach guidance, or area type navigation capabilities for which a straight-in precision instrument approach procedures has been approved or planned.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board and City Council for approval.

Primary Surface. A surface longitudinally centered on a runway extending 200 feet beyond each end of a hard surfaced runway. The width of the primary surface is set forth as specified by the width of the runway inner approach surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Primary Surface Zone. A rectangular surface longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway	Width & Length
Runway 6-24	1,000 feet wide & extends 200 feet beyond each runway end

Principally Above Ground. A term meaning that at least 51% of the actual cash value of the structure is above ground.

Private Monopole Communication Tower. A communication tower to be used solely by the operator of the business located on the parcel where the tower is located. There may be no co-locations on these private towers.

Private Road or Street. An undedicated, private right-of-way used to provide motor vehicle access to 2 or more lots, or 2 or more distinct areas or buildings in un-subdivided developments. A subdivision streets disclosure statement in accordance with GS 136-102.6 is required when private roads serve subdivided lots.

Professional Land Surveyor. A land surveyor properly licensed and registered in the State of North Carolina.

Property. All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

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Property Owners Association. An association or organization, whether or not incorporated, that operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a development – be it a lot, parcel, site, unit, plot, condominium, or any other interest – is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a pro-rated share of expense of the association that may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public Facilities. Facilities including, but not limited to, schools, fire and rescue, law enforcement, and other City facilities. A building or area owned or used by any department or branch of the City of Clinton, Sampson County, the State of North Carolina, or the Federal Government.

Public Hearing. An adjudicatory proceeding held by the City Council, Planning Board, or Board of Adjustment, preceded by published notice and/or actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that requested approval should or should not be granted, a variance should or should not be granted, a decision of the Land Use Administrator should or should not be upheld, or an amendment to the Ordinance should or should not be adopted. Witnesses shall be sworn and subject to cross-examination in all cases of appeals and requests for variances and special use permits.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may effect an improvement for which local government responsibility is established.

Public Meeting. A meeting of the Planning Board or City Council, preceded by notice, open to the public, and at which the public may, at the discretion of the body holding the meeting be heard.

Public Park or Playground. A park or playground available to the general public.

Public Road or Street. A dedicated and/or accepted public right-of-way that affords access to abutting property and meets the standards of this Ordinance and/or the most recent North Carolina Department of Transportation (NCDOT) minimum construction standards for subdivision roads. Public roads/streets are also existing roads/streets dedicated, accepted, and maintained by NCDOT or the City.

Public Safety and/or Nuisance. Anything that 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.

Public Sewage Disposal System. A system serving 2 or more dwelling units and approved by the Sampson County Health department and the North Carolina Department of Environment and Natural Resources.

Public Sewer. A system owned and operated by a public entity in which wastewater collected in underground pipes flows or is pumped to a plant where the water is treated and then discharged.

Public Utility. A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service.

Public Water. A system to provide or furnish water to the public that shall be owned and operated by the City, County, or service district.

Public Water Supply. Any water supply furnishing potable water to 10 or more residences or businesses, or combination of residences and businesses. Approval by the Sanitary Engineering Division, State Board of Health, Department of Human Services is required.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Quasi-public. Uses rendering public services yet under private control.

Recordation. The filing of plats or documents with the Office of the Register of Deeds. Recorded documents and plats are available for review by the public.

Recreation Area or Park. An area of land or combination of land and water resources for public use that is developed for active and/or passive recreational pursuits with various man-made features that accommodate such activities. Such areas shall be designed in the form of playgrounds, parks, squares, greenbelts, and parkways. They shall be designed to serve the immediate neighborhood in which they are located, or can be regional in scope, serving several neighborhoods (See *Open Space*).

Recreational Vehicle (RV). A vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Center. A building or an area where the primary activity is the separation of materials prior to shipment for manufacture into new materials. This shall not include junkyards or

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wrecking yards.

Recycling Drop, Off-Site. A site providing containers for the collection of recyclable materials, typically an accessory use. Recyclable materials are transported from the drop off site to another location for processing.

Register of Deeds. The Sampson County Register of Deeds.

Registered Engineer. An engineer properly licensed and registered in the State of North Carolina.

Repair Area. A secondary drain field identified and reserved in case there is a problem with the primary drain field of a conventional septic system.

Repair Shop. A structure or area where the principal activity is the repair of equipment, and that is conducted in a totally enclosed building. Automobile repair shop or body shops and automobile service stations are a separate definition.

Reservation. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Reserve Strip. A strip of land platted along road frontage to prevent property from having access to the road, or along a property line to prevent access to an adjoining property or subdivision.

Residential Care Home. A home maintained for the purpose of providing skilled rehabilitative, nursing care, medical care, or other supervisory care at a lower level than that available in a hospital to not more than 9 people in a residential setting. This category includes group homes for all ages. Halfway houses for persons adjusting to non-prison life including but not limited to, pre-release, work release, probationary programs and juvenile detention centers shall not be eligible for this category.

Residential Care Institution. An institutional facility maintained for the purpose of providing skilled rehabilitative, nursing care, medical care, or other supervisory care at a lower level than that available in a hospital to more than 9 people. This category also includes halfway houses for persons adjusting to non-prison life or who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35A-1101, or antisocial or criminal conduct, together with not more than 2 persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc.

Restaurant. An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias and lunch counters.

Re-subdivision. Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use, or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retreat Center. A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or non-profit corporation.

Riding Stable/Academy. A commercial facility or school that is open to the general public where horses are sheltered, fed, groomed, and bred. Typical accessory uses may include riding instruction, horse training, horse shows and auctions, a tack shop, and storage of feed and supplies.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for other special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or other use involving maintenance by a public agency, shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

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

Road. See *Street*.

Road Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

Rooming House. See *Boarding House*.

Run-off. The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and eventually flows into streams.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length. The runway end is the physical end of the hard-surfaced threshold, having a defined geodetic coordinate and elevation as noted on the Clinton-Sampson County Airport Height Restriction Map.

Runway Ends. Refers to the planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the Clinton-Sampson County Airport Height Restriction Ordinance Map and the Clinton-Sampson County Airport Layout Plan Drawing, dated September 2003.

Safety Fan. An area on a shooting range facility designed to contain all projectiles fired from a shooting range.

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Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

Salvage Yard. See Junk Yard.

Satellite Dish. A dish-shaped antenna designed for the reception of electronic signals.

School, Private. An institution that offers regular instruction at the preschool, primary, or secondary level, or serves disabled students, and that is not directly controlled and supervised by the Board of Education or the State of North Carolina, or a State agency. Among other things, this definition does not include child care centers, child care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

School, Public. An institution that offers regular instruction at the preschool, primary, or secondary level, or serves disabled students, and that is directly controlled and supervised by the Board of Education or the State of North Carolina, or a State agency. Among other things, this definition does not include charter schools, child care centers, child care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

School, Technical, Trade, Vocational, or Business. An institution offering instruction beyond high school level with a course of study in vocational, technical, or other special subjects; or a facility offering instruction at any level in martial arts, art, drama, dance, speech, music, or similar personal skills.

Security. The letter of credit or cash escrow provided by the applicant to secure his/her/their promises in the subdivision improvement agreement. An arrangement or agreement that guarantees that improvements (such as roads and landscaping) required as a condition or requirement of subdivision approval will be completed within a reasonable period of time. The posting of security is generally needed only when improvements are to be constructed after the subdivision is approved and recorded, however, in some cases security may be required to assure proper maintenance and repair of essential facilities such as wastewater disposal systems.

Sedimentation. The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Septic Easement. An easement that gives the holder rights to use land owned by another for the purpose of installing and maintaining all or part of a septic system.

Septic Tank. A watertight receptacle, usually made of concrete, into which sewage flows. Solids settle into the bottom of the receptacle where they decompose. The liquid flows out of the receptacle, through perforated pipes, into an underground area composed of soils that are suitable to absorb the wastes.

Service Station. See *Automobile Service Station*.

Setback. The minimum distance between a building and the street line nearest to the building. The distance, in feet, that development must remain away from property lines, easements, and rights-of-way (See *Building Setback Line*).

Setback Line. The line on the front, rear, and sides of a lot, set according to the district regulations, that delineates the area upon which a structure may be built or maintained.

Sewage Disposal System. A means of collecting, treating, and disposing of wastewater.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter studio, or any combination of the foregoing. (See *Adult Arcade, Adult Bookstore or Adult Video Store, Adult Cabaret, Adult Massage Parlor, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort, Escort Agency, Nude Model Studio, Nude or a State of Nudity, Semi-Nude, Sexual Encounter Center, Specified Anatomical Areas, and Specified Sexual Activities*).

Shooting Range. An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Shooting Range Facility. A public or private facility, including individual *shooting ranges, safety fans* or *shotfall zones*, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of *firearms* or the practice of *archery*. This definition does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional “sighting-in” of *firearms*.

Shooting Station. A fixed point from which *firearms* or arrows are discharged.

Shopping Center. A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas.

Shotfall Zone. An area within which the shot or pellets contained in a shotgun shell typically fall.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, Animated. Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Also, a sign on which the message changes more than 8 times per day shall be considered an animated sign.

Sign, Awning. Any sign, constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building.

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Sign, Balloon. A sign that is any lighter-than-air or gas-filled balloon attached by means of a rope or tether to a definite or fixed location.

Sign, Billboard. A permanent freestanding sign structure upon which the display area is leased for the display of a message, text or image.

Sign, Building. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Canopy. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance.

Sign, Flashing. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”.

Sign, Freestanding. A sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign”, is also a freestanding sign. If the message is removed from a structure originally designed and used as a freestanding sign, this structure shall still be considered a sign.

Sign, Gross Area. The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display.

Sign, Height. The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within these regulations. In the case of a sign not adjoining a street or highway, the “height of a sign” is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

Sign, Incidental. Signs that are not legible from the property line of the property on which they are located and are not intended to be viewed from off-site.

Sign, Integral Roof. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the

highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

Sign, Internally Illuminated. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it, and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Sign, Marquee. Any sign attached to, in any manner, or made a part of a marquee.

Sign, Monument. A freestanding sign, generally, but not necessarily, of a low profile in which there is usually no exposed frame, mast, or pole and that is built of brick, stone, concrete, wood, or other substantial material resembling a monument, fence, wall segment, or berm.

Sign, Nonconforming. A sign that, on the effective date of this Ordinance, does not conform to one or more of the regulations set forth in this Ordinance.

Sign, Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, Permanent. A sign that is affixed to a structure that is permanently mounted to the ground with concrete or other permanent anchor or is made of rigid material and anchored to a building wall.

Sign Permit. A permit issued by the Land Use Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Pole. A type of freestanding sign supported by one or 2 poles or masts.

Sign, Portable. Any sign that rests upon, but is not permanently attached to, the ground, a structure, frame, building, or other surface and is designed and constructed to be moved, at minimal cost, from one location to another. Portable signs include but are not limited to the following: trailer signs, signs on the top of a vehicle, sandwich board signs, and sidewalk or curb signs.

Sign, Projecting. Any sign that projects from the wall of a building more than 12 inches.

Sign, Public Information. A sign, usually erected on public property or right-of-way, by a government entity, and maintained by a government agency that provides the public with information, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.

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Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign Surface Area. The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that area encompassing the individual letters themselves, including the background behind the letters and any trim or border.

Sign, Suspended. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary. A sign that is that is not permanently affixed to the ground with concrete or other permanent anchor or is made of flexible material and is temporarily affixed to any of a building.

Sign, Wall. A sign which is attached to or painted on a building, with the exposed face thereof in a plane parallel to and which does not project more than one foot in front of the plane of the wall with which it is associated.

Sign, Window. Any sign, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Sight Distance Triangle. The area at the intersection of 2 roads or streets that is designated as necessary for safe ingress and egress, and that must be kept clear of obstructions.

Single-Family Residential. Any development where:

- a. no building contains more than one dwelling unit,
- b. every dwelling unit is on a separate lot, and
- c. where no lot contains more than one dwelling unit.

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Site Specific Development Plan. A plan of land development submitted to the City Council for purposes of obtaining approval of a subdivision plat, Special Use Permit, or Conditional Zoning District. In addition to the approval procedures established in this Ordinance, the Plan shall

describe the type of use, and intensity of use, planned for the specific parcel or parcels of property.

Sketch Plan. A sketch preparatory to a Preliminary Plat, Special Use Permit, or Conditional Zoning District to enable the subdivider to save time and expense in reaching general agreement with the Administrator and/or Planning Board and/or City Council as to the form of the plat and the objectives of these regulations.

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

Soils Analysis. The testing of soils to determine if they are suitable to serve as a drainfield for a conventional or alternative septic disposal system. Soils analyses conducted in order to get a *Final Plat* recorded must be performed by the Sampson County Health Department, Division of Environmental Health.

Solid Waste Disposal Facility. As defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste. See *Landfill, Sanitary; Landfill, Construction and Demolition (C&D)*; and *Landfill, Land Clearing and Inert Debris (LCID)*.

Solid Waste Disposal Site. As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method. See *Landfill, Sanitary; Landfill, Construction and Demolition (C&D)*; and *Landfill, Land Clearing and Inert Debris (LCID)*.

Soup Kitchen. Any building, structure, or portion thereof that contains a fully equipped kitchen which is used to prepare and serve food on a regular basis either without cost or at a low cost insufficient to generate a profit.

Special Events. Circuses, fairs, carnivals, festivals, or other types of special events that run for longer than one day but no longer than 2 weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special use permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Split jurisdiction. A parcel of land within the planning and development regulation jurisdiction of more than one local government. See North Carolina General Statutes 160D-203.

Steep Slopes. Land area where the inclination of the land's surface from the horizontal is 15 percent or greater.

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Stockyard. A containment area for transient cattle, sheep, swine, or horses are kept temporarily for slaughter, market, or shipping.

Storm Drainage Facilities. The system of inlets, conduits, channels, ditches, and appurtenances that serve to collect and convey stormwater through, and from, a given drainage area.

Storm, 10-Year. The surface run-off resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years, and of a duration that will produce the maximum peak rate of run-off, for the watershed of interest under the antecedent wetness conditions.

Storm, 25-Year. The surface run-off resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of run-off, for the watershed of interest under the antecedent wetness conditions.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it; or, if there be no floor above it, the space between the floor and the ceiling next above it.

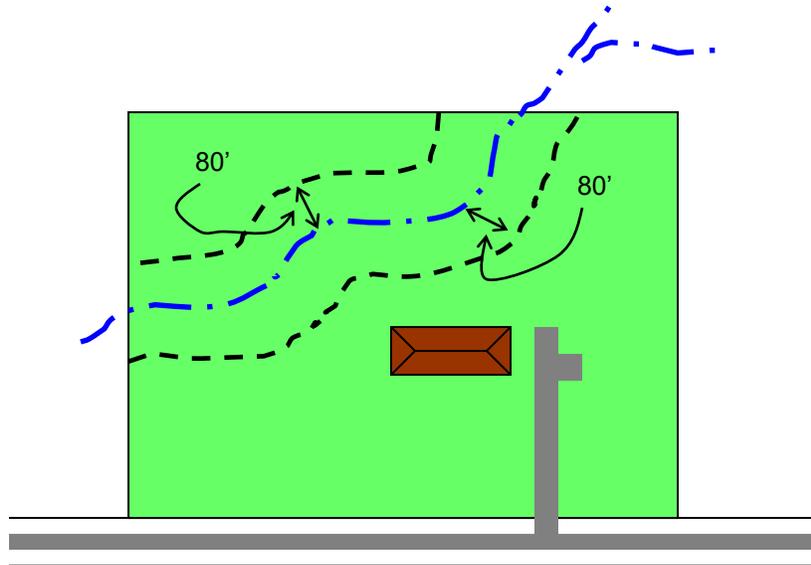
Story, Half. A space under a sloping roof, that has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level and in which space not more than $2/3^{\text{rds}}$ of the floor area is finished off for use.

Stream. A body of water flowing in a natural surface channel. Flow may be continuous (perennial) or only during wet periods (intermittent).

Stream Buffer. An area of land adjacent to a stream and/or other water body that must remain undisturbed and in its natural state. Streams are identified by any of the following means:

- a. shown as solid blue lines or as broken blue lines on the USGS (United States Geologic Survey) 7½ Minute Quadrangle Maps, or
- b. shown as a water feature in the Sampson County Soil Survey.

Stream buffers shall extend around the perimeters of all other water features if any portion of the stream connects to the water feature. Stream buffers are also areas of natural or planted vegetation through which stormwater run-off flows in a diffuse manner so that the run-off does not become channelized, and that provides for infiltration of the run-off and filtering of pollutants. Stream buffers are measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.



Street. A public street or a street with respect to which an offer of dedication has been made. The following classifications shall apply:

Rural Roads

Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial Statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Minor Arterial. A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Major Collector. A road that serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Minor Collector. A road that provides service to small local communities and links locally important traffic generators with the rural hinterland.

Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

Urban Streets

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Major Thoroughfare. Major thoroughfares consist of interstate highways, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Minor Thoroughfares. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

Local Street. A local street is any link not part of a higher order urban system that serves primarily to provide direct access to abutting land access to higher systems.

Specific Types of Rural or Urban Streets

Freeway, Expressway, or Parkway. Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A *freeway* is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An *expressway* is a divided highway with full or partial control of access and generally with grade separations at major intersections. A *parkway* is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.

Sub-collector Street. Sub-collector streets are used or designed to provide access to abutting properties, but are also designed to be used or are used to connect minor or local streets with collector or arterial streets, including residences indirectly served through a collecting street. It serves or is designed to serve at least 26, but not more than 100, dwelling units and is expected to or does handle between 200 and 800 trips per day.

Residential Collector Street. A local access street that serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Local Residential Street. Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided. It is designed to be used to provide access to abutting properties and serves a limited number of lots.

Loop Street. A street used as a means for local traffic to leave and enter other roads without turning around, but provides access only to abutting properties. These streets are less than one mile in length and have no collector characteristics.

Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Stub Street. A street with one end open to traffic and one end temporarily closed, preferably with a temporary turnaround for the safe and convenient reversal of traffic movement. The end that is temporarily closed shall have access reserved on-site for future extension.

Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Street, General Factors to Definition. Determination of the classification of a street shall be by the following criteria:

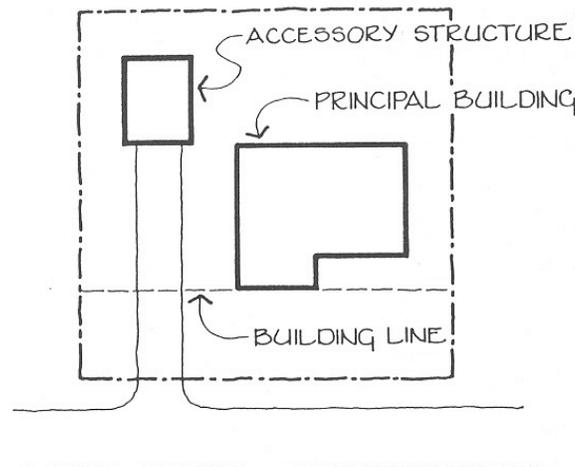
- a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of number of trips per day;
- b. The number of dwelling units to be served by the street may be a useful indicator of the number of trips but is not conclusive;
- c. Whenever a subdivision, or its expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

Street Line. The legal line between street right-of-way and abutting property.

Street Sign. The sign designating the official name and/or number of the street.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Structures include, but are not limited to, walled and roofed buildings, manufactured homes, outdoor advertising signs, and gas, liquid, or liquefied gas storage tanks that are principally above ground. For purposes of the Airport Height Overlay (AHO) District, “structure” shall be defined as an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines. See *Building*.

Structure, Accessory. A minor structure that is located on the same lot as a principal structure and that is used incidentally to a principal structure or that houses an accessory use. Cargo containers, trailers, manufactured homes, recreational vehicles and similar items shall not be used as accessory structures or storage containers.



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Structure, Principal. The primary structure on a lot or a building that houses a principal use.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined. See *Developer*.

Subdivision. The division of land for the purpose of sale or development as specified in G.S. 160D-802.

Subdivision, Major. Any subdivision other than a *minor subdivision*.

Subdivision, Minor. A division of a tract of land where all lots front on an existing public street and that does not:

- a. Create more than three (3) lots, including the residual acreage, from any one tract of land in any 10 year period;
- b. Dedicate or improve any new public or private streets or roads, other than widening an existing public street or road;
- c. Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots;
- d. Necessitate the installation of drainage improvements that would require easements through one or more lots to serve other lots;
- e. Adversely affect the remainder of the parcel or adjoining property;
- f. Create a lot or lots that do not meet or exceed the standards of this Ordinance, or other City, State, or Federal regulations that may be in effect;
- g. Conflict with the adopted City of Clinton Land Development Plan; and
- h. Necessitate a variance or exception to this Ordinance or any other City, State, or Federal ordinance or regulation that may be in effect.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Administrator, Planning Board, and/or City Council for approval and that, if approved, may be submitted to the Register of Deeds for recording (See *Final Plat*).

Subdivision regulation. A subdivision regulation authorized by Article 8 of this Chapter

Substantial Change in Use. As related to shooting ranges, the current primary uses of the range no longer represents the activity previously engaged in at the range.

Surface Water. All waters of the State as defined in NCGS 143-212, except underground waters.

Swimming Pool. An above-ground or in-ground water containment area designed for recreational use involving wading, swimming, and/or diving and including all structures, walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the swimming pool.

Telecommunications Tower. A structure whose principal function is to support one or more antenna.

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

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

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Tourist Home. See *Boarding House*.

Townhouse. A townhouse is a building with two (2) or more residential units, entirely separated from each other by walls that meet North Carolina Building standards, located side-by-side on separately owned lots.

Toxic Substance. Any substance or combination of substances (including disease causing agents) that, 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 malfunctions (including malfunctions or suppression in reproduction or growth), or physical deformities in such organisms or their offspring or other adverse health effects.

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

Tract in Single Ownership. A parcel of land that has not been subdivided and of which a survey was recorded prior to the date of adoption of this Ordinance or that was created under the provisions of this Ordinance.

Transitional Surface. Surfaces extending outward at 90° angles to the runway centerline at a slope of 7 feet horizontally for each foot vertically (7:1) to a point intersecting with the horizontal and conical surfaces.

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Transitional Surface Zones. Inclined planes with a slope of 7 to one (7:1) measured upward and outward in a vertical plane at right angles to the centerline of the runway and approach surfaces. The transitional surface zones, located on either side of the runway and symmetrically parallel to and level with the runway centerline, extend upward and outward from the primary surface and approach surface elevation to a point intersecting the horizontal or conical surface (150 feet above the airport elevation). Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 to one (7:1) measured upward and outward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90° angles to the extended runway centerline. The transitional surface zones are shown on the Clinton-Sampson County Airport Height Restriction Map.

Transmission Line, High Voltage Electric Power. A line transmitting, or designed to transmit, electricity of 66,000 or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

Travel Trailer. Any vehicle or structure originally designed to be transported and intended for human occupancy for short periods of time, such vehicle usually containing limited or no kitchen and bathroom facilities. Travel trailers shall include the following:

- a. **House Trailer.** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, and vacation purposes, having a body width 10 feet or less or a body length 40 feet or less when equipped for road travel.
- b. **Pick-up Coach.** A portable structure for use as a temporary dwelling for travel, recreation, and vacation, designed to be mounted on a truck chassis for a temporary dwelling while either mounted or dismounted.

Tree Diameter. The width of a tree's trunk, measured 4½ feet above the ground. See *Caliper*.

T-turnaround. A "T" shaped right-of-way at the end of a road that provides room for vehicles, including emergency vehicles such as fire trucks and ambulances, to turn around.

Two-family Apartment. A two-family residential use other than a *Two-family Conversion*, or *Single-family Dwelling with Accessory Apartment*.

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

USGS. United States Geologic Survey.

Use. The activity or function that actually takes place, or is intended to take place, on a lot or in a building.

Use, Accessory. A use customarily incidental and subordinate to the principal use and located on the same with such principal use.

Use, Principal. The main use of land or buildings as opposed to an accessory use.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3 of the North Carolina General Statutes, and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures.

Utility Facilities, Community or Regional. All utility facilities other than *neighborhood facilities*.

Utility Facilities, Major. Facilities defined by the City of Clinton. Major water facilities generally consist of the treatment works, storage facilities, pumping facilities. Major wastewater facilities generally consist of the treatment works, pumping facilities with capacity in excess of 700 gallons per minute.

Utility Facilities, Minor. Facilities to provide local service to customers. Minor water facilities include fire hydrants, water transmission lines, valves, water meters, and water services. Minor sewer facilities include gravity sewer mains, sewage force mains, service laterals, and in some cases small customer lift stations.

Utility Service Connection. Lines and appurtenances connecting a new customer to the City system at the point of sale. The point of sale is generally the right-of-way line.

Utility Tap Fee. A fee paid by all new customers to defray, in part, the cost of the service connection and meter.

Utility Facilities, Neighborhood. Utility facilities that are designed to serve the immediate surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

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

Vehicle Storage Area. That portion of a vehicle accommodation area used in connection with automobile service stations and automobile repair shops and body shops as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick-up of such vehicles by their owners.

Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law

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Veterinary Hospital. A facility for the provision of surgical or other medical treatments to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment. As an accessory use, animals may be boarded at the veterinary hospital provided the boarding facility takes up no more than 25% of the gross floor area of the veterinary hospital.

Veterinary Mobile Clinic. An establishment for the care of animals where the animals are not brought to the establishment but are cared for on an out-service basis. The care can be medical or custodial. Equipment and supplies necessary for conducting this service are stored at the establishment. The owner may maintain a small shelter for observation use that can hold up to 2 animals simultaneously. The owner may also have a small office, attached or detached from his/her residence containing up to 500 square feet or 35% of the gross floor area of the dwelling unit. Crematory facilities shall not be allowed in such an establishment.

Violation. The failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the proper and necessary permits and/or certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation or evidence of compliance is provided.

Warehousing. The storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.

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

Water Dependent Structure. A publicly owned structure, the use of which reasonably requires access or proximity to or sitting within surface waters in order to fulfill its basic function. Water dependent structures are boat ramps, boathouses, a lake warden's office, docks, and bulkheads. Ancillary facilities such as restaurants, retail or wholesale outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Water Feature. A prominent aspect or characteristic of a geographic area that exhibits verifiable evidence of a presence of water in the soil. Examples of water features include, but are not limited to, perennial and intermittent streams, lakes, ponds, reservoirs, springs, artesian wells, irrigation wells, marshes, swamps, wetlands, and natural drainage ditches (non-ephemeral).

Water Hazard Area. The area adjacent to continuously flowing waterways and intermittent streams as designated on the most recent USGS (United States Geologic Survey) 7½ Minute Quadrangle Maps that, due to its proximity to the waterway, soils, and/or other topographic information, is deemed not suitable for structures or septic fields due to potential water pollution.

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

Wetland. Lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For classification purposes, wetlands have one or more of the following attributes:

- a. at least periodically, the land supports predominately hydrophytes (plants that grow wholly or partly in water whether rooted in mud or floating without anchorage);
- b. the substrate is predominately un-drained hydric soil (soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic (oxygen free) conditions in the upper part of the soil);
- c. the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of the year.

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

Wholesaling or Wholesale Trade. Business involved in the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Winery. An operation with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine from fresh fruits or other agricultural products predominately grown or produced on the property, or from products grown within the region, which possesses the appropriate license from the State of North Carolina Alcoholic Beverage Control Commission. The operation may include associated retail outlets, tasting rooms, and restaurants and may hold events or activities to promote the wine product, such as private parties, meals, and wine-related festivals.

Wireless Communications. Any personal wireless services as defined in the Telecommunications Act of 1996, that includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility. Any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

Wireless Communication Facility, Stealth. Any tower or equipment that is designed using stealth technology to blend into the surrounding environment. Examples of stealth wireless communication facilities include architecturally screened, roof-mounted antennas, antennas integrated into architectural elements, and telecommunication and/or personal wireless service towers designed to look like light poles, power poles or trees.

Woodlands. Land that is undeveloped except for roads and utilities and contains stands of native trees.

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Writ of Certiorari. An order made by the appellate court that is used by that court when it has discretion on whether or not to hear an appeal from a lower court. If the writ is denied, the court refuses to hear the appeal and, in effect, the judgment of the lower court stands unchanged. If the writ is granted, then it has the effect of ordering the lower court to certify the record and send it up to the higher court that has used its discretion to hear the appeal. See *Certiorari*.

Yard. A required open space on the same lot as the principal building, unoccupied and unobstructed (other than for vegetation) from the ground upward except as otherwise provided herein.

Yard, Front. A clear, unoccupied space on the same lot with a building or any proposed use on the lot extending across the entire width of the lot and situated between the front line of the building or use and the front property line of the lot.

Yard, Rear. An open space between the rear line of the building or use (exclusive of steps in residential districts) and the rear property line of the lot and extending the full width of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building (exclusive of steps in residential districts) and the side line of the lot and extending from the front yard line to the rear yard line.

Zero Lot Line. A concept commonly used in Planned Residential Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with 2 or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

Zone Lot. A legally subdivided lot shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots under single ownership at the time of adoption of this Ordinance.

Zoning. A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The typical Zoning Ordinance consists of 2 parts, text and a map.

Zoning District. A classification of land that designates and limits allowed uses, lot sizes, building setbacks, and other land development regulations.

Zoning Lot. See *Zone Lot*.

Zoning map amendment or rezoning. – An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a

APPENDIX A: DEFINITIONS

local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning Permit. A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

Zoning regulation. A zoning regulation authorized by Article 7 of this Chapter. (2019-111, s. 2.4.)