



**WINTERVILLE TOWN COUNCIL AGENDA (AMENDED)**

**MONDAY, JUNE 10, 2024 - 6:00 PM**

**WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. **CALL TO ORDER.**
- II. **INVOCATION.**
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **ROLL CALL.**
- VI. **APPROVAL OF AGENDA.**
- VII. **PROCLAMATIONS:**
  1. Dr. Rouse Recognition
  2. Parks and Recreation Month
- VIII. **PUBLIC HEARINGS:**
  1. Eli's Ridge Annexation.
  2. Internet Sweepstakes Ordinance Amendments.
  3. Tobacco Shop Ordinance Amendments.
  4. Zoning Ordinance Amendments.
  5. Variance Text Amendments.
  - **Zoning Ordinance 24-O-061 Draft Update**
  6. Flood Damage Ordinance Amendments. (**Updated Flood Ordinance 24-O-062**).
- IX. **PUBLIC COMMENT:** *The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item. No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter. The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.*
- X. **CONSENT AGENDA:** *The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.*
  1. Final Budget Amendment 2023-2024-7.
  2. Resolution to Close out Fire Department Fund 18.
  3. Resolution to Close out ARPA Grant Fund 23.
  4. Resolution to Close out 2019 Sewer Rehab Project Fund 46.
  5. Yarborough Rezoning: Schedule Public Hearing for Monday, August 5, 2024.
  6. Cornerstone Annexation: Schedule Public Hearing for August 5, 2024.
  7. **Approval of Terms to Design Co. for the Public Works and Electric Office Renovation.**
- XI. **OLD BUSINESS:**
  1. Winterville Human Relations Board Update and Appointments.

**XII. NEW BUSINESS:**

1. 2024-2025 Fiscal Year Budget Ordinance
2. Change Order for Tripp Brothers Inc. regarding the Railroad Street paving contract.
3. **Comprehensive and Site-Specific Master Plan Contract Award. (Attachments Added).**
4. Planning and Zoning Board Appointments.
5. Board of Adjustment Appointments.
6. Recreation Advisory Board Appointments.
7. CMSD Appointments. **(Attachment Added)**

**XIII. OTHER AGENDA ITEMS:**

**XIV. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:**

**XV. ANNOUNCEMENTS:**

- July Newsletter Information Due: Monday, June 10, 2024.
- Planning and Zoning Board Meeting: Monday, June 17, 2024 @ 7:00 pm - Town Hall Assembly Room.
- Board of Adjustment Meeting: Tuesday, June 18, 2024 @ 7:00 pm - Town Hall Assembly Room.
- Juneteenth Holiday - Town Offices Closed: Wednesday, June 19, 2024.
- Coffee with a Cop: Friday, June 21, 2024; 9:00 am - 10:30 am – Community Room.
- Recreation Advisory Board: Tuesday, June 25, 2024 @ 6:30 pm – Operation Center.
- Human Relations Board Meeting: Thursday, June 27, 2024 @ 7:00 – Executive Conference Room.
- Independence Day Holiday - Town Offices Closed: Thursday, July 4, 2024.
- Agenda Review Meeting-Cancelled: Thursday, July 4, 2024 @4:00 pm – Town Hall Executive Conference Room.
- Regular Town Council Meeting-Cancelled: Monday, July 8, 2024 @ 6:00 pm - Town Hall Assembly Room.
- ElectriCities 2024 Annual Conference: Sunday, August 11, 2024 – Thursday, August 15, 2024 - Omni Grove Park Inn in Asheville, NC.

**XVI. REPORTS FROM THE TOWN ATTORNEY, MAYOR, TOWN COUNCIL, & TOWN MANAGER.**

**XVII. CLOSED SESSION:**

**NCGS § 143-318.11. (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.**

**NCGS § 143-318.11. (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.**

**XVIII. ADJOURN.**

**SPECIAL NOTICE:** *Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Town Clerk, Don Harvey at (252) 756-2221 ext. 2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)*



## **PROCLAMATION**

### **DR. LAWRENCE L. ROUSE RECOGNITION**

**WHEREAS**, in the summer of 2018, Dr. Lawrence L. Rouse became only the fifth president in Pitt Community College's now 63-year history, after being approved by the State Board of Community Colleges to replace retiring PCC President G. Dennis Massey; and,

**WHEREAS**, with Rouse at the helm, PCC earned reaffirmation of accreditation from the Southern Association of Colleges and Schools Commission on Colleges in the summer of 2023, with no recommendations from the accrediting institution. The college opened the Eddie & Jo Allison Smith Center for Student Advancement last spring and purchased a pair of buildings and land on the former Alliance One property last summer to use as its PCC Farmville Center; and,

**WHEREAS**, Rouse will long be remembered at Pitt for the calm and steady leadership he provided the college throughout a period of unprecedented turmoil caused by the COVID-19 pandemic. PCC Trustees Chairman Charles Ellis said Rouse began laying the foundation for PCC to successfully navigate the pandemic the moment he became president, when he pledged the college "would be an agile institution, capable of responding to the community's needs rapidly, adequately and innovatively"; and,

**WHEREAS**, throughout his PCC presidency, Rouse focused on educational equity and seeing students attain academic credentials to better their life circumstances. He was also dedicated to workforce development and serving students with excellence; and,

**WHEREAS**, Rouse informed the PCC Board of Trustees of his decision to retire in January. He said his final day with Pitt would be June 30 and added that retirement would allow him to spend more time with his wife, Janie, three children and granddaughter; and,

**WHEREAS**, a native of Sumter, S.C., Rouse earned a bachelor's degree in sociology from Voorhees College in 1978 and a master's from the University of South Carolina in 1992. After receiving his master's degree, he was selected as one of four South Carolinians to receive a Kellogg ACCLAIM Fellowship to attend North Carolina State University, where he earned a Doctorate of Education in 1998. As a graduate student, he also received a National Leadership and Institutional Effectiveness Fellowship; and,

**WHEREAS**, in 2020, Rouse was inducted into the Voorhees College Hall of Fame for outstanding contributions and service to the community; and,

**WHEREAS**, PCC is currently North Carolina's seventh-largest community college in terms of student credit hours. The college serves nearly 20,000 students in credit and non-credit programs annually. PCC Trustees are confident Rouse has put the college in position to continue serving as a hub for developing and deploying talent needed for the workforce of tomorrow; and,

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby recognize and honor Dr. Lawrence L. Rouse for his contribution to Pitt Community College and the Town of Winterville.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 10<sup>th</sup> day of June 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk



## **PROCLAMATION**

### **DESIGNATION OF JULY AS PARK AND RECREATION MONTH**

**WHEREAS**, parks and recreation are an integral part of communities throughout this country, including Winterville ; and

**WHEREAS**, parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks; and

**WHEREAS**, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS**, parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

**WHEREAS**, parks and recreation are a leading provider of healthy meals, nutrition services and education; and

**WHEREAS**, park and recreation programming and education activities, such as out- of-school time programming, youth sports and environmental education, are critical to childhood development; and

**WHEREAS**, parks and recreation increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation are fundamental to the environmental well-being of our community; and

**WHEREAS**, parks and recreation are essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, Winterville recognizes the benefits derived from parks and recreation resources.

**NOW THEREFORE, BE IT RESOLVED BY** the Winterville Town Council that July is recognized as Park and Recreation Month in the Town of Winterville.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 10<sup>th</sup> day of June 2024.

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Richard E. Hines, Mayor

**Attest:**

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Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** June 3, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Eli's Ridge Phase 5 Annexation Petition.

**Action Requested:** Hold Public Hearing for Annexation Request.

**Attachment:** Annexation Application, Annexation Map, and Legal Description.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Applicant:** Landon Weaver of Bill Clark Homes of Greenville LLC.

**Location:** Phase 5 of Eli's Ridge located off of Worthington Road.

**Parcel Numbers:** 84754.

**Site Data:** 5.5089 Acres.

**Zoning District:** R-10.

**Staff Analysis:**

The applicant is constructing Eli's Ridge Phase 5 in order to build more Single-Family Residential Homes.

**Budgetary Impact:** TBD

**Recommendation:** Hold Public Hearing and Consider Annexation Request.

PETITION REQUESTING ANNEXATION

Date: 3/21/24

To the Mayor and Town Council of the Town of Winterville:

1. We the undersigned owners of real property respectfully requested that the area described in Paragraph 2 below be annexed to the Town of Winterville.

- All owners of the property must sign.

2. The area to be annexed is contiguous to the Town of Winterville and the boundaries of such territory are as follows:

Description

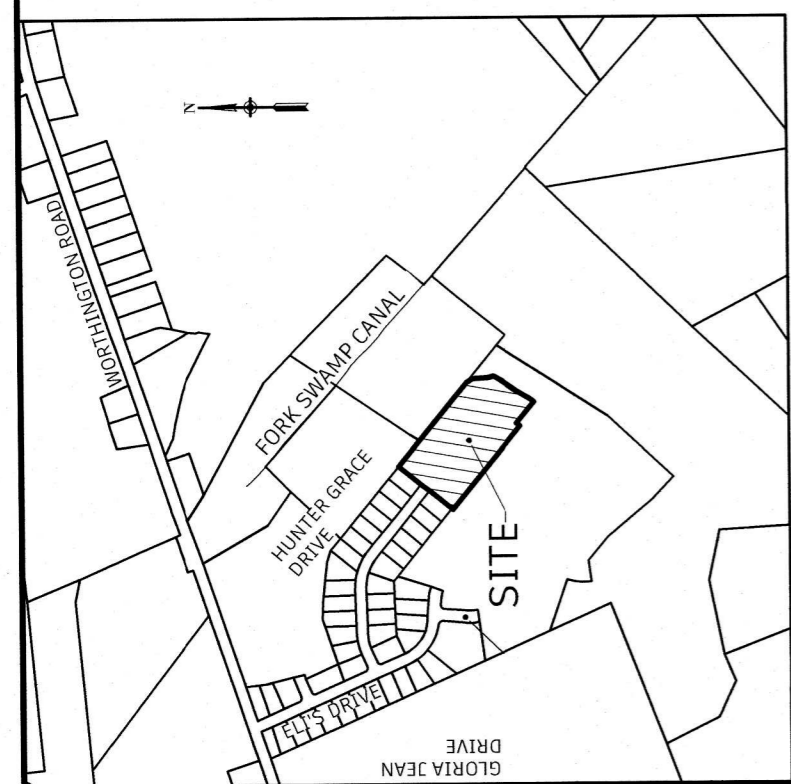
Name London Weaver for Bill Clark Homes of Greenville LLC Address 200 E. Arlington Blvd Greenville NC 27858  
 Signature [Signature] for Bill Clark Homes of Greenville LLC.

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_



GRAPHIC SCALE  
1" = 1000'

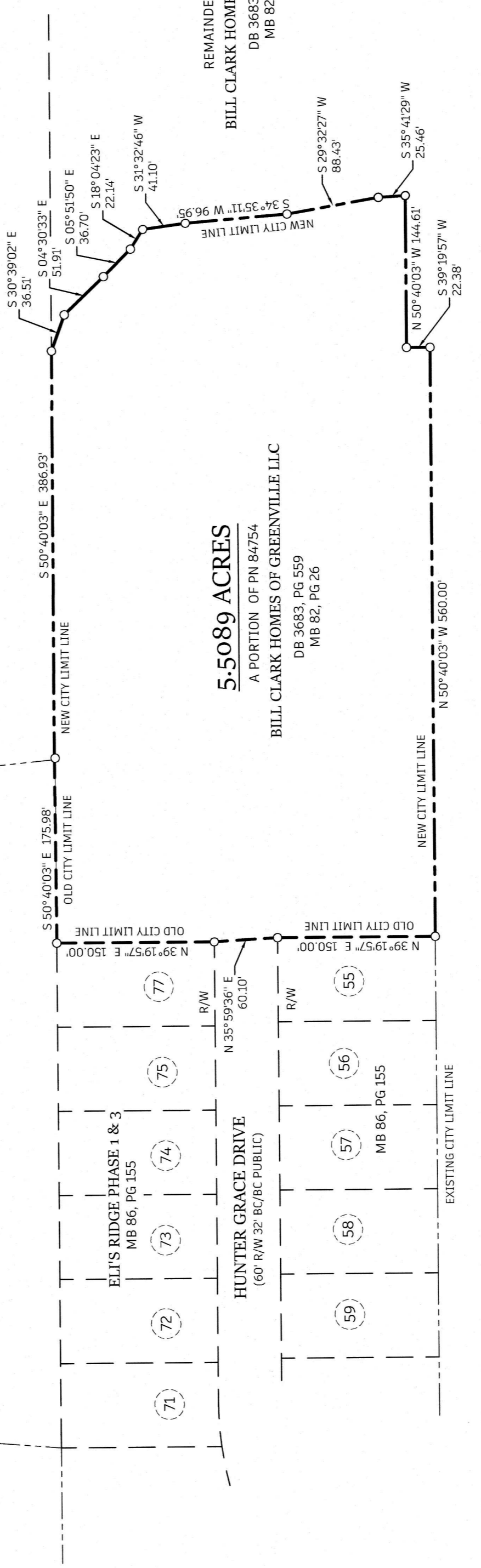
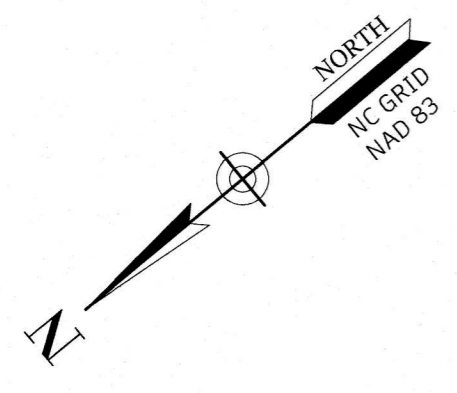
PN 86614  
BILL CLARK HOMES OF GREENVILLE, LLC  
DB 3683, PG 559  
MB 82, PG 26

PN 87100  
ELI'S RIDGE HOMEOWNERS ASSOCIATION, INC.  
DB 4368, PG 655  
MB 86, PG 155

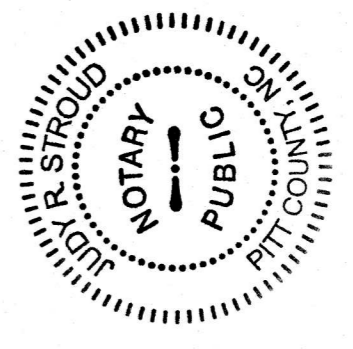
PN 36710  
ALVA WAYNE WORTHINGTON, JR.  
ESTATE FILE 22E, SLIDE 696  
DB 1558, PG 508

PN 36710

FORK SWAMP CANAL



5.5089 ACRES  
A PORTION OF PN 84754  
BILL CLARK HOMES OF GREENVILLE, LLC  
DB 3683, PG 559  
MB 82, PG 26



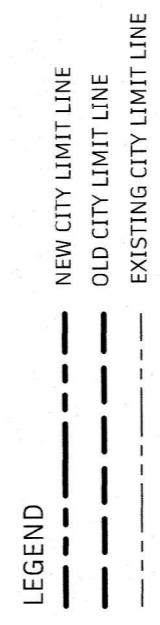
THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (I) WHICH STATES:  
"THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED."

**CERTIFICATIONS**

I, DEBORAH T. BRETTE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OR FROM REFERENCES HEREIN; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND ARE PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREIN.

WITNESS MY HAND AND SEAL THIS THE 21<sup>ST</sup> DAY OF MARCH, 20 24  
Deborah T. Brette  
PROFESSIONAL LAND SURVEYOR L-4146

NORTH CAROLINA, Pitt COUNTY  
I, Judy R. Stroud, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT Deborah T. Brette, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 21<sup>ST</sup> DAY OF MARCH, 2024.  
NOTARY PUBLIC Judy R. Stroud  
MY COMMISSION EXPIRES 2/27/25

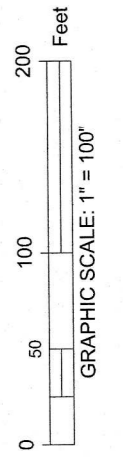


REMAINDER OF PN 84754  
BILL CLARK HOMES OF GREENVILLE, LLC  
DB 3683, PG 559  
MB 82, PG 26

REMAINDER OF PN 84754  
BILL CLARK HOMES OF GREENVILLE, LLC  
DB 3683, PG 559  
MB 82, PG 26

A PORTION OF PARCEL NUMBER 84754  
SHEET 1 OF 1

ELI'S RIDGE, PHASE 5		APPROVED: DTB	
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA		DATE: 03/04/2024	
OWNER: BILL CLARK HOMES OF GREENVILLE, LLC 200 E ARLINGTON BLVD GREENVILLE, NC 27858 (252) 355-3805		DRAWN: MLB	
ORDINANCE NO. _____ AREA 5.5089 ACRES		CHECKED: DTB	
ACCEPTED BY THE TOWN OF WINTERVILLE, NC		SURVEYED: HOB	
MAYOR _____ DATE _____		DRAWN: MLB	
STROUD ENGINEERING, P.A. 107-B COMMERCE STREET GREENVILLE, NC 27858 (252) 756-9352 LICENSE NO. C-0667		CHECKED: DTB	
SCALE: 1" = 100'		APPROVED: DTB	

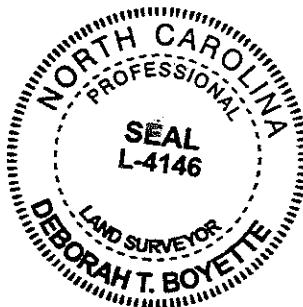


Legal Description for Annexation  
ELI'S RIDGE, PHASE 5

Lying and being in Winterville Township, Pitt County, North Carolina and lying north of NCSR 1713 Laurie Ellis Road, east of NCSR 1700 Old Tar Road, and being bounded on the north by Eli's Ridge, Phase 1 & 3 (Map Book 86, Page 155) and Eli's Homeowners Association, Inc. (Deed Book 4368, Page 655), on the west and south by Bill Clark Homes of Greenville, LLC (Deed Book 3683, Page 559), and on the southeast by Alva Wayne Worthington, Jr. (Estate File 22E, Slide 696 and Deed Book 1558, Page 508) and being more particularly described as follows:

Beginning at a point on the eastern right-of-way of Hunter Grace Drive, said point being the southernmost corner of Lot 77, Eli's Ridge, Phase 2 & 3 as recorded in Map Book 86, Page 155, the True Point of Beginning. Thence from the True Point of Beginning, leaving the eastern right-of-way of Hunter Grace Drive and following the southern line of Lot 77 N39-19-57E – 150.00' to the easternmost corner of Lot 77, a point in the western line of Eli's Ridge Homeowners Association, Inc. (Deed Book 4368, Page 655), thence leaving Lot 77 and following the line of Eli's Ridge Homeowners Association S50-40-03E – 175.98' to the westernmost corner of the Alva Wayne Worthington, Jr. property, thence with the Worthington line S50-40-03E – 386.93', thence leaving the Worthington line and following a line of annexation through the lands of Bill Clark Homes of Greenville, LLC (Deed Book 3683, Page 559), the following calls: S30-39-02E – 36.51', thence S04-30-33E – 51.91', thence S05-51-50E – 36.70', thence S18-04-23E – 22.14', thence S31-32-46W – 41.10', thence S34-35-11W – 96.95', thence S29-32-27W – 88.43', thence S35-41-29W – 25.46', thence N50-40-03W – 144.61', thence S39-19-57W – 22.38', thence N50-40-03W – 560.00' to the southernmost corner of Lot 55, Eli's Ridge, Phase 1 and 3 as recorded in Map Book 86, Page 155, thence along the line of Lot 55 N39-19-57E – 150.00' to a point on the western right-of-way of Hunter Grace Drive, thence crossing Hunter Grace Drive N35-59-36E – 60.10' to the True Point of Beginning, containing 5.5089 Acres and being a portion of Parcel Number 84754 as filed with the Pitt County Tax Assessor's Office.

Deborah T. Boyette  
Professional Land Surveyor  
L- 4146  
Date 3-21-24







**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Internet Sweepstakes Ordinance Changes.

**Action Requested:** Hold Public Hearing for Ordinance Amendments.

**Attachment:** Proposed Internet Sweepstakes Ordinance Amendments.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

- Altering the “Internet Sweepstakes” use within the Zoning Ordinance:
  - As Internet Sweepstakes continue to be a popular topic throughout the Country and within North Carolina, Town of Winterville Planning Staff suggests altering the Table of Permitted and Special Uses, and the Special Requirements Separation Requirement. This is in attempt to stay ahead of the ever-changing regulations to ensure the proposed use meets all local, state, and federal requirements prior to opening.
  - Staff is also recommending changing the use from a “Permitted Use” to a “Special Use” that would require Board of Adjustment review. The proposed changes include changes to the Special Requirements (SR) #44, as well.

\*\* Planning and Zoning Board unanimously recommended approval of the ordinance amendment.

**Budgetary Impact:** TBD.

**Recommendation:** Hold Public Hearing and Consider Ordinance Text Amendments.



## ZONING ORDINANCE AMENDMENTS – SUMMARY

- Altering the “Internet Sweepstakes” use within the Zoning Ordinance:
  - As Internet Sweepstakes continue to be a popular topic throughout the Country and within North Carolina, Town of Winterville Planning Staff suggests altering the Table of Permitted and Special Uses, and the Special Requirements Separation Requirement. This is in attempt to stay ahead of the ever-changing regulations to ensure the proposed use meets all local, state, and federal requirements prior to opening.
  - Staff is also recommending changing the use from a “Permitted Use” to a “Special Use” that would require Board of Adjustment review. This proposal changes the Special Requirements (SR) #44 as well.

### Overview of Proposed Changes:

#### Subdivision Ordinance Changes:

- **Current Title/Use Category Name:** “Internet Sweepstakes”
  - Currently Allowed General Business(G-B), and Industrial (I) Zoning District with Special Requirement (SR 44).
    - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)
    - Current Table:

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Internet Sweepstakes	3												X			X	44

- **Proposed Title/Use Category Name Change:** “Internet Sweepstakes”
  - Proposed District Changes: Remove General Business (G-B) and Industrial (I) as a “Permitted Use”. Allow the use as a “Special Use” within General Business (GB) and Industrial (I) district.
    - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)

▪ Proposed Table (to replace the table above):

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Internet Sweepstakes	3												S			S	44

**Special Requirement # 44 Currently states:**

“SR 44. Internet Sweepstakes

The following specific provisions shall be met as minimum standards prior to approval of any business engaging in internet sweepstakes:

- a. The establishment must be a minimum of one thousand (1,000) feet from any building used as a dwelling.
- b. The establishment must be a minimum of one thousand (1,000) feet from any other establishment engaged in internet sweepstakes business.
- c. The establishment must be a minimum of one thousand (1,000) feet from the property line of any established religious institution, school, daycare center, library, public park, or recreation area.
- d. Measure of distance separation shall be in a straight line from the closest point of the building at which the internet sweepstakes business is located.
- e. The applicant for approval of an internet sweepstakes business shall provide a current certificate and straight-line drawing prepared by a registered land surveyor within thirty days prior to the application demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval. (10-O-223, adopted 05/10/2010)”

**Proposed Changes to the “Internet Sweepstakes” Use: Changing the Special Requirements.**

**\* Changing Special Requirement (SR) # 44 from what is shown above to the following:**

“SR 44. Internet Sweepstakes

The following specific provisions shall be met as minimum standards prior to approval of any business engaging in internet sweepstakes:

- a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any existing “Internet Sweepstakes”.
- b. No establishment shall be permitted within one-thousand feet (1,000’) from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or any existing multi-family dwelling, or single-family, attached or detached, dwelling.

- c. Measure of distance separation shall be in a straight line from the closet point of the building at which the internet sweepstakes business is located.
- d. The applicant for approval of an internet sweepstakes business shall provide a current certificate and straight-line drawing prepared by a registered land surveyor within thirty days prior to the application demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.
- e. No establishment, store, or restaurant may have or install any Internet Sweepstake devices or machines, or allow such activity, without obtaining approval from the Board of Adjustment and obtaining a Zoning Compliance Certificate that clearly states the use.

\* Location: Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.

**Proposed Changes to the Winterville Zoning Ordinance:**

**Section Article VI. Tale of Permitted and Special Uses; Section 6.4 Table Of Permitted and Special Uses:**

**Current Table:**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Internet Sweepstakes	3												✘			✘	44

• **Proposed Table (to replace the table above):**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Internet Sweepstakes	3												S			S	44

**Section Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.**

• **Proposed Special Requirement (SR) 44:**

“SR 44. Internet Sweepstakes

The following specific provisions shall be met as minimum standards prior to approval of any business engaging in internet sweepstakes:

- a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any

existing “Internet Sweepstakes”.

- b. No establishment shall be permitted within one-thousand feet (1,000’) from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or any existing multi-family dwelling, or single-family, attached or detached, dwelling.
- c. Measure of distance separation shall be in a straight line from the closet point of the building at which the internet sweepstakes business is located.
- d. The applicant for approval of an internet sweepstakes business shall provide a current certificate and straight-line drawing prepared by a registered land surveyor within thirty days prior to the application demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.
- e. No establishment, store, or restaurant may have or install any Internet Sweepstake devices or machines, or allow such activity, without obtaining approval from the Board of Adjustment and obtaining a Zoning Compliance Certificate that clearly states the use.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Tobacco Stores and Smoke Shop Ordinance Changes.

**Action Requested:** Hold Public Hearing for Ordinance Amendments.

**Attachment:** Proposed Tobacco Stores and Smoke Shop Ordinance Amendments.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

- Altering the “Tobacco Stores” use within the Zoning Ordinance to reflect a more modern use:
  - As tobacco usage has changed over time, “tobacco stores” have significantly changed as well. Products traditionally sold within a “Tobacco Store,” are more commonly found in stores that are now referred to as “Vape Stores” or “Smoke Shops”. These stores generally sell a combination of smokable and/or chemically enhanced products that were not established or common when the Zoning Ordinance was originally written. Many of the products that one may see in these stores include a wide variety of tobacco related products, vaporizer products, and smoking devices as well as naturally or non-naturally enhanced products sold for medical or recreational uses.
  - As these stores have become increasingly popular, Winterville town staff is recommending a modernized use category that combines and describes such stores more accurately.
  - “Special Requirement(s)” (SR(s)) are recommended along with separation requirements to ensure a continued diverse economy and to limit product advertisement near schools, parks, daycares, churches, etc.
  - Winterville staff is recommending changing the use from a “Permitted Use” to a “Special Use” that requires Board of Adjustment review.
  - Winterville staff is also recommending the addition of a definition of such stores to provide clarity to applicants and staff.

\*\* Planning and Zoning Board unanimously recommended approval of the ordinance amendment.

**Budgetary Impact:** TBD.

**Recommendation:** Hold Public Hearing and Consider Ordinance Text Amendments.



## ZONING ORDINANCE AMENDMENTS – SUMMARY

- Altering the “Tobacco Stores” use within the Zoning Ordinance to reflect a more modern use:
  - As tobacco usage has changed over time, “tobacco stores” have significantly changed as well. Products traditionally sold within a “Tobacco Store”, are more commonly found in stores that are now referred to as “Vape Stores” or “Smoke Shops”. These stores generally sell a combination of smokable and/or chemically enhanced products that were not established or common when the Zoning Ordinance was originally written. Many of the products that one may see in these stores include a wide variety of tobacco related products, vaporizer products, and smoking devices as well as naturally or non-naturally enhanced products sold for medical or recreational uses.
  - As these stores have become increasingly popular, Winterville town staff is recommending a modernized use category that combines and describes such stores more accurately.
  - “Special Requirement(s)” (SR(s)) are recommended along with separation requirements to ensure a continued diverse economy and to limit product advertisement near schools, parks, and churches.
  - Winterville staff is recommending changing the use from a “Permitted Use” to a “Special Use” that requires Board of Adjustment review.
  - Winterville staff is also recommending the addition of a definition of such stores to provide clarity to applicants and staff.

## Overview of Proposed Changes:

### Subdivision Ordinance Changes:

- **Current Title/Use Category Name:** “Tobacco Stores”
  - Currently Allowed in Central Business (C-B), General Business(G-B), Intermediate Commercial (I-C), Commercial Neighborhood (C-N), and Industrial (I).
    - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)
    - Current Table:

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Tobacco Stores	3	5993										X	X	X	X	X	

- **Proposed Title/Use Category Name Change:** “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”
  - Proposed District Changes: Remove Central Business (C-B), Commercial (I-C), and Commercial Neighborhood (C-N). Allow the use as a “Special Use” within General Business (GB) and Industrial (I) district.
    - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)
    - Proposed Table (to replace the table above):

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
“Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”-	3	0000											S			S	46

**Proposed Definition Addition:**

- **Proposed Definition of Use:**
  - “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”-- A retail outlet, service business, or establishment that sells vape products, e-cigarettes, components, products, or related products. This shall include all establishments, stores, or convenience stores that sell tobacco products, smoking products, smokables, e-cigarettes, smoke shops, smoke lounges, cigar stores, head shops, pipe and smoking apparatuses. This shall also include any products that are naturally or non-naturally enhanced food, beverages, tablets, lozenges or capsules with chemicals intended for recreational or medical use. This shall not include “Drug Store & Pharmacies” that employ licensed pharmacist, or “Service Stations, Gasoline”, that sells gasoline and sell the products above as a non-primary source of revenue. This shall not include “Grocery Stores” or “Department & Variety Stores” as described by the Standard Industrial Classification (SIC) Code assigned by the U.S. Government to identify the primary business of an establishment.
    - Location: Article XV. General Legal Provisions; Definitions; Section 15.4B Definitions.

**Proposed “Special Requirement” (SR) Addition:**

Adding Special Requirement (SR) 46:

**SR 46. Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products**



- a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any existing “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”.
- b. No establishment shall be permitted within one-thousand feet (1,000’) from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or any existing multi-family dwelling, or single-family, attached or detached, dwelling.
- c. No establishment may sell any items described within the definition of “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” without obtaining approval from the Board of Adjustment for each item and obtaining an approved Zoning Compliance Certificate that clearly states the sale of each item within the establishment.
- d. Measure of distance separation shall be in a straight line from the closest point of the building or unit at which the “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” use is located.
- e. For approval, of a “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” use, the applicant shall provide a straight-line drawing prepared by a registered land surveyor demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.

\* Location: Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.

**Proposed Changes to the Winterville Zoning Ordinance:**

**Section Article VI. Tale of Permitted and Special Uses; Section 6.4 Table Of Permitted and Special Uses:**

- **Current Table:**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Tobacco Stores	3	5993										X	X	X	X	X	

- **Proposed Table (to replace the table above):**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
“Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”-	3	0000											S			S	46

**Section Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.**

- **Add Special Requirements #46 and the following language:**
  - **Note: This is a new “Special Requirement” (SR) and does not currently exist.**

**SR 46. Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products**

- a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any existing “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”.
- b. No establishment shall be permitted within one-thousand feet (1,000’) from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or any existing multi-family dwelling, or single-family, attached or detached, dwelling.
- c. No establishment may sell any items described within the definition of “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” without obtaining approval from the Board of Adjustment for each item and obtaining an approved Zoning Compliance Certificate that clearly states the sale of each item within the establishment.
- d. Measure of distance separation shall be in a straight line from the closest point of the building or unit at which the “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” use is located.
- e. For approval, of a “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” use, the applicant shall provide a straight-line drawing prepared by a registered land surveyor demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.

**Article XV. General Legal Provisions; Definitions; Section 15.4B Definitions:**

Adding the following Definition: “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”-- A retail outlet, service business, or establishment that sells vape products, e-cigarettes, components, or related products. This shall include all establishments, stores, or convenience stores that provide or fall into one or more of the following categories: tobacco products, smoking products, smokables, e-cigarettes, smoke shops, smoke lounges, cigar stores, head shops, pipe and smoking apparatuses. This shall also include establishments that provide any products that contain natural or non-natural chemicals intended for recreational or medical use. This shall not include “Drug Store & Pharmacies” that employ licensed pharmacist, or “Service Stations, Gasoline”, that sells gasoline and sell the products above as a non-primary source of revenue. This shall not include “Grocery Stores” or “Department & Variety Stores” as described by the Standard Industrial Classification (SIC) Code assigned by the U.S. Government to identify the primary business of an establishment.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Agricultural Residential (AR) Ordinance Amendment related to MR & Two Family.

**Action Requested:** Hold Public Hearing for Ordinance Amendments.

**Attachment:** Proposed Two Family & Multi-Family Ordinance Changes.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Staff Analysis:**

Two-Family Residential (generally termed duplexes) and Multi-family Residential (including single family attached of more than 2 attached units) represent fairly dense developments that are allowed in limited locations within the Zoning Ordinance's Table of Permitted Uses. One of the Zoning Districts in which they are allowed is within the Agricultural-Residential Zoning District as a Special Use. As defined by the Town of Winterville, Zoning Ordinance, the Agricultural Residential District "is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district is to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. The minimum lot size established for this district, however, does not guarantee sufficient space for on-site water and/or sewer systems"

The Agricultural-Residential Zoning District is generally found outside of the core and dense development of the Town of Winterville and thus would likely create two-family and multi-family communities in areas that are not suitable for such development and are not in harmony with the surrounding areas. Most Agricultural-Residentially Zoned Land is located within areas that are designated as "Rural Residential" or "Suburban Residential" Future Land Use Character Areas and thus are in direct conflict with the recommendations of the Comprehensive Land Use Plan.

This Ordinance change would require developers to rezone the property with the Town of Winterville Town Council for review and approval rather than through the Board of Adjustment via a Special Use Permit. This ordinance amendment is provide better control and direction for two-family and multi-family developments to ensure that they are constructed in the proper location and meet the intent and recommendations of the Comprehensive Land Use Plan and Future Land Use Plan.

\*\* Planning and Zoning Board unanimously recommended approval of the ordinance amendment.

**Budgetary Impact:** TBD.

**Recommendation:** Hold Public Hearing and Consider Ordinance Amendment Proposal.



## ZONING ORDINANCE AMENDMENTS – SUMMARY

- Altering the “two-family” use table within the Zoning Ordinance to remove the use (two-family) from the Agricultural Residential (AR) Zoning District.
  - **“Dwelling, conventional or modular: Multi-family (including single family attached of no more than 2 attached units)”**
    - **Removing the “S” for Agricultural Residential (AR) District and remove the “AR” reference within Special Requirement #2.**
- Two-Family Residential (generally termed duplexes) and Multi-family Residential (including single family attached of more than 2 attached units) represent fairly dense developments that are allowed in limited locations within the Zoning Ordinance’s Table of Permitted Uses. One of the Zoning Districts in which they are allowed is within the Agricultural-Residential Zoning District as a Special Use. As defined by the Town of Winterville, Zoning Ordinance, the Agricultural Residential District “is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district is to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. The minimum lot size established for this district, however, does not guarantee sufficient space for on-sitewater and/or sewer systems”

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This Ordinance change would require developers to rezone the property with the Town of Winterville Town Council for review and approval rather than through the Board of Adjustment via a Special Use Permit. This ordinance amendment is provide better control and direction for two-family and multi-family developments to ensure that they are constructed in the proper location and meet the intent and recommendations of the Comprehensive Land Use Plan and Future Land Use Plan.

### Overview of Proposed Changes:

#### Subdivision Ordinance Changes:

- **Current Title/Use Category Name:** “Dwelling, conventional or modular: Multi-family

- (including single family attached of no more than 2 attached units)”
- Currently Allowed as Permitted Uses within: R-6 and Multi-Family Residential (MR) Zoning Districts;
- Currently allowed as Special Uses within Agricultural Residential (AR), R-8, and Office and Institutional (O&I) zoning districts with Special Requirements #2.
  - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)
  - Current Table:

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Two-family (Including single family attached of no more than 2 attached units)	1	0000	S					S	X	X	S						2

- **Proposed Title/Use Category Name Change:** “Dwelling, conventional or modular: Multi-family (including single family attached of no more than 2 attached units)”
- Proposed District Changes: Remove use from the Agricultural-Residential zoning district. Allow the use to remain as a “Special Use” within Multi-Family Residential (MR), Office and Institutional (O&I) and Central Business (CB) Zoning Districts.
  - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)

- Proposed Table (to replace the table above):

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Two-family (Including single family attached of no more than 2 attached units)	1	0000						S	X	X	S						2

**Special Requirement # 2 Currently states:**

SR 2. Two Family, Single Family Attached and Multifamily Dwellings

a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.

1. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.

2. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.
3. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the **AR** and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

c. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:

1. Site Plan. No zoning permit or building permit shall be issued for an construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.

2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).

3. Yard Requirements. The following yard requirements are hereby established:

- (A) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.

- (B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

- (C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being

required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.

5. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
6. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.
7. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

**Proposed Changes to SR 2. Two Family, Single Family Attached and Multifamily Dwellings:  
Changing the Special Requirements.**

**\*Removing the AR Reference within the Special Requirements.**

**\* Changing Special Requirement (SR) # 2 from what is shown above to the following**

- a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
  4. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
  5. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.
  6. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.
- b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the ~~AR~~ and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

c. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:

1. Site Plan. No zoning permit or building permit shall be issued for an construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.

2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).

8. Yard Requirements. The following yard requirements are hereby established:

(A) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.

(B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

9. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.

10. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.

11. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.

12. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

\* Location: Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.



**Proposed Changes to the Winterville Zoning Ordinance:**

**Section Article VI. Tale of Permitted and Special Uses; Section 6.4 Table Of Permitted and Special Uses:**

Remove the “S” from the A-R Zoning District:

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Two-family (Including single family attached of no more than 2 attached units)	1	0000	S					S	X	X	S						2

• **Proposed Table (to replace the table above):**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Two-family (Including single family attached of no more than 2 attached units)	1	0000						S	X	X	S						2

**Section Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.**

• **Proposed Special Requirement (SR) 2:**

a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.

7. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.

8. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.

9. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the R-8 zoning district, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

c. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:

1. Site Plan. No zoning permit or building permit shall be issued for construction of a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.

2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).

13. Yard Requirements. The following yard requirements are hereby established:

(A) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.

(B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

14. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.

15. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
16. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.
17. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

\* Location: Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.



## ZONING ORDINANCE AMENDMENTS – SUMMARY

- Altering the “Multi-family” use table within the Zoning Ordinance to remove the use (Multi-family) from the Agricultural Residential Zoning District.
  - **“Dwelling, conventional or modular: Multi-family (including single family attached of no more than 2 attached units)”**
    - **Removing the “S” for Agricultural Residential (AR) District and remove the “AR” reference within Special Requirement #2.**
- Two-Family Residential (generally termed duplexes) and Multi-family Residential (including single family attached of more than 2 attached units) represent fairly dense developments that are allowed in limited locations within the Zoning Ordinance’s Table of Permitted Uses. One of the Zoning Districts in which they are allowed is within the Agricultural-Residential Zoning District as a Special Use. As defined by the Town of Winterville, Zoning Ordinance, the Agricultural Residential District “is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district is to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. The minimum lot size established for this district, however, does not guarantee sufficient space for on-sitewater and/or sewer systems”

The Agricultural-Residential Zoning District is generally found outside of the core and dense development of the Town of Winterville and thus would likely create two-family and multi-family communities in areas that are not suitable for such development and are not in harmony with the surrounding areas. Most Agricultural-Residentially Zoned Land is located within areas that are designated as “Rural Residential” or “Suburban Residential” Future Land Use Character Areas and thus are in direct conflict with the recommendations of the Comprehensive Land Use Plan.

This Ordinance change would require developers to rezone the property with the Town of Winterville Town Council for review and approval rather than through the Board of Adjustment via a Special Use Permit. This ordinance amendment is provide better control and direction for two-family and multi-family developments to ensure that they are constructed in the proper location and meet the intent and recommendations of the Comprehensive Land Use Plan and Future Land Use Plan.

### Overview of Proposed Changes:

#### Subdivision Ordinance Changes:

- **Current Title/Use Category Name:** “Dwelling, conventional or modular: Multi-family (including single family attached of no more than 2 attached units)”
- Currently Allowed as a Special Use within: Agricultural Residential (AR), Multi-Family Residential (MR), Office and Institutional (O&I), and Central Business (CB) zoning districts with Special Requirements #2 and #42.
  - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)
  - Current Table:

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Dwelling, conventional or modular: Multi-family (including single family attached of more than 2 attached units)	2	0000	S							S	S	S					2/42

- **Proposed Title/Use Category Name Change:** “Dwelling, conventional or modular: Multi-family (including single family attached of no more than 2 attached units)”
- Proposed District Changes: Remove use from the Agricultural-Residential zoning district. Allow the use to remain as a “Special Use” within Multi-Family Residential (MR), Office and Institutional (O&I) and Central Business (CB) Zoning Districts.
  - Location: Article VI. Tale of Permitted and Special Uses; Section 6.4 Table of Permitted and Special Uses. (See Table)
  - Proposed Table (to replace the table above):

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Dwelling, conventional or modular: Multi-family (including single family attached of more than 2 attached units)	2	0000								S	S	S					2/42

**Special Requirement # 2 Currently states:**

SR 2. Two Family, Single Family Attached and Multifamily Dwellings

a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.

1. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
2. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.
3. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the AR and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

c. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:

1. Site Plan. No zoning permit or building permit shall be issued for an construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.

2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half ( $1/2$ ) may be rounded to the next highest number once the basic number of units exceeds twenty (20).

3. Yard Requirements. The following yard requirements are hereby established:

- (A) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.

(B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
5. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
6. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.
7. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

**Proposed Changes to SR 2. Two Family, Single Family Attached and Multifamily Dwellings:  
Changing the Special Requirements.**

**\*Removing the AR Reference within the Special Requirements.**

**\* Changing Special Requirement (SR) # 2 from what is shown above to the following**

a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.

4. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
5. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.
6. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the ~~AR~~ and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

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8. Yard Requirements. The following yard requirements are hereby established:

(A) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.

(B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

9. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.

10. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.

11. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.



12. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department’s stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

\* Location: Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.

**Proposed Changes to the Winterville Zoning Ordinance:**

**Section Article VI. Tale of Permitted and Special Uses; Section 6.4 Table Of Permitted and Special Uses:**

**Remove the “S” from the A-R Zoning District:**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Dwelling, conventional or modular: Multi-family (including single family attached of more than 2 attached units)	2	0000	<del>S</del>							S	S	S					2/42

• **Proposed Table (to replace the table above):**

Use Type	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Dwelling, conventional or modular: Multi-family (including single family attached of more than 2 attached units)	2	0000								S	S	S					2/42

**Section Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.**

• **Proposed Special Requirement (SR) 2:**

a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.

7. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
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9. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the R-8 zoning district, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

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2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half ( $1/2$ ) may be rounded to the next highest number once the basic number of units exceeds twenty (20).

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(B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

14. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
15. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
16. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.
17. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

\* Location: Article VI. Tale of Permitted and Special Uses; Section 6.5 Special Requirements to the Table of Permitted and Special Uses.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** June 3, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Variance Language Ordinance Amendment.

**Action Requested:** Hold Public Hearing for Ordinance Amendments.

**Attachment:** Proposed Variance Text Changes.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Staff Analysis:**

The State has made changes to the 'findings of facts' criteria for Variances. The Town is updating our Zoning Ordinance to reflect the State's most current requirements.

New criteria to determine a Variance:

3. Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:
  1. An unnecessary hardship results from the strict application of the ordinance.
  2. The hardship results from conditions that are peculiar to the property.
  3. The hardship is not 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.

\*\* Planning and Zoning Board unanimously recommended approval of the ordinance amendment.

**Budgetary Impact:** TBD.

**Recommendation:** Hold Public Hearing and Consider Ordinance Text Amendments.



## ZONING ORDINANCE AMENDMENTS – SUMMARY

North Carolina General Statutes have changed the requirements and of obtaining a variance. The Town of Winterville's Variance criteria is out of date and needs to reflect the current standards of the State.

General Statute section 160D-705(d) sets forth the standards for granting a zoning variance (The standards also may be applied to subdivision and other development regulation). These mandatory standards apply to zoning variances for all counties and municipalities in the state, and the new standards override any contrary ordinance provisions that may have been in place prior.

### Overview of Proposed Changes:

#### Subdivision Ordinance Changes:

#### Current Language:

3. Variances. To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:
  - a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.
    - 1) If he complies with the provisions of the Ordinance, the property owner can secure no reasonable return from or make no reasonable use of, his property.
    - 2) The hardship results from the application of the Ordinance.
    - 3) The hardship is suffered by the applicant's property.
    - 4) The hardship is not a result of the applicant's own actions.
    - 5) The hardship is peculiar to the applicant's property.
  - b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
  - c) In granting the variance the public safety and welfare have been assured and substantial justice has been done.

## Proposed Language:

3. Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

1. An unnecessary hardship results from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property.
3. The hardship is not 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.

\*\* **Important:** The applicant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions, in accordance with NC General Statute 160D-705. If the applicant fails to meet that burden, the Board has no choice but to deny the application.

---

## Proposed Changes to the Winterville Zoning Ordinance:

### **Section Article XII. BOARD OF ADJUSTMENT; Section 12.5 Powers and Duties of the Board of Adjustment; Item 3. Variances.**

3. Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

1. An unnecessary hardship results from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property.
3. The hardship is not 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.

\*\* **Important:** The applicant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions, in accordance with NC General Statute 160D-705. If the applicant fails to meet that burden, the Board has no choice but to deny the application.



**WINTERVILLE**

*A slice of the good life!*

**CHAPTER 155 ZONING ORDINANCE OF THE  
CODE OF ORDINANCES OF THE TOWN OF  
WINTERVILLE, NORTH CAROLINA**

Originally adopted February 14, 2000

Incorporates amendments adopted up to date of printing.

Latest Amendment Adopted - 24-O-061 adopted June 10, 2024.

Printed TBD

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**AN ORDINANCE AMENDING  
CHAPTER 155 OF THE CODE OF ORDINANCES  
OF THE TOWN OF WINTERVILLE**

**BE IT ORDAINED** by the Town Council of the Town of Winterville, North Carolina, that the Code of Ordinances of the Town of Winterville is hereby amended by rewriting Article XV, Chapter 155, Zoning Code, in its entirety to read as follows:

**Chapter 155  
Zoning Ordinance  
Town of Winterville**

**ARTICLE I. PURPOSE, AUTHORITY AND TITLE**

**Section 1.1      Purpose**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and for the purpose of (1) Promoting the public health, safety, morals, and general welfare; (2) Promoting the orderly growth and development of the Town of Winterville and the surrounding area; (3) Lessening congestion in the streets and roads; (4) Providing adequate light and air; (5) Securing safety from fires, panic, and other dangers; (6) Preventing the overcrowding of land; (7) Avoiding undue congestion of population; (8) Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Jurisdiction. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 1.2      Authority**

This Ordinance is enacted pursuant to the authority conferred by Article 19 of Chapter 160 D of the Generals Statutes of North Carolina. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 1.3      Title**

This ordinance shall be known as the “Zoning Ordinance of the Town of Winterville, North Carolina” and may be referred to as the “Zoning Ordinance”. The map referred to herein is identified by the title “Official Zoning Map, Winterville, North Carolina” and may be known as the “Zoning Map”. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE II. JURISDICTION MAP

### **Section 2.1**      **Territorial Jurisdiction**

For the purpose of this Zoning Ordinance, the zoning jurisdiction of the Town of Winterville shall include the land within the corporate limits of the Town and that land located between these limits and the boundaries established in the municipal ordinance establishing extraterritorial jurisdiction boundaries, as now or hereafter fixed. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 2.2**      **Incorporation of Zoning Map**

The Official Zoning Map, Winterville, North Carolina and all notations, references and other information shown on the map are hereby incorporated and made a part of this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**ARTICLE III. APPLICATION; GENERAL PROVISIONS;  
EXCEPTIONS AND MODIFICATIONS**

**Section 3.1      Zoning Affects Every Building and Use; Bona Fide Farms Exempt**

No building or land shall hereafter be used, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance. Bona fide farms, with the exception of swine farm operations, are not affected by these regulations but any use of farm property for non-farm purpose is subject to these regulations. Swine farm operations as defined herein are prohibited within the jurisdiction of this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.2      Relationship of Buildings to Lot**

Every building hereafter erected, moved or placed shall be located on a lot and in no case shall there be more than one (1) residential building on a lot except as otherwise provided for in this Ordinance. In any case where more than one principal building is permitted on a lot, such buildings shall be separated by a minimum of twenty (20) feet unless a lesser distance is otherwise specifically permitted by this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.3      Street Access**

No building, structure or use of land shall be established on a lot nor shall any lot be created that does not abut upon a public street as defined herein to which it has legal access for a distance of not less than thirty-five (35) feet. Provided, the following exceptions shall apply to the access requirement:

1.      The access requirement shall not apply to lawfully existing lots of record with a minimum of thirty-five (35) feet of frontage on a dedicated but not maintained street.
2.      The access requirement shall not apply to developments exempt from public street access by Article VI.
3.      The access requirement shall not apply to lots on approved private streets.

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.4      Lot of Record**

Where the owner of a lawfully existing lot of official record in any residential district or the owner's successor in title thereto does not own sufficient contiguous land to enable the owner to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a residential building site, where permitted, provided, however, that the other requirements of the district are complied with or a variance is obtained from the Board of Adjustment.



Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as one or more lots which meet the minimum requirements of this Ordinance for the district in which such lots are located. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 3.5      Open Space Requirements**

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except as provided for in this section. However, certain accessory structures are permitted to be placed in the required yard areas as provided for in the Schedule of District Regulations and this section. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 3.6      Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 3.7      Water and Sewer Requirements**

The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, because of Health Department Standards, may not permit development as intended. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 3.8      Height Limitation Exceptions**

The height limitations of this Ordinance shall not apply to public buildings, churches, temples, schools, hospitals, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power and communication transmission towers, flag poles and similar structures, provided such structures meet the required North Carolina Building Code. Height limitations shall apply to cellular telephone towers as regulated herein. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 3.9      Building Setback Exceptions**

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building or structure excluding:

1. Unenclosed porches, attached carports, balconies or decks which do not project into any required yard more than three (3) feet; and
2. Chimneys, flues, coves, roof overhangs, window sills and bay windows which do not project into any required yard more than three (3) feet; and
3. Patios, drives, walkways, if no portion of the same extends more than twelve (12) inches off the ground; and
4. Any structure that is a mere appendage to a building, such as a flagpole or fountain.

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 3.10      Fences and Walls**

Unless otherwise specified within this Ordinance, fences and walls shall be exempt from setback and yard requirements provided they comply with the visibility requirements of Section 3.15 and the following standards:

#### **A. General Standards**

Easements - Fences shall not be installed within nor encroach upon any drainage and/or utility easement unless specifically authorized through issuance of an Encroachment Permit as provided under Article VII, Section 7.2 of this ordinance.

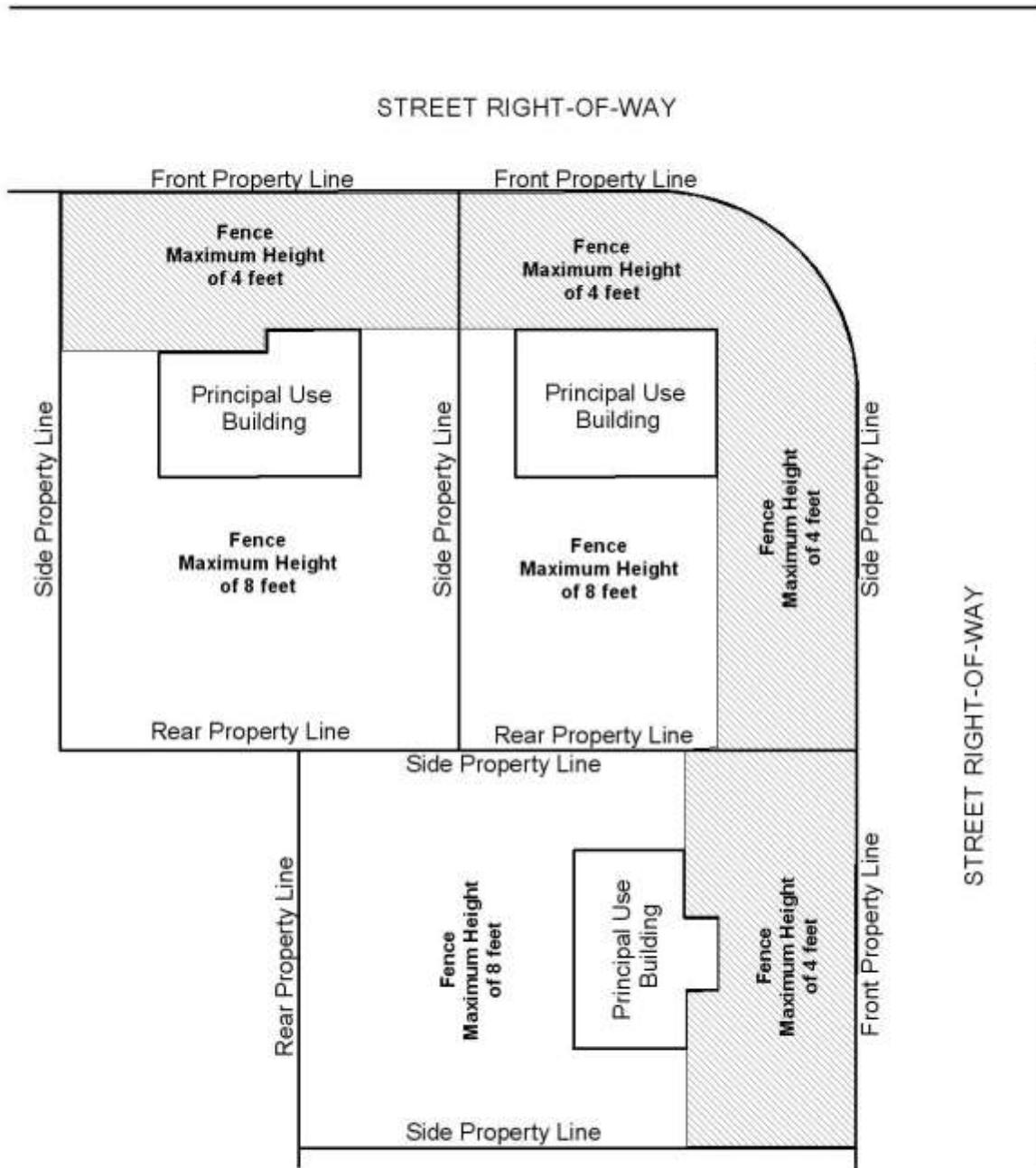
Zoning Compliance Certificate - No fence shall be erected until a Zoning Compliance Certificate shall have been issued by the Zoning Administrator as specified under Article XIV, Section 14.3 of this ordinance.

Height - Fences in non-residential districts are limited to eight (8) feet in height.  
*(09-0-136, adopted 04/13/2009)*

#### **B. Residential Lot Fence Standards**

- 1) Front Yard - Fences shall be limited to a maximum height of four (4) feet within the front yard. For the purposes of this section, “front yard” shall be defined as the area lying between the front property line and the front wall of the principal use building extended to the side property lines and running perpendicular to the adjoining side wall as per the below illustration titled “*Residential Lot Fence Standards Illustration*”.
- 2) Corner Lot Street Side Yard - Fences shall be limited to a maximum height of four (4) feet within the side yard adjacent to the street. For the purposes of this section, “side yard adjacent to the street” shall be defined as the area lying between the side street property line and the side wall of the principal use building extended to the rear property line and running parallel to the side property line as per the below illustration titled “*Residential Lot Fence Standards Illustration*”. *(12-0-288, adopted 05/14/2012)*

- 3) Other Areas - fences in other areas of the lot shall be limited to a maximum of eight (8) feet.
- 4) Maintenance - The owner of the property (or other party responsible for maintenance) on which the fence is located shall be required to maintain the fence in a safe and attractive condition. This shall mean the following:
  - a. No fence shall have more than 20 percent of its surface area material disfigured, cracked, ripped or with peeling paint or other material;
  - b. A fence shall not have bent or broken supports, including loose or missing appendages;
  - c. Fences shall be plumb (vertical) to the ground; and
  - d. Replacement of non-conforming fences shall comply with all the requirements of this section.
- 5) Materials / Design
  - a. Materials such as plywood, particleboard, sheet metal, concrete slabs, and concrete barriers shall not be used for fencing.
  - b. Barbed-wire and similar fence materials may only be used in conjunction with a permitted agricultural use or the permitted keeping of horses.
  - c. All fencing shall be finished on the side facing a public or private right-of-way or adjacent properties. *(09-0-136, adopted 04/13/2009)*



## Residential Lot Fence Standards Illustration

*(09-0-136, adopted 04/13/2009, 12-0-288, adopted 05-14-12)*

**Section 3.11      Accessory Buildings and Structures**

No accessory buildings shall be erected in any front yard whether required or provided.

Accessory buildings may be located in a side or rear yard not adjacent to a street within five (5) feet of the property line. Accessory buildings to be located in the street side yard shall meet the principal building setback for that side. No separate accessory building shall be erected within five (5) feet of any other building. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

No accessory buildings shall be erected within nor encroach upon any drainage and/or utility easement unless specifically authorized through issuance of an Encroachment Permit as provided under Article VII, Section 7.2 of this ordinance. *(05-0-198, adopted 12/05/2005)*

All accessory buildings for residential use shall not exceed fifty percent (50%) of the gross floor area of the principal use building and/or cover more than thirty percent (30%) of the rear yard, whichever is lesser. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.12      Corner Lot Yards**

In any residential, O-I, or C-N district, the side yard requirements for corner lots along the side street right-of-way shall have an extra width of ten (10) feet. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.13      Double Frontage Lots**

In all Zoning Districts, Double Frontage Lots shall provide the minimum yard requirements for Front Yards along both street fronts. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.14      Front Yard Setbacks for Dwellings**

For dwellings in residential districts, where lots located on either side of a center lot are improved with buildings having a front yard setback of less than twenty-five (25) feet, and the structures are no more than two-hundred (200) feet apart, the required setback of the center lot shall be the average of the setback of the two adjacent main buildings. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.15      Visibility at Intersections**

On a corner lot in any district other than the C-B Central Business District, no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street right of way lines, and a straight line connecting the points on said street right-of-way lines, each of which is twenty (20) feet distance from the point of intersection. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.16      Temporary Buildings**

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) or construction. Such temporary building shall be removed promptly upon completion of construction. No such building shall be used for dwelling purposes. Temporary buildings shall be located at least twenty-five (25) feet from any property used for residential purposes. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.17      Computing the Number of Multi-Family Type Dwelling Units**

In computing the number of multi-family type units (including attached units) permitted for a given area of land, subtract the amount of land area in square feet required for the first dwelling unit from the total net land area and then divide the remainder by the amount of land required for each unit over one. The quotient plus one is the number of dwelling units permitted for the given area of land. For example, on a land area of 54,000 square feet located in the M-R Residential District:

54,000	(Total Net Land)
<u>4,000</u>	(First Dwelling Unit)
50,000	(Remainder)

50,000 divided by 2,500 (each additional two or more bedroom unit) = 20  
20 + 1 = 21

Therefore, twenty-one (21) multi-family two or more bedroom units may be placed on the 54,000 square foot property. Fractional units over one-half (1/2) may be rounded to the next higher whole number when the base number of units is twenty (20) or more.

On projects with one building per lot, the computation must be repeated for each lot separately. On projects with more than one building on a lot, the computation need only be made one time. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.18      Entrances/Exits to Public Streets**

Entrances and exits to public streets shall be placed and constructed in accordance with the “Policy on Street and Driveway Access to North Carolina Highway” adopted by the North Carolina Department of Transportation (NCDOT), as amended.

No portion of any entrance driveway leading from a public street shall be closer than twenty (20) feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with curb or street line. No two driveways on a single lot leading from a public street shall be within twenty (20) feet of each other measured along the right-of-way. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.19      Projections into Front Yards in Commercial and Industrial Districts**

In commercial and industrial districts, open, unenclosed gasoline pump canopies, gasoline filling and related equipment and similar facilities may project into one-half (1/2) the front yard setback requirement for the district. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.20      Outdoor Lighting**

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.21      Performance Standards**

No use in any District shall violate any of the following performance standards:

**Section 3.21.1      Air Pollution**

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particle in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines Information Circular 7718.

**Section 3.21.2      Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard with the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce inflammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

**Section 3.21.3                      Glare and Heat**

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

**Section 3.21.4                      Water Quality Protection**

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

**Section 3.21.5                      Noise**

No activity shall produce a sound level outside the boundary that exceeds the following sound levels measured by a sound level and associated octave band filter:

<u>Octave Band Frequency</u> <u>Cycle per Second</u>	<u>Sound Level</u> <u>Decibels</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

**Section 3.21.6                      Odors**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter 13, Air Pollution Abatement Manual 1960, prepared by the Manufacturing Chemists Association, Inc., Washington, D.C.



**Section 3.21.7      Vibration**

No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Displacement (inches)

Frequency (Cycles per Second)	Outside of Premises	Outside of District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.22      Class C Mobile Homes Prohibited**

After the effective date of this Ordinance no Class C Mobile Home shall be placed in the jurisdiction of this Ordinance nor shall any Class C Mobile Home that is existing within the jurisdiction of this Ordinance be moved and placed at any other location within the jurisdiction of this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.23      Use of Mobile Homes for Storage Prohibited**

The use of mobile homes or travel trailers for storage purposes shall be expressly prohibited in all zoning districts. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.23.A      Use of Recreational Vehicle as Dwelling Prohibited**

Recreational vehicles and travel trailers may be parked or stored on any residential lot which contains a legal principal use, subject to the provisions of Winterville Code of Ordinances Chapter 72, provided such units are not utilized for the purposes of living, sleeping or cooking.

No recreational vehicle, travel trailer, motor home or tent may serve as a dwelling except as otherwise specifically provided in this ordinance.

Festivals & Major Events - the provisions of this section shall not prohibit the temporary use of recreational vehicles as part of approved festivals and/or major events provided that such use is located on the specific premise(s) authorized for such festival or major event and provided that such use may occur only for the duration of the festival or major event.

*(09-0-108, adopted 01/12/09)*

**Section 3.24      Minimum Requirements**

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinance, the more restrictive or higher standards shall govern. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 3.25      Fees**

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the Town Council in the Schedule of Fees and Charges. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS

### **Section 4.1 Primary Zoning Districts Established: Purposes Set Forth**

For the purposes of this Ordinance, the Town of Winterville, North Carolina, and the area comprising its extraterritorial zoning jurisdiction are hereby divided into the following primary use districts:

#### **Section 4.1.1 Agricultural-Residential District (A-R)**

The Agricultural-Residential District (AR) is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district is to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. The minimum lot size established for this district, however, does not guarantee sufficient space for on-site water and/or sewer systems. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 4.1.2 R-20 Residential District**

The R-20 Residential District is a quiet, low-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 4.1.3 R-15 Residential District**

The R-15 Residential District is a quiet, low-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 4.1.3A R-12.5 Residential District**

The R-12.5 Residential District is a quiet, medium-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. *(03-0-09, adopted 04/14/2003)*

#### **Section 4.1.4 R-10 Residential District**

The R-10 Residential District is a quiet, medium-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.5**                    **R-8 Residential District**

The R-8 Residential District is a quiet, medium-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.6**                    **R-6 Residential District**

The R-6 Residential District is a quiet, relatively high-density neighborhood consisting of single-family and two-family dwellings along with limited home occupations and private and public community uses. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.7**                    **MR – Multifamily Residential District**

The MR – Multifamily Residential District (MR) is intended to provide a quiet, relatively high density neighborhood consisting mostly of apartment complexes and mobile home parks along with limited home occupations and private and public community uses. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.8**                    **Office and Institutional District (OI)**

The Office and Institutional District (OI) is a district in which the principal use of land is for residences, general business offices and professional offices, and institutional types such as hospitals and medical clinics which do not materially detract from nearby residential areas. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.9**                    **Central Business District (CB)**

The purpose of the Central Business District (CB) is to maintain and enhance a compact business area for the retailing of durable and convenience goods and personal services for the surrounding community. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.10**                    **General Business District (GB)**

The purpose of the General Business District (GB) is to accommodate those business that serve the traveling public, require large amounts of land for display and parking, and are not oriented to the pedestrian shopper. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.10A**                    **Intermediate Commercial District (IC)**

The Intermediate Commercial District (IC) is intended for regional and local retail and personal services of limited size and service area that provide for the regular needs and convenience of local residents residing in the community. These are generally small-medium in area and contain businesses that are generally considered “low intensity” such as grocers, drug stores, household supplies, restaurants, and the furnishing of personal services. It is intended that uses in this district not produce a significant increase in traffic, noise, or other public nuisance,

and be developed with adequate off street parking space for customers and employees with appropriate landscaping and screening. *(0-08-98, adopted 09/08/2008)*

**Section 4.1.11**                    **Neighborhood Commercial District (CN)**

The purpose of the Neighborhood Commercial District (CN) is to provide convenient shopping facilities consisting primarily of necessary goods and personal services required to serve a neighborhood. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.1.12**                    **Industrial District (I)**

The Industrial District (I) is to provide and protect areas suited for industrial, warehousing, and storage uses which do not create an excessive amount of noise, smoke, dust, odor, or other objectionable characteristics which might be detrimental to the surrounding area. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.2**                      **Overlay Zoning Districts Established: Purposes Set Forth**

The primary and conditional Zoning Districts established in this Article may also be zoned in one or more Overlay Districts as designated herein and as shown on the Official Zoning Map. In such case, the land is subject to not only the requirements of the underlying primary or conditional Zoning District but also the additional requirements of the Overlay District *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.2.1**                    **Thoroughfare Protection Overlay District (TP)**

The purpose of the Thoroughfare Protection Overlay District (TP) is to provide for the protection and preservation of thoroughfare corridors to avoid undue congestion and significant deterioration of service levels. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.2.1A**                    **Central Business Transition Overlay District (CBTO)**

The purpose of the Central Business Transition Overlay District (CBTO) is to provide for the appropriate allocation of off-street parking, setbacks, and buffering in areas surrounding the downtown Central Business District; to provide for a transitional area between residentially zoned properties and the downtown Central Business District; and to facilitate the redevelopment of certain areas, as identified by the Horizon Land Use Plan, from residential use to non-residential use. *(04-0-126, adopted 10/11/2004)*

**Section 4.3**

**Conditional Zoning Established: Purposes Set Forth**

There is also established a Conditional District (CD) which corresponds to each of the districts authorized by this ordinance as follows:

AR – CD	MR - CD
R-20 - CD	OI - CD
R-15 - CD	CB - CD
R-12.5 - CD	GB - CD
R-10 - CD	IC - CD
R-8 - CD	CN - CD
R-6 - CD	I - CD

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional District classification will be considered for rezoning only upon request of a property owner. 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 Conditional Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Pursuant to the Conditional District, only those uses authorized as permitted or conditional uses in the zoning district with which the CD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, no Conditional District shall be permitted without the approval of Town Council. The Conditional Zoning may further specify the location on the property of the proposed use and uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.3.1 Conditional District with a Site Specific Development Plan**

Subject to the provisions of Section 4.3 of this ordinance, the applicant may submit a Site Specific Development Plan as part of a Conditional District request. In such case, the applicant shall submit a Site Specific Development Plan and, upon approval from Town Council, the site shall be developed in accordance with the plan. The site plan shall include the following information:

- a. A boundary survey and vicinity map showing the property’s total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow;
- b. All existing easements, reservations, and rights-of-way;
- c. Approximate location on the site of proposed buildings, structures and other improvements;
- d. Approximate dimensions, including height of proposed buildings and other structures;

- e. Building elevations and exterior features of proposed development;
- f. Proposed use of all land and structures;
- g. All existing and proposed points of access to public streets;
- h. Parking and circulation;
- i. Required and proposed screening, buffers and landscaping;
- j. Such other information as deemed necessary to demonstrate compliance with applicable regulations and proposed conditions. *(08-0-103, adopted 12/08/08)*

**Section 4.4 District Boundaries Shown on Zoning Map**

The boundaries of the districts are shown on the map accompanying this Ordinance and made a part hereof entitled “Official Zoning Map, Winterville, North Carolina”. The Zoning Map and all notations, references and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The Zoning Map is posted at the Winterville Town Hall and is available for inspection by the public. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 4.5 Rules Governing Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street or railroad right-of-way-lines or such lines extended, such center lines, street or railroad right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on said Zoning Map.
- D. Where any street or alley is hereafter officially closed, vacated or abandoned, the zoning district adjoining each side of the street or alley shall be automatically

extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.

- E. Boundaries indicated as approximately following Town limit lines shall be construed to follow such Town limit lines.
- F. Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed as such boundaries.
- G. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- H. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if further uncertainty exists as to the location of boundaries or applicability of zoning district, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of such boundaries, and the applicability of such districts.
- J. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 4.6      Determining Permitted and Special Uses, Principal Uses and Mixed Uses**

The listing of Permitted and Special Uses in the various Districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various Districts. In determining proposed uses, the Zoning Administrator shall refer to the latest edition of the Standard Industrial Classification (SIC) Manual published by the United States Department of Labor as a guide. When a proposed use is not specifically listed in the Table of Permitted and Special Uses, the Zoning Administrator shall use the SIC Manual to determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Administrator finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Zoning Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In each case, the Zoning Administrator shall maintain a written record of such determinations.



In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure serves or is proposed to serve. An accessory use shall be considered a structure or use that:

- 1) is clearly incidental to and customarily found in connection with a principal building or use;
- 2) is subordinate to and serves a principal building or a principal use;
- 3) is subordinate in area, extent, or purpose to the principal building or principal use
- 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
- 5) is located on the same lot and zones the same as the principal building or use served.

Two or more principal uses may, in some cases, be permitted to occupy the same land or building as long as each use is a permitted use and the building separation required by Section 3.2 is provided. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE V. SCHEDULE OF DISTRICT REGULATIONS

### **Section 5.1**      **General**

Within the districts established by this Ordinance, the requirements as set forth in this section shall be complied within in addition to any other general or specific requirements of this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 5.2**      **Agricultural-Residential District (AR)**

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D.    Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E.    Signs.    Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F.    Bufferyards.    Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

### **Section 5.3**      **R-20 Residential District**

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D.    Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E.    Signs.    Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F.    Bufferyards.    Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.4      R-15 Residential District**

- A. Uses.    See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs.    Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F. Bufferyards.    Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.4.A      R-12.5 Residential District**

- A. Uses.    See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs.    Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F. Bufferyards.    Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.5      R-10 Residential District**

- A. Uses.    See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.

- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.6 R-8 Residential District**

- A. Uses. See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements. See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.7 R-6 Residential District**

- A. Uses. See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements. See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.8 Multi-Family Residential District (MR)**

- A. Uses. See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements. See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.9 Office and Institutional District (OI)**

- A. Uses. See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements. See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.10**      **Central Business District (CB)**

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D.    Off-Street Parking and Loading.    Off-street parking and loading is not required in this District
- E.    Signs.    Signs shall be regulated by the requirements of Article IX. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 5.11**      **General Business District**

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D.    Off-Street Parking and Loading.    Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E.    Signs.    Signs shall be regulated by the requirements of Article IX. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
- F.    Bufferyards.    Bufferyards shall be provided in accordance with the requirements of Article XA. *(07-0-291, adopted 10/08/2007)*

**Section 5.11.A**      **Intermediate Commercial District**

- A.    Uses.    See Article VI entitled Table of Permitted and Special Uses
- B.    Dimensional Requirements.    See Article VII entitled Table of Area, Land and Height Requirements.
- C.    Location of Accessory Buildings and Structures.    Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.

- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX.
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. (08-0-98, adopted 09/08/2008)

**Section 5.12 Neighborhood Commercial (CN)**

- A. Uses. See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements. See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX. (2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. (07-0-291, adopted 10/08/2007)

**Section 5.13 Industrial District (I)**

- A. Uses. See Article VI entitled Table of Permitted and Special Uses
- B. Dimensional Requirements. See Article VII entitled Table of Area, Land and Height Requirements.
- C. Location of Accessory Buildings and Structures. Accessory buildings and structures shall be placed in accordance with the provisions of Section 3.11.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- E. Signs. Signs shall be regulated by the requirements of Article IX. (2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)
- F. Bufferyards. Bufferyards shall be provided in accordance with the requirements of Article XA. (07-0-291, adopted 10/08/2007)

**Section 5.14 Thoroughfare Protection Overlay District (TP)**

- A. Application. The requirements of this Section apply to all uses in the Thoroughfare Protection Overlay District (TP) except one and two-family residences.
- B. Front Yard Setback. The front yard setback shall be a minimum of fifty (50) feet as measured perpendicular to the adjacent thoroughfare right-of-way line.
- C. Minimum Lot Width. The minimum lot width for all lots created after the effective date of the TP District shall be one hundred and fifty (150) feet.
- D. Ingress and Egress Points. On any lot in any planned multi-tenant development which contains more than one lot, no two points of ingress and egress (as measured at their closest distance) shall be closer than three hundred (300) feet apart. No more than two (2) separate points of ingress and egress per lot or within a planned multi-tenant development shall be allowed per road front. Any use engaged in the sale of automobile fuels to the public and having more than three (3) fuel stations shall be allowed to have no more than one additional point of ingress and egress per road front provided that said point of ingress and egress is located no closer than forty (40) feet from any other such access point.

Except where ingress and egress would be denied, no portion of a point of ingress and egress shall be located closer than two-hundred (200) feet to the centerline intersection of the road upon which the use fronts and an intersecting road.

Any driveway serving as a point of ingress and egress shall have a width not to exceed thirty-six (36) feet unless otherwise required by NCDOT.

For the purposes of determining the allowable number of ingress and egress points on any particular lot, all lots recorded at the effective date of this Ordinance shall be granted at least one ingress and egress point per road front unless access can be provided internally. If any subdivision of land occurs after the effective date of this Ordinance, the number of ingress and egress points shall be determined based on the linear road frontage the tract contained prior to such subdivision. For instance, if a tract of land contained 1,300 feet of road frontage and, subsequent to the adoption of this Ordinance, were subdivided into three lots, only two points of ingress and egress serving the three lots would be allowed.

- E. Landscaped Roadway Yard. A landscaped roadway yard shall be provided by each use subject to this requirement. The requirement for a landscaped roadway yard shall be initiated by the occurrence of the same activities as set forth in Section 8.3. A landscaped roadway yard is a landscaped area generally parallel to the public roadway designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. The landscaped area shall be penetrated only by driveways and crosswalks. The minimum width of the



roadway yard shall be ten (10) feet and shall be located within the thirty foot section of the lot closed to the public right-of-way. It shall be landscaped and maintained with a vegetative cover and shall be planted with small and/or medium shrubs at a rate of ten (10) per one hundred (100) linear feet of street yard not counting driveway and crosswalk area. The Zoning Administrator may approve a different vegetative landscape type when in his opinion equal or better performance will result. The following is a sample list of recommended shrubs by common name:

American Boxwood	Common Juniper
Carolina Allspice	Nandina
Flowering Quince	Azalea
Hedge Cotoneaster	Mapleleaf Viburnum
Japanese Holly	Sargents Chinese Juniper
Japanese Barberry	Common Laurelcherry
Purple Beautyberry	Fragrant Sumac

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 5.15.A Central Business Transition Overlay District (CBTO)**

- A. Application. The requirements of this section apply to all non-residential uses in the Central Business Transition Overlay District.
- B. Front Yard Setback. The front yard setback requirement shall be a minimum of ten (10) feet from the front property line.
- C. Rear Yard Setback. The rear yard setback requirement shall be a minimum of twenty (20) feet from the rear property line.
- D. Side Yard Setbacks.
  - 1. Adjoining Property Zoned for Non-Residential Use

The side yard setback requirement shall be a minimum of five (5) feet from the side property line when the adjoining property is zoned for non-residential use.
  - 2. Adjoining Property Zoned for Residential Use

The side yard setback requirement shall be a minimum of twenty (20) feet from the side property line when the adjoining property is zoned for residential use unless the buffering requirements of subsection E are met.

- E. Buffering Requirements. The side yard setback requirement when adjoining property is zoned for residential use may be a minimum of five (5) feet if the following buffering measures are implemented:
1. A minimum four (4) feet height fence, constructed of such materials and in such manner as to provide a continuous visual barrier, shall be installed along the side property line adjacent to the adjoining property zoned for residential use; or
  2. The building wall adjacent to the adjoining property zoned for residential use shall be solid with no openings including but not limited to windows, doors, points of ingress or egress, entrances, exits, etc.
- F. Off-Street Parking Requirements. Off-street parking and loading shall be provided in accordance with the requirements of Article VIII.
- G. Required Sidewalk Improvements. All non-residential uses within the Central Business Transition Overlay District shall install a minimum five (5) feet wide sidewalk along the entire street frontage of any portion of the subject property that abuts a public street. Required sidewalks shall be constructed in accordance with the sidewalk construction standards of the Town of Winterville Design Standards Manual. *(04-0-126, adopted 10/11/2004)*

## ARTICLE VI. TABLE OF PERMITTED AND SPECIAL USES

### **Section 6.1**      **General**

The table of Permitted and Special Uses which follows contains a listing of uses which may be permitted in one or more of the various Zoning Districts established by this Ordinance. Uses are listed in alphabetical order in nine functional categories. The categories in the order of listing are:

Residential Uses  
Recreational Uses  
Educational and Institutional Uses  
Business, Professional and Personal Services Retail Trade  
Wholesale Trade  
Manufacturing and Industrial Uses  
Public Works Facilities, Utilities and Infrastructure Miscellaneous

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 6.2**      **Entries**

The District or Districts in which a particular listed use may be permitted is indicated by an “x” or “s” in the District column(s) opposite the listed use. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 6.3**      **Meaning of Entries**

The meaning of the entries in the Table are as follows:

1. “x” indicates the use is permitted by right and a Zoning Compliance Certificate may be obtained.
2. “s” indicates the use requires approval of a Special Use Permit in accordance with the procedures of Section 12.5.

The column on the far right labeled “SR” (Special Requirement) means that there are special additional performance requirements that the use must comply with in its development. These requirements are contained in Section 6.5, “Special Requirements to the Table of Permitted and Special Uses”. For any use subject to a Special Use Permit, the Special Requirement shall represent the minimum conditions for issuance of a Special Use Permit.

The 1987 Standard Industrial Classification Manual was utilized in the preparation of this table and shall be consulted as a guide for purposes of determination by the Zoning

## TABLE OF PERMITTED & SPECIAL USES

Administrator. The Reference SIC column refers to SIC classifications. Entries with “0000” in the Reference SIC column do not correspond to any classification in the SIC Manual.

3. The listing of a use in the of Table Permitted and Special Uses in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 6.4** Table of Permitted and Special Uses. (See Table)

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000; 01-47, adopted 01/08/2001;  
02-0-81, adopted 08/12/2002;  
03-0-104, adopted 02/10/2003;  
04-0-56, adopted 01/12/2004;  
05-0-149, adopted 03/14/2005;  
06-0-250, adopted 12/11/2006;  
08-0-96, adopted 07/14/2008;  
10-0-223, adopted 05/10/2010;  
10-0-230, adopted 06/14/2010;  
24-0-061, adopted 6/10/2024)*

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
<b>Residential Uses</b>																	
bed and breakfast inns	2	0000	S	S	S	S	S	S			X	X	X				1
dwelling, conventional or modular: multi-family (including single family attached of more than 2 attached units)	2	0000								S	S	S					2/42
Single family detached	1	0000	X	X	X	X	X	X	X	X	X	S					42
two-family (including single family attached of no more than 2 attached units)	1	0000					S	S	X	X	S						2
dwelling, mobile home on individual lot																	
Class A single-family	1	0000	S						X								3
Class B single-family																	4
Family care home (6 or less)	2	8351	X	X	X	X	X	X	X	X	X	X	X		X	X	5
Family day-care home (3-5)	*	8322	S	S	S	S	S	S	S	S	S						5
home occupation, customary	*	0000	S	S	S	S	S	S	S	S	S						6
mobile home park	2	0000	S														7
Planned unit development	2	0000															8

"SEE SR NOTE"

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
<b>Recreational Uses</b>																	
Amusement arcades and indoor places of entertainment; including bowling alleys, pool rooms, skating rinks & batting cage, tennis courts	3	7999										X	X			X	
amusement or water parks	4	7996											X			X	10
associations or organizations; social & fraternal	2	8640	S								X		X	X		X	11
auditorium, assembly hall; indoor theaters, public	3	0000									X	X	X			X	
batting cages, outdoor	3	7999										X	X			X	10
bingo games	3	7999										X	X			X	
dance studios & schools, including aerobics	3	7911										X	X	X		X	
dance halls, including night clubs	4	5810										X	X			X	23
fortune tellers, astrologers	3	7999										X	X			X	
go-cart, motorcycle & similar vehicles tracks	4	7999															
golf courses, including pro shop	1	7997	X	X	X	X	X	X	X	X	X	X	X		X	X	10
golf driving ranges	3	7999	S										X			X	12
internet sweepstakes	3	0000											S			S	44
Marinas	4	4493											X			X	
martial arts instructional schools	3	7999										X	X	X		X	
miniature golf facilities	3	7999											X			X	10
physical fitness centers	3	7991								X	X	X	X			X	
public parks	2	7990	X	X	X	X	X	X	X	X	X	X	X			X	
recreation facilities, public	2	7999	X	X	X	X	X	X	X	X	X	X	X			X	
recreation facilities, private: including country clubs, private neighborhood parks & multi-family recreation areas where the principal use is permitted in the zoning district	2	7997	S	S	S	S	S	S	S	S	S						12
saddle, hunting, fishing, boating and similar private clubs	4	7999	S										X			X	12
shooting ranges, indoor	3	7999											X			X	
shooting ranges, outdoor, local government only	4	7999															
swim and tennis clubs	3	7997	X	X	X	X	X	X	X	X	X	X	X	X	X	X	13
swimming pool, private	3	7997	X	X	X	X	X	X	X	X	X	X	X	X	X	X	13

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
<u>Educational &amp; Institutional Uses</u>																	
ambulance services	3	4119									X	X	X			X	
cemetery	3	0000	S													X	14
churches, synagogues & other associated activities	2	8661	X	X	X	X	X	X	X	X	X	X	X	X		X	
colleges or universities	3	8220	X								X	X	X			X	
correctional institutions	3	9223														X	
day care centers, (6 or more)	3	8322	S					S	S	X	X	X	X	X	S	X	15/43
governmental offices & facilities	3	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
hospitals, public & private	3	8026									X	X	X			X	
Libraries	3	8231									X	X	X	X	X	X	
museums or art galleries	3	8412									X	X	X	X	X	X	
congregate or convalescent care facility	3	8050							S	S	S		S			S	16
group care facility	3	8050								S	S		S			S	16
nursing home	3	8050							S	S	S		S			S	16
orphanages	2	8361									X	X	X				
philanthropic institutions	3	8399									X	X	X	X		X	
post offices	3	0000								X	X	X	X	X	X	X	
retreat centers	3	0000	X							X	X	X	X				
schools, including public schools & private schools, having a curriculum similar to those given in public schools	3	8210	X	X	X	X	X	X	X	X	X	X	X			X	
schools, specialty training, such as cosmetology, vocation or trade services, not elsewhere classified, where no retail, wholesale, or repair is conducted	3	8240									X	X	X			X	

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
<b>Business, Professional &amp; Personal Services</b>																	
accounting, auditing, or bookkeeping																	
administrative or management services	3	8740									X	X	X	X		X	
advertising agencies or representatives	3	7310									X	X	X	X		X	
agencies & offices rendering specialized services not involving retail trade such as real estate, insurance, advertising, architecture, engineering, & accounting and not listed elsewhere	3	0000									X	X	X	X		X	
animal clinics and hospitals; including totally enclosed kennels operated in connection with animal clinics or hospitals	4	0742	S								X		X			X	17
animal kennels	4	0000	S										X			X	18
automobile parking lots & facilities for permitted uses in the district	3	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
automobile parking (commercial)	3	7521										X	X			X	
automobile rental or leasing	4	7510										X	X	X		X	
automobile repair & service (excluding storage of wrecked or junked vehicles)	4	0000										X	X			X	
automobile storage	4	0000														X	19
automobile towing & storage services	4	7549														X	19
automobile washing facilities	4	7542										X	X			X	
automobile wrecking or junk yards	5	5093														X	19
banking, including loan offices & investment houses	3	6000									X	X	X	X		X	
barber and beautyshops	3	7241									X	X	X	X		X	
building maintenance services	4	7349											X			X	
bus stations	4	4100										X	X			X	
chiropractors' offices	3	8041									X	X	X	X		X	
clothing alterations or repairs	3	0000										X	X	X		X	
communicative facilities, including radio & television broadcasting excluding towers that exceed the height limits	3	0000									X	X	X			X	
computer services	3	0000									X	X	X			X	
contractors' facilities with open storage	4	0000	S										X			X	41
contractors' offices (no storage)	3	0000	S								X	X	X			X	41



**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
convenience food stores: not operating between 11pm-6am operating 11pm-6am, 24hr	3 4	5411 5411										X X	X X			X X	
dental offices and laboratories	3	8071									X	X	X	X	X	X	
doctors' offices & laboratories	3	8000									X	X	X	X	X	X	
drive-in theaters	4	7833														X	
dry cleaning & laundry facilities	3	7211									X	X	X		X	X	
economic, social, or educational research	3	8732									X	X	X			X	
employment agencies, personnel agencies	3	7360									X	X	X			X	
engineering, architectural, surveying services	3	0000									X	X	X	X		X	
equipment rental & leasing	4	7350											X			X	
equipment repairs, heavy	4	7690														X	
equipment repairs, light	4	7690											X			X	
exterminating services	3	7342											X			X	
farm related enterprises such as vegetable stands, fishing ponds, horticulture. (*Does not include: landscaping services, farm supplies, or stables. Items removed 11/2017)	3	0000	X														
finance or loan offices	3	6100									X	X	X	X	X	X	
fraternal organizations	2	8640	S								X	X	X	X		X	11
freezer lockers	3	0000														X	
funeral homes	3	7261						S	S		X	X	X	X		X	20
insurance agencies	3	6411									X	X	X	X		X	
internal service facilities, incidental to permitted uses, including cafeterias, day care facilities, snack bars, pharmacies, optical stores & similar retail activities when conducted solely for use of employees, patrons, or occasional visitors; provided, such activities are within the principal building & advertising for it is not permitted beyond the premises	3	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
interior decorator	3	0000									X	X	X	X		X	
laundromats	3	7215										X	X	X	X	X	
law offices	3	8111									X	X	X	X	X	X	
locksmith shops, including repair	3	7690										X	X	X		X	
medical, dental, or related offices	3	8000									X	X	X	X	X	X	
medical or dental laboratories	3	8071									X	X	X	X	X	X	
mini-warehouses/self-storage unit	4	0000														X	
motels & hotels	3	7011											X			X	
motion picture productions	3	7810										X	X			X	
noncommercial research organizations	3	8733									X	X	X			X	

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
office, not classified elsewhere (no retail)	3	0000									X	X	X	X	X	X	
optometrists & ophthalmologists	3	8000									X	X	X	X	X	X	
photocopying & duplicating services	3	7334									X	X	X	X	X	X	
photo finishing laboratories	3	7384										X	X	X	X	X	
photography studio	3	7221									X	X	X	X	X	X	
picture framing shop	3	7699									X	X	X	X	X	X	
psychologists' offices	3	8000									X	X	X	X	X	X	
real estate offices	3	0000									X	X	X	X	X	X	
recreational vehicle parks or campsites	4	7033											X			X	22
refrigerator or large appliance repairs	4	7623											X	X		X	41
rehabilitation or counseling services	3	8300										X	X	X		X	
repair shops not classified elsewhere	4	0000											X			X	
research, development, ortesting services	3	8730											X			X	
septic tank services	3	7699											X			X	
service stations (not including truck stops)	4	7530										X	X	X	X	X	
shoe repair or shoeshine shops	3	7251										X	X	X	X	X	
signs as regulated by Article IX	*			X	X	X	X	X	X	X	X	X	X	X	X	X	
stock, security or commodity brokers	3	6200									X	X	X	X	X	X	
structures & uses clearly incidental to a permitted use	3	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
tanning salons	3	7299										X	X	X	X	X	
Tattooing	3	7299											X			X	45
taxi terminals	4	4121										X	X			X	
taxidermists	3	7699											X			X	
tire recapping	4	7534											X			X	
travel agencies	3	4720									X	X	X	X	X	X	
truck driving schools	3	8249														X	
truck & utility trailer rental, sales & leasing, light	4	0000											X			X	
truck & utility trailer rental, sales & leasing, heavy																	
truck washing	4	7542														X	
upholstering & furniture refinishing	4	7641											X			X	
utility company offices	3	0000									X	X	X	X	X	X	
veterinary services (no outside kennels)	3	0740									X		X		X	X	
vocational, business, secretarial schools	3	8240									X	X	X	X	X	X	
watch, clock, jewelry repair shops	3	7631	S									X	X	X	X	X	41

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-	C-N	I	SR
<u>Retail Trade</u>																	
ABC sales for on premises consumption	3	0000										X	X	X		X	23
antique shops	3	5936	S									X	X	X	X	X	24
apparel sales	3	5600										X	X	X	X	X	
appliance sales & service	3	5722	S									X	X	X		X	41
art studio & galleries	3	8412										X	X	X	X	X	
arts & craft sales; similar specialty retail	3	0000	S									X	X	X	X	X	24
auction houses	3	0000											X			X	
automobile & trucks dealers; new and used	4	7510											X			X	
automobile parts & supply store	3	5531										X	X	X	X	X	
bakeries; retail	3	5461										X	X	X	X	X	
bicycle sales & repair	3	5941										X	X	X	X	X	
boat dealers; sales & repair	4	5551											X			X	
bookstores	3	5942									X	X	X	X	X	X	
building supplydealers	4	5211											X			X	
camera & photography; sales & service	3	5946										X	X	X	X	X	
candy stores	3	5441										X	X	X	X	X	
carpet sales & storage	3	5710										X	X	X	X	X	
clothing shops	3	5600										X	X	X	X	X	
catalogue stores	3	5961										X	X		X	X	
computer sales	3	5734										X	X	X	X	X	
dairy products stores	3	5451										X	X	X	X	X	
department & variety stores	3	5300										X	X	X	X	X	
drug stores & pharmacies	3	5912									X	X	X	X	X	X	
electronic product sales	3	5730										X	X	X	X	X	
fabric or piece goods stores	3	5949										X	X	X	X	X	
farm machinery sales & service	4	5083											X			X	
farmer's or produce markets	3	5430										X	X	X	X	X	
farm supplies	4	0000										X	X	X	X	X	
flea market	3	5999											X			X	
floor covering, drapery or upholstery	3	5710										X	X	X	X	X	
florist shop	3	5992	S								X	X	X	X	X	X	41
fuel oil sales	4	5980											X			X	
furniture sales	3	5712										X	X	X	X	X	
furniture repair, including upholstery	4	7641											X			X	
garden centers or retail nurseries	3	5261											X	X	X	X	

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
gift, novelty & souvenir shop	3	5947	S									X	X	X		X	24
grocery store	3	5400										X	X	X	X	X	
hardware store	3	5251										X	X	X	X	X	
hobby & toy stores	3	5945										X	X	X	X	X	
home furnishings, miscellaneous	3	5719										X	X	X	X	X	
jewelry sales & repair	3	5944										X	X	X	X	X	
leather goods sales	3	5948										X	X	X	X	X	
lighting goods sales	3	5948										X	X	X	X	X	
liquor stores	3	5921										X	X	X	X	X	
microbrewery & brewpub	3	2082									S	X	X	X	X	X	23
miscellaneous retail sales	3	5999										X	X	X	X	X	
mobile home sales & services	4	5271											X	X	X	X	
motorcycle sales	4	5571											X	X	X	X	
music stores including instrument repair	3	5736										X	X	X	X	X	
newsstand, magazines	3	5994										X	X	X	X	X	
office supply store	3	5999										X	X	X	X	X	
optical goods sales	3	5995										X	X	X	X	X	
paint, glass, and wallpaper stores	3	0000										X	X	X	X	X	
pawn shop	3	0000										X	X	X	X	X	
pet stores	3	5999										X	X	X	X	X	
radio & television, stores & repairs	3	5731										X	X	X	X	X	
record, tape, cd stores	3	5735										X	X	X	X	X	
recreation vehicles sales & service	4	5561											X	X	X	X	
restaurants (with drive-through)	4	5812										X	X	X	X	X	
restaurants (w/o drive-through)	3	5812									X	X	X	X	X	X	
retail sales & service where not classified elsewhere, and where all retail sales & services are conducted within an enclosed building	3	0000										X	X	X	X	X	41
retail sales & services not classified elsewhere including outdoor storage	3	0000											X	X	X	X	
service stations, gasoline	4	5541										X	X	X	X	X	
shoe sales and or repair	3	0000										X	X	X	X	X	
shopping centers & malls	3	0000											S	S	S	X	25
sporting goods stores	3	5941										X	X	X	X	X	
tire dealers & services	4	5531											X	X	X	X	
Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products	3	0000											S	S	S	S	46
truckshops	4	0000														X	
video tape rental & sales	3	7841										X	X	X	X	X	
wine & craft beer shop	3	5921										X	X	X	X	X	
woodworking shops, retail	4	5999										X	X	X	X	X	

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
<u>Wholesale Trade</u>																	
agriculture chemicals/pesticides/fertilizers	4	5191	S													X	26
agriculture products, other	4	5159	S										X			X	26
ammunition	3	5099														X	
animals & animal products, other	4	5159														X	
apparel, piece goods & notions	3	5130											X			X	
bakeries; wholesale	4	2050											X			X	
books, periodicals, & newspaper	3	5192											X			X	
bulk mail & packaging	3	4212											X			X	
chemicals & allied products	4	5169														X	
courier services, central facility	3	4215											X			X	
courier service substations	4	4215											X			X	
drugs & sundries	3	5122											X			X	
durable goods, other	3	5099											X			X	
electrical goods	4	5060											X			X	
farm supplies, others	4	5191											X			X	
flowers, nursery stock & florist supplies	4	5193											X			X	
forest products	4	5099											X			X	
furniture & home furnishings	3	5020											X			X	
groceries & related products	3	5140											X			X	
hardware	3	5072											X			X	
jewelry, watches, precious stones & metals	3	5094											X			X	
Livestock	4	5154	S													X	27
lumber & other construction materials	4	5030											X			X	
machinery, equipment & supplies	4	5080											X			X	
market showrooms (furniture, apparel, etc.)	4	0000										X	X			X	
metals & minerals	4	5050											X			X	
motor vehicles, parts & supplies	4	5010											X			X	
movers & storage operations	4	4214											X			X	
paints & varnishes	4	5198											X			X	
paper & paper products	4	5110											X			X	
petroleum & petroleum products	4	5170														X	
plastics materials	4	5162											X			X	
plumbing & heating equipment	4	5070											X			X	

**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
professional & comm. Equipment & supplies	4	5040											X			X	
Regional Brewery (15,000-6,000,000 barrels/year)	4											S	S	S		X	23
Resins	4	5162											X			X	
scrap & waste materials, recycling	4	5093											X			X	19
sporting & recreational goods & supplies	4	5091											X			X	
tobacco & tobacco supplies	3	5194											X			X	
toys & hobby goods & supplies	3	5092											X			X	
trucking or freight terminals	4	4210														X	
utility equipment & storage yards	4	0000											X			X	
wallpaper & paint brushes	4	5198											X			X	
warehousing & storage, not including storage of any hazardous materials or waste as determined by any agency of the federal, state or local government	4	0000											X			X	

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
<b>Public Works</b>																	
electric transmission distribution poles, towers supporting cable, lines & related appurtenances	4	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
governmental public works facilities, utilities, infrastructure & appurtenances	4	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
natural gas distribution lines & related appurtenances	4	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
power generation, natural gas plants & similar production facilities	5	0000														X	
radio, television & similar transmitting towers that exceed height but not including wireless towers	4	0000	X										X			X	35
sewage collection lines, pump stations & appurtenances	4	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
sewage treatment plants, nongovernment public	4	0000	X	S	S	S	S	S	S	S	S	X	X			X	36
telephone & television cable poles, towers, supporting cable, lines & related appurtenances.	4	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
water distribution lines, booster pumps, storage facilities & appurtenances	4	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
water treatment plants, non-government public	4	0000	X	S	S	S	S	S	S	S	S	X	X			X	36
wireless telecommunication towers & facilities	4	0000	S							S		S	S			X	37

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR



**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
fabricated valve & wiring products	4	3490														X	
fats & oils, animal	5	2077														X	
fats & oils, plant	5	2070														X	
fish, canned, cured or frozen	5	2091														X	
floor coverings (excluding carpet)	4	3996														X	
food & food products, except animal rendering	4	2090														X	
furniture products	4	2500														X	
glass, including fiberglass	5	3200														X	
grain mill products	5	2040														X	
graphite & graphite products	5	3999														X	
heating equipment & plumbing fixtures	5	3430														X	
household appliances	4	3630														X	
Ice	4	2097														X	
industrial & commercial machinery	5	3500														X	
jewelry & silverware (no plating)	4	3910														X	
landfill, building debris private	5	0000														X	31
landfill, sanitary, private	5	0000														X	32
leather & leather products, excluding tanning	4	3100														X	
lighting & wiring equipment	4	3640														X	
lumber & wood products	4	2490														X	
machinery products	5	2500														X	
manufactured housing & wood buildings	4	2450														X	
measurement, analysis & control instruments	4	3800														X	
meat/poultry packing & processing (no rendering)	5	2010														X	
medical, dental & surgical equipment	4	3840														X	
metal coating & engraving	4	3470														X	
metal fasteners (screws, bolts, etc.)	4	3450														X	
metal processing	5	3350														X	
metal plating	5	3471														X	
millwork, plywood & veneer	4	2430														X	
mining & quarrying	5	1000														X	33
motor vehicle assembly	5	3710														X	
motor vehicle parts & accessories	4	3714														X	
motorcycle assembly	5	3751														X	
musical instruments	4	3930														X	
paints, varnish & finishes	4	2500														X	
paper & allied products, except manufacture of the raw product	4	0000														X	
paper products (no coating or laminating)	4	2670														X	
paper products (coating or laminating)	4	2670														X	



**TABLE OF PERMITTED & SPECIAL USES**

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
paperboard containers & boxes	4	2650														X	
pens & art supplies	4	3950														X	
petroleum & related products	5	2900														X	34
pharmaceutical preparations	4	2834														X	
photographic equipment	4	3861														X	
pottery & related products	4	3260														X	
Plastics	4	2820														X	
primary metals products and foundries	5	3300														X	
poultry operations, including hatcheries	5	0254														X	
preserved fruits & vegetables (no can manufacturing)	4	2030														X	
printing & publishing	4	2700									X					X	
railroad terminals or yards	5	4010														X	
refuse & raw material hauling	5	4212														X	
rubber products	4	3000														X	
salvage yards, scrap processing	5	5093														X	19
sawmill or planning mills	4	2420														X	
Signs	4	3993														X	
soaps & cosmetics	4	2840														X	
sporting goods & toys	4	3940														X	
stone & clay products	4	3200														X	
sugar & confectionery products	4	2060														X	
surface active agents	5	2843														X	
textile products	4	2260														X	
tires & inner tubes	5	3011														X	
tobacco products	4	2110														X	
tool product	4	3420														X	
transportation & heavy equipment	5	3490														X	
welding operations	5	7692														X	
wood containers	4	2440														X	

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Miscellaneous																	
adult oriented businesses																	
temporary events & structures			X														39
yard sales - limited to 4 one-day events per year	3	0000	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
cluster development, non-residential	*										X		X	X	X		40

## **Section 6.5 Special Requirements to the Table of Permitted and Special Uses**

The Table of Permitted and Special Uses of Article VI contains a column on the far right labeled “SR” for Special Requirements. In any case where a use listed in the Table of Permitted and Special Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this section corresponding to the Special Requirement number. For example, the use “Mobile Home Park” has the number “7” in the SR column opposite the use, therefore, the development of a Mobile Home Park must meet the special requirements for SR 7 Mobile Home Park of this section.

### **SR 1. Bed and Breakfast Inns**

In the AR District:

- a. The maximum number of guest bedrooms shall be six (6).
- b. The inn shall be operated by a resident manager.
- c. The use shall be located in a structure which was originally constructed as a dwelling.
- d. The use shall contain only one (1) kitchen facility. Meals served on the premises shall only be for overnight guests and residents of the facility.
- e. The use of such facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

### **SR 2. Two Family, Single Family Attached and Multifamily Dwellings**

- a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
  1. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
  2. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.

3. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.
- b. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the R-8 zoning district, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.
  - c. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
    1. Site Plan. No zoning permit or building permit shall be issued for construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.
    2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half ( $1/2$ ) may be rounded to the next highest number once the basic number of units exceeds twenty (20).
    3. Yard Requirements. The following yard requirements are hereby established:
      - (A) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.

(B) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(C) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.

5. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.

6. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.

7. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container. *(24-0-06, adopted 06/10/2024)*

### **SR 3. Class A Mobile Home on Individual Lot**

- a. The mobile home shall have a length not exceeding four times its width.
- b. The mobile home shall be at least 20 feet side.
- c. The pitch of the mobile home's roof shall have a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2' in 12') and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- d. The exterior siding shall consist predominantly of vinyl or aluminum 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.

- e. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, shall be installed under the mobile home.
- f. The tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement.
- g. The mobile home shall be placed on land owned by the owner of the mobile home. The mobile home shall be listed and taxed as real property.
- h. The mobile home shall be oriented so that the longest measurement shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the mobile home shall face the front property line. The front of the mobile home is that side which has an entrance door leading to a living room, foyer, or hall and is the longer dimension of the mobile home's sides.

**SR 4. Class B Mobile Home on Individual Lot**

- a. The mobile home shall have the towing apparatus, wheels, axles, and transporting lights removed. If the apparatus cannot be removed, it shall be screened from public view.
- b. The mobile home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous underpinning of a material generally accepted in the mobile home industry shall be installed under the perimeter, unpierced except for required ventilation and access.
- c. The mobile home shall be oriented so that the longest measurement shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the mobile home shall face the front property line. The front of the mobile home is that side which has an entrance door leading to a living room, foyer, or hall and is the longer dimension of the mobile home's sides. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**SR 5. Family Care Home and Family Day Care Home**

A family care home with six (6) or fewer persons or a family day care home with five (5) or fewer person may be operated as an accessory use to a principal dwelling. Provided, however, no family care home may be located within one-half mile radius of any other family care home as defined by NCGS 168-21. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**SR 6. Home Occupation, Customary**

- a. Customary home occupations such as dressmaking, cooking and baking, hairdressing, music instruction, the practice of such professions as insurance and accounting may be permitted as a conditional use within the dwelling unit in the Zoning District indicated. The Board of Adjustment shall decide whether other occupations not listed are within the spirit of this category of uses.
- b. Only one person other than those residing in the home shall be engaged in the occupation.
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- d. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one non-illuminated sign not exceeding four (4) square feet.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.

**SR. 7 Mobile Home Parks**

Mobile Home Parks shall be constructed in conformance with the following design standards:

- |    |                                      |   |
|----|--------------------------------------|---|
| 1. | Minimum site area in acres           | 5 |
| 2. | Minimum number of Mobile Home Spaces | 5 |

3.	Maximum number of Mobile Home Spaces per acre	8
4.	Minimum Lot and/or parcel width for site at front Building line in linear feet	100
5.	Minimum area per Mobile Home Space Class B Mobile Home (sq. ft.) Class A Mobile Home (sq. ft.)	400 6000
6.	Minimum area per Mobile Home Space width Class B Mobile Home (linear ft.) Class A Mobile Home (linear ft.)	45 60
7.	Maximum number of Mobile Homes per Mobile Home Space	1
8.	Minimum number of Parking Spaces per Mobile Home Space (located on each space)	2
9.	Minimum area of landing/patio per Mobile Home Space (located on each space) (sq. ft.)	1
10.	Minimum area of landing/patio per Mobile Home Space (sq. ft.)	32
11.	Hard surface walk required to connect each patio to Parking Space (minimum three (3) ft. width)	Yes
12.	Street paving required in conformance with DOT Standards for Minor Streets	Yes
13.	Maximum slope permitted on site	3:1
14.	Maximum number of driveways connecting to Streets (other than private)	0
15.	Maximum number of Private Street connections to Street per Mobile Home Park	2
16.	Minimum distance between Private Street connections to street (linear ft.)	150
17.	Maximum length of dead end and/or cul-de-sac private Street (linear ft.)	800
18.	Minimum turning circle (paved) diameter at end of each dead end and/or cul-de-sac private street (linear ft.)	70

19.	Mobile Home Park identification Sign conforming to Article IX required.	Yes
20.	Minimum separation between entrance/exit point of private street to street and nearest street intersection (linear ft.)	150
21.	Street light required at all Private Street intersections	Yes
22.	Water supply and sewage disposal facilities required	Yes
23.	Minimum Open Space required per Mobile Home Space (in acres)	0.04
24.	Private Street names required (subject to approval)	Yes
25.	Maximum number of Mobile Home Spaces with vehicular access from one-way private street	20
26.	Garbage collection and disposal by owner/operator in accordance with applicable codes required	Yes
27.	Heating oil and/or LP gas tanks with foundation permitted	Yes
28.	Minimum capacity of heating fuel tanks (gallons)	150
29.	Wood burning heat sources permitted	Yes
30.	Screening of fire wood required (no minimum height)	Yes
31.	Minimum separation between each unit (linear ft.)	24
32.	Vehicle Speed Control devices required	Yes
33.	Number of accessory buildings per mobile home space	1
34.	Minimum separation of accessory building from other mobile home on same space and other accessory buildings (linear ft.)	10
35.	Minimum separation of accessory building from other mobile homes (linear ft.)	20
36.	All mobile homes meet HUD construction standards and bear HUD tag and/or data plate	Yes



- |     |   |     |
|-----|---|-----|
| 37. | Towing apparatus removed from all mobile homes  | Yes |
| 38. | All mobile homes set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous underpinning of a material generally accepted in the mobile home industry installed under the perimeter of each home, unpierced except for required ventilation and access. | Yes |

**SR 8.                   Planned Unit Development**

- 1) PUD’s shall be permitted only when requested as a Conditional District and accompanied by a rezoning request to one of the following Zoning Districts: CD-AR; CD -R-20; CD -R-15; CD -R-12.5; CD -R-10; CD -R-8; and CD -R-6.
  
- 2) Application for PUD shall be approved only if the following findings area made:
  - a. That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
  
  - b. That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
  
  - c. The application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and
  
  - d. That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.
  
- 3) An approved PUD Conditional District and the approved verified development plan shall govern all uses and development activities in a PUD.
  
- 4) Except as otherwise provided by this SR, a PUD shall be subject to all the applicable standards, procedures and regulations of the other parts of this ordinance.
  
- 5) Minimum Size: No PUD shall be approved for a site of less than that shown in the following table. The site must be contiguous property under unified ownership or control.

Districts	Minimum
CD-AR; CD-R-20; CD-R-15; CD-R-12.5 CD-R-10	12 acres
CD-R-8; CD-R-6	6 acres

- 6) USES: Uses permitted in a PUD shall be in accordance with the following schedule, provided, that uses to be in a PUD shall be stated in the Conditional District.

Districts	Uses
All	1) All uses permitted in the corresponding Principal District. 2) In PUDs of 25 acres or more, all uses permitted in the CN and OI District except that the residential component shall be in accordance with the uses of the corresponding Principal District.

- 7) Limitations on Uses: In a PUD that qualifies for such uses by size, OI and CN uses shall not exceed ten percent (10%) of the total land area and at no time shall the cumulative amount of land development for OI and/or CN purposes exceed the cumulative amount of land development for residential purposes.
- 8) Development Standards: Development in a PUD shall be exempt from the minimum required lot width, front yard, side yard and rear yard requirements of the Schedule of District Regulations and from Section 3.2 and 3.3 relating to relationship of buildings to lots and access to streets provided that the following development standards are followed. The overall residential density limitation and residential building types of the corresponding principal district shall apply in a PUD provided that a density bonus which may involve a different residential development type may be permitted during the PUD approval process as provided for herein.
- a. Lot size: The exemption from the Schedule of District Regulation provisions shall not apply in the following situations:
- No lot for a single-family detached dwelling shall be less than the minimum lot size for a single-family dwelling in the zoning district in which the PUD is located. Zero lot line developments are permitted subject to the Special Requirements for such developments. Where the zoning district permits two-family and multi-family developments such uses are permitted subject to the Special Requirements for such developments.

- b. Vehicle Access:
  - Area between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
  - Primary vehicular access to office or commercial development shall not be through intervening residential development.
  - Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations outside of the development.
- c. Pedestrian Access: PUD's shall be designed and developed and uses so arranged to promote pedestrian access within the development.
- d. Non-Residential Areas: Non-Residential areas in PUD's shall be designed and located to principally serve the residents of the PUD and immediate surrounding area.
- e. Boundary Treatment: The scale and setbacks of development in a PUD within one-hundred and fifty (150) feet of the perimeter of the PUD shall be in harmony with development on adjacent lands.
- f. Environmentally Sensitive Areas: One of the principal purposes of the PUD procedure is to protect environmentally sensitive areas through the use of innovative arrangement of buildings and spaces. It is the intent of the PUD process that significant consideration in planning and design of PUD's shall be given to the following elements such as but not limited to:
  - Floodway and floodway fringe areas
  - Steep slopes and knolls
  - Wetlands
  - Water supply watersheds and recharge areas
  - Rock outcrops
  - Soil erosion and storm water management
  - Tree and foliage preservation
  - Habitat for threatened or endangered species
  - Areas of historical, archaeological or architectural significance
  - Useable open space; recreation area

In any case where the Town Council finds in its opinion that the PUD provides for significant protection or enhancement of any one or more of the above elements, or similar element as determined by the Town Council, the Council may award a bonus of up to ten (10) percent increase in residential dwelling units for a PUD and may permit such additional dwelling units to be of a development type not otherwise permitted in the PUD. The determination by the Council of the significant protection or enhancement of a particular element shall be based upon a comparison between the type of development that could be placed on the property under the current zoning and other regulations and the proposed development scheme for the PUD.

- g. Unified Development Plan: The application for a PUD Conditional District rezoning shall be accompanied by a unified development plan in the form of a site specific development plan.
- h. Phased Development: A PUD may be developed in phases in the same manner as a subdivision subject to the phasing requirement for subdivisions.

**SR 9. (Reserved)**

**SR 10. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities**

- a. Minimum lot size for all development except miniature golf facilities shall be two (2) acres.
- b. No principal use buildings or structures shall be located within fifty (50) feet of any property line.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
- d. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

**SR. 11 Associations and Organizations; Social and Fraternal**

- a. In the AR Residential District:
  - 1. A minimum of one (1) acre shall be required to establish any one of the above uses.

2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and property lines.
3. Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. Existing uses as described above which do not meet the one (1) acre minimum requirement of a.1. above at the time of adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 12. Golf Course; Including Pro Shop; Recreation Facilities, Private; Saddle Clubs, etc.**

There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, athletic fields, and other activity areas and adjacent residentially zoned property.

**SR 13. Swim and Tennis Clubs; Swimming Pools, Private**

- a. In any residential district the minimum area shall be one (1) acre.
- b. There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- c. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

**SR 14. Cemeteries**

- a. All buildings and burial sites shall be set back a minimum of twenty (20) feet from all property and public street lines.

**SR 15. Day Care Center (6 or more)**

An adult or child care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:

- a. Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street. *(2000 Zoning Ordinance, 0-5-02149900, adapted 02/14/2000)*

**SR. 16.                    Nursing Homes, Convalescent Care Facilities, Congregate Care Facilities and Group Care Facilities**

- a. A minimum of two (2) acres shall be required to establish any one of the above uses.
- b. All structures, including secondary and accessory structures, shall be located a minimum of fifty (50) feet from any street line and a minimum of twenty (20) feet from any other property line.
- c. Buffering, landscaping, and security requirements may be imposed as deemed appropriate by the Board of Adjustment in accordance with Section 12.5.4 of this Ordinance.
- d. Existing uses as described above which do not meet the two (2) acre minimum requirement of item 1 above at the time of adoption of that provision may expand or be reconstructed provided that such expansion or reconstruction meets the minimum dimensional requirements of the district in which located. *(OG-0-250, adopted 12/11/2006)*

**SR 17.                    Animal Clinics and Hospitals**

- a. No animals shall be stored outside totally enclosed kennels.

**SR 18.                    Animal Kennels**

In the AR District:

- a. Minimum lot size shall be as follows:

1 to 10 animals	2 acres
11 to 20 animals	3 acres
21 to 30 animals	4 acres

For each additional acre beyond four (4) acres, an additional ten (10) animals may be permitted. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are in accordance with subsection (b) below.

- b. All structures shall have minimum front, side, and rear yards of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation.

- c. Sewage disposal system and sanitation control methods as approved by the Pitt County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)

**SR 19. Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk Yards; Salvage Yards; Scrap Processing**

- a. Outdoor storage associated with the above uses shall be completely screened by a screening device at least eight (8) feet in height and ninety percent (90%) opaque.
- b. Automobile wrecking or junk yards; salvage and scrap processing uses shall require a minimum area of three (3) acres. Any area covered by six hundred (600) square feet or more of scrap material or seven (7) or more junk vehicles shall qualify as a use of this category.
- c. Uses subject to this note shall be separated in such a manner as to prevent dust and tracking of mud and debris onto adjoining parcels.

**SR 20. Funeral Homes**

In the R-8 and R-6 Districts:

- a. The buffer yard and buffer screen required by Article XA may be increased as a condition of approval.

**SR 21. Mini-Warehouse/ Self-Storage Units**

- a. All of the property for this activity shall be surrounded by a chain link fence not less than eight (8) feet in height, and shall have a planting strip of evergreen shrubs along the perimeter of the fence except the side adjacent to the access street. Said shrubs shall be at least four (4) feet in height after two (2) years growing seasons.
- b. There shall be only one (1) means of ingress and egress, with a direct connection to a public street. The buildings shall be arranged as to allow internal circulation around all buildings.
- c. All buildings shall have a minimum front setback of forty (40) feet and side and rear setbacks of twenty (20) feet.

- d. Spaces are to be used only for storage. In no case shall a rental space be used for offices, garages, music rehearsal halls or any use other than storage. Space shall be available for a manager or security patrol officer.
- e. Lighting shall be required to ensure the safety of the contents and patrons of the establishment.
- f. The driveway shall be at least fifteen (15) feet wide and shall have either a four (4) inch crushed stone surface or an adequate surface of either concrete or asphalt.
- g. The outside storage of boats, campers or other large scale items shall be allowed within a designated area enclosed with a chain link fence at least eight (8) feet high. This designated area shall be paved or shall have a crushed stone surface at least four (4) inches deep. No junked items may be stored outside.

**SR 22. Recreational Vehicle Parks or Campsites**

- a. Such uses shall comply with the following standards:
  - 1. Yard Requirements. The following yard requirements are hereby established:
    - (a) Exterior. Along any public street or public right-of-way, a setback of at least forty (40) feet from the edge of the public right-of-way shall be maintained.
    - (b) Distance between trailers. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures such as attached awnings, carports or individual storage facilities, shall, for the purpose of this requirement, be considered as part of the trailer.
  - 2. Open Space. A recreational area of not less than ten percent (10%) of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater, shall be maintained in a central and convenient location to all trailer spaces.
  - 3. Lot Area. The lot for the park shall be a minimum of two (2) acres.
  - 4. Density. The density shall not exceed twenty-five (25) trailer spaces per acre of gross area.
  - 5. Parking. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk or right-of-way or



any other private grounds not a part of the travel trailer parking area for the maneuvering of vehicles is prohibited.

6. Streets. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
  - (a) Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than five hundred (500) feet in total length; serve less than twenty-five (25) trailer spaces; and be at least eleven (11) feet in width.
  - (b) Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways which do not allow parking shall be at least twenty-four (24) feet in width.
  - (c) Internal two-way roadways which permit parking on one side only shall be at least twenty-seven (27) feet in width.
  - (d) Internal two-way roadways which permit parking on both sides shall be at least thirty-four (34) feet in width.
7. Water. Each travel trailer parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
8. Sewer. An adequate and safe sewer system shall be provided in all travel trailer parking areas. Such system shall either be a municipal system or a system approved by the appropriate County or State agency vested with the authority to approve sewage disposal systems.
9. Screening. A screening device at least six (6) feet high and ninety percent (90%) opaque shall be provided where the use adjoins residentially zoned property.
10. Service Building. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer parking areas. Service building shall be conveniently located within a radius of three hundred (300) feet to spaces which it serves.
11. Trash. The storage, collection and disposal of trash and refuse in the travel trailer parking area shall comply with all applicable regulations.

12. Time of Stay. Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of thirty (30) days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

**SR 23. ABC Sales for On Premises Consumption; Bars**

- a. Property Separation. No such establishment shall be located within two hundred (200) feet of a church, elementary or secondary school, public park, or residentially zoned property. Property separation shall not be required in the Central Business Districts.
- b. Frontage. The main entrance of the building shall be toward property zoned for nonresidential uses.
- c. Parking. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residentially zoned property.

**SR 24. Antique Shop, Arts and Craft Sales, Etc.**

In the AR Residential District:

- a. Only one (1) principal structure per lot shall be allowed.
- b. No more than one (1) permitted use per principal structure shall be allowed.
- c. No such use shall have greater than a maximum gross floor area of five thousand (5000) square feet. This measurement shall include all principal and accessory structures.
- d. All permitted nonresidential uses shall be located at least four hundred (400) feet from any portion of any existing principal use structures on adjacent lots in different ownership.

**SR 25. Shopping Centers and Malls**

- a. Minimum site size – 1 acre.
- b. The site shall have legal and actual direct access to a major or minor thoroughfare.
- c. The rear and side yard required adjoining residentially zoned property shall be increased by fifteen (15) feet.
- d. The bufferyard and buffer screen required by Article XA may be increased as a condition of approval.

**SR 26. Agricultural Chemical; Agricultural Products Wholesale**

In the AR Residential District:

- a. Minimum site size – five (5) acres.
- b. No building or outside storage shall be closer than fifty (50) feet to a residentially zoned tract not in the same ownership.

**SR 27. Livestock Sales, Wholesale**

In the AR District:

- a. Minimum lot size – two (2) acres.
- b. All buildings and storage areas, pens, etc. shall be setback a minimum of fifty (50) feet from adjoining lot lines.

**SR 28. Airports or Air Transportation Facilities**

- a. The minimum area shall be fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2000) foot runway.
- b. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.

**SR 29. Ammunition, Small Arms**

- a. No such facility shall locate within a five hundred (500) foot radius of any residentially property.
- b. Security fencing shall be provided along the entire boundary of such a facility.
- c. The facility and its operation shall observe all Fire Prevention and Protection requirements.

**SR 30. Asphalt Plants**

- a. Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the operation.
- c. Rehabilitation:

1. Within one (1) year after the cessation of production, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
  2. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
- d. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- e. Access:
1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
  2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
  3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 31. Landfill, Building Debris, Private**

- a. Setback: There shall be fifty (50) foot minimum distance from any property line.
- b. Use Separation: There shall be a three hundred (300) foot minimum separation from any residence.
- c. Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- d. Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- e. Operation: No filling is permitted in any flood hazard area. No filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.
- f. Signs: An informational board sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

**SR 32. Landfill, Sanitary, Private**

- a. An operations and rehabilitation plan shall be submitted or approval prior to permitting.
- b. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
- c. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
  - between 7:00 a.m. and 7:00 p.m. - 60 DBA
  - between 7:00 p.m. and 7:00 a.m. - 55 DBA
- d. The Rehabilitation Plan shall be referred to the 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 handling of lakes, ponds, etc.
- e. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- f. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which 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 are an acceptable means of dust inhibition.
- g. Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
- h. The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

**SR 33. Mining and Quarrying**

- a. Setback:
  - 1. The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.

2. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of both existing and abandoned operations.
  - c. Rehabilitation:
    1. Within one (1) year after the cessation of production at all mining operations, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
    2. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extraction operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding, and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses which will minimize erosion due to wind or rainfall.
    3. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to occlude any existing drainage course.
  - d. All operations involving blasting discernable beyond the external property line of a quarry shall only be conducted between the hours of 7:00 am and 6:00 pm.
  - e. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
  - f. Access:
    1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
    2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
    3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 34. Petroleum and Related Products (Wholesale or Manufacturing)**

- a. Setback:
  - 1. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or height of the tank, except that such distance shall not exceed one hundred and twenty (120) feet.
  - 2. Storage tanks not equipped as indicated in (1) above shall not be located closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.
- b. Above ground storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- c. Gravel or paved roadways shall be provided to all storage tanks.
- d. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- e. Dikes:
  - 1. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

Dikes or retaining wall shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.

2. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.
- f. Tank Maintenance:
1. All storage tanks shall be maintained in a leak-proof condition with an adequately painted rust-free exterior surface.
  2. A firm substratum shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.
- g. All storage facilities shall comply with the latest edition of the “Flammable and Combustible Liquids Code, NEPA 30” of the Nation Fire Protection Association.

**SR 35. Radio, Television or Communication Transmission Towers**

In the AR Residential District:

- a. Transmission Towers shall have a setback of one (1) foot for each one (1) foot in height of tower from all property lines and rights-of-way.
- b. No vehicles or materials shall be stored on the premises; and no offices shall be permitted.
- c. All buildings shall be setback at least twenty (20) feet from all property lines and shall be designed and landscaped with a buffer strip in such a way as to blend in with the surrounding area.
- d. All structures shall be enclosed by a chain link fence at least eight (8) feet in height.
- e. Transmission Towers with a height of one hundred (100) feet or greater shall be designed and constructed to permit the capability for co-location of at least one additional wireless telecommunication use.
- f. Transmission Towers shall not be located within two thousand (2,000) feet of any other existing transmissions tower, unless concealed within a church steeple, farm silo, or other architecturally designed encasement.
- g. Transmission Towers shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport.



**SR 36. Water Treatment Plants, Non-Governmental Public, Sewage Treatment Plants, Non-Governmental Public**

In all residential districts such plants shall meet the following standards:

- a. No use shall be made of the site that is not directly related to the operation of the plant.
- b. All buildings shall meet the minimum yard setbacks for the district in which located or twenty (20) feet whichever is the greater.
- c. Screening shall be provided adjoining residential property lines with a six (6) feet high, ninety percent (90%) opaque screen.
- d. All structures shall be enclosed by a chain link fence at least eight (8) feet in height.

**SR 37. Wireless Telecommunication Towers and Facilities**

- a. A site plan shall be submitted containing the name of the tower owner, property owner, scale, north arrow, and latitude/longitude coordinates. Existing site conditions, including contours, and unique natural or man-made features such as vegetation and ground cover. Exact boundary lines of the property containing the proposed tower construction, fall radius and any associated guide wires. Description of adjacent land use and all property owner(s) and their addresses. A front and side elevation profile, drawn to scale, of all existing and proposed towers and their antennas to be located on the property.
- b. Towers shall have a setback of one (1) foot for each one (1) foot in height of tower, plus twenty-five (25) feet from all property lines and rights-of-way, as measured from ground level.
- c. Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile radius and not exceeding three (3) mile radius from any other wireless telecommunication tower shall not be permitted, unless the applicant can prove that collocation is not a viable option and no stealth location is possible.
- d. Towers shall be no closer than five (500) feet from any existing residential dwelling, excluding any dwellings located on the same parcel of land as the tower.
- e. Towers with a height of two hundred and fifty (250) feet or greater in any district shall be subject to Board of Adjustment approval as a Special Use Permit.

- f. Towers shall not exceed three hundred and fifty (350) feet in height as measured from ground level.
- g. Towers with a height greater than one hundred and fifty (150) feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:
  - 151 feet to 200 feet - two additional antennas
  - 201 feet to 250 feet - three additional antennas
  - 251 feet to 300 feet - four additional antennas
  - 301 feet to 350 feet - five additional antennas
- h. The applicant shall be required to provide written documentation showing that no proposed tower lies within a thirty (30) foot to one (1) foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).
- i. No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted a color considered obnoxious or offensive.
- j. No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.
- k. Accessory or component buildings shall be setback fifty (50) feet from all property lines and rights-of-ways.
- l. All structures shall be enclosed by a chain link fence at least eight (8) feet in height and screened with a six (6) foot high, ninety percent (90%) opaque screening.
- m. The applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.
- n. Notice shall be provided to the Zoning Administrator when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred and twenty (120) days of receipt of notification to that effect. The applicant shall also provide the Town with written documentation substantiating that the applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.
- o. Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback requirement beyond the allowable limit according to the tower height.

- p. Towner lighting shall not exceed the minimum for red obstruction lighting as administered by the Federal Aviation Administration (FAA).
- q. All permits, for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this ordinance.
- r. The applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred and fifty (250) feet. This notice shall be by certified mail and shall include tower height and design type and date, time and location of proposed meeting.
- s. The applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities includes other towers, elevated tanks, electrical transmission lines, or other structures.
- t. The applicant shall provide the Town with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied to the Town by the applicant at the time of application.
- u. The applicant shall provide to the Zoning Administrator an inventory of its existing antennas and towers that are either within the jurisdiction of the Town or within three (3) miles of the border thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the Town. The Zoning Administrator may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

**SR 38.                   Adult Oriented Business**

- a. No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
- b. No Adult Oriented Business shall be located within one thousand two hundred (1,200) feet of a church, public or private elementary or secondary school, child daycare center or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.

- c. The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
- d. Except for an adult motel, no Adult Oriented Business may have sleeping quarters.
- e. There shall not be more than one (1) Adult 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 Adult Oriented Business.
- f. Except for signs as may be permitted by Article IX of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- g. No enclosed or underground parking shall be permitted.

**SR. 39                      Temporary Events and Structures**

The Zoning Administrator may issue a permit for temporary events and structures provided he makes the following affirmative determinations:

- a. The duration of the event will be for fourteen (14) days or less.
- b. The location of the event has not had more than two (2) temporary events in the past twelve (12) months and no events in the past thirty (30) days.
- c. The owner of the property, or his agent, has authorized in writing the event to be held on the property.
- d. The application for the permit is made at least five (5) working days prior to the event.
- e. That ample off-street parking is available.
- f. That arrangements are made for suitable garbage disposal and site clean-up.
- g. That activities within one thousand (1,000) feet of residences not on the site are to be conducted in such a manner as to not create noise that will disturb the occupants of residences. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**SR 40. Cluster Development; Non-Residential**

Cluster projects consisting of two or more principal buildings to be constructed on one or more parcels of land shall be exempt from the dimensional requirements of the zoning district in which located provided the following requirements are met:

- a. Permitted uses in a cluster development are restricted to those permitted in the zoning district in which the project is located.
- b. Overall intensity or density of development of the land shall be no greater and the standard of open space shall be no less than that permitted in the zoning district in which the project is located.
- c. Building heights in the project shall not exceed the height limits permitted in the zoning district in which the project is located.
- d. The property included in the project shall, along its exterior boundary, meet the front, rear, and side yard requirements of the zoning district in which the project is located.
- e. Cluster projects may consist of one or more parcels of land and may be subdivided for the purpose of the project. The following requirements shall be met concerning the interior arrangement of the cluster project:
  1. Buildings are required to meet external property lines but are exempt from meeting the minimum yard requirements for internal property lines.
  2. Buildings shall either adjoin each other or be separated by a minimum distance of twenty (20) feet.
  3. Overall parking requirements for the project shall be met. However, all or part of the parking requirement for a use may be located in another parcel in the project.
  4. Sign provisions shall not be exceeded but may be transferred provided that district requirements are not exceeded.
  5. In any case where buildings are to be constructed closer to an internal property line than permitted by the zoning district, in any case where parking or signs may be transferred, or in any case of other shared facilities between separate parcels in a cluster project that area needed to support the project, such as common drives and entrances and exists, a recorded perpetually binding agreement between all property owners involved in the project shall acknowledge such common facilities. (01-47, adopted 01/08/2001)

**SR 41. In the Agricultural-Residential District:**

- a. Where any use included in this special requirement is to be located on a parcel with a residential use, such use shall be conducted in a separate accessory building or shall comply with item b below.
- b. Where any use included in this special requirement is to be operated within or attached to a residential structure, the Home Occupation requirements of Special Requirement 6 of this ordinance shall apply.
- c. Where any use included in this special requirement is to be located on a parcel with a residential use, all activities associated with such nonresidential use shall be conducted within an enclosed building.
- d. Where any use included in this special requirement is to be located on a parcel with a residential use, any need for parking generated by such nonresidential use shall be met off street and other than in a required front yard. (02-0-81, adopted 08/12/2002)

**SR 41.1 In the Intermediate Commercial and Office & Institutional Districts:**

- a. All sales, service, display, and storage shall be within an enclosed building. (08-0-98, adopted 09/08/2008)

**SR 42. In the Central Business District:**

- a. All residential usage shall be on second floor or higher levels of buildings;
- b. All ground floor space shall be developed for commercial, non-residential uses, as permitted in the Central Business District;
- c. Minimum habitable floor area per unit:
  - four hundred (400) square feet per one (1) bedroom unit;
  - five hundred (500) square feet per two (2) or more bedroom unit;
- d. Minimum off-street parking requirement: one-half (1/2) space per bedroom (all fractional parking units shall be rounded to the next higher whole number);
- e. Parking location requirements: each required parking space shall be located within eight hundred (800) feet of the use it is intended to serve;
- f. Remote parking requirements: where the provision of off-street parking involves one or more parcels of land that are not a part of the plot on which the residential

units are located, the applicant for a permit for the residential uses shall submit with his application for a Zoning Compliance Certificate an instrument duly executed and acknowledged which subjects the parcels or tracts of land to parking uses in connection with the residential us for which it is made available. *(03-0-04, adapted 02/10/2003)*

**SR 43. Daycare Center**

In the R-6 and R-8 Residential Districts:

- a. Daycare Centers shall not be allowed within any structure constructed for residential use. *(04-0-56, adapted 01/12/04)*

**SR 44. Internet Sweepstakes**

The following specific provisions shall be met as minimum standards prior to approval of any business engaging in internet sweepstakes:

- a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any existing “Internet Sweepstakes”.
- b. No establishment shall be permitted within one-thousand feet (1,000’) from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or any existing multi-family dwelling, or single-family, attached or detached, dwelling.
- c. Measure of distance separation shall be in a straight line from the closet point of the building at which the internet sweepstakes business is located.
- d. The applicant for approval of an internet sweepstakes business shall provide a current certificate and straight-line drawing prepared by a registered land surveyor within thirty days prior to the application demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.
- e. No establishment, store, or restaurant may have or install any Internet Sweepstake devices or machines, or allow such activity, without obtaining approval from the Board of Adjustment and obtaining a Zoning Compliance Certificate that clearly states the use. *(24-0-061, adopted 06/10/2024)*

**SR 45. Tattooing**

Establishments offering tattooing services must be located a minimum of one-half (1/2) mile from any other establishment offering tattooing services. *(10-0-230, adopted 06/14/2010)*

**SR 46. Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products**

- a. No such establishment shall be permitted within a one-half mile radius (2,640 foot) of any existing “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”.
- b. No establishment shall be permitted within one-thousand feet (1,000’) from the property line of any existing or proposed public or private school, childcare or daycare center, public park, library, church, residential zoning district, or any existing multi-family dwelling, or single-family, attached or detached, dwelling.
- c. No establishment may sell any items described within the definition of “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” without obtaining approval from the Board of Adjustment for each item and obtaining an approved Zoning Compliance Certificate that clearly states the sale of each item within the establishment.
- d. Measure of distance separation shall be in a straight line from the closest point of the building or unit at which the “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” use is located.
- e. For approval, of a “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products” use, the applicant shall provide a straight-line drawing prepared by a registered land surveyor demonstrating compliance with separation requirements. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is made for approval.  
*(24-D-061, adopted 06/10/2024)*



## ARTICLE VII. TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

### Section 7.1      Dimensional Requirements

Each use shall as a minimum conform to the dimensional requirements of the district in which it is located. In some cases, a specific use may be required to meet the Special Requirements as set forth in Section 6.5.

	Districts	MINIMUM LOT SIZE (See Notes)		MINIMUM YARD REQUIREMENTS (See Notes)			Maximum height (in feet)
		Lot Area Square Feet	Lot Width (in feet) (1)	Front yard setback (in feet)	Side yard (in feet)	Rear yard (in feet)	
<b>A-R</b>	Single-family	20,000	90	25	15	20	35
	Two-family (4)	25,000	90	25	20	20	35
	Multi-family (2)	(3)	90	25	20	25	35
	Other Principal Structures	40,000	150	35	20	20	35
<b>R-20</b>	Single-family	20,000	90	25	15	20	35
	Other Principal Structures	25,000	90	25	20	20	35
<b>R-15</b>	Single-family	15,000	80	25	12.5	20	35
	Other Principal Structures	17,000	90	25	20	20	35
<b>R-12.5</b>	Single-family	12,500	80	25	12.5	20	35
	Other Principal Structures	14,500	80	25	17.5	20	35
<b>R-10</b>	Single-family	10,000	80	25	10	20	35
	Other Principal Structures	12,000	90	25	15	20	35
<b>R-8</b>	Single-family	8,000	70	25	10	20	35
	Two-family (4)	10,000	80	25	15	20	35
	Other Principal Structures	10,000	80	25	15	20	35
<b>R-6</b>	Single-family	6,000	50	20	10	20	35
	Two-family (4)	8,000	70	20	10	20	35
	Other Principal Structures	8,000	70	20	10	20	35

	Districts	MINIMUM LOT SIZE (See Notes)		MINIMUM YARD REQUIREMENTS (See Notes)			Maximum height (in feet)
		Lot Area Square Feet	Lot Width (in feet) (1)	Front yard setback (in feet)	Side yard (in feet)	Rear yard (in feet)	
<b>M-R</b>	Single-family	6,000	50	20	10	20	35
	Two-family (4)	8,000	70	20	10	20	35
	Multi-family (2)	(3)	70	20	10	20	35
	Other Principal Structures	8,000	70	20	10	20	35
<b>O-I</b>	Single-family	10,000	90	25	10	20	35
	Two-family (4)	12,000	90	25	15	20	35
	Multi-family (2)	(3)	90	25	20	25	35
	Other Principal Structures	15,000	90	25	15	20	35
<b>C-B</b>	Principal Structures	None	None	None	None	None	50
<b>G-B</b>	Principal Structures	20,000	90	35	20	20	35
<b>I-C</b>	Principal Structures	15,000	90	30	15	20	35
<b>C-N</b>	Principal Structures	15,000	90	25	15	20	35
<b>I</b>	Principal Structures	20,000	90	35	20	20	35

**NOTES:**

- (1) Lot Width shall be measured at the minimum front yard setback line, provided that lot width for residential lots may be measured at the actual building setback which shall not be less than the minimum and shall not be more than two (2) times the minimum. In addition, frontage on the public street shall conform with Section 3.3 (See definition of lot width).
- (2) Multi-family projects where there is more than one principal residential structure on a lot including attached single-family units, shall comply with the requirements of Special Requirement #2.

- (3) Multi-family projects.
  - (a) Minimum lot area for new construction, 15,000 square Feet.
  - (b) Minimum square footage per dwelling unit,
    - 4,000 square feet for the first unit,
    - 2,000 square feet for each additional one bedroom unit
    - 2,500 square feet for each additional two or more bedroom unit
  - (c) Minimum square footage for each conversion of an existing structure
    - 2,000 square feet for each dwelling unit
- (4) Where two family dwellings in the form of single family attached units are developed, each lot shall contain at least one-half of the minimum required lot area and meet the minimum yard requirements except where attached.
- (5) In any Residential, O-I, or C-N district the side yard requirements for corner lots along the side street right-of-way shall have an extra width of ten (10) feet.
- (6) Wherever drainage, utility, or other easement(s) extend further into a lot than minimum setback requirements, the boundary line of such easement(s) shall become the minimum setback requirement.

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000; 03-0-09, adopted 04/14/2003; 04-0-73, adopted 05/10/2004; 05-0-188, adopted 10/05/2005; 05-0-198, adopted 12/11/05;)*

## **Section 7.2 Encroachment on Easements**

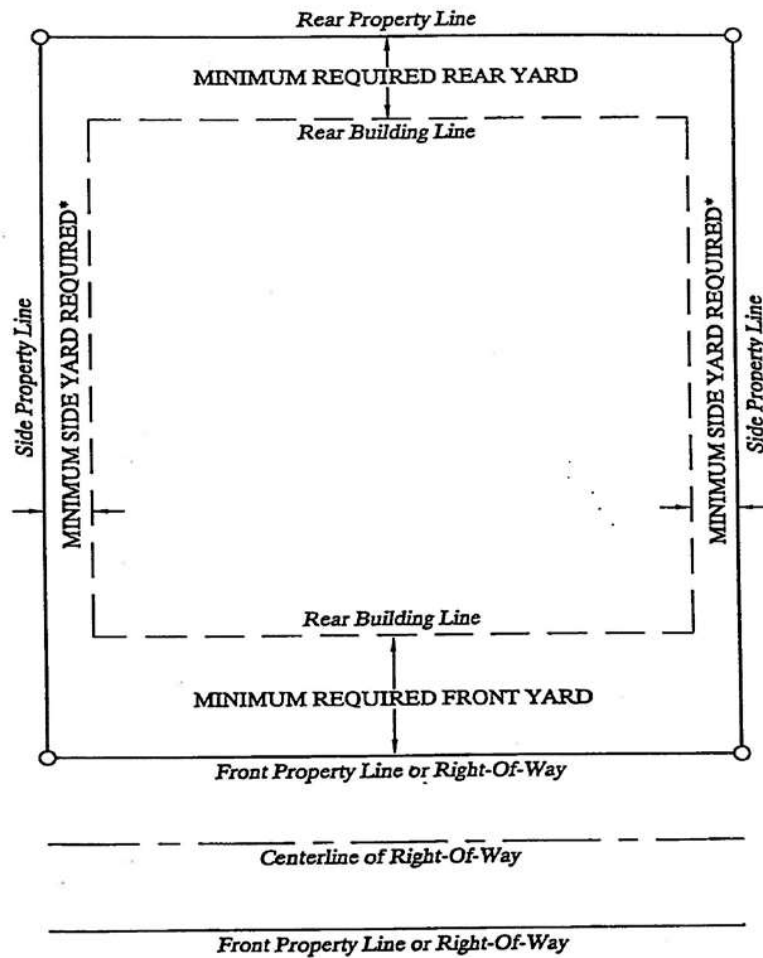
Unless specifically authorized by an Encroachment Permit issued by the Town, no portion of any building, structure, fence, or other improvement shall be erected nor encroach upon any drainage, utility, or other easements of the Town. Nor shall any tree, bush, or other plantings beyond normal ground cover encroach upon any drainage, utility, or other easements of the Town

As a condition of any Encroachment Permit issued pursuant to this section, the permit holder shall, upon request by the Town of Winterville, remove the improvements authorized by the permit from the subject easement at their own expense. Upon completion of activities necessitating access to the subject easement, the Town of Winterville may authorize replacement of the improvements in accordance with the terms of the originally issued Encroachment Permit or an amended Encroachment Permit.

Any improvement subject to an Encroachment Permit issued pursuant to this section shall be constructed and/or erected in a non-permanent and movable manner designed and arranged such that it can be easily relocated by the owner to allow access to the easement by the Town of Winterville. *(05-0-198, adopted 12/12/2005)*

# Determining Yards

## Article VII, Table of Area, Yard and Height Requirements



\*Add 10' to minimum required side yard for corner lots in all residential, O-I, and C-N districts.

Drawn by JMc December 8, 1999 S:\aaagis\Misc\Steve.DWG

**ARTICLE VIII. OFF-STREET PARKING AND LOADING**

**Section 8.1 Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding Dwelling Units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded all-weather surface open space. Off-street parking shall not be required in the Central Business District. See SR 38 for restrictions on parking facilities associated with Adult Oriented Business.

**A. Certification of Minimum Parking Requirements**

Each application for a Zoning Compliance Certificate submitted to the Zoning Administrator as provided for in this Ordinance shall include information as to the location and dimensions of off- street parking and the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met.

**B. Definition of a Parking Space**

The storage space of one (1) automobile. The size of a parking space shall be in accordance with geometric design principles for the type space and lot. (in accordance with the Town of Winterville Design Manual).

**C. Minimum Off-Street Parking Requirements**

The following off-street Parking Space shall be required:

<u><b>Classification</b></u>	<u><b>Off-Street Parking Requirement</b></u> (Any fractional space e.g., 47.3 shall be considered the next whole number, e.g., 48)
<b>Residential:</b>	
Housing designed for and used by the elderly	1 space per 2 dwelling units
Incidental Home Occupations	1 space in addition to the residential requirement provided that physicians and dentists shall have 5 spaces additional and beauty shops shall have 3 spaces additional

<b><u>Classification</u></b>	<b><u>Off-Street Parking Requirement</u></b>
Multi-family residences	1 bedroom – 1 ½ spaces per unit 2 bedroom – 2 spaces per unit 3 bedroom – 2 ½ spaces per unit
Congregate Care	1 space per two beds 1 space per 2 Dwelling Units
Single-Family and Two-Family residences (may be in a single drive with one car behind the other)	2 spaces per Dwelling Unit
<b>Commercial and Industrial:</b>	
Auto service station and/or repair shops	4 spaces per service bay, plus 1 space per wrecker or service vehicle
Auto sales	3 spaces plus 1 space per 400 square feet of building area devoted to sales
Bank and consumer financial services	1 space per 200 square feet of gross floor area
Barber shop and other Personal services	2 spaces per operator
Beauty shops	3 spaces per operator
Car washes	1 space per 1 employee
Delivery, ambulance, and other similar services	1 space per vehicle, plus 1 space for each 2 employees
Drive-through service such as banks, drive-through restaurants, automobile service stations, dry cleaners, car washes and similar uses (in addition to Use Requirements)	Stacking for 4 vehicles at each bay window or lane
Dry cleaners or laundries (self-service)	1 space per 4 rental pieces of equipment

<b><u>Classification</u></b>	<b><u>Off-Street Parking Requirement</u></b>
Eating establishments and nightclubs serving meals	5 spaces, plus 1 for every 3 seats
Fire Stations	1 space per person on duty on an average shift
Hotel, motel, motor court and similar uses	1 space per unit, plus 2 spaces per 3 employees on a normal shift
Mobile home sales	5 spaces, plus 1 space per 10,000 square feet of gross land area
Manufacturing, industrial warehousing and wholesaling	1 space per 3 employees on the largest shift
Post Offices	1 space per 200 square feet of public service area, plus 2 spaces per 3 employees on the largest shift
Retail sales except those listed below	1 space per 200 square feet of gross floor area
Retail sales of bulky items which require large amounts of floor space to the number of items offered for sale such as antiques, appliances, art, bicycles, carpet, floor covering furniture, motorcycles, paint upholstery and similar uses	1 space per 300 square feet of gross floor area
Retail uses dealing primary in service and/or repair	1 space per 200 square feet of gross floor area
Designed shopping centers	5 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store by store basis)
Radio, TV Stations	2 spaces per 3 employees on the largest shift

<b><u>Classification</u></b>	<b><u>Off-Street Parking Requirement</u></b>
Transportation terminals such as airports, bus terminals and railroad passenger stations	1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees on the largest shift
Wholesale with related retail	1 space per 3 employees on the largest shift, plus additional spaces per square floor of gross floor area devoted to retail sales as applicable from “retail sales” schedule above
<b>Office and Institutional:</b>	
Bed and Breakfast Inn	1 space per room for rent
Child care and kindergarten, less than 6 children	1 space per teacher or staff, plus space for 1 car drop-off and pickup
Churches	1 space per 4 seats in the largest assembly room
Dormitories	1 space per 4 beds
Fraternity, sorority houses	1 space per 2 beds
Elementary and junior high schools	5 spaces, plus 1 space per Teacher or staff
Funeral homes	1 space per 4 seats in the main chapel
General Offices	1 space per 200 square feet of net rentable area (Net rentable area shall be considered to be 80% of gross floor area unless otherwise shown by applicant)
Hospital, nursing and convalescent homes	1 space per 2 beds, plus 1 space per staff doctor and other medical practitioners



<b><u>Classification</u></b>	<b><u>Off-Street Parking Requirement</u></b>
Library, museum and art galleries	1 space per 300 square feet of gross floor area
Medical, dental and similar offices	7 spaces per doctor or practitioner
Nursing, convalescent homes designed and used primarily for the elderly	1 space per 3 beds, plus 1 space per staff doctor or practitioner
Orphanage, juvenile homes	1 space per 4 beds
Senior high schools, trade and vocational schools, colleges and universities	1 space per 5 students and 1 space for each employee
Auditoriums, stadiums, assembly halls and gymnasiums located on a high school, college or university campus	1 space per 12 fixed seats and 1 space per 12 movable seats in largest assembly room
<b>Recreation:</b>	
Amusements, dance halls, nightclubs not serving meals	1 space per 3 persons in designed capacity, plus 2 spaces per 3 employees on the largest shift
Auditoriums, stadiums, assembly halls, convention centers, gymnasiums, fraternal or social clubs or lodges, community recreation center	1 space per 3 fixed seats and 1 space per movable seats in largest assembly room
Bowling alleys	4 spaces per lane
Golf courses	4 spaces per tee
Indoor movie theaters	1 space per 3 fixed seats and 1 space per movable seats
Public swimming pools	1 space per 100 square feet of water area and deck
Recreational facilities such as community center, swimming pool, tennis courts, and similar activities when located in conjunction with a townhouse, condominium, group housing or homeowner association development	1 space per 25 members or tenants

Recreation Uses such as  
golf driving range, miniature golf, tennis,  
billiards or pool centers or similar  
recreational uses

1 space per tee, green, court and/or  
other method of participation  
however styled

D. Combination of Required Parking Spaces

The required parking spaces for and number of separate uses may be combined in one lot or parking structure, but the required parking spaces assigned to one use may not be assigned to another use at the same time.

E. Day Time/Night Time Assignments

One-half (1/2) of the required parking spaces for churches, theaters, or assembly halls whose peak attendance is at night or Sundays may be assigned to a use which will be closed at night or Sundays.

F. Lighting

If parking areas are lighted, the lighting fixtures shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

G. Remote Parking

On all off-street parking lots, the required space shall be provided on the same plot with the use or on a lot separated therefrom by not more than four hundred (400) feet, except for residential uses which must be provided on the same plot.

Where provision of required off-street parking for a building or other uses established subsequent to the adoption of the Section involves one (1) or more parcels or tracts of land that are not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a Zoning Compliance Certificate an instrument duly executed and acknowledged, which subjects the parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall cause said instrument to be registered in the office of the Register of Deeds upon the issuance of a Zoning Compliance Certificate. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

Parking in one Zoning District in connection with a use not permitted in that District shall be permitted in accordance with the following:

1. Business and Office uses may park in Industrial Districts.
2. Industrial and Office uses may park in Business Districts.
3. Business uses may park in Office Districts.
4. Residential uses may park in Business, Office and Industrial Districts.

In addition, any use located in one Zoning District which is also a permitted use in another Zoning District may also park in such other Zoning District in which the use is permitted. *(09-0-143, adopted 06/08/2009)*

**Section 8.2      Parking Lot Improvement, Design and Location Requirements**

All off-street parking lots including exists, entrances, drives and parking areas shall:

1. Be designed to allow for traffic movement in accordance with the geometric design principles of table 1;
2. Have physical access to a public street;
3. Be so designed that all access to public street is by forward motion;
4. Be graded, properly drained, stabilized and maintained to prevent dust and erosion;
5. Be continuously provided and maintained as long as the use which they serve exists.

Within the AR, R-20, R-15, R-12.5 R-10, R-8, R-6 and MR Residential Districts and the OI Office and Institutional District, parking lots may be located in the front yard but lots of (6) or more cars shall not be located within ten (10) feet of any public right-of-way line.

When a parking lot with space for more than six (6) cars in any zoning district including residential, adjoins any lot zoned for residential purposes, a screening device as defined in Article XA shall be provided to protect residences from light, glare, noise and fumes.

Any driveway connecting to a public street from a parking lot for six (6) or more cars shall be treated with a hard surface for the portion of the driveway within twenty (20) feet of the public street travel way. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 8.3      Off-Street Loading Requirements**

Every structure or building use for trade, business or industry hereafter erected, except in C-B District, shall provide space as indicated herein for the loading, unloading and maneuvering space of delivery vehicles off the street or public alley. Such space shall have access to a public alley, private driveway, or if such cannot reasonably be provided, to a public street. For the purpose of this Section an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have minimum dimensions of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

<u>Type of Use</u>	<u>Required Off-Street Loading Spaces</u>
Retail Business	1 space for each 20,000 square feet of gross floor area or fraction thereof
Wholesale and Industries	1 space for each 20,000 square feet of gross floor area or fraction thereof
Office and Institutions	1 space for each 50,000 square feet of gross floor area or fraction thereof

*2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE IX. SIGNS

### **Section 9.1**                      **General Provisions**

The following general provisions shall apply to signs within the jurisdiction of this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.2**                      **In General**

The regulations in this Article specify the number, types, sizes, heights, and locations of signs which are permitted within the jurisdiction of this Ordinance. It shall be unlawful for any person to erect, place, alter or maintain a sign in the jurisdiction of this Ordinance except in accordance with the provisions of this Article. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.3**                      **Determination Sign Copy Area**

In measuring the copy area of a sign permitted under this Article, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign. Where the sign consists of individual letters, numbers, characters, figures or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures or displays or the irregular shaped sign face. Where signs have appendages or additions, such as “pop-ups” or “cutouts” that extend beyond the main sign copy area, the area of such appendages or additions may be measured separately, but included in the total sign copy area. Also to be included in the total sign copy area shall be any area designed for changeable copy. Where allowed, portable signs shall be counted toward permitted maximum total aggregate sign copy area and maximum number of freestanding signs on each public street. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.4**                      **Determination of Sign Height**

The height of a sign erected within 30 feet of a street right-of-way line shall be the distance from the grade level of the nearest edge of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street right-of-way line shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.5**                      **Determination of Sign Setback; Freestanding Sign Setback**

In determining setback, measurement shall be made from the nearest street right-of-way line. All freestanding signs shall be setback a minimum of five (5) feet from any street right-of-way. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.6**                      **Protection Under First Amendment Rights**

Any sign, display or device allowed under this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message which does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such sign complies with the size, lighting, spacing, setback and other requirements of this Article. This includes signs requiring and not requiring a Zoning Compliance Certificate. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.7**                      **Changeable Copy**

Unless otherwise specified by this Article, any sign herein allowed may use manual, or electrically or mechanically activated changeable copy. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.8**                      **Illuminated Signs**

Signs which are illuminated from within or from an external source must be illuminated in a manner which avoids glare or reflection which in any way or manner interferes with traffic safety. Any external source of illumination, such as spotlights or floodlights shall be placed so that the source is not directly visible from any adjacent residential zoning districts. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.9**                      **Zoning Compliance Certificate Required**

With the exception of those signs specifically exempt from requiring a certificate, it shall be unlawful for any person to print, paint, stand, stain, engrave, construct, place, erect, illuminate, attach, suspend, enlarge, move, relocate, replace or otherwise put into use or materially alter any sign or cause the same to be done, without first obtaining a zoning compliance certificate for such sign from the Zoning Administrator.

Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.10**                      **Construction Standards**

All signs shall be constructed according to the requirements of Chapter 23 of the State Building Code, as amended. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.11 Maintenance Required**

Every sign and its support, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept in a state of good repair and aesthetic condition, free from defective, rusting, or missing parts (i.e. broken sign facing, broken supports, loose appendages or struts, disfigured, cracked, ripped or peeling paint or poster paper) or missing letters or numbers and shall be able to withstand the wind pressure as prescribed in the North Carolina Building Code. Illuminated signs shall not be allowed to operate with only partial illumination. The area within ten feet in all directions of the base of a freestanding sign shall be kept clear of debris and undergrowth.

Signs that are structurally unsafe and thereby endanger the public safety shall be removed unless they are repaired and made to comply with the requirements of Chapter 23 of the State Building Code, as amended.

The message of a sign face may be changed at any time. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.12 Dangerous or Unsafe Signs**

If the Zoning Administrator shall find that any sign is dangerous or is menace to the public, he shall give written notice of such violations to the owner of the sign, or by leaving said notice with the manager or other person who is apparently in charge of the premises or by affixing a copy of the notice to the sign, sign structure or building for a period of five (5) days. The notice shall set forth the nature of the violation and order the violator to repair the sign in such a manner to be approved by the Zoning Administrator in conformance with the provisions of this Article or remove the sign forthwith in the case of imminent instability or immediate danger of falling, and in any case within ten (10) days of receipt.

If within ten (10) days the notice is not complied with, the Zoning Administrator shall have the authority to remove the sign at the recipient's expense and to destroy or otherwise dispose of same.

In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or unsafe sign without notice. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 9.13 Removal of Discontinued Signs**

If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign and sign structure including, but not limited to, the supporting braces, anchors or similar components shall be considered discontinued regardless of reason or intent and shall, within one (1) year after such discontinuation, be removed by the owner of the property where the sign is located. This Section shall not be construed to prevent the changing of the message of a sign. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## **Section 9.14**

### **Removal & Disposal of Signs in Right-of-Way**

The Zoning Administrator shall possess the authority to remove and destroy or otherwise dispose of any sign unlawfully placed within the right-of-way of any street. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## **Section 9.15**

### **Signs Expressly Prohibited**

The following signs, components and characteristics are expressly prohibited within all zoning districts:

#### **A. Simulated Public Safety, Warning or Traffic Signs**

Signs which by their location, color, illumination, size, shape, nature, message or appearance tend to obstruct the view of or be confused with official traffic, safety or warning signs or lights or other devices erected by governmental agencies. This prohibition includes signs having no bona fide safety necessity, involving the terms “CAUTION”, “DANGER”, “SLOW”, “STOP” or “YIELD”, or which utilize geometric figures, symbols, lights, location or message not unlike official traffic, safety or warning signs, signals or lights. Provided, however, this provision is not intended to prevent the placement on private property of signs with “stop”, “yield” or other such wording or design where such is necessary for traffic control or other such legitimate notice to the public.

#### **B. Snipe Signs**

Signs placed upon or attached to any curb, sidewalk, utility pole, post, fence, hydrant, bridge, another sign or other surface, public bench, street light, or any tree, rock or other natural object located on, over or across any public street or public property. Provided, however, this provision shall not apply to the posting of public interest, security and warning signs nor to street signs placed upon poles by governmental units for designating the names of streets.

#### **C. Flashing Signs**

Signs or devices with flashing, intermittent, animated or changing intensity of illumination. Provided, however, traffic signals, railroad crossing signals and other official warning or regulatory signs and electronically controlled message center or reader boards where different copy changes, involving alphabetical or numerical characters only, present messages of a public service or commercial nature shall not be considered flashing signs.

#### **D. Motion Signs**

Signs or devices designed to attract attention, all or any part of which use movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or

moving in some other manner and are set in motion by movement of water or the atmosphere or by mechanical, electrical or other means. This shall not apply to authorized temporary signs.

E. Signs Below Minimum Clearance

Signs, marquees, canopies and awnings with vertical clearance of less than eight (8) feet above sidewalks and pedestrian areas and less than fourteen (14) feet above parking or vehicular passage areas.

F. Vehicle Signs

Signs placed upon, painted on, attached to or displayed on parked vehicles or trailers, where the primary purpose of the vehicle or trailer is to advertise a product or business or to direct people to a business or activity.

G. Signs Obstructing Motorist Visibility

Signs that substantially interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads or driveways or that obstruct the motorists view of approaching, merging or intersecting traffic including, but not limited to, signs in excess of three (3) feet in sight visibility triangles.

H. Signs In Rights-of-Way

Any sign erected in or over any public right-of-way except for major special event signs by special permit; and governmental signs.

I. Signs Emitting Glare

Signs with light sources or reflectivity of such brightness that result in glare, blinding or any other such adverse effect on motorist vision or into or upon any residential building not related to the signs; or which interfere with the effectiveness of, or obscures an official traffic sign, device or signal.

J. Pennants or Streamers

Pennants, streamers or flags consecutive strung together.

K. Obscene Signs

Signs containing words or graphics that are obscene, as defined in North Carolina General Statute 14-190.1. *(2000 Zoning Ordinance, D-51-02149900, adopted 02/14/2000)*



## L. Off-Premises Signs

A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies. *(2000 Zoning Ordinance, 0-5/-02149900, adopted 02/14/2000)*

Seasonal-Temporary Off-Premises Signs, however, may be permitted for certain permitted nonresidential uses located within the Agricultural-Residential zoning district subject to the following provisions:

- 1) For the purposes of this section, “Seasonal-Temporary Off-Premises Sign” is defined as: “A temporary, off-premises sign advertising the sale of locally grown seasonal agricultural products and/or seasonal food products such as locally grown seasonal fresh vegetables, locally grown seasonal fresh produce, locally grown seasonal pumpkins, locally grown seasonal fresh strawberries, locally grown seasonal live Christmas trees, locally grown seasonal fresh seafood, and similar locally grown seasonal plant and/or food produce.
- 2) The property on which such products are sold must be located within the zoning jurisdiction of the Town of Winterville.
- 3) The use posting such signage must be located within an Agricultural-Residential Zoning District and must be a legal Permitted Use or approved Special Use within the Zoning Ordinance. Nonconforming uses established prior to the date of adoption of this ordinance shall not be eligible uses for the purposes of this section.
- 4) Permitted off-premises signage may be located only within the following zoning districts: Agricultural-Residential, General Business, Intermediate Commercial, Industrial.
- 5) Signage permitted under this section may be displayed only during the specific season that the products advertised are customarily harvested locally and in no case shall such signage be displayed for greater than one hundred and eighty (180) days within one (1) calendar year.
- 6) The maximum number of signs permitted per use shall be four (4) and only one (1) sign may be posted on any single parcel of land.
- 7) Maximum sign copy area shall be twenty (20) square feet.

- 8) Maximum sign height shall be eight (8) feet.
- 9) No sign permitted under this section shall be erected unless and until a Zoning Compliance Certificate shall have been issued in accordance with Article XIV, Section 14.3 of this ordinance.

*(06-0-215, adopted 4/10/2006, 09-0-149, adopted 10/12/2009)*

M. Projecting Signs

Signs which project from and are supported by a building or other structure into the public street right-of-way only when such projection is greater than twelve (12) inches.

N. Roof Signs

Signs erected in whole or in part on, upon or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

O. Unspecified Temporary Signs

Temporary signs not expressly permitted by this Article.

1) All Other Signs Not Specifically Allowed

Other signs not expressly allowed by this

Article. *(2000 Zoning Ordinance, 0-51-02149900,*

*adopted 02/14/2000)*

**Section 9.16 Signs Permitted Without A Zoning Compliance Certificate**

The following signs and devices shall be permitted without the issuance of a Zoning Compliance Certificate:

A. Public (governmental, utility) Signs

Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Official signs of a non-commercial nature erected by public utilities, including safety, warning and informational signs.

B. Warning (Health, Safety, Hazard) Signs

Temporary or permanent signs erected by government agencies, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices or signs providing directions around such conditions.

C. Signs not legible off-premises

Signs which are not legible from the boundaries of the lot or parcel upon which they are located, or from any public thoroughfare or right-of-way.

D. Flags (non-advertising) (non-informational)

Flags except when such are used in connection with a commercial promotion or as an advertising device or as an integral part of a sign regulated under this Article; provided such flags are displayed on permanent pole structures. Failure to display flags in such a manner which meets Congressional protocol will be a violation of this Ordinance.

Plain flags with no advertising or information provided such flags are displayed on permanent pole structure and are properly maintained. Proper maintenance shall not permit flags which are torn, ripped, frayed, separated from their grommets or incompletely affixed to their pole structures.

All flags used in connection with a commercial promotion as an advertising device or as an integral part of a commercial sign must comply with the regulations of this Article for area, height, number and location.

E. Incidental Object or Product Signs

Small decals consolidated and affixed to window or door panes, such as indicating membership in a business group or credit cards accepted at the establishment. Any sign, painted or affixed to an object or product, where the sign is clearly incidental and accessory to the primary use and purpose of the object or product including, but not limited to, product dispensers and point of purchase displays for newspapers, soft drinks, gasoline, ice, telephone, ATM or similar items which indicate the contents of the machine, the name or logo of the supplier, the price and/or operating instructions.

F. Signs required by law

Legal notices and signs required by law, statute or ordinance.

G. Transportation facilities signs

Informational signs indicating bus stops, taxi stands, train stations and similar transportation facilities.

H. Campaign signs at polling places

Political signs displayed at polling places provided they are displayed in compliance with general law only on the day of the election is held and must be removed within seventy- two (72) hours of close of voting.

I. Street numbers

Display of street numbers on residential and non-residential buildings, structures and mailboxes.

J. Handicapped Signs

Handicapped signs as required by the Americans With Disabilities Act.

K. Window Signs

Signs placed on or attached to the interior side of a window or door glass of a building by means of adhesive, paint or manufacturing process intended for viewing from the exterior of such buildings; or a sign within a building, placed no more that twelve (12) inches behind the window that is visible through the window.

L. Temporary Signs

Temporary signs subject to the following limitations:

<b>Type</b>	<b>No.</b>	<b>Maximum Copy Area (sq. ft.)</b>	<b>Maximum Height if Freestanding (vert. ft.)</b>	<b>Maximum Display Time</b>
Temporary (Grand Opening)	1	32	10	Once for 30 days
Temporary (Going out of Business)	1	32	10	Once for 30 days
Temporary (Special event of civic or non-profit organization)	2	32	8	30 days prior to event
Temporary (Remodeling/Repair)	1	4	6	Until work completed

<b>Type</b>	<b>No.</b>	<b>Maximum Copy Area (sq. ft.)</b>	<b>Maximum Height if Freestanding (vert. ft.)</b>	<b>Maximum Display Time</b>
Temporary (Construction - one or two family dwelling)	1	4	6	Until construction Completed
Temporary (Construction – other than one or two family dwelling)	2	32	14	Until construction completed
Temporary (Construction announcement)	2	32	14	Until building permit issued
Temporary (Political)	-	32	14	60 days prior to election
Temporary On-Premises (real estate sale/ lease/rent of one or two family dwelling or lot)	1	6	6	Until sale closed or rent/lease transaction finalized
Temporary Off-Premises (real estate sale/ lease/rent of one or two family dwelling or lot)	1	3	4	Until sale closed or rent/lease transaction finalized
Temporary On-Premises (real estate sale/ lease/rent of other than one or two family dwelling or lot)	2	32	12	Until sale closed or rent/lease transaction finalized
Temporary Off-Premises (real estate sale/ lease/rent of other than one or two family dwelling or lot)	4	6	6	Until sale closed or rent/lease transaction finalized
Temporary (Non-residential (ie. Commercial, industrial))	2	32	10	45 days in any consecutive 90 day period

Temporary signs which do not meet the provisions of this Subsection shall be considered in violation of the Ordinance. Only Temporary (political), Temporary (real estate), and Temporary (special event of a civic or non-profit organization) signs shall be permitted off-premises. No temporary sign shall be illuminated. Temporary signs shall be removed within five (5) days from the date the purpose for such sign ceased to exist.

M. Miscellaneous Signs

Miscellaneous signs subject to the following limitations:

<b>Type</b>	<b>No.</b>	<b>Maximum Copy Area (sq. ft.)</b>	<b>Maximum Height if Freestanding (vert. ft.)</b>
Public Interest, Security Warning (No trespassing, soliciting, hunting or fishing/posted/private parking/danger/warning)	-	1	4
Home Occupation; Rural Home Occupation	1	3	4
Open/Closed/Hours	2	2	6
Permanent Professional or Business Announcement (Wall)	1	2	-
Building Memorial (Wall)	1	2	-
Philosophical, Religious Educational or other Non-Commercial	2	2	4
Occupant/Address (Ground or Wall)	2	2	6
Private Drive	1	2	6

<b>Type</b>	<b>No.</b>	<b>Maximum Copy Area (sq. ft.)</b>	<b>Maximum Height if Freestanding (vert. ft.)</b>
Informational/Instructional (Traffic directions, restrictions or arrows, entrance, exit, location of restrooms, public telephones, parcel pick-up, freight or service entrances, parking/loading areas and the like	-	10	4
Movable non-residential	2	16	6

Miscellaneous signs which do not meet the provisions of this Section shall be considered in violation of the Ordinance. Only Private Drive signs shall be permitted off-premises. No miscellaneous signs shall be illuminated.

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.17 Signs Permitted with a Zoning Compliance Certificate in All Zoning Districts**

The following signs are permitted in all zoning districts upon issuance of a Zoning Compliance Certificate provided that stated specific requirements, conditions and stipulations are met:

- A. All signs permitted without a Zoning Compliance Certificate and signs permitted by special permit.
- B. On-premises signs identifying a single-family residential subdivision; apartment, townhouse, condominium or other multi-family residential complex; recreational facility or manufactured home park not exceeding thirty-two (32) square feet in area. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each road or driveway entrance to the development named on the sign. Such signs shall be limited to the name and address of the premises and the on-site address and phone number of the resident agent and may be directly or indirectly illuminated. In addition one (1) identifying sign for an accessory management or rental office not exceeding six (6) square feet shall be permitted.
- C. One (1) on-premises identification sign or bulletin board for each road or driveway entrance indicating the name and/or address of the premises, schedule of services or activities, hours of operation, name of person(s) in authority, founding date of the organization or other information relevant to the operation of a school, college, park, public swimming pool, church, synagogue or other place of worship, hospital, sanitarium, art gallery, museum, library, YMCA, YWCA, community building, recreation center,

coliseum or convention center, not to exceed thirty-two (32) feet in area to be located on private property where the use occurs. Such signs may be directly or indirectly illuminated. An on-premises sign for a college, university, hospital, coliseum or convention center may exceed thirty-two (32) square feet in area if approved by the Town Council as a special exception when the Council finds that the size and scale of said sign will be in keeping with the size and scale of the development and will not be detrimental to the surrounding properties.

- D. Signs not exceeding thirty-two (32) square feet in area advertising the sale of subdivision lots, not more than one (1) sign to be located on private property at each major approach to the subdivision; provided that the display of such signs shall be limited to a six month period or until seventy-five percent (75%) of the lots are sold, whichever comes first, and may not be illuminated.
- E. One (1) on-premises ground or wall sign not exceeding thirty-two (32) square feet in area for a legal non-conforming use in a residential zoning district in which it is located. Illumination of such signs shall be permitted only between sunrise and 10:00 p.m.
- F. On-premises signs identifying private country clubs, golf courses, swimming/tennis clubs, equestrian centers, lakes, cemeteries and similar facilities operated on a profit or non-profit basis not exceeding thirty-two (32) square feet in copy area. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each road or driveway entrance to the facility. Such signs shall be limited to the name, address, founding date and hours of operation and may be directly or indirectly illuminated.
- G. One (1) on-premises identification sign for a convalescent home, nursing home, home for the care of children, medical clinic or dental clinic not exceeding twenty (2) square feet in copy area. Such sign shall be limited to the name and address of the home or clinic and may be directly or indirectly illuminated.
- H. Signs which denote religious, charitable, fraternal, military or service organizations may be freestanding and may be located off-site, provided however, that no one (1) individually chartered organization may have more than one (1) off-premises sign which shall not be illuminated. A sign denoting a single chartered organization shall not exceed four (4) square feet in area. A number of such signs may be placed on one structure, provided, however, the copy area of each individual sign does not exceed three (3) square feet in copy area and the structure does not exceed thirty-two (32) square feet in copy area.

All freestanding signs permitted by this Section in all zoning districts shall have a maximum height limit of eight (8) feet and shall have a minimum setback of five (5) feet from any public right-of-way. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*



**Section 9.18 Signs for Permitted Non-Residential Uses Permitted in Residential Districts**

Signs for permitted non-residential uses in residential districts, other than those permitted with a zoning compliance certificate in all districts under the provisions of Section 9.17, shall be permitted under the provisions of the most restrictive non-residential district in which the uses are permitted except that sign copy area may not exceed seventy-five percent (75%) of the maximum size allowed. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.19 Signs Permitted in Non-Residential Zoning Districts**

The following permanent signs are permitted, upon issuance of a zoning compliance certificate regarding the proposed sign(s), in non-residential zoning districts, provided that stated requirements, conditions and stipulations are met.

A. Permanent On-Premises Signs Permitted per Single Establishment on a Single Parcel or Lot

The following permanent on-premises signs are permitted in the respective non-residential zoning districts for single establishments on single parcels or lots upon issuance of a zoning compliance certificate regarding the proposed sign(s), provided stated specific requirements, conditions, and stipulations are met, as follows:

See Notes (1) and (2)	OI	CN	CB	GB	I	IC
Maximum Aggregate Sign Copy Area (1) (Sq. ft. per linear feet of each principal building wall facing a public street or alley or facing a private access way if an establishment has no frontage on a public street.	1	2	3	4	4	I 3
Up to a Maximum (Sq. ft.)	60	90	120	300	300	200
Maximum Number of Freestanding Signs	1	1	1	2	2	1
Maximum Copy Area of Freestanding Signs (Sq. ft.) (2)	24	36	48	120	120	80
Maximum Height of Freestanding Signs	12	15	18	30	30	30
Type of Illumination Permitted B = Back Lighted I = Internally Lighted E = Externally Lighted	B/E	B/E	I/B/E	I/B/E	I/B/E	B/E

- (1) Maximum Total Aggregate Sign Copy Area may be increased by ten percent (10%) if no freestanding sign is used on the premises for the establishment.
- (2) One additional freestanding sign is permitted for lots with frontage on more than one street. A freestanding sign on a corner lot may be increased up to twenty-five percent (25%) is one (1) freestanding sign is used where more than one would have been allowed.

B. Permanent On-Premises Signs Permitted for Multiple Establishments on a Single Parcel or Lot

One combined or common permanent on-premises freestanding sign for multiple establishments on a single parcel or lot shall be allowed on each public street and may exceed the maximum copy area for free standing signs in Subsection A. by the following percentages:

- 1 – 10 establishments – up to 25%
- 11 – 20 establishments – up to 50%
- 21 – 30 establishments – up to 75%
- 31 – 40 establishments – up to 100%
- 41 – 50 establishments – up to 125%
- 51 or more establishments – up to 150%

Maximum aggregate sign copy area in Subsection A may be exceeded by the same extent.

Other signs for each individual establishment shall be in accordance with Subsection A. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

Establishments participating in combined or common freestanding signs may not also have individual freestanding signs. *(01-58, adopted 01/12/2001)*

C. Permanent On-Premises Signs Permitted for Establishments on Adjacent Parcels or Lots Utilizing Shared Parking and Driveway Connections

Establishments on adjacent parcels or lots utilizing shared parking and driveway connections may exceed maximum copy are for freestanding signs in Subsection A by twenty-five percent (25%) for a combined or common freestanding sign. Maximum copy area in Subsection A. may be exceeded by the extent. Such combined or common f freestanding sign shall not be considered to be an off-premises sign for any of the establishments advertising on the sign. Establishments participating in combined or common freestanding signs may not also have individual freestanding signs. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 9.20 Signs Permitted By Special Permit**

The following signs are permitted only by special permit issued by the Town Council and shall conform to all stated regulations and to all conditions and requirements imposed by the Council in issuing the permit:

A. Festival and Major Event Signs

For the purpose of giving directions and information, temporary on-premises and off-premises signs pertaining to festivals and other major special events are permitted with

approval of the Town Council subject to a special permit specifying the size, location, lighting, design, display and duration. The number of signs shall be set by the Council.

*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE X. ARCHITECTURAL STANDARDS

### **Section 10.1. Applicability**

- A. The architectural standards of this Article shall apply to new construction or expansion of commercial, office, industrial, and institutional buildings.
- B. Expansions to existing structures must meet the requirements of this Article. If the expansion is equal to or greater than fifty (50) percent of the exiting square footage, the entire structure shall be made to comply with the requirements of this article. *(07-0-29, adopted 10/08/2007)*

### **Section 10.2. Industrial Use Standards**

- A. For all uses within an Industrial Zoning District that have a land use classification number of 4 or higher, in accordance with Article VI, Section 6.4 of this ordinance, if metal or unfinished concrete block are used on the lower half of any façade facing a public street, landscape screening shall be installed in accordance with Section 10.4 of this article.
- B. All other uses within an Industrial Zoning District shall comply with the standards of Section 10.3 of this Article. *(07-0-29, adopted 10/08/2007)*

### **Section 10.3. Standards for All Other Non-Residential Uses**

- A. Facades **facing** a public street shall not be comprised of metal or unfinished concrete block.
- B. If metal or concrete block are used on the lower half of any other façade **visible** from a public street, landscape screening shall be installed in accordance with Section 10.4 of this Article.
- C. Any wall visible from an existing or proposed public right-of-way shall incorporate a minimum of two architectural accent elements of doors, windows, columns, color changes, texture change, recesses, and/or material changes such as wood, brickwork, stucco, tile, and/or canvas canopies. Fifty (50) linear feet of a wall shall be the maximum length without an architectural accent element.
- D. Façade and visible roof colors shall be of low reflective earth tone, muted, subtle, or neutral colors. Neon, or similar gas tubing, is not allowed as an accent material. Colors including, but not limited to florescent, day glow, or neon shall be prohibited as a primary wall or roof color.
- E. All flat roofs and rooftop mechanical equipment shall be screened by architectural treatments such as, but not limited to, parapet walls.

- F. In addition to any required visual barriers or vegetation improvements, all garbage/trash container pads shall be enclosed on three (3) sides by a complete visual barrier consisting of a fence, evergreen vegetation or combination thereof. All garbage/trash container pads shall be located in a side or rear yard not adjacent to a street. In the event that a lot or tract has multiple street frontages, such that all yards are adjacent to a street, container pads shall be located in the least publicly visible yard space of the facility.
- G. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- H. Mobile units (units designed to be transported to the building site on its own chassis) shall be prohibited, except for temporary use during construction or for storage of materials during construction, with an approved Zoning Compliance Certificate. *(07-0-291, adopted 10/08/2007)*

**Section 10.4. Landscape Screening Requirements**

Landscape screening plants required by this Article shall:

- 1) Be shown in detail on the site plan and approved by the Winterville Planning Department;
- 2) Be installed no more than ten (10) feet apart and not further than ten (10) feet from the building wall;
- 3) Be a minimum of three (3) feet tall when planted;
- 4) Be of a species that forms a continuous year-round opaque screen within three (3) years after planting;
- 5) Reach a height of at least seventy-five percent of the height of the wall at maturity,
- 6) Be installed in addition to any other required site vegetation, buffer, or landscaping;
- 7) Be installed and approved before a Final Site Approval Certificate is granted, except when seasonal weather conditions are not conducive. In such case, a Temporary Final Site Approval Certificate may be issued for up to sixty (60) days.
- 8) Be perpetually maintained so all plantings remain in a healthy condition. Any dead, unhealthy, or missing vegetation shall be replaced at the earliest suitable planting season. *(07-0-291, adopted 10/08/2007)*

## **Section 10.5 Multi-Family Design Standards**

### **A. Purpose and Intent**

These multi-family residential design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing the minimum requirements for design and configuration of multi-family development within the Town's planning jurisdiction. They are intended to:

- 1) Ensure multi-family development takes place in a manner consistent with the contexts, scale, and proportion of surroundings;
- 2) Promote greater compatibility between new multi-family development and other allowable use types, particularly adjacent residential single-family detached dwellings;
- 3) Establish expectations for minimum level of quality for multi-family development;
- 4) Encourage creativity in design and promote individual project identity;
- 5) Create neighborhoods with enhances architectural and visual interest; and
- 6) Preserve property values and project public and private investment.

### **B. Applicability**

Except where expressly exempted in writing in this Ordinance, the standards in this section shall apply to the following forms of development:

- a. New multi-family dwellings;
- b. New triplex and quadplex dwellings; and
- c. New multi-unit residential structures within a continuing care retirement community use type; and
- d. New assisted living facilities and nursing homes.

### **C. Timing of Review**

Except where expressly exempted in writing in this Ordinance, the standards in this section shall apply to the following forms of development:

### **D. Design Requirements**

Development subject to these standards shall be designed in accordance with the following:

#### **1) Street Network**

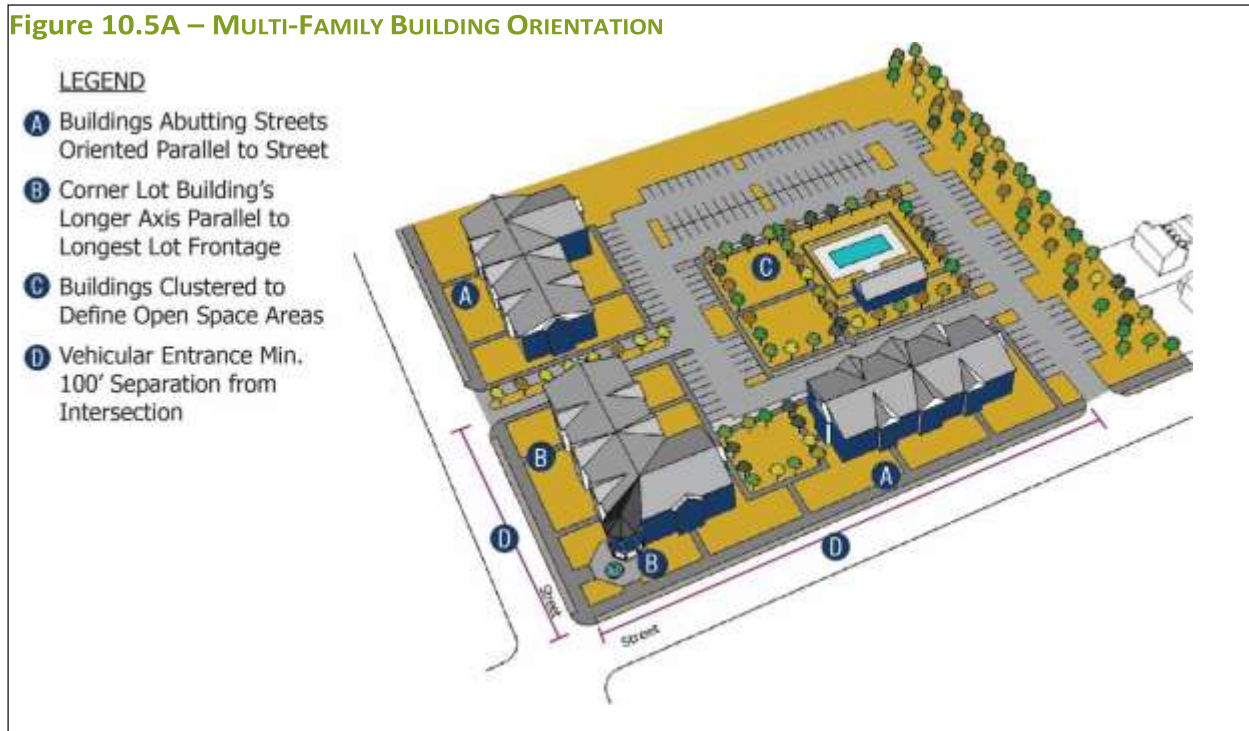
- a. On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.

- b. Vehicular driveways into a development with 10 or more dwelling units shall be at least 100 feet away from any major intersection, to the maximum extent practicable.
- c. Driveways shall be consolidated in order to reduce curb cuts, to the maximum extent practicable.

2) Building Orientation

- a. Building that abut streets shall be oriented parallel to the street front rather than being oriented at an angle to the street.
- b. On corner lots, the long axis of the building shall be parallel to the longest lot frontage unless such orientation is incompatible with adjacent, existing development along the same street (see Figure 10.5A: Multi-family Building Orientation).
- c. Building within multiple-building developments shall be clustered in order to define open space recreation areas and development entry points.

**Figure 10.5A – MULTI-FAMILY BUILDING ORIENTATION**



3) Building Entrances

- a. The facades of building abutting streets shall be configured so that entryways to individual dwelling units or shared entrances face the street.
- b. Access to upper-floor dwelling units shall be obtained from shared internal entries. In no instance shall walkways to individual upper-story dwelling units take place on the exterior of the building.
- c. Individual ground-floor and shared entryways shall be sheltered from the weather either by:
  - 1) Recessing the entrance at least three feet to the inside of the primary ground floor façade plane; or

- 2) Inclusion of an overhead architectural treatment that extends outward at least three feet from the primary façade plane.

#### 4) Building Facades

- a. Buildings subject to these standards shall maintain a consistent level of architectural detailing and composition on each building façade facing a street.
- b. Building facades facing streets shall provide a minimum of three of the following architectural elements (see Figure 10.5B: Multi-family Building Facades):
  - 1) A covered porch or terrace;
  - 2) One or more dormer windows or cupolas;
  - 3) Eyebrow windows;
  - 4) Awnings or overhangs;
  - 5) Decorative moldings;
  - 6) Shutters;
  - 7) Pillars, posts, or pilasters;
  - 8) One or more bay windows with a minimum twelve-inch projection from the façade plane;
  - 9) Multiple windows with a minimum of four-inch-wide trim;
  - 10) Corniced parapets;
  - 11) Eaves with a minimum of four-inch-wide trim; or
  - 12) Integral planters that incorporate landscaped areas and/or places for sitting.
- c. Garage entries, loading and service entries, utility rooms, stairs, elevators, or similar features shall not occupy more than 20 percent of the width of a building façade facing a street.
- d. Attached street-facing garages serving individual dwelling units shall be recessed at least three feet inwards from the primary first floor façade plane or be associated with an upper-story projection that exists above the garage.
- e. Developments with three or more principal buildings shall provide variation in building size, shape, height, color, and roofline in a manner that allows different building to be distinguished from one another.



**Figure 10.5B – MULTI-FAMILY BUILDING FACADES**

**LEGEND**

- Ⓐ Covered Porch or Terrace
- Ⓑ Dormer Windows or Cupolas
- Ⓒ Eyebrow Windows
- Ⓓ Awnings or Overhangs
- Ⓔ Decorative Moldings
- Ⓕ Shutters
- Ⓖ Pillars, Posts, or Pilasters
- Ⓗ Bay Window(s) (Min. 12" Projection)
- Ⓘ Windows With Minimum 4" Wide Trim
- Ⓝ Corniced Parapets
- Ⓚ Eaves With Min. 4" Wide Trim
- Ⓛ Integral Planters or Seating Areas

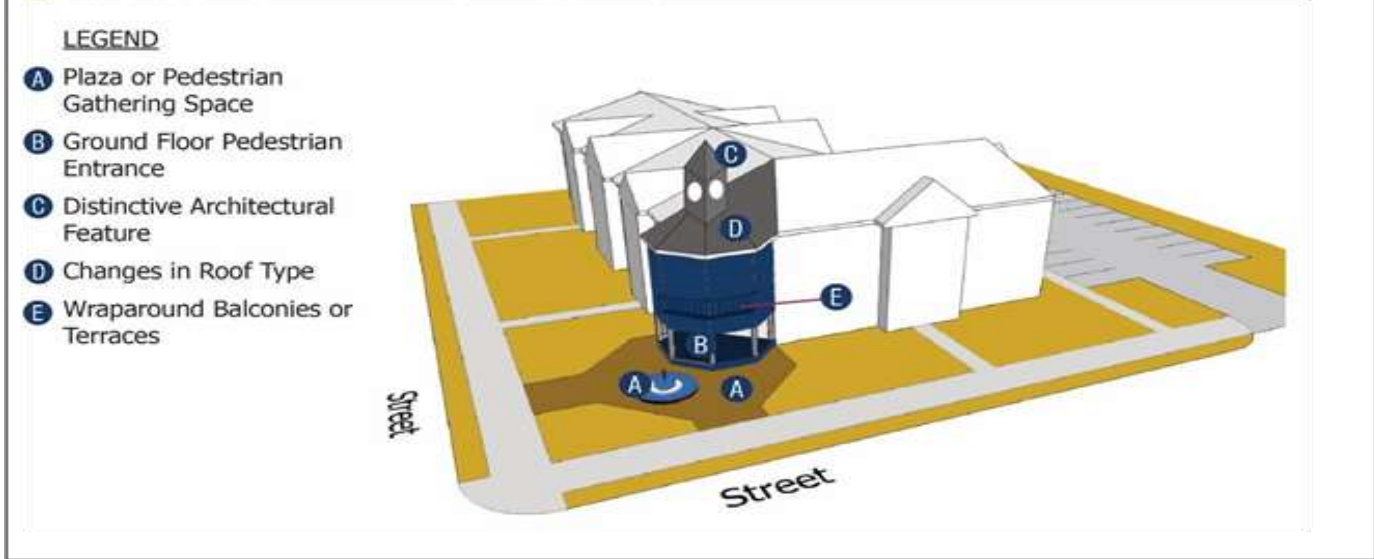


**5) Building Corners**

Building corners that are adjacent to one or more streets shall include at least one of the following features (see Figure 10.5C: Multi-family Building Corners):

- a. A plaza or other gathering space;
- b. A shared ground-floor pedestrian entryway;
- c. A distinctive roof feature such as a tower, turret, spire, pediment, or other architectural feature with a height above the roofline of adjacent dwelling units;
- d. Changes in roof type or pitch from the adjacent building sides; or
- e. Upper-story balconies or terraces that wrap both sides of the corner.

**Figure 10.5C – MULTI-FAMILY BUILDING CORNERS**



**6) Building Massing**

- a. Upper story façade walls shall not project beyond the ground floor footprint except to accommodate bump-outs with windows.
- b. In the case of two-story buildings, the exterior façade walls of the second floor shall be in line with or setback from the first-floor façade walls.
- c. In the case of three- (or more) story buildings, upper story façade walls shall be setback from the second or ground-floor floor façade walls to preserve light and air and avoid casting shadows (see Figure 10.5D: Multi-family Building Massing).

**Figure 10.5D – MULTI-FAMILY BUILDING MASSING**



## 7) Building Articulation

- a. Street-facing building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary façade plane, of at least two feet for every 35 linear feet of façade frontage (see Figure 10.5E: Multi-family Façade Articulation).
- b. Where provided, projections or recesses shall extend from the grade to the top of the highest story in line with the ground-floor footprint.

**Figure 10.5E – MULTI-FAMILY FAÇADE ARTICULATION**



## 8) Roof Form

- a. Development shall incorporate roof pitches between 3:12 and 12:12 or shall incorporate parapet walls with a dimensional cornice around a flat roof.
- b. Alternative roof forms or pitches are encouraged for small roof sections over porches, entryways, or similar features.
- c. Buildings with eaves shall be configured such that no single horizontal eave continues for more than 60 linear feet without being broken up by a gable, building projection, and articulation feature.
- d. Buildings with overhanging eaves and roof rakes shall extend at least six inches past supporting walls.

## 9) Building Materials and Colors

### Configuration

- a. The predominate exterior material shall be brick, stone, cementitious, or other masonry material.

- b. Buildings subjects to these standards shall include at least two primary exterior materials on any single building.
- c. Changes in colors and materials shall take place at internal corners or in logical locations, such as: building wings, bays, bump-outs, or recesses (see Figure 10.5 F: Multi-family Building Materials). In no instance shall exterior materials or colors change at outside corners.
- d. Heavier or more bulky exterior materials shall be located beneath or below lighter materials.

Prohibited Materials

The following materials shall be prohibited on any façade facing a street, open space, or district intended primarily for single-family detached development:

- a. Smooth-faced concrete block;
- b. Corrugated metal siding;
- c. Vinyl siding (excluding windows or soffits); or
- d. Synthetic stucco within two feet of the grade.

**Figure 10.5F – MULTI-FAMILY BUILDING MATERIALS**

**LEGEND**

- A** Minimum Two Primary Exterior Materials on Each Building
- B** Material Changes at Logical Locations (Internal Corners, Wings, Bays, Bump-outs, or Recesses)
- C** Heavier Materials Below Lighter Materials



## 10) Accessory Structures

Accessory uses and structures associated with a development subject to these standards shall comply with the following:

- a. Street-facing detached garages on corner lots shall be located to the side or rear of buildings.
- b. Access to accessory structures (such as garages, carports, storage areas, etc.) shall be provided from alleys or secondary streets, to the maximum extent practicable.
- c. Accessory buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.
- d. Accessory structures shall not physically obstruct pedestrian entrances.
- e. Centralized refuse collection containers, if provided, shall be in an enclosed area located to the rear of principal buildings.

## 11) Site Features

- a. Except for nursing homes, development subject to the standards shall not include a gate or obstruction that blocks access to the site for vehicles, bicycles, or pedestrians.
- b. Off-street parking serving guests shall be evenly distributed throughout the development.
- c. Shared refuse collection containers shall be evenly distributed throughout the development or be centrally located.
- d. Detached garages or carports shall not be located between a principal building and the street in faces.
- e. Utilities shall be provided underground, and utility vaults shall be clustered in areas outside of required landscaping.

## ARTICLE X-A. VEGETATION AND BUFFERING REQUIREMENTS

### **Section 10A.1. Vegetation Requirements**

The intent of these regulations is to enhance the appearance and value of property, preserve the natural environment, mitigate flood and stormwater hazards, and improve the built environment. *(07-0-291, adopted 10/08/2007)*

#### **Section 10A.1.01. Applicability**

- A. The provisions of this Section shall apply to those uses having a Land Use Classification number of 2 or more, in accordance with Article VI, Section 6.4 of this ordinance.
- B. Site vegetation is required for all multi-family land uses and all nonresidential land uses except those uses within the Central Business District zoning classification that have limited planting area due to minimal setback requirements. When available planting space exists on a site, a site vegetation plan shall be submitted for approval by the Planning Director, or his designee, to provide vegetation as appropriate in the available space. *(07-0-291, adopted 10/08/2007)*

#### **Section 10A.1.02 Landscape Plan**

When a site plan review is required pursuant to this ordinance or when application is made for a permit on any land to which the requirements of this Article apply, the site plan shall be accompanied by a landscape plan. The landscape plan shall include the following site data and notes:

- 1) *Site data.*
  - a. Total per acre requirement by category.
  - b. Total street tree requirement by category for each public and/or private street frontage.
  - c. Total screening requirement for each individual bufferyard.
  - d. Proposed vegetation by category and total number of materials to be located within each individual public utility or drainage easement.
- 2) *Notes.*
  - a. Minimum plant sizes shall be as follows:

<i>Planting Material Type</i>	<i>Minimum Planting Size</i>
1. Large tree	
single stem	10 feet (height) and 2 inch caliper
multi-stem clump	10 feet (height)
2. Small tree	8 feet (height) and 1 ½ inch caliper
3. Shrub	18 inches (height)
  - b. Existing substitute vegetation materials shall be noted including their specific location(s), type(s) and size(s). *(07-0-291, adopted 10/08/2007)*

### Section 10A.1.03. Minimum Site Vegetation Requirements

#### A. Calculation of Minimum Site Vegetation

- 1) For the purposes of this Section, the total gross acreage of a lot or tract carried to one (1) decimal point (0.0) shall be multiplied by each of the following minimum requirements to determine the minimum site vegetation:

Three (3) large trees; and  
Seven (7) small trees; and  
Twenty (20) shrubs.

Any fractional requirement over 0.50 shall be rounded up to the next whole number.

Provided, however, no lot or tract regardless of acreage, shall have less than the following minimum site vegetation (these minimum quantities shall not be eligible for the substitution allowances of Section 10.A.1.05.):

One (1) large tree; and Five  
(5) small trees; and Ten  
(10) shrubs.

- 2) The area within any public utility easement, public drainage easement or other public easement, wherein the owner is prohibited from locating required vegetation materials shall not be included in the calculation of total gross acreage.

#### B. Site Vegetation Standards

- 1) Site vegetation shall be arranged so that at least twenty five percent (25%) of the required site vegetation of each plant type is located within the street yard area. The street yard area is defined as the area between any abutting street right-of-way line (public and/or private) and the adjacent minimum setback line of the lot or tract. Street yard planting areas shall be a minimum of ten (10) feet in width.
- 2) Site vegetation shall be arranged so that no vehicular parking space is greater than fifty (50) feet from a tree as measured from the farthest edge of the parking space to the tree trunk.
- 3) A *large tree* is defined as a tree growing to a height of thirty-five (35) or more feet at maturity. A *small tree* is defined as a tree growing to a height of fifteen (15) to thirty-five (35) feet at maturity. A *shrub* is defined as a low growing plant, generally characterized by several upright stems, typically not exceeding ten (10) feet in height.
- 4) Large trees, single stem, shall be a minimum height of 10 feet and shall have a minimum caliper of 2 inches at planting. Large trees, multi-stem clump, shall have be a minimum height of 10 feet at planting. Small trees shall be a minimum height of 10 feet and shall have a minimum caliper of 1 ½ inches at planting. Shrubs shall be a minimum height of 18 inches at planting.

- 5) Site vegetation shall be placed in a manner that meets the intent of this ordinance, and shall be maintained by the property owner so that all plantings remain in a healthy condition. Any dead, unhealthy, or missing vegetation shall be replaced at the earliest suitable planting season.
- 6) All open spaces shall be grassed, seeded with lawn, or provided with other acceptable ground cover or other erosion control material.
- 7) When required plantings are located in interior parking areas, planting areas for one tree shall be no less than one hundred sixty two (162) square feet and planting areas for more than one tree shall be no less than three hundred (300) square feet. The minimum width of internal planting areas shall be six (6) feet. Interior parking area is defined as the area within the property used for vehicular storage, parking, and movement.
- 8) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard.
- 9) In addition to any required visual barriers or vegetation improvements, all garbage/trash container pads shall be enclosed on three (3) sides by a complete visual barrier consisting of a fence, wall, evergreen vegetation or combination thereof. All garbage/trash container pads shall be located in a side or rear yard not adjacent to a street. In the event that a lot or tract has multiple street frontages, such that all yards are adjacent to a street, container pads shall be located in the least publicly visible yard space of the facility. *(07-0-291, adopted 10/08/2007)*

#### **Section 10A.1.04. Street Yard Planting Requirements**

The street yard area is defined as the area between any abutting street right-of-way line (public and/or private) and the adjacent minimum setback line of the lot or tract. Street yard planting areas shall be a minimum of ten (10) feet in width. As provided under Section 10A.1.03, B, 1, at least twenty five percent (25%) of the minimum required site vegetation of each plant type shall be located within the street yard area. In addition to this requirement, street yard areas shall also meet the following minimum vegetation requirements:

- a. Street yard planting areas shall be a minimum of ten (10) feet in width.
- b. A minimum of two (2) large trees shall be provided for each one hundred (100) linear feet or fraction thereof of street frontage (public or private)
- c. Street yard vegetation may count toward the minimum site vegetation requirements of Section 10A.1.03, however, additional materials may be necessary as required to comply with the street yard planting requirements of this Section. *(07-0-291, adopted 10/08/2007)*



## **Section 10A.1.05. Credits and Substitutions**

### **a. Credits**

Credit for retention of existing trees may be granted on a one-to-one basis for each healthy, viable tree retained and protected. When using existing trees, the area under the dripline (maximum extension of the branches) must remain undisturbed. This includes grading, filling, paving, etc. During land development and construction activities, existing trees shall be screened and buffered by means of a visible barrier which identifies the limits of protection.

### **b. Substitutions**

Subject to the provisions of Section 10A.1.03.A., the following substitutions may be permitted:

- One (1) large tree may substitute for two (2) small trees;
  - Two (2) small trees may substitute for one (1) large tree;
  - One (1) small tree may substitute for two (2) shrubs.
- (07-0-291, adopted 10/08/2007)*

## **Section 10A.2. Bufferyard Requirements**

### **Section 10A.2.01 Purpose**

It is recognized that certain land uses, because of their character and intensity, may create adverse impacts when developed adjacent to other less intensive land uses. The general purpose of this Section is to establish regulations protecting and preserving the appearance, character and value of property and to recognize that the transition between certain uses requires attention to protect less intensive uses. The objectives are to identify those land use relationships that may be incompatible and to specify an appropriate buffer or screen, the purpose of which is to minimize any adverse impacts. *(07-0-291, adopted 10/08/2007)*

### **Section 10A.2.02 Illustration of Bufferyards.**

Prior to issuance of any permit or the granting of any other approval the applicant shall indicate on all required plans, type and dimension of all bufferyards required by this article. *(07-0-291, adopted 10/08/2007)*

### **Section 10A.2.03 Land Use Classifications**

There are five different Land Use Classifications for purposes of determining applicable bufferyard requirements. The Land Use Classification number for proposed and adjacent land uses shall be obtained from the "Table of Permitted and Conditional Uses," Article VI, Section 6.4 of this ordinance. The Bufferyard Chart under Section 10.4 of this Article identifies the Bufferyard Type required for a given development, based on the relationship between the adjacent land uses. *(07-0-291, adopted 10/08/2007)*

**Section 10A.2.04 Bufferyard Chart**

A. There are four different Bufferyard Types, designated as A, B, C, & D. Bufferyard Types shall be provided in accordance with the *Bufferyard Chart* under this Section.

*Bufferyard Chart*

Proposed Land Use Classification	DEVELOPED Adjacent Land Use Classification					VACANT Adjacent Zoning District	
	1	2	3	4	5	Residential District	Nonresidential District
2	A	na	na	na	na	A	na
3	B	B	na	na	na	B	na
4	C	C	na	na	na	C	na
5	D	D	na	na	na	D	na

B. Bufferyard Exceptions.

(1) Central Business District Zoning

The bufferyard requirements of this Article shall not apply to those uses located within the Central Business District zoning classification.

(2) Agricultural-Residential Zoning

Where the zoning classification of adjacent property is Agricultural-Residential, bufferyard requirements shall be applied based upon adjoining land use rather than zoning classification. Bufferyard requirements shall not apply to vacant, cultivated, or wooded land within an Agricultural-Residential zoning classification, however, they shall apply with respect to any developed abutting parcel. *(07-0-291, adopted 10/08/2007)*

**Section 10A.2.05. Bufferyard Minimum Standards**

A. The intent of this section shall be to provide a complete year round opaque visual barrier between incompatible land uses. Qualified vegetation should therefore be spaced to accomplish this end. No horizontal plane, as viewed perpendicular from the property line, may be void of vegetation within five (5) years of planting for a height of at least twelve (12) feet. Beyond this five-year time period such vegetation screening shall be expected to increase in height in accordance with the natural growth patterns of the approved materials.

B. A complete visual screen shall be installed along the entire length of the subject bufferyard in accordance with the standards set out in the *Bufferyard Standards Chart* under this section.

*Bufferyard Standards Chart*

Bufferyard Type	Minimum Width  *Notes 1 & 2	Minimum Vegetation Material Per 100 Linear Feet		
		Large Evergreen Trees	Small Evergreen Trees	Evergreen Shrubs
A	10 feet	3	4	16
B	20 feet	4	6	16
C	30 feet	6	8	26
D	50 feet	8	10	36

*Note 1:* Where a bufferyard width requirement is greater than the minimum setback requirement for the subject zoning classification, the bufferyard width requirement shall become the minimum setback requirement from the adjacent property line.

*Note 2:* a. Fence option. Where a fence, in accordance with subsection b below, is installed the bufferyard width may be reduced to:

- Bufferyard A - not less than 8 feet;
- Bufferyard B - not less than 10 feet;
- Bufferyard C - not less than 15 feet;
- Bufferyard D - not less than 25 feet.

b. When the fence option is used for bufferyard width reduction, such fence must create a complete visual barrier for at least six (6) feet in height. Such fence shall be located on the interior side of required buffer vegetation materials. Acceptable fence materials are cedar, masonry, redwood, composite, plastic, treated lumber resistant to rot, or other materials specifically designed as fencing materials. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section. Fence installation shall be consistent with acceptable building practices.

**C. Measurement; location of bufferyards.** Bufferyard width shall be measured from lot boundary lines except as further provided.

**D. Thoroughfares.** Where a lot is located in proximity of an existing or future thoroughfare, as show on the officially adopted thoroughfare plan, all bufferyards shall be measured from the ultimate future thoroughfare right-of-way lines or property line, which yields the greatest setback.

**E. Overlapping bufferyards.** Whenever two (2) or more bufferyard requirements are applicable to the same use or combination of uses, then the more stringent of the bufferyard requirements shall apply, except as further provided.

- F. *Planned center.* In the case of planned centers containing multiple principal uses, such as shopping centers, office/commercial unit ownership type developments and the like, the initial bufferyard requirement shall be based on the anticipated primary occupancy of such center and such requirement shall apply to all subsequent uses absent any change in zoning for such planned center.
- G. *Shared buffer.* A shared buffer between adjoining property owners may be permitted to be installed instead of buffers on each parcel where property owners of adjoining properties agree to install a shared buffer and record a legal instrument, such as a recorded easement, that binds each property owner and the heirs to the proper installation and perpetual maintenance of a buffer that is in compliance with this ordinance. If a shared buffer is agreed upon it shall consist of the most restrictive buffer required by this ordinance for the particular properties. The shared buffer shall be installed along the adjoining properties such that portions of the buffer width are on each property, but not necessarily centered on the property line.
- H. *Easement.* No bufferyard planting materials, fence, or other improvements required by this article shall be located on property subject to utility or drainage easements without written consent of the Town and easement holder. *(07-0-291, adopted 10/08/2007)*

**Section 10.A.3. Flexibility in Administration**

- A. The Town Council recognizes that due to the wide variety of types of development and property boundary configurations, the varying quantity and dimension of open spaces, the natural and built environment and other existing adverse physical conditions, it is neither possible or prudent to establish inflexible vegetation regulations. Therefore, the Planning Director, or his authorized representative, may permit deviations from the specific requirements of this article provided such deviations are in accordance with subsection B.
- B. Prior to administrative approval of any deviation to the requirements of this Article, the Planning Director, or his authorized representative, shall first determine the application meets the following criteria:
  - 1) The deviation is necessary due to unique physical conditions of the property, which may include existing vegetation conditions, and
  - 2) The hardship in complying with the requirements is not created by a proposed building, building expansion or expansion of impervious area into available open space wherein required plantings could be located in accordance with ordinance provisions, and
  - 3) The hardship in complying with the requirements is not related to the expense or cost of installing required materials or other improvements, and
  - 4) The deviation represents the least possible deviation from the letter of the ordinance and will allow reasonable use of the property, and
  - 5) The deviation is in harmony with the general purpose and intent of the ordinance and preserves its spirit. *(07-0-291, adopted 10/08/2007)*

## **ARTICLE XI. NON-CONFORMING SITUATIONS**

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof even though such use, structure, or property does not conform with the provisions of this Ordinance. However, this Article is also established to require that non-conforming situations be terminated under certain circumstances.

### **Section 11.1                      Continuation of Non-Conforming Situations**

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections 11.2 through 11.9 of this Article. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 11.2                      Non-conforming Lots of Record**

Where the owners of a lot of record at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the area or lot width requirements of this Ordinance, such lot may be used as a building site provided all other dimensional requirements are met and provided that the use to be made of the property is not one to which larger than minimum lot area requirements are called for in the list of Permitted and Conditional Uses and the Special Requirements. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 11.3                      Extension or Enlargement of Non-Conforming Situations**

1. Except as specifically provided in this Section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.
2. Subject to Paragraph 4 of this Section, a non-conforming use may be extended through any portion of a completed building that, when the use was made non-conforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or land outside the original building.
3. A non-conforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became non-conforming.
4. The volume, intensity, or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Section occur.

5. Physical alteration of non-conforming structures or structures containing a non-conforming use is unlawful if it results in:
  - a) An increase in the total number of space devoted to a non-conforming use.
  - b) Greater non-conformity with respect to dimension restrictions such as yard requirements, height, limitations, or density requirements.
  - c) The enclosure of previously unenclosed areas, even though those areas are or were used in connection with the non-conforming activity.
  
6. Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation – i.e. work estimated to cost more than ten percent (10%) but less than sixty percent (60%) of the taxed value of the structure to be renovated may be done provided that the work will not result in a violation of any other paragraphs of this Subsection particularly Paragraph 5. In no case however shall work costing more than sixty percent (60%) of the taxed value of the structure be done, singularly or cumulative, within any five (5) year period. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.4                      Reconstruction Prohibited**

Any non-conforming building or structure or any building or structure containing a nonconforming use for which a major repair or reconstruction is proposed in any amount equal to sixty-percent (60%) or more of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to sixty percent (60%) or more of its taxed value shall only be repaired and/or reconstructed and used as a conforming structure and a conforming use.

Provided, nothing herein shall prevent the reconstruction of a single-family dwelling that is non- conforming as to use provided such reconstruction conforms to the dimensional requirements of the R-6 District. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.5                      Change in Kind of Non-Conforming Use**

1. A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
  
2. A non-conforming use shall not be changed to another non-conforming use except upon finding by the Board of Adjustment that the use is more in character with the uses permitted in the District than the previous use.
  
3. If a non-conforming use and a conforming use, or any combination of non-conforming uses exists on one lot, the use made of the property may be changed only to a conforming use.
  
4. Conforming uses, except Adult Oriented Businesses, may be established or re-established in non-conforming buildings or structures provided that off-street parking is provided as

required by this Ordinance and provided no other provision of this Ordinance for the establishment of new uses is violated. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.6**                      **Replacement of Non-Conforming Mobile Homes**

1. A non-conforming mobile home on an individually lot outside of a mobile home park may not be replaced except by a conforming dwelling. A non-conforming mobile home may not be enlarged or altered externally in any way.
2. Existing mobile home parks which provide manufactured home spaces having a width or area less than that herein described may continue to operate with spaces of existing width or area provided they meet the standards of the Pitt County Health Department. In no event shall any non-conforming park be allowed to expand unless the entire park is improved to meet the requirements of this ordinance. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.7**                      **Discontinuance of Non-Conforming Uses**

1. When active operation or occupancy of a non-conforming use is discontinued regardless of the purpose or reason for a consecutive period of one hundred and eighty (180) days, the property involved may thereafter be used only for conforming uses.
2. For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Subsection, 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 apartment in a non-conforming apartment building or one space in a non-conforming mobile home park for one-hundred and eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a non-conforming use is maintained in conjunction with a conforming use, cessation of operation or occupancy of the non-conforming use for the required period shall terminated to right to maintain it thereafter. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.8**                      **Discontinuance of Non-Conforming Adult Oriented Businesses**

Notwithstanding the provisions of Section 11.7 above, Adult Oriented Business shall be governed by the following:

1. Any Adult Oriented Business, that fails to comply with the use and locational requirements of this Ordinance but which was lawfully operating before the effective date of this Ordinance, shall be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of the purpose or reason shall be subject to all the requirements of this Ordinance and the property shall thereafter be used only for conforming uses.

2. Any Adult Oriented Business lawfully operating as of the effective date of this Ordinance but which subsequently fails to comply with the use and locational requirements of this Ordinance as a result of changes within the vicinity or amendment to this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business that ceases active operation for a period of thirty (30) days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be use only for conforming uses.
3. Any Adult Oriented Business that is rendered a non-conforming use as a result of the conditions described in 1. and 2. above shall either cease to operate or meet all the requirements of this Ordinance for the use no later than sixty (60) months from the date that the Adult Oriented Business became a non-conforming use. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.9                      Non-Conforming Signs**

The following requirements are established to regulate non-conforming signs:

**Section 11.9.1                      Conformance Required**

Any sign legally in use prior to the effective date of this ordinance or any amendments hereto which does not satisfy the requirements of this ordinance is declared to be nonconforming and may be continued subject to regulations of Section 11.7.2, provided, however, prohibited signs in Article IX other than roof or projecting signs shall immediately be brought into compliance with the requirements of this Article or removed entirely, including any associated components or equipment.

The eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much a subject of health, safety and welfare as is the regulation of new signs. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.9.2                      Regulations of Non-Conforming Signs**

A nonconforming sign may be continued but it shall not be:

- a. Changed or replaced with another nonconforming sign, except that copy may be changed.
- b. Expanded or modified in any way which increases the sign's nonconformity. Nor may illumination be added.
- c. Moved except to bring the sign into complete conformity with this Article.
- d. Re-established once the sign structure has been removed.



- e. Re-established after damage or deterioration as defined in Section 11.9.4.
- f. Re-established after it has been discontinued regardless of reason or intent for one hundred-twenty (120) days or more. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.9.3                      Illumination of Signs for Illegal Non-Conforming Uses**

Signs for legal nonconforming uses in residential districts shall be illuminated only between sunrise and 10:00pm. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.9.4                      Damaged or Deteriorated Non-Conforming Signs**

If a nonconforming sign suffers more than fifty (50%) of its value by damage or deterioration it must be brought into conformance with this ordinance or removed. The value shall be determined by the Zoning Administrator or his designee as the depreciated replacement value of the sign. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 11.9.5                      Maintenance of Non-Conforming Signs**

Nonconforming signs shall be subject to all requirements of this ordinance regarding safety, maintenance and repair. Nonconforming signs shall be maintained in good conditions including necessary non-structural repairs, incidental alterations or copy alterations, such as repainting and electrical repairs which do not extend or intensify the nonconforming features of the sign. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## **ARTICLE XII. BOARD OF ADJUSTMENT**

### **Section 12.1                      Establishment of Board of Adjustment**

A Board of Adjustment is hereby established. Said Board shall consist of five (5) members; four (4) members of the Board shall be appointed by the Town Council and shall be residents of the Town of Winterville, and one (1) member shall be appointed by the Board of County Commissioners of Pitt County, all for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

The member appointed to the Board by the Board of County Commissioners as representative of the extraterritorial area outside the Town of Winterville shall be a resident of such area and a citizen of Pitt County. Such member shall have equal rights, privileges, and duties with other members of the Board in all matters. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of this ordinance or to decide in favor of the applicant any matter upon which it is required to pass under the Zoning Ordinance or to affect any variation of such Ordinance.

In addition to the regular members, the Town Council may appoint one (1) alternate member, who shall be a resident of the Town of Winterville and the Board of Commissioners of Pitt County may appoint one (1) alternate member, who shall be a resident of the extraterritorial area, each for three (3) year terms. The Chairman of the Board of Adjustment, or in his absence the acting chairman, may appoint the alternates to sit for any regular members in case of the absence or disqualification of any regular members. In such case the alternate members shall have the same powers and duties of the regular members they are replacing during such time. In no case, however, shall more than five (5) regular members or combination of regular members and the alternate members be empowered to vote on any matter that comes before the Board.  
*(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 12.2                      Proceedings of the Zoning Board of Adjustment**

The Board of Adjustment shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be a municipal officer, an employee of the Town, or a member of the Board of Adjustment. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of Chapter 160D of the General Statutes of North Carolina. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 12.3                      Appeals, Hearings and Notice**

An appeal from the decision of the Zoning Administrator may be taken by the aggrieved party to the Board of Adjustment. Such appeal shall be taken within forty-five (45) days by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for

hearing the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

On all appeals, applications and other matters brought before the Board of Adjustment, said Board shall inform in writing all the parties involved of its decisions and reasons therefore. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 12.4 Stay of Proceedings**

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after notice of appeal shall have been filed with him, that be reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to land and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator, on due cause shown. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 12.5 Powers and Duties of the Board of Adjustment**

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

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. Zoning Compliance Certificate with Vested Rights. To hear and decide Zoning Compliances with Vested Rights in accordance with Article XIV of this Ordinance.
3. Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon showing all of the following:
  - 1) An unnecessary hardship results from the strict application of the ordinance.
  - 2) The hardship results from conditions that are peculiar to the property.
  - 3) The hardship is not 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.

**\*\* Important:** The applicant bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions, in accordance with NC General Statute 160D-705. If the applicant fails to meet that burden, the Board has no choice but to deny the application.

4. Special Use Permits.

To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by Article VI. In granting a Special Use Permit the Board shall make the following affirmative findings:

- a) The Use requested is among those listed as an eligible Special Use in the District in which the subject property is located;

- b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- c) That the Special Use meets all required conditions and specifications;
- d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- e) That the location and character of the Special Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

In granting a Special Use Permit, the Board may impose such additional restrictions and requirements 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. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Special Use Permit, otherwise the Permit shall be denied. Any Special Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently change or amended by the Board, as provided for in this Article.

The Board may change or amend any Special Use Permit, after a public hearing and subject to the same consideration as provided for in this Article for the original issuance of Special Use Permit.

No proposal to amend or change any Special Use Permit shall be considered within three (3) months of the date of the original authorization of such Permit or within three (3) months of hearing of any previous proposal to amend or change such Permit. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 12.6 Appeals from The Board of Adjustment.**

Any person or persons, jointly or severally, aggrieved by any decision of the Board, any taxpayer, or any officer, department, board or bureau of the jurisdiction of this Ordinance may, within thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the ground of illegality, whereupon such decision shall be subject to review by certiorari as provided by law. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE XIII. AMENDMENT PROCEDURES; CONDITIONAL DISTRICTS

### **Section 13.1**

#### **General**

The Town Council may amend, supplement or change the Zoning Ordinance text and zoning district lines and designations according to the following procedure. It is the intent of this Ordinance that the applicant for rezoning to any district other than a Conditional District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property. If the applicant believes that the development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with the principles underlying the Town's comprehensive zoning plan, he shall apply for rezoning to the appropriate Conditional District. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 13.2**

#### **Amendment Initiation**

Applications to change, supplement or amend this Ordinance may be initiated by:

1. Textual Amendment
  - a. The Town Council;
  - b. The Planning Board;
  - c. Anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person.
  - d. Third party down-zonings are prohibited. The Town Council and/or the Planning Board may initiate down-zonings (S.L. 2019-111, Pt. 1).
  
2. Map Amendment
  - a. The Town Council;
  - b. The Planning Board;
  - c. Anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person. Provided, however, map amendments involving Conditional Districts may only be initiated by the owner or authorized agent of the owner. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*
  - d. Third party down-zonings are prohibited. The Town Council and/or the Planning Board may initiate down-zonings (S.L. 2019-111, Pt. 1).

### **Section 13.3**

#### **Submittal**

All applications for amendments to this Ordinance shall be in writing, signed and filed with the Zoning Administrator. Applications for conditional zonings shall be considered the applicant's/landowner's written consent to the conditions related to the conditional-zoning.

The Zoning Administrator, before scheduling any application for amendment for consideration by the Planning Board, shall ensure that it contains all the required information as specified in this Ordinance and on the application form. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance shall not be scheduled by the Zoning Administrator, but shall be returned to the applicant with a notation of the deficiencies in the application.

Completed applications shall be received a minimum of ten (10) days prior to the Planning Board meeting at which the proposed amendment is scheduled to be considered.

All applications for amendment shall contain, as a minimum, a description of the proposed change and if it would require a change of the zoning maps, the application shall include a map drawn to a scale of not less than four hundred (400) feet to the inch and not more than twenty (20) feet to the inch showing the land covered by the proposed amendment, a legal description of the property and a list of names and addresses of all owners of property involved in the map change and all adjoining owners as shown on County tax records.

**Section 13.4**                      **Planning Board Action**

The Zoning Administrator shall present any properly completed application for amendment to the Planning Board at its next regularly scheduled meeting occurring at least ten (10) days after filing of such application with the Zoning Administrator.

The Planning Board shall either recommend in favor of an amendment or in opposition to an amendment by simple majority vote of those present and voting. The Board may also propose conditions to their recommendation. A tie vote on a proposal shall be considered to be in opposition to such amendment. If the Planning Board should fail to act on any proposed amendment within ninety (90) days after it is presented to the Board such failure to act shall be considered to be a favorable recommendation for the purposes of this procedure. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 13.5**                      **Town Council Action**

The Zoning Administrator shall present any proposed amendments to the Town Council at its next regular scheduled meeting, following Planning Board action, at which it hears rezoning proposals. The Zoning Administrator shall transmit to the Town Council the Planning Board's record of action on the proposed amendments.

The Town Council shall take such lawful action on such proposals as it may deem advisable provided that no zoning amendment shall be adopted until after a public hearing shall have been held. Notwithstanding the provisions of Section 13.6, a simple majority vote of the Town Council shall be required to amend this ordinance. Notice of public hearing shall be given as required by N.C.G.S. 160D.

**Section 13.6**                      **Protest Petition** *(Section Removed - Repealed by Session laws 2015-160, s.2, effective August 1, 2015 and applicable to zoning ordinance changes initiated on or after that date.)*

**Section 13.7**                      **Special Provisions for Conditional Districts**

Proposals for rezoning to any Conditional District shall be requested during a rezoning. Such proposals and requests shall be processed and considered in in the same procedure as conventional rezoning proposals, except as otherwise set forth herein, and the voting shall be the same as that required for zoning matters.

In approving a Conditional District, the Town Council shall make the following affirmative findings:

1. That the Use(s) requested is among those listed as an eligible Use in the corresponding General Zoning District.
2. That the Use Limitations and Conditions as proposed and/or imposed for the Conditional District meet or exceed and/or are at least as restrictive as the minimum standards for the corresponding General Zoning District.
3. That the Use Limitations and Conditions as proposed and/or imposed for the requested Conditional District can reasonably be implemented and enforced for the subject property.
4. That when implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all those uses and the minimum standards of the corresponding General Zoning District.
5. That the applicant has agreed to the use limitations and conditions as proposed and/or imposed for the requested Conditional District. *(00-02, adopted 08/14/2000)*

Any Conditional District so authorized shall be perpetually binding upon the property involved in such Permit unless subsequently changed or amended by the Town Council, as provided for in this Article.

The Town Council may change or amend any Conditional District, after a public hearing upon recommendation by the Planning Board and subject to the same consideration as provided for in this section for the original issuance of a Conditional District.

No proposal to amend or change any Conditional District shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 13.8                      Maximum Number of Applications**

No application for the same zoning district applicable to the same property or any part thereof shall be filed until the expiration of one (1) year from:

1. The date of final determination by the Town Council; or
2. The date of the public hearing or scheduled public hearing if the application is withdrawn after it has been advertised for public hearing.

Fees submitted for withdrawn cases shall not be refundable. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE XIV. ADMINISTRATION, ENFORCEMENT AND PENALTIES

### **Section 14.1**                      **Administrative Officer**

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Council and is hereby empowered:

- A. To issue a Zoning Compliance Certificate prior to issuance of a building permit by the County Inspections Department;
- B. To collect the designated fees in the Administration of this ordinance;
- C. To investigate violations of the provisions of this ordinance and enforce actions necessary for correction thereof. To enter upon private property at reasonable times in carrying out of the duties.
- D. To make and keep all records necessary and appropriate to the office including record of issuance and denial of all Zoning Compliance Certificates, Special Use Permits, Amendments, Variances, Appeals, and of receipt of complaints of violations of this ordinance and action taken on the same.
- E. To appoint agents to act on his behalf. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 14.2**                      **Zoning Compliance Certificates; Building Permits; Certificates of Occupancy Required**

Application for a Building Permit and Certificate of Occupancy shall be filed with the Building Inspector.

- A. **Zoning Compliance Certificate.** Application for a Zoning Compliance Certificate shall be filed with the Zoning Administrator of the Town of Winterville, or his designate. No building permit shall be issued until a Zoning Compliance Certificate has been issued by the Town of Winterville.
- B. **Building Permit.** No building permit shall be issued until the plans and specifications for a building comply with the North Carolina State Building Code, the Building Regulations set forth in the Town of Winterville Code of Ordinances, the provisions of this ordinance and until a Zoning Compliance Certificate has been issued by the Town of Winterville.
- C. **Final Site Approval.** No Certificate of Occupancy shall be issued until the Town of Winterville has executed a Final Site Approval Certification and this certification has been submitted to the Building Inspector. The Town



of Winterville shall inspect the building site for conformance with Town standards for the site including site drainage, landscaping, drainage easements, street and sidewalk public improvements, electrical, water, and sewer services, and other required site features. Drainage must flow away from structures into drainage ways and not pond on site. Easements shall not be impeded or blocked by structures, fences, or other blockages. Utilities must be connected in conformance with Town standards including the water meter box being level with the ground and the sewer cleanout being just below ground level and it being in a circular cast iron box with a cast iron cover at ground level.

- D. **Certificate of Occupancy**. No building which has been erected, added to, relocated, or structurally altered for which a building permit has been issued shall be used or occupied nor the use of the building or land changed until a Certificate of Occupancy has been issued by the Building Inspector stating that the building or structure or part thereof complies with the North Carolina Building Code, the Pitt County Inspections Ordinance and the provisions of this ordinance. No previously unoccupied structure shall be occupied until a Certificate of Occupancy is issued.
- E. No temporary utilities shall be connected until a building permit is issued. No permanent utilities shall be connected until a Certificate of Occupancy is issued.  
*(03-0-24, adopted 07/14/2003)*

### **Section 14.3**

### **Zoning Compliance Certificate**

No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a Zoning Compliance Certificate shall have been issued by the Zoning Administrator stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance. No Building Permit shall be issued and no building shall be occupied until that Permit is issued. The issuance of a valid Zoning Compliance Certificate shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Certificate provided that such action as authorized by the Certificate is commenced within one hundred eighty (180) days of issuance and provided that all other permits are obtained. Otherwise the Certificate shall be void.

#### 1. Application Procedures

Each application for a Zoning Compliance Certificate shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the Owner upon approval.

The plan shall show the following:

- a. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- b. The location of the said lot with respect to adjacent rights-of-way;

- c. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- d. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
- e. The location and dimensions of off-street parking and the means of ingress and egress to such space; and
- f. Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

2. Right of Appeal

If the Zoning Permit is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment as provided for herein. Such appeal shall be made within forty five (45) days of such permit denial. *(2000 Zoning Ordinance, 0-51-02149900, adapted 02/14/2000)*

**Section 14.4                      Zoning Compliance Certificate With Vested Rights**

- 1. In any case where the applicant for a Zoning Compliance Certificate desires to obtain a vested right, as authorized by NCGS 160D-102;-100(d), the applicant shall observe the following procedures:
  - a. The applicant shall submit to the Zoning Administrator seven (7) copies of a site specific development plan drawn to scale describing with reasonable certainty the type and intensity of use for the specific parcel or parcels of land. Such plan shall include:
    - 1) The boundaries of the site;
    - 2) Significant topographical and other natural features affecting the development of the site;
    - 3) The location on the site of the proposed buildings, structures, and other improvements;
    - 4) The dimensions, including height, of the proposed buildings and other structures;
    - 5) The location of all existing and proposed infrastructure on the site, including water, sewer, roads and walkways; and
    - 6) Such other information as the Zoning Administrator may determine to be necessary in order to determine the specifics of the plan.
  - b. Public Hearing; Notice Thereof

Upon receipt of a properly prepared site specific development plan the Zoning Administrator shall arrange to bring such plan before the Board of Adjustment in the manner of a public hearing. Complete plans shall be received a minimum of fourteen (14) days prior to the public hearing at which the proposed vested rights plan is scheduled to be considered by the Board. Notice of public hearing shall be given in the same manner as that required for a variance.

In considering an application for a Zoning Compliance Certificate With Vested Rights the Board of Adjustment shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, that the proposed Permit should not be granted, such proposed Permit shall be denied.

In granting such Permit, the Board of Adjustment shall make the following affirmative findings:

- 1) The use requested is among those listed as a Permitted or Special Use in the District in which the subject property is located or is to be located and complies with all the requirements of this Ordinance and other applicable ordinances.
- 2) The requested Permit is either essential or desirable for the public convenience or welfare.
- 3) The requested Permit will not impair the integrity or character of the surrounding or adjoining Districts, and will not be detrimental to the health, safety or welfare of the community.
- 4) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

In granting a Zoning Compliance Certificate With Vested Rights, the Board of Adjustment may impose such additional restrictions and requirements upon such Certificate as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. Approval of a site specific development plan with the condition that a variance, Special Use Permit or modification be obtained shall not confer a vested right unless and until the necessary variance, Special Use Permit or modification is obtained. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Certificate, otherwise the Certificate shall be denied. Any Permit so authorized shall remain vested for a period of two years from the date of the action granting the Certificate.

## 2. Violations

Any violation of a term or condition involved in the granting of a Zoning Compliance Certificate With Vested Rights shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the Board of Adjustment may, after public hearing, revoke any such vested rights for failure to abide by such term or conditions.

## 3. Other Ordinances Apply

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity or use, or ordinances or regulations which are general in nature and are applicable to all property subject to land-use regulation, including, but no limited to building, fire, mechanical, electrical and plumbing codes.

4. Changes or Amendments

No change or amendment to any Compliance Certificate With Vested Rights shall be made except after public hearing and except as provided for in this Ordinance for the original issuance of such Certificate. If, at the time of consideration of proposed change or amendment to an existing Certificate, such Certificate or proposed change or amendment could not be lawfully made under Ordinance conditions existing at that time, such proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which such development right is vested. Nothing herein shall exempt plans related to such Certificate from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews are not inconsistent with the original approvals.

5. Status at Expiration of Term

A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid Building Permit applications have been filed. Upon issuance of a Building Permit, the provisions of G.S. 160D-403(c);-1109 and G.S. 160D-403(f);-1113 shall apply except that a Building Permit shall not expire or be revoked because of the running of time while a vested right under this Section is outstanding. Any development constructed pursuant to a Zoning Compliance Certificate With Vested Rights for which the vested term has expired and which is not in conformance with all the terms of this Ordinance because of changes made in the provisions of this Ordinance, including the Zoning Map, after the issuance of such Certificate shall be subject to the provisions of the Ordinance relating to non-conformities the same as any other non- conformity.

6. Annexation Declaration

Any landowner who signs an annexation petition to the Town pursuant to G.S. 160D shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. 160D-102;-100(d). If the statement declares that such rights have been established, the Town may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested rights shall be terminated. (2000 Zoning Ordinance, O-51-02149900, adopted 02/14/2000)

**Section 14.5 Duties of Zoning Administrator, Board of Adjustment, Courts and Town Council to Matters of Appeal**

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator; and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law. It is further the intention of this Ordinance that the duties of the Town Council in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with enforcement thereof, but the procedure of determining such questions shall be as herein set out in the Ordinance, and that the duties of the Town Council in connection with this Ordinance

shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 14.6 Lawful Use**

Structures, buildings and conditions existing on a lot or parcel subject to the terms of this ordinance on the effective date of this ordinance are for purposes of this ordinance conclusively presumed to be lawful. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

#### **Section 14.7 Violations; Remedies**

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by State law.

##### **A. Development Without Permit**

To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

##### **B. Development Inconsistent With Permit**

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

##### **C. Violation by Act of Omission**

To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the Town Council or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

##### **D. Use in Violation**

To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance or any other regulation made under the authority conferred thereby.

##### **E. Continue a Violation**

Each day's continuation of any of the above violations is a separate and distinct offense. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## **Section 14.8 Penalties for Violation**

Violations of this Ordinance shall constitute either a misdemeanor, with a fine not exceeding fifty (50) dollars or imprisonment not exceeding thirty (30) days, or, at the election of the Town, shall subject the offender to a civil penalty upon issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the Town within fifteen days of issuance of a citation, may be recovered by the Town in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$50.00 (fifty dollars) for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to application of the Town for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such a provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or or abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including Rules of Civil Procedure in general and Rule 65 in particular.

An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

The provision of this Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the Zoning Administrator shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated.

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation and the Board of Adjustment, in considering such appeal, shall, notwithstanding other powers as may be granted, have power only in the manner of administrative review and interpretation where it is alleged that the Enforcement Officer has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance, or both.

Where the Zoning Administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the Zoning Administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs and attorney fees.

Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Zoning Administrator and either served directly on the violator, his duly designated agent, or registered agent in a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the Town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the civil penalty assessment in person within fifteen days of the date of citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## ARTICLE XV. GENERAL LEGAL PROVISIONS; DEFINITIONS

### **Section 15.1** Interpretation, Purpose, Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 15.2** Repeal and Reenactment of Existing Zoning Ordinance

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Zoning Ordinance of the Town of Winterville and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All suits at law or in equity and/or all prosecutions resulting from the violation of the Zoning Ordinance in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

### **Section 15.3** Effects Upon Outstanding Building Permits, Zoning Compliance Permits and Special Use Permits

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the passage of this Ordinance or any amendment thereto, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this Ordinance or any such amendment.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any Special Use Permit which has been granted prior to the adoption of this Ordinance and which Special Use is no longer carried forth on this Ordinance provided that a Building Permit has been obtained and construction begun within one hundred eighty (180) days of the date of the approval of such Permit and provided that such Building Permit is prosecuted to completion as approval of such Permit and provided that such Building



Permit is prosecuted to completion as provided above. Such valid Special Uses including those already existing for non-continued uses may be constructed, continued and reconstructed the same as any permitted use subject to such use limitations and other conditions as provided for in the original issuance of the Special Use Permit. Any such Special Use that is changed to any permitted use for any period of time shall not be permitted to resume the Special Use. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 15.4A Conflicts of Interest (G.S. 160D-1-9)**

- a) Governing Board. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- b) Appointed Boards. – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- c) Administrative Staff. – No staff member shall make a final decision on an administrative decision required by G.S. 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under G.S. 160D 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.
- d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to G.S. 160D 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 part communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- e) Resolution of Objection. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

- f) **Familial Relationship.** – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

## **Section 15.4B Definitions**

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The words “used for” shall include the meaning “designed for”.

### **A. General Definitions**

**Accessory use or accessory building (non-residential).** A subordinate non-residential use or building customarily incidental to and located on the same lot with the main use or building.

**Accessory use or accessory building (residential).** A noncommercial use or building customarily incidental and subordinate to but located on the same lot with the main residential use or building such as a private garage or carport, family garden, personal storage building, or workshop, all of which are totally for personal use.

**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.

**Apartment.** A room or suite of rooms in a multi-unit residential building, generally rented by the occupant, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in each separate unit.

**Bed and breakfast.** A dwelling in which lodging available for rent to the public, with or without meals, is provided for overnight guests for a fee.

**Bedroom:** A room designated as sleeping or bedroom on the plans and permit application.

**Bona Fide Farm.** Bona Fide farm purposes include the production of and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

**Brewpub.** A restaurant/brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant or bar. The beer is often dispensed directly from the brewery’s storage tanks. Where allowed by law, brewpubs often sell beer “to go” and /or distribute to off-site accounts.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

Building Height. The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

Building, main. The principal structure in which the primary use of the property is undertaken.

Building Occupancy. See “Use”.

Building setback line. See “Setback”.

Common open space. The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration of restrictive covenants and normally in common use.

Conditional District. A zoning district in which site plans or individualized development conditions are imposed.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

Congregate / convalescent care facility – A health care establishment for care, supervision, and provision of resident services on a temporary or permanent basis including dependent or independent living facilities for the elderly. The following uses shall not be considered under this definition: family care homes or group care facilities as defined by this ordinance.

Dependent living facility – Nursing homes, rest homes, and homes for disabled persons, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities and/or food preparation facilities, and transportation services on site. *(06-0-250, adopted 12/11/2006)*

Day care center. A facility providing care for six (6) or more non-handicapped children, more than four (4) hours per day, for payment of a fee, but without transfer or assignment of custody.

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-8-2.
- d. The initiation or substantial change in the use of land or the intensity of use of land

Development approval. An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to,

zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

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

Dwelling. A building intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, single-family (Conventional or Modular). A detached building constructed on-site or in industrialized modules in compliance with the North Carolina State Building Code and designed for or occupied by one family.

Dwelling, single-family attached. A single-family dwelling that except for corner units is connected one each side by means of a common dividing structural or load bearing party wall of at least ten (10) linear feet to another single-family dwelling, each on its own individual lot.

Dwelling, single-family detached. A single-family dwelling which is completely surrounded by permanent open space.

Dwelling, two-family. A detached residential building arranged or designed to be occupied by two (2) families living independent of each other.

Dwelling, multifamily. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for three (3) or more dwelling units.

Dwelling unit. An enclosure of one or more rooms providing complete independent living facilities for one family, including permanent facilities for living, sleeping, eating, cooking and sanitation within the separate enclosure.

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

Family. Any number of persons related by blood, adoption or marriage or no more than four (4) persons not related by blood, adoption or marriage, living together as a single housekeeping unit sharing the same domestic facilities. It does not include congregate residential care facilities; family care and group care facilities; foster homes for children; homes for the aged and infirmed; family-care homes for the aged and infirmed; day care facilities; day care centers; and family day care homes; shelter homes; adult day care centers; day nurseries; preschool centers; hospitals, nursing homes; sanitariums; and dormitories, fraternal organizations, or other organized social or institutional residential situations.

Family day care home. A building used as a residence for a family which is also used to provide day care services on a temporary basis without transfer of custody for three (3) to five (5) unrelated children, for a fee. (The keeping of 1-2 children does not require a permit.)

Family care home. A home with support and supervisory personnel which provides room and board, personal care and habitation services in a family environment for not more than six (6) resident handicapped persons.

Family members, direct. Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

Frontage. The property abutting on one side of a street measured along the street right-of-way line.

Gross Floor Area. The total area of any buildings in the projects, including the basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

Group care facility. A facility licensed by the State of North Carolina, (by whatever name it is other than “family care home” or “congregate care facility” as defined by this ordinance), with support and supervisory personnel that provides room and board, personal care, or habitation services. The following shall not be considered under this definition: congregate care facility, convalescent care facility, dependent living facility, independent living facility, and nursing home, as defined by this ordinance.

*(06-0-250, adopted 12/11/2006)*

Handicapped person. A person with a temporary or permanent physical, emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but does not include mentally ill persons who are dangerous to others as defined in Section 122-58.2(1)b of the General Statutes of North Carolina, or any amendment thereto.

Home occupation, customary. An occupation conducted incidental to the use of property as a dwelling unit, which does not adversely impact or change the residential character of the neighborhood. The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages by mail, record or bookkeeping, filing, address listing for applicable privilege license or tax identification and other similar activities which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services shall not constitute a home occupation for the purpose of regulation under this ordinance.

Hotel or motel. A building which provides sleeping accommodations in six or more rooms, commonly available for pay on a daily basis to transient or permanent guests.

Independent living facility – Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services on site. Each living unit may be self contained and must be physically accessible to older or disabled persons. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

Internet Sweepstakes. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether 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 term does not include any lottery approved by the State of North Carolina.

*(10-D-223, adopted 05/10/2010)*

**Junk yard.** A lot or group of contiguous lots where more than six hundred (600) square feet of area is use for the dismantling or the storage of wrecked or used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts, or for storage of appliances, machinery and other salvage goods.

**Kennel.** An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than three (3) domesticated animals at any one (1) time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one (1) time or the selling of any three (3) individual domesticated animals (not defined as litter herein) at any one (1) time. Domesticated animals, for purpose of this ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this ordinance, shall be defined as the progeny resulting from the breeding of two (2) domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

- (a) The ownership of domesticated animals as household pets;
- (b) The ownership of domesticated animals for hunting or tracking purposes;
- (c) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- (d) The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

**Landowner.** An owner of a legal or equitable interest in real property, including the heirs, devise, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site specific development plan in the manner allowed by this Ordinance.

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

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

**Lot.** A parcel of land, the boundaries of which are established by some legal instrument such as a deed or recorded plat (but not tax maps) and which is recognized as a separate tract for purposes of transfer of title or lease of greater than three (3) years.

**Lot, corner.** A lot adjacent to or abutting on two (2) streets at their intersection.

**Lot, front.** On a corner lot, the front is the frontage with the least dimension at the street. Where the dimensions are equal the front shall be designated by the owner.

**Lot, interior.** Any lot other than a corner lot.

**Lot lines.** The line forming the perimeter or boundary of the lot.

Lot, through. An interior lot having frontage on two (2) streets. Also called a double frontage lot.

Lot width. The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line. For lots with a radial side line(s), lot width may be measured at a front yard setback greater than the minimum required front yard setback. In such case the point where the minimum lot width is measured shall become the front yard setback for that lot.

Lot of record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

Manufacturing. The processing of raw products and materials into items for sale.

Microbrewery. A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or tasting room.

Mobile Home. A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width.

Mobile home, class "A". A multi-sectional mobile home 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 additional criteria for Class "A" mobile homes contained in Article IX.

Mobile home, class "B". A mobile home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect as the time of construction.

Mobile Home, class "C". A mobile home which does not meet the Class "A" or Class "B" definitions.

Mobile home park. A lot(s) or tract(s) of land used or intended to be used, leased or rented for occupancy by mobile homes in conformity with the mobile home park provision of this Ordinance.

Mobile home park, non-conforming. A lot(s) or tract(s) of land used or intended to be used, leased or rented for occupancy by two (2) or more mobile homes sharing common ownership and/or facilities and which do not qualify as individual mobile homes on individual lots and which park is not in conformance with all the requirements for the initial establishment for a mobile home park as defined above.

Modular home; Building. Any building or structure which was premanufactured, all or in part, at some point other than the building site for assembly or installation later at the building site and which complies with the State of North Carolina Building Code. Further defined, such building

may be assembled from premanufactured rooms, wall panels, frame units, or other factory manufactured parts, which may be fabricated of wood, concrete, metal or other materials, and anchored on a permanent foundation or foundation material at the building site. This definition does not include mobile homes as defined in this Ordinance.

Net residential area (net land). That portion of a development or project site designated for residential lots and related common open space areas excluding dedicated public rights-of-way.

Nonconforming use. Any use which legally existed on the effective date of this Ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any nonconforming use legally recognized under a prior zoning ordinance. *(2000 Zoning Ordinance, D-51-02149900, adopted 02/14/2000)*

Nursing home. A health care establishment licensed by the State of North Carolina for care, supervision, and provision of resident services on a temporary or permanent basis. *(06-D-250, adopted 12/11/2006)*

Open space. Any land area not occupied by buildings, structures, storage areas, open or enclosed balconies, patios, porches or decks, excluding, however, any land encroaching or located within a right-of-way or easement. Open area in any required setback or land used for sidewalks, landscaping and grassing shall be considered open space.

Overlay District. A zoning district which overlays and combines with one of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

Parking lot. An area or tract or partial tract of land used for the storage or parking of vehicles.

Planned unit development. A tract(s) of land under single corporation, firm, partnership or association ownership, or otherwise unified ownership or control, planned and developed as integral unit in a single development scheme or a well defined series of development operations in accordance with an approved site plan.

Planning and development regulation jurisdiction. The geographic area defined in Part 2 of G.S. 160D within which a city or county may undertake planning and apply the development regulations authorized by G.S. 160D.

Property. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the Town.

Public Sewage Disposal System. An approved sewage disposal system serving ten (10) or more connections, including municipal and sanitary sewerage systems as well as “package” plants constructed in a location and to specifications approved by the Pitt County Sanitarian in consultation with the NC Division of Health Services.

Public Water Supply System. An approved water supply system serving ten (10) or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Pitt County Sanitarian in consultation with the NC Division of Health Services.

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.

Recreation or travel trailer. A vehicular, portable, structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the unit. Includes motor home, recreational vehicle, etc.

Regional Brewery. A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

Residential care facility. A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care, but where medical care is not a major service. It includes such uses as adult day care facilities, home for the aged and other like uses which are not otherwise specifically defined.

Screen. A devise such as a fence or planting area used to visually separate property.

Service station. A lot or building where gasoline, oil, grease and automobile accessories are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar repair services are rendered.

Setback. The horizontal distance from the property line or street right-of-way line to the nearest part of the applicable building, structure, sign, or use, measured perpendicularly to the line.

Shopping Center; Mall. Any predominately retail development whether a single business or several businesses and whether located in one or more related buildings, with planned and shared parking, that contains 15,000 square feet or more of gross floor area.

Site specific development plan. A plan which has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

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.

Sludge. Any solid, semisolid or liquid waste generated from a residential wastewater treatment plant.

Special Use. 1) Uses listed in the Section 6.4 -Table of Permitted and Special Uses - of this ordinance which require approval of a Special Use Permit in accordance with the procedures of Section 12.5.

Stacking space. A space to store an automobile off-street while waiting in line for a drive-through service such as an automatic teller, drive through restaurant, etc.

Street, private. A vehicular travel way not dedicated as a public street or a dedicated but unaccepted vehicular travel way.

Standard Industrial Classification (SIC). A listing of land uses published by the US Office of Management and Budget classifying uses by functional groups and assigning each a code number.

Street, public. A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by a municipality or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular travel for public use.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structural alterations. Any change, except for the repair or replacement, in the supporting members of a building such as load bearing walls, columns, beams or girders.

Swine Farm. A tract of land devoted to raising animals of the porcine species served by or requiring animal waste systems having a design capacity of 600,000 pounds steady live weight or greater.

Tasting Room/Sampling Room/Tap Room. A taste/ sampling/ tap room allows for the on-premises consumption of malt beverages and is limited to only serving two-ounce tastings and constitutes an accessory and incidental use to the primary retail use of the wine and beer store.

Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products. A retail outlet, service business, or establishment that sells vape products, e-cigarettes, components, or related products. This shall include all establishments, stores, or convenience stores that provide or fall into one or more of the following categories: tobacco products, smoking products, smokables, e-cigarettes, smoke shops, smoke lounges, cigar stores, head shops, pipe and smoking apparatuses. This shall also include establishments that provide any products that contain natural or non-natural chemicals intended for recreational or medical use. This shall not include “Drug Store & Pharmacies” that employ licensed pharmacist, or “Service Stations, Gasoline”, that sells gasoline and sell the products above as a non-primary source of revenue. This shall not include “Grocery Stores” or “Department & Variety Stores” as described by the Standard Industrial Classification (SIC) Code assigned by the U.S. Government to identify the primary business of an establishment. (24-O-061, adopted 06/10/2024)

Townhouse. A single-family dwelling unit constructed in a series or group of attached units with property lines separating each such unit.

Transmission Tower. A structure, either freestanding, supported by guy wires, or attached to a building, and accessory equipment related to broadcast services, private radio services, including AM, FM, two-way radio, television and cable antenna television transmission, microwave transmission and facilities such as satellite dish receiving centers. This definition does not include electrical transmission distribution poles, towers, and line, personal satellite dishes, or structures not more than 35’ in height.

Travel trailer parking area. A parcel of land in which two (2) or more spaces are designed, occupied or intended for occupancy by trailers for transient dwelling purposes.

Use. The primary purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Vested right or zoning vested right. The right to undertake and complete the development and use of the property under the terms and conditions of an approved site specific development plan.

Wine & Craft Beer Shop. A retail store that sells specialty alcoholic beverages that is not intended for the on-premises consumption except for an on-site tasting room or tap room.

Wireless Telecommunication Tower. A tower supporting licensed or unlicensed wireless telecommunication facilities including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services by non-commercial entities in the Amateur Radio Service, Public Safety Radio Service, or licenses assigned to non-profit organizations, such as the Red Cross, Civil Air Patrol, Military Affiliated Radio Service (MARS) that are licensed by the Federal Communications Commission.

Yard. An open space located on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or as otherwise provided herein. A yard is the area created by a setback.

Yard, front. A yard extending across the full width of the lot and extending from the closest front wall of the building to the property line or established edge of a right-of-way, whichever is closer.

Yard, rear. A yard extending across the full width of the lot and extending from the closest rear wall of the main building to the rear of the property.

Yard, side. A yard which extends from the closest side wall of a building to the nearest side property line or the established edge of the street right-of-way, whichever is closer, if the lot is a corner lot.

Zoning Administrator. An employee or agent of the Town who is assigned primary responsibility for the administration and enforcement of the zoning ordinance.

Zoning Compliance Certificate. A permit issued by the Town conferring the right to undertake and complete the development of and use of the property.

Zoning Compliance Certificate with Vested Rights. A permit authorized by the Board of Adjustment concerning the right to undertake and complete the development of and use of property under the terms and conditions of an approved site specific development plan.

## B. Definitions Relating to Adult Oriented Businesses

Adult Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center (including adult massage parlor and adult health club), sexually oriented device business or any combination of the foregoing or any similar business. As used in this Ordinance the following definitions shall apply:

Adult Arcade (also known as “peep show”). Any place to which the public is permitted or invited wherein coin-operated or slug-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 “specific sexual activities” or “specified anatomical areas.”

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

1. 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 “specific sexual activities” or “specified anatomical areas”; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

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

1. persons who appear nude or semi-nude; or
2. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe “specified sexual activities” or “specified anatomical areas”.

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

1. offers accommodations to the public for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe “specified sexual activities” or “specified anatomical areas” as one of its principal business purposes; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of considerations, 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 sexual activities” or “specified anatomical areas”.

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which 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” or “specified sexual activities”.

Escort. A person who, for any tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

Nude Model Studio. Any place where a person who appears nude or semi-nude, or who displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a propriety school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. where in order to participate in class a student must enroll at least three days in advance of the class; and
3. where no more than one nude or semi-nude model is on the premises at one time.

Nude or A State of Nudity.

1. the appearance of a human anus, male genitals or female genitals; or
2. a state of dress which fails to opaquely cover a human anus, male genitals or female genitals.

Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling (including sexually oriented massaging) between persons of the opposite sex, or similar activities between male and female persons and/or between persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified Anatomical Areas. Human genitals in a state of sexual arousal.

Specified Sexual Activities. Is and includes any of the following:

1. the fondling of other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts; or

2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1. through 3. Above

### C. Definitions Related to Signs

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Canopy. A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Changeable Copy. Copy that is or can be changed manually in the field or through mechanical or electronic means, e.g. reader boards with changeable letters.

Erect. To assemble, build, construct, raise, install, attach, hang, place, suspend, affix, post, create, paint, draw, apply or in any other way bring into being or establish.

Facing or Surface. The surface of a sign upon, against, or through which the message is displayed or illuminated on the sign.

Frontage, Lot. The length of that part of a lot that fronts a public street.

Grade. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a freestanding sign.

Interstate Highway System. That portion of the national system of interstate and defense highways located within the State as officially designated or as may hereafter be so designated by the Board of Transportation or other appropriate authorities and are also so designated by interstate numbers.

Logo. A business trademark or symbol.

Lot. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat and which is recognized as a separate tract for purposes of transfer of title.

Marquee. A permanent roof-like structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk or walkway.

Parapet. The portion of a building wall or false front that extends above the roof.

Person. Any natural person, firm, partnership, corporation, company, organization, association, trust or individual or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee or other similar representative thereof.

Premises. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

Setback. The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of a sign or its supporting member.

Sign. Any object, placard, device, display or structure, or part thereof, made of any material, except live vegetation, including any surface, fabric or other background material which is designed, constructed and/or used for the purpose of relaying information from a fixed or mobile position to visually inform, advertise, identify, display, promote, direct or attract the attention of general or privileged persons to an object, person, institution, organization, corporation, business, profession, commodity, product, service, event or location by any means including, but not limited to, words, letters, phrases, sentences, emblems, trademarks, tradenames, insignias, numerals, figures, devices, designs, symbols, pictures, logos, fixtures, colors, illumination or projected images or any other attention directing device, displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, poles, trees, buildings or other structures or supports. The term sign shall include the terms advertisement, announcement, insignia, billboard, bill, billet, badge, display, brand, emblem, flyer, label, message board, poster, shingle, symbol, title and trademark. The term sign shall not include the terms television, telegraph, radio, signal or transmission. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Advertising. See Sign, Billboard.

Sign, Awning. A sign placed directly on the surface of an awning. For purposes of this Ordinance an awning sign for measuring purposes will be considered a wall sign.

Sign, Billboard. A permanent, usually free-standing, off-premise sign that is affixed to the ground or to a building, owned by a person, corporation or other entity that engages in the business of selling or leasing the advertising space on that sign and which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located. Such signs commonly referred to as “outdoor advertising signs” are generally designed so that the copy or posters on the sign can be changed frequently.

Sign, Business. A permanent, on-premise sign that is affixed to the ground or to a building which directs attention to a service, commodity, goods or entertainment sold or offered on the premises on which such sign is located.

Sign, Campaign or Election. A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy. A sign attached to or painted onto or forms a part of a canopy. For the purposes of this Ordinance a canopy sign for measuring purposes will be considered a wall sign.

Sign, Changeable Copy. A sign message center or readerboard that is designed so that its informational content or copy can be changed or altered by manual, electrical, electro-mechanical or electronic means. A changeable copy sign shall be counted as a sign face.

Sign Clearance. The smallest vertical distance between the grade of the adjacent street, and the lowest point of any sign, including framework and embellishment, extending over that grade.

Sign, Conforming. A sign which is in compliance with all the provisions of this Ordinance.

Sign, Construction. A sign placed at a construction site giving the name or names of building owners or developers, architects, engineers, and/or lending institutions and principal contractors, subcontractors and material suppliers participating in construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign, Copy. Alphabetic, pictorial, numerical and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos or insignia that are used on a sign display surface area for advertising and/or informational purposes.

Sign Copy Area. Area measured by the smallest circle, square or rectangle which will encompass all elements of informational or representational matter including all cut outs or extensions together with any materials or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The term sign copy area shall also include the terms display area, surface area and the word area as it relates to signage. The term sign copy area shall not be construed to include architectural trim, frames and structural supports that do not bear any sign copy. In computing area, only one (1) side of a double-faced sign shall be considered. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the maximum angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

Sign, Discontinued. Any conforming or legal nonconforming sign, other than a billboard sign, which no longer identifies or advertises a bona fide business, service, product or activity, and/or for which no legal owner can be found which has been discontinued for a period of 120 days or more regardless of reason or intent, or a temporary sign for which the permit has expired. This is not intended to apply to seasonal type businesses which annually operate "in season." However, failure to operate any such seasonal business for a minimum of 190 consecutive days in a calendar year will deem these signs to have been discontinued.

Sign, Double-faced. A sign designed to be seen from two (2) opposite directions shall be considered as one (1) sign, provided that the two (2) sign faces shall be supported on the same pole(s) or other structure, are at the same elevation and form an angle of forty-five (45) degrees or less on an interior lot or ninety (90) degrees or less on the corner lot.

Sign Face. The part of a sign that is or can be used to identify, advertise or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color or backdrop, surface or object upon which or against which it is placed. The sign structure shall not be included as a



portion of the sign face provided that no identifying/advertising message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Sign, Flashing. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classified as changeable copy signs, not flashing signs.

Sign, Freestanding. A sign which is permanently affixed to and supported by structures or supports such as poles, masts or frames which are placed upon or anchored in the ground and which structures or supports are independent from any building or other structure. For the purposes of this Ordinance a freestanding sign shall be only those signs meeting the definition given above and which are located on the same premises for which its' message is carried. Pole, ground and billboard signs are examples of freestanding signs.

Sign, Government. Any temporary or permanent sign, symbol or device erected and maintained for any Federal, State, County or Municipal governmental purposes including, but not limited to, legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Sign, Ground. A freestanding sign with a base which either appears to rest on the ground or which has a support(s) which places the base and portion of the sign copy area thereof less than ten (10) feet from the ground. A monument sign is a ground sign.

Sign Height. The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign, Identification. Means either or both of the following:

1. A sign used to display only the name, address, crest or trademark of the business, individual, family, organization or enterprise occupying the premises. The profession of the occupant; the name of the building on which the sign is displayed.
2. A permanent sign announcing the name of a subdivision, tourist home, group housing project, church, school, college, park or other public or quasi-public structure, facility or development and the name of the owners or developer but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illegal. A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.

Sign, Incidental. A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Illuminated. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Internally or Directly Illuminated. A sign where the source of the illumination is inside the sign and light emanates through the message of the sign through transparent or translucent materials 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 (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) 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 or directly illuminated signs.

Sign, Indirectly or Externally Illuminated. A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. The term Sign, Indirectly or Externally Illuminated includes backlighted.

Sign Maintenance. For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Sign, Marquee. A sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, manufactured or assembled, and/or service or entertainment offered on the premises where such a sign is displayed. For purposes of this Ordinance a marquee sign for measuring purposes will be considered a wall sign.

Sign, Memorial. A sign designating names of buildings and/or date of erection and other items such as architect, contractors, or others involved in the building's creation, cut into or attached to a building surface.

Sign, Motion. A sign or device designed to attract attention, all or any part of which uses movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and is set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means.

Sign, Movable. A sign which is movable by two or fewer individuals without aid of a motor vehicle or other mechanical equipment. The term movable sign includes the terms A-frame sign, T-shaped sign and tent sign.

Sign, Noncommercial. Any sign, display or device that does not direct attention to a business operated for profit, or to a commodity, product or service for sale which displays a substantive message, statement or expression that is protected by the First Amendment to the US Constitution.

Sign, Object or Product. A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards, and signs on automatic teller machines, gas pumps, vending machines or newspaper boxes.

Sign, Off-Premise. A sign or Structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premise signs may exist or otherwise be subject to the requirements of this Ordinance. Billboards are examples of off-premise signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies.

Sign, On-Premise. A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premise signs may exist or otherwise be subject to the requirements of this Ordinance regarding said signs. Ground signs and directional signs are examples of on-premise signs.

Sign, Pole. A freestanding sign with the base and all of the sign copy area at least ten (10) feet above the ground and which is supported from the ground by one or more poles or similar support structure of narrow width (maximum of ten percent (10%) of the width of the sign face) and not attached to any building (not a ground sign).

Sign, Political. A temporary sign used in connection with a local, state, or nation election or referendum.

Sign, Portable. A sign designed or intended to be readily relocated from one location to another whether on the same premises or a different premises, is not permanently attached to the ground, building or other permanent structure and is differentiated from a Movable Sign in that it may be equipped for transportation by motor vehicle or other mechanical means. The term Portable Sign shall include signs on wheels, trailers, truck beds, or any other device which is capable of or intended to be moved from one location to another. Signs defined as temporary signs are not included in this definition.

Sign, Public Interest. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Sign, Real Estate. A temporary sign that is used to offer for sale, lease, rent or development the premises upon which such sign is placed.

Sign, Roof. A sign erected or maintained in whole or in part on, upon or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

Sign, Structure. Any structure which supports, has supported or is capable of supporting a sign, including any decorative cover for said sign signature.

Sign, Snipe. A temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, street light or any other tree, rock or other natural object.

Sign, Temporary. Any sign, designed in structure, materials and/or copy message, which is temporary in nature to be used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, whether attached to a structure, fence or freestanding, and whether or not it contains a frame. The term Temporary Sign includes the terms Banner, Pennant, Valance, Flyer and Announcement. Temporary Sign materials consist of cloth, vinyl, canvas, light fabric, cardboard, paper, wall board or other light material. This definition shall not include a permanent sign display area with changeable copy, or to movable or portable signs.

Sign, Vehicle. A sign on a parked vehicle visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Sign, Wall. A sign which is placed on and/or attached to and supported throughout its entire length by the façade or exterior side of a building (or fence) wall by means of adhesive, paint, manufacturing process, structural and/or mechanical attachment, which said sign is not more than twelve (12) inches from the façade or exterior wall line and when its exposed face is parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Such sign may not extend above the roof line.

Sign, Window. A sign that is placed on and/or attached to the interior side of a window or door glass of a building by means of adhesive, paint and/or manufacturing process intended for viewing from the exterior of such building; or a sign within a building, placed no more than twelve (12) inches behind the window which is visible through the window.

Special Event. A planned, temporary activity.

Street. Any publicly maintained right-of way set aside for public travel which has been accepted for maintenance as a street by the North Carolina Department of Transportation.

Structural (Architectural) Trim. The molding, battens, capping, nailing strips, latticing and platforms which are attached to a sign structure.

Use. The purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.” *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 15.5      Validity**

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each Section, Subsection, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

**Section 15.6      Effective Date**

This Ordinance shall become effective upon its adoption by the Town Council of the Town of Winterville, North Carolina.

ADOPTED this the 14<sup>th</sup> day of February, 2000, by the Town Council of the Town of Winterville, North Carolina. *(2000 Zoning Ordinance, 0-51-02149900, adopted 02/14/2000)*

## APPENDIX A

### List of Amendments to Zoning Ordinance originally adopted February 14, 2000

- Ordinance No: 00-02  
Date of Adoption: August 14, 2000  
Description: Amendment to Article VII, Section 13.7  
- affirmative findings to be made when issuing a Conditional Use Permit under a Conditional Use District Zoning District
- Ordinance No: 01-47  
Date of Adoption: January 8, 2001  
Description: Amendment to Article VI, Section 6.4  
- adds non-residential cluster development as a permitted use to O&I, GB, NC, and I Districts subject to Special Requirement 40  
- adds SR 40 to Section 6.5
- Ordinance No: 01-58  
Date of Adoption: February 12, 2001  
Description: Amendment to Article IX, Section 9.19B  
- establishments participating in combined or common freestanding signs may not also have individual freestanding signs
- Ordinance No: 02-O-81  
Date of Adoption: August 12, 2002  
Description: Amendment to Article VI, Section 6.4 and Section 6.5  
- adds limited service and sales as conditional use to AR district subject to Special Requirement 41  
- adds SR 41 to Section 6.5
- Ordinance No: 03-O-04  
Date of Adoption: February 10, 2003  
Description: Amendment to Article VI, Section 6.4 and Section 6.5  
- allows limited residential use in Central Business District subject to Special Requirement 42  
- adds SR 42 to Section 6.5
- Ordinance No: 03-O-09  
Date of Adoption: April 14, 2003  
Description: Amendment to Article IV, Sections 4.1.3A and 4.3; Article V, Section 5.4A; Article VI, Section 6.4; and Article XI, Section 10.2  
- adds new R-12.5 Zoning District

Date of Adoption: July 14, 2003  
Description: Amendment to Article X, Section 10.2  
- requires minimum of 6 ft. solid construction fencing in Central Business District when adjoining property used for residential purpose

Ordinance No: 03-O-24  
Date of Adoption: July 14, 2003  
Description: Amendment to Article XIV, Section 14.2  
- adds requirement for Final Site Inspection by Town prior to issuance of a Certificate of Occupancy by the County Building Inspector

Ordinance No: 04-O-56  
Date of Adoption: January 12, 2004  
Description: Amendment to Article VI, Section 6.4 & Section 6.5  
- adds Daycare Center as a Conditional Use in the R-6 and R-8 Districts subject to Special Requirement 43  
- adds SR 43 to Section 6.5

Ordinance No: 04-O-73  
Date of Adoption: May 10, 2004  
Description: Amendment to Article VII, Section 7.1  
- changes R-15 District minimum side setback requirement for single-family dwellings from 15' to 12.5'

Ordinance No: 04-O-126  
Date of Adoption: October 11, 2004  
Description: Amendment to Article IV, creating Section 4.2.1.A and to Article V, creating Section 5.14 A  
- adds new Central Business Transition Overlay District

Ordinance No: 05-O-149  
Date of Adoption: March 14, 2005  
Description: Amendment to Article VI, Section 6.5, Special Requirement #5  
- *repeals requirement "Nor shall any family day care home be located within one mile radius of any other family day care home."*

Ordinance No: 05-O-172  
Date of Adoption: July 11, 2005  
Description: Amendment to Article XIII, Section 13.5  
- repeals requirement for 4/5's vote of Board of Aldermen when Planning Board recommends against such amendment

Ordinance No: 05-O-188  
Date of Adoption: October 10, 2005  
Description: Amendment to Article VII, Section 7.1, NOTE (1)  
- requires that minimum lot width for residential uses may be measured at the actual building setback line which shall not be less than the minimum and shall not be more that two (2) times the minimum

Ordinance No: 05-O-189  
Date of Adoption: October 10, 2005  
Description: Amendment to Article III, Section 3.10  
- requires that residential fences on corner lots meet the same visibility and height requirements on a side yard fronting a street as required on a front yard

Ordinance No: 05-O-198  
Date of Adoption: December 12, 2005  
Description: Amendment to Article III, Section 3.10  
- requires that fences shall not be installed nor encroach upon any easement unless authorized by an Encroachment Permit  
- requires a Zoning Compliance Certificate for fence construction

Amendment to Article III, Section 3.11  
- requires that accessory buildings shall not be erected within nor encroach upon drainage and/or utility easements unless authorized by an Encroachment Permit

Amendment to Article VII, Section 7.1  
- adds Note 6 stating that whenever drainage and/or utility easements extend further into a lot that minimum setback requirements, the boundary line of the easement shall become the minimum setback requirement

Amendment to Article VII, Adding Section 7.2  
- adds Section 7.2 prohibiting encroachments on easements unless authorized by an Encroachment Permit  
- sets out general requirements for encroachment permit application

Ordinance No: 06-O-215  
Date of Adoption: April 10, 2006  
Description: Amendment to Article IX, Sec 9.15, L  
- deletes Off-Premises signs as permitted use



Date of Adoption: December 11, 2006  
Description: Amendment to Article VI, Sec 6.4  
- deletes nursing & convalescent homes  
- adds congregate care facility, convalescent care facility, group care facility, and nursing home

Amendment to Article VI, Sec 6.5  
- repeals SR 16  
- adds new SR 16

Amendment to Article XV, Sec 15.4  
- changes definitions for congregate care facility and group care facility  
- adds definitions for convalescent care facility, dependent living facility, and independent living facility

Ordinance No: 07-O-291  
Date of Adoption: October 8, 2007  
Description: - Repeals Article X in its entirety  
- Creates new Article X “Architectural Standards”  
- exterior appearance criteria for non- residential uses  
- Creates new Article X-A “Vegetation and Buffering Requirements”  
- minimum site vegetation requirements;  
- buffering requirements;  
- uses a land use classification system, under Article VI, Section 6.4 (table of permitted and conditional uses) for application of standards - i.e. specific standards applicable are based on the land use classification number of the proposed use

Ordinance No: 08-O-96  
Date of Adoption: July 14, 2008  
Description: Amendment to Article VI, Section 6.4  
- Churches added as a Permitted Use in the Central Business District

Ordinance No: 08-O-98  
Date of Adoption: September 8, 2008  
Description: Amendment to Article IV, Article V, Article VI, Article VII, and Article IX  
- Intermediate Commercial District created

Ordinance No: 08-O-103  
Date of Adoption: December 8, 2008  
Description: Amendment to Article IV adding Section 4.3.1  
- Conditional Use District with a Site Specific Development Plan created

Ordinance No: 09-O-108  
 Date of Adoption: January 12, 2009  
 Description: Amendment to Article III adding Section 3.23.A  
 - adds Section 3.23.A - Use of Recreational Vehicle as Dwelling Prohibited

Ordinance No: 09-O-136  
 Date of Adoption: April 13, 2009  
 Description: Amendment to Article III, Section 3.10  
 - repeals existing Section 3.10 Fences and Walls and adopts a revised Section 3.10

Ordinance No: 09-O-143  
 Date of Adoption: June 8, 2009  
 Description: Amendment to Article VIII, Section 8.1, G Remote Parking  
 - adds "Business Uses may park in Office & Institutional

Ordinance No: 09-O-149  
 Date of Adoption: October 12, 2009  
 Description: Amendment to Article IX, Section 9.15, L  
 - allows "Seasonal-Temporary Off-Premises Signs"

Ordinance No: 10-O-210  
 Date of Adoption: March 8, 2010  
 Description: All occurrences of the words "Board of Aldermen" replaced with the words "Town Council" in accordance with Town of Winterville Charter amendment changing the name of the governing body from "Board of Aldermen" to "Town Council"

Ordinance No: 10-O-223  
 Date of Adoption: May 10, 2010  
 Description: Internet Sweepstakes Regulations  
 Amendment to Section 15.4, A  
 - defines "internet sweepstakes"  
 Amendment to Section 6.5  
 - establishes Special Requirement SR 44  
 Amendment to Section 6.4  
 - adds internet sweepstakes as a permitted use, subject to SR 44, in the General Business and Industrial zoning districts

Date of Adoption: June 14, 2010  
Description: Amendment to Section 6.4 Table of Permitted and Conditional Uses  
- adds “tattooing” as a permitted use in the Industrial district subject to Special Requirement SR 45  
Amendment to Section 6.5 Special Requirements  
- adds Special Requirement SR 45

Ordinance No: 12-O-288  
Date of Adoption: May 14, 2012  
Description: Amendment to Article III, Section 3.10, B1 & B2  
- changes maximum height for residential fences in a front yard and in a corner lot street side yard from 3 feet to 4 feet

Ordinance No: 17-O-341  
Date of Adoption: January 9, 2017  
Description: Amendment to Section 6.4 Table of Permitted and Conditional Uses  
- adds “wine & craft beer shop”, “microbrewery/brewpub”, and “regional brewery” as permitted and conditional uses.  
- Microbrewery/Brewpub & Regional Brewery are subject to Special Requirement SR 23.  
Amendment to Section 15.4, A  
-defines “wine & craft beer shop”, “microbrewery/brewpub”, “regional brewery” and “tasting room/sampling room/tap room.

Ordinance No: 17-O-13  
Date of Adoption: November 13, 2017  
Description: Amendment to Section 6.4 Table of Permitted and Conditional Uses  
- “Class A Single Family” -Permitted use is removed as a permitted use within the A-R district.  
- “Class A Single Family- use is added as a conditional use within the A-R district. Special Requirement 3 remains unchanged.  
- “Class B Single Family”- Permitted use is removed within the A-R district.  
- “Shooting Ranges, Outdoor, Local Government Only” – permitted use is removed within the A-R district.  
- “Landscaping Services, Farm Supplies and Stables”- permitted use is removed within the A-R district- uses were part of the “Farm Related Enterprises” category of uses.  
- “Refrigerator or Large Appliance Repairs”- conditional use is removed within the A-R district.

Ordinance No: 19-O-084  
Date of Adoption: August 19, 2019  
Description: Amendment to Section 6.4 Table of Permitted and Conditional Uses  
- adds "tattooing" as a permitted use in the General Business District subject to Special Requirement SR 45

Ordinance No: 20-O-122  
Date of Adoption: December 14, 2020  
Description: Amended Ordinance to comply with Chapter 160D of the North Carolina General Statutes, a complete reorganization of the state’s planning and development regulation statutes.

Ordinance No: 21-O-051  
Date of Adoption: May 10, 2021  
Description: Amended Ordinance to Mini-Warehouses: remove from all zoning districts except Industrial (I) and add “Self-Storage Units” to the use type description for clarification. Remove reference to Pitt County (“County of Pitt”) in Section 14.2. This language was still included in the Ordinance from when the County administered building inspections within the Town’s jurisdiction. Add language to “SR 23. ABC Sales for On Premise Consumption; Bars” to exclude property within the Central Business District from separation requirements. Add “Section 10.5 – Multifamily Residential Design Standards”. This section provides design and configuration requirements for multi-family developments.

Ordinance No: 21-O-112  
Date of Adoption: November 8, 2021  
Description: Amendment to Section 7.1 Dimensional Requirements – changed Minimum Lot Width for R-10 Zoning District from 80’ to 70’; changed Side yard setback for R-10, R-8, and R-6 Zoning Districts from 10’ to 8’.

Ordinance No: 24-O-061  
Date of Adoption: June 10, 2024  
Description: Amendment to:

- Two Family & Multi Family Amendment to A-R Zoning District: Amendment to Section 6.4: A-R Zoning District- Removing Multi-Family and Two Family as uses to the A-R Zoning District. Amendment to Section 6.5: Removing the reference of A-R from Special Requirement (SR) #2.
- Internet Sweepstakes Amendment: Amendment to Section 6.4: Altering Internet Sweepstakes from a Permitted Use to a Special Use. Amendment to Section 6.5: Altering the text and requirements of Special Requirement (SR) #44.
- Tobacco Stores Amendment: Amendment to Section 6.4: Altering Tobacco Stores title to “Tobacco, Vape, Smoke Shop, or Other Chemically Enhanced Products”; Removing the use from Central Business (C-B), Commercial (I-C), and Commercial Neighborhood (C-N). Allow the use as a “Special Use” within General Business (GB) and Industrial (I) district. Amendment to Section 6.5: Adding Special Requirement (SR) #46 to provide additional requirements for the use. Amendment to section 15.4B: Adding a definition of the use.

- Variance Text Amendment: Amendment to Section 12.5: Altering the Variance Text to reflect the statutory changes that resulted from 160D-705(d).

Adopted this 10<sup>th</sup> day of June 2024

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Richard E. Hines, Mayor

ATTEST:

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Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Public Hearings

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Flood Damage Prevention Ordinance Amendments.

**Action Requested:** Hold Public Hearing for Ordinance Amendments.

**Attachment:** **Flood Ordinance Changes and Amendments Document. (Updated Draft Attached).**

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Staff Analysis:**

The Town of Winterville had a Community Assistance Visit (CAV) audit by the North Carolina Department of Public Safety. The program ensures that we are meeting all FEMA and state requirements for regulation and development within or around floodplains. The proposed text changes are requirements in order to keep our Flood Damage Prevention Ordinance up to current regulation.

**Budgetary Impact:** TBD

**Recommendation:** Hold Public Hearing and Consider Ordinance Amendments.

Flood Damage Prevention Ordinance Required Amendments as reviewed and requested by the NC Department of Public Safety.

**1. Review Ordinance (ADDITIONS, REVISIONS, DELETIONS)**

a. Required Revisions:

- i. Article 1, Section A. Statutory Authorization. **REPLACE WITH BELOW LANGUAGE IN ITS ENTIRETY.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

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

b. Article 2. Definitions. **ADDITIONS**

- i. “Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before [the initial Flood Insurance Rate Map \(FIRM\) for the community, dated February 24, 1978.](#)
- ii. “Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community, [dated October 12, 1987.](#)
- iii. “Lowest Adjacent Grade (LAG)” means the [lowest](#) elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- iv. “New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations, [dated October 12, 1987,](#) and includes any subsequent improvements to such structures.
- v. “Post-FIRM” means construction or other development for which the “start of construction” occurred on or after [February 24, 1987,](#) the effective date of the initial Flood Insurance Rate Map.

- vi. “Pre-FIRM” means construction or other development for which the “start of construction” occurred before [February 24, 1987](#), the effective date of the initial Flood Insurance Rate Map.
  - vii. “Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
    - (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
    - (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure [and the alteration is approved by variance issued pursuant to Article 4, Section E of this ordinance](#).
- c. Article 3, Section B. Basis for Establishing the Special Flood Hazard Areas.  
**REVISE AND DELETE**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) ~~and its Flood Insurance Rate Maps (FIRM)~~, for Pitt County dated June 19, 2020, [and associated DFIRM panels, including any digital data developed as part of the FIS](#), which are adopted by reference and declared to be a part of this ordinance, [and all revisions thereto](#). Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Winterville are also adopted by reference and declared a part of this ordinance.

- d. Article 6, Section A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance. **REVISE AND DELETE**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted October 12, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance



of the Town of Winterville enacted on ~~November 11, 2013~~ [October 12, 1987](#), as amended, which are not reenacted herein are repealed.



**WINTERVILLE**

*A slice of the good life!*

**TOWN OF WINTERVILLE, NORTH CAROLINA  
FLOOD DAMAGE PREVENTION ORDINANCE**

DRAFT

Originally adopted: March 9, 2015 - Ordinance No. 15-O-332.

Incorporates amendments adopted up to date of printing.

Previous Amendment Adopted: September 14, 2020 - Ordinance No. 20-O-091.

Latest Amendment Adopted: June 10, 2024- Ordinance No. 24-O-062.

Printed **TBD.**

**FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

**SECTION A. STATUTORY AUTHORIZATION.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

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

**SECTION B. FINDINGS OF FACT.**

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

**SECTION C. STATEMENT OF PURPOSE.**

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

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

**SECTION D. OBJECTIVES.**

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) minimize damage to private and public property due to flooding;
- (7) make flood insurance available to the community through the National Flood Insurance Program;
- (8) maintain the natural and beneficial functions of floodplains;
- (9) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

**ARTICLE 2. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

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

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

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

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA).”

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

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

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure.”

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

“Design Flood”: See “Regulatory Flood Protection Elevation.”

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

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

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

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

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

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

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the initial Flood Insurance Rate Map (FIRM) for the community, dated February 24, 1978.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community, dated October 12, 1987.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

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

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

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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

“Flood Prone Area” see “Floodplain”

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

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

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

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

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

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Please refer to Technical Bulletin 2,

Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

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

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

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

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

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program;” or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

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

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

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood

Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

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

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

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

**“Manufactured Home Park or Subdivision”** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

**“New Construction”** means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations, dated October 12, 1987, and includes any subsequent improvements to such structures.

**“Non-Conversion Agreement”** means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

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

**“Post-FIRM”** means construction or other development for which the “start of construction” occurred on or after February 24, 1987, the effective date of the initial Flood Insurance Rate Map.

**“Pre-FIRM”** means construction or other development for which the “start of construction” occurred before February 24, 1987, the effective date of the initial Flood Insurance Rate Map.

**“Principally Above Ground”** means that at least 51% of the actual cash value of the structure is above ground.

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

**“Recreational Vehicle (RV)”** means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“Reference Level”** is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the

lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

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

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

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

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

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

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the



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

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

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

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

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

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

**ARTICLE 3. GENERAL PROVISIONS.**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction, of the Town of Winterville.

**SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS), for Pitt County dated June 19, 2020, and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance, and all revisions thereto. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Winterville are also adopted by reference and declared a part of this ordinance.

The initial Flood Insurance Rate Maps for the Town of Winterville jurisdiction is dated February 24, 1978.

**SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

**SECTION D. COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION E. ABROGATION AND GREATER RESTRICTIONS.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION.**

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

**SECTION G. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Winterville or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**SECTION H. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Winterville from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE 4. ADMINISTRATION.**

**SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The Planning Director, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

**SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.**

- (1) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
  - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
    - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
    - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
    - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
    - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
    - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
    - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
    - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
  - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
    - (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
    - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will

- be floodproofed; and
  - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
  - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
  - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
    - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
    - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
  - (e) Usage details of any enclosed areas below the lowest floor.
  - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
  - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
  - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
  - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
  - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
  - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
  - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
  - (e) All certification submittal requirements with timelines.
  - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
  - (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (3) Certification Requirements.
- (a) Elevation Certificates
    - (i) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
    - (ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of

the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
  - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
  - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

(4) Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

**SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as

amended.

- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

**SECTION D. CORRECTIVE PROCEDURES.**

- (1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - (a) that the building or property is in violation of the floodplain management regulations;
  - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred twenty (120) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

**SECTION E. VARIANCE PROCEDURES.**

- (1) The Board of Adjustment as established by the Town of Winterville, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
  - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
  - (c) any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - (a) the danger that materials may be swept onto other lands to the injury of others;
  - (b) the danger to life and property due to flooding or erosion damage;
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) the importance of the services provided by the proposed facility to the community;
  - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
  - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) the compatibility of the proposed use with existing and anticipated development;
  - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between

the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
  - (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) Variances shall only be issued prior to development permit approval.
  - (e) Variances shall only be issued upon:
    - (i) a showing of good and sufficient cause;
    - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
    - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
  - (a) The use serves a critical need in the community.
  - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
  - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  - (d) The use complies with all other applicable Federal, State and local laws.
  - (e) The Town of Winterville has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

**ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

**SECTION A. GENERAL STANDARDS.**

In all Special Flood Hazard Areas, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes,



utility/cable boxes, hot water heaters, and electric outlets/switches.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

**SECTION B. SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
  - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
  - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
  - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (6) Recreational Vehicles. Recreational vehicles shall either:
  - (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
  - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
  - (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
  - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
  - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
  - (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  - (b) Accessory structures shall not be temperature-controlled;
  - (c) Accessory structures shall be designed to have low flood damage potential;
  - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
  - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
  - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).
- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
  - (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the

design flood, including the effects of buoyancy assuming the tank is empty;

- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
  - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this Article shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
  - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
    - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development.
- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
  - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
  - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

**SECTION C. RESERVED.**

**SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
  - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
  - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in

accordance with Article 3, Section B and utilized in implementing this ordinance.

- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

**SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.**

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

**SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
  - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  - (a) the anchoring and the elevation standards of Article 5, Section B(3); and
  - (b) the no encroachment standard of Article 5, Section F(1).

**SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).**

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components

having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).

- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**ARTICLE 6. LEGAL STATUS PROVISIONS.**

**SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted October 12, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Winterville enacted on October 12, 1987, as amended, which are not reenacted herein are repealed.

Municipal: The date of the initial Flood Damage Prevention Ordinance for the Town of Winterville is October 12, 1987.

**SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

**SECTION C. SEVERABILITY.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**SECTION D. EFFECTIVE DATE.**

This ordinance shall become effective September 14, 2020.

**SECTION E. ADOPTION CERTIFICATION.**

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**Appendix A:**

List of Amendments to Zoning Ordinance originally adopted March 9, 2015.

Ordinance No: 20-O-091

Date of Adoption: September 14, 2020

Description: Alterations to match State's Model Flood Damage Prevention Ordinance.

Ordinance No: 24-O-062

Date of Adoption: June 10, 2024

Description: Minor Amendments as requested by the NC Department of Public Safety after the 2024 Community Assistance Visit (CAV).

Adopted this 10<sup>th</sup> day of June 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

ATTEST:

\_\_\_\_\_  
Donald Harvey, Town Clerk

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of Winterville, North Carolina, on the 10<sup>th</sup> day of June 2024.

WITNESS my hand and the official seal of Winterville, North Carolina, this the 10th day of June 2024.

\_\_\_\_\_  
Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Jessica Manning, Finance Director

**Item to be Considered**

**Subject:** Budget Amendment 2023-2024-7.

**Action Requested:** Approval of Budget Amendment.

**Attachment:** Budget Amendment 2023-2024-7.

**Prepared By:** Jessica Manning, Finance Director

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

This is the seventh budget amendment for the 2023-2024 Fiscal Year.

The first item addresses increases in revenues for local options sales tax and vehicle property taxes in the amount of \$105,000, as well as a decrease in revenues for building inspections of \$60,000.

The second item addresses an increase in Powell Bill Fund Distributions in the amount of \$38,800.

The third item addresses the need to close the Fire Department Fund with a transfer in from the General Fund to balance the cash account. All funding has been exhausted for this fund.

The fourth item addresses the need to close out the 2019 Sewer Rehab Project with a transfer in from the Sewer (parent) fund to balance the cash account. All projects have been complete with this fund.

The fifth addresses the need to move funds to the respective capital reserve accounts that were collected during the fiscal year. The totals are as follows: Water - increase by \$64,000 and Sewer – increase by \$47,000.

The sixth item addresses the need to increase the Sewer Charges revenue line item by \$22,000.

The seventh item addresses the need to decrease the Electric Purchase for Resale appropriation line item by \$1,000,000 and to increase the Electric Sales Tax appropriation line item by \$12,000.

The final item addresses the need to reduce Stormwater Contracted Services by \$100,000.

**Budgetary Impact:** The total budget amendment will decrease the budget by \$849,950.

**Recommendation:** Staff recommends Council approve the budget amendment.



## BUDGET ORDINANCE AMENDMENT 2023-2024-7

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024:

**SECTION 1. Revenues are to be changed as follows:**

LINE ITEM DESCRIPTION	Fund	Account	Increase	Decrease
Local Option Sales Tax	General	10000000 3210	\$25,000	
Vehicle Property Tax	General	10000000 3160	\$80,000	
Asset Forfeiture	General	10000000 3435	\$158,500	
Grant	General	10000000 3415		\$79,700
Building Inspections	General	10000000 3636		\$60,000
Cemetary Plots	General	10000000 3840	\$2,000	
Police Event Pay	General	10000000 3863		\$15,000
Fund Balance	General	10000000 3831		\$110,800
Contribution from Fund Balance	General	10000000 3942	\$36,233	
Powell Bill Distribution	Powell Bill	16000000 3440	\$38,800	
Fund Balance	Powell Bill	16000000 3831		\$38,800
General Fund Contribution	Fire Department Fund	18000000 3884	\$36,233	
Contribution from Sewer	2019 Sewer Rehab Project	46000000 3827	\$27,292	
Electric Sales	Electric	60000000 3901	\$450,000	
Connection Fees	Electric	60000000 3902		\$41,000
Fund Balance Appropriation	Electric	60000000 3831		\$1,397,000
System Development Fee	Water	61000000 3919	\$55,000	
Connection Fees	Water	61000000 3922	\$9,000	
Water Meters	Water	61000000 3926	\$5,000	
Fund Balance Appropriation	Water	61000000 3831		\$5,000
System Development Fee	Sewer	62000000 3919	\$47,000	
Sewer Charges	Sewer	62000000 3931	\$22,000	
Fund Balance Appropriation	Sewer	62000000 3831		\$22,000
Contribution from Fund Balance	Sewer	62000000 3942	\$27,292	
Fund Balance Appropriation	Stormwater	63000000 3831		\$100,000

Total		\$1,019,350	\$1,869,300
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**SECTION 2. Appropriations are to be changed as follows:**

LINE ITEM DESCRIPTION	Account		Department	Fund	Increase	Decrease
Contribution to Fire Dept Fund	10950000	9108		Non-Departmental	\$36,233	
Contingency	18432000	4250		Fire Department Fund	\$36,233	
Engineering	46801000	4233		2019 Sewer Rehab Project	\$27,292	
Contribution to Capital Improvements	62732020	9107		Sewer	\$27,292	
Purchase for Resale	60711000	4302		Electric		\$1,000,000
North Carolina Sales Tax	60711000	4303		Electric	\$12,000	
Contribution to Capital Reserve	61721000	9112		Water	\$64,000	
Contribution to Capital Reserve	62732000	9112		Sewer	\$47,000	
Contracted Services	63742000	4233		Contracted Services		\$100,000

Total

Adopted the 10th day of June 2024.

\$250,050 \$1,100,000

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Mayor

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Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Jessica Manning, Finance Director

**Item to be Considered**

**Subject:** Close out of Fire Department Fund 18.

**Action Requested:** Adopt the Resolution Closing out the Fund.

**Attachment:** Resolution 24-R-061.

**Prepared By:** Jessica Manning, Finance Director

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

As a result of the Town having exhausted all grant funds received for the Fire Department Fund for Fire retention and FEMA funding, we are now able to close the respective fund related to managing the grant funding. The fund that needs to be closed is as follows:

Fund 18 – Fire Department Fund.

All funding has been spent. The resolution allows staff to remove the grant fund from the accounting system and roll any unspent funds back to the parent fund. Closing out this fund will also simplify the audit and the Annual Comprehensive Financial Report.

**Budgetary Impact:** None.

**Recommendation:** Staff recommends Council Adopt the attached Resolution 24-R-061.

**RESOLUTION 24-R-061**

**Close-out of Fire Department Fund 18**

**WHEREAS**, the Town of Winterville established the Fire Department Fund in 2019. This fund was established for the grant funding received for Fire recruitment funding and FEMA funding. The fund was titled Fire Department Fund; and

**WHEREAS**, the Fund has had no activity during the last fiscal year; and

**WHEREAS**, all projects associated with this fund are complete; and

**WHEREAS**, any balance associated with this fund be returned to the parent fund; and

**WHEREAS**, Fund 18 Fire Department Fund is now considered closed.

**NOW THEREFORE, BE IT RESOLVED BY THE WINTERVILLE TOWN COUNCIL THAT** the Town of Winterville has completed all projects and all documentation will be preserved in Town files to comply with recordkeeping requirements.

Adopted this 10th day of June 2024,

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Richard E. Hines, Mayor

Attest

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Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Jessica Manning, Finance Director

**Item to be Considered**

**Subject:** Close out of ARPA Grant Fund.

**Action Requested:** Adopt the Resolution Closing out the Fund 23.

**Attachment:** Resolution 24-R-062.

**Prepared By:** Jessica Manning, Finance Director

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

As a result of the Town using all of the American Rescue Plan Act Grant funds for revenue replacement to supplant salaries and wages, the following fund needs to be closed.

Fund 23 – ARPA Grant Fund.

All grant funding has been complete. This resolution allows staff to remove the grant fund from the accounting system and roll any unspent funds back to the parent fund. While the resolution allows for any adjustments with unspent cash, all funds have been spent. Closing out this grant will also simplify the audit and the Annual Comprehensive Financial Report.

**Budgetary Impact:** None.

**Recommendation:** Staff recommends Council Adopt Resolution 24-R-062.

**RESOLUTION 24-R-062**

**Close-out of Grant Fund 23**

**WHEREAS**, the Town of Winterville established the American Rescue Plan Act Grant Fund in 2021. This fund was established for the funding received from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Fund. The fund was titled ARPA Grant Fund; and

**WHEREAS**, the Fund has had no activity during the last fiscal year; and

**WHEREAS**, all projects associated with this fund are complete; and

**WHEREAS**, any balance associated with this fund be returned to the parent fund; and

**WHEREAS**, Fund 23 ARPA Grant Fund is now considered closed.

**NOW THEREFORE, BE IT RESOLVED BY THE WINTERVILLE TOWN COUNCIL THAT** the Town of Winterville has completed all projects and all documentation will be preserved in Town files to comply with recordkeeping requirements.

Adopted this 10th day of June 2024.

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Richard E. Hines, Mayor

Attest

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Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Jessica Manning, Finance Director

**Item to be Considered**

**Subject:** Close out of 2019 Sewer Rehab Project Fund.

**Action Requested:** Adopt the Resolution Closing out the Fund 46.

**Attachment:** Resolution 24-R-063.

**Prepared By:** Jessica Manning, Finance Director

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

As a result of the Town completing the projects for the 2019 Sewer Rehab Project, we are now able to close the respective fund related to managing the project. The fund that needs to be closed is as follows:

Fund 46 – 2019 Sewer Rehab Project.

All projects are complete. The resolution allows staff to remove the project fund from the accounting system and roll any unspent funds back to the parent fund. Closing out this project will also simplify the audit and the Annual Comprehensive Financial Report.

**Budgetary Impact:** None.

**Recommendation:** Staff recommends Council Adopt Resolution 24-R-063.

**RESOLUTION 24-R-063**

**Close-out of Capital Project Fund 46**

**WHEREAS**, the Town of Winterville established this capital project fund in January 2019. This fund was established for a Sewer Rehabilitation Project. The fund was titled 2019 Sewer Rehab Project.

**WHEREAS**, the Fund has had no activity during the last fiscal year; and

**WHEREAS**, all projects associated with this fund are complete; and

**WHEREAS**, any balance associated with this fund be returned to the parent fund; and

**WHEREAS**, Fund 46 2019 Sewer Rehab Project Fund is now considered closed.

**NOW THEREFORE, BE IT RESOLVED BY THE WINTERVILLE TOWN COUNCIL THAT** the Town of Winterville has completed all projects and all documentation will be preserved in Town files to comply with recordkeeping requirements.

Adopted this 10th day of June 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

Attest

\_\_\_\_\_  
Donald Harvey, Town Clerk





**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Yarborough Rezoning- Parcel Number 80600.

**Action Requested:** Schedule Public Hearing on the Rezoning Request for August 5, 2024.

**Attachment:** Rezoning Application, Rezoning Map, Legal Description, and Staff Recommendation.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/30/2023

**ABSTRACT ROUTING:**

**TC:** 6/3/2024

**TM:** 6/4/2024

**Final:** tlp - 6/4/2024

**Supporting Documentation**

Yarborough Rezoning- Parcel Number 80600

- Applicant: Inner Banks Engineering, PE- Marie Peedin.
- Current Zoning District: A-R.
- Proposed Zoning District: R 12.5.
- Site size: 12.8 Acres.
- Future Land Use Plan/Comprehensive Land Use Plan Character area: Suburban Residential.
- Staff Analysis: The 12.8-acre property is currently vacant with an existing stubbed street from Copper Creek, to the West of this property, creating a seamless flow from the neighboring subdivision. The R-12.5 Zoning District is the ideal proposal in order to ensure a similar product type to the neighboring residents. The proposal meets the recommendations of the Comprehensive Plan and Future Land Use Plan.
- Staff Recommendation: Staff recommends approval of the rezoning request for the 12.8 acres from AR to R-12.5.

**\*\*Planning and Zoning Board reviewed the proposal at their May 2024 meeting and unanimously recommended approval.**

**Budgetary Impact:** TBD.

**Recommendation:** Schedule Public Hearing on the Rezoning Request for August 5, 2024.



**REZONING APPLICATION  
TOWN OF WINTERVILLE**

2571 Railroad Steet  
P O Box 1459  
Winterville, NC 28590  
Phone: (252) 756-2221

Staff Use Only  
Appl. # \_\_\_\_\_

**OWNERSHIP INFORMATION:**

Applicant: \_\_\_\_\_ Inner Banks Engineering, PC – Marie Peedin

Address: \_\_\_\_\_  
P O Box 154 Washington, NC 27889

Phone #: \_\_\_\_\_  
252-945-2983

Owner: ~~Sophia Yarborough~~ Benjamin Michael Yarborough

Address: \_\_\_\_\_  
3102 Eton Road Raleigh, NC 27608

Phone #: \_\_\_\_\_

**PROPERTY INFORMATION**

Parcel #: \_\_\_\_\_ 80600 Area (square feet or acres): \_\_\_\_\_ 12.8 ac  
Vacant

Current Land Use: \_\_\_\_\_  
325 lf north of Copper Creek Dr along Reedy Branch Road

Location of Property: \_\_\_\_\_

**ZONING REQUEST**

Existing Zoning: \_\_\_\_\_ RA Requested Zoning: \_\_\_\_\_ R12.5

Reason for zoning change: \_\_\_\_\_  
Increase density for future residential subdivision

Reason for zoning change: \_\_\_\_\_

**This application shall be accompanied by the following items:**

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

**OWNER/AGENT STATEMENT**

Marie Peedin

I, \_\_\_\_\_, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for \_\_\_\_/\_\_\_\_/\_\_\_\_.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance my result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

- All owners of the property must sign the application.

\_\_\_\_\_  
Signature Date

**NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.**

- All owners of the property must sign the application.

I, Benjamin Michael Yarbrough  
~~Sophia Yarbrough~~, being the Owner of the property described herein,  
Marie Peedin  
do hereby authorize \_\_\_\_\_ as agent for the purpose of this application.

Benjamin M. Yarbrough  
Signature Date April 3, 2024

Sworn to and subscribed before me, this 3<sup>rd</sup> day of April, 2024.



Kayla Wyrick  
Notary Public

My Commission Expires:  
March 23, 28

**Staff Use Only**

Appl. #: \_\_\_\_\_ Fee Amount \_\_\_\_\_ Date Paid \_\_\_\_\_

Planning Board Recommendation: APPROVED  Meeting Date: \_\_\_\_\_  
DENIED

Conditions/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Council Decision: APPROVED  Meeting Date: \_\_\_\_\_  
DENIED

Conditions/Comments: \_\_\_\_\_  
\_\_\_\_\_

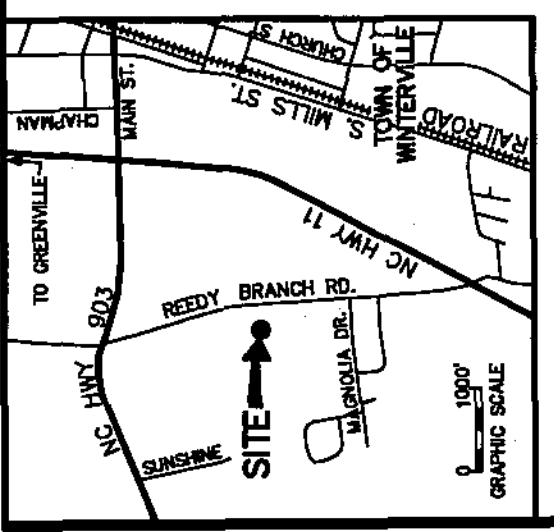
### Rezoning Property Description

Beginning at an existing iron in the western right of way of Reedy Branch Road (SR 1131):

S87° 54'26" W, 1595.65' to an EIP thence, N13° 34'29" W, 377.22' to an existing concrete monument in the centerline of the ditch, thence N 89° 13'59" E 1616.80' to an existing iron located along the western right of way of Reedy Branch Rd thence following said right of way , S 07° 06'48"E, 147.79' thence, S 05°34'14" E, 184.73' to the point of beginning containing 13.03 acres.

Description is based on a Map of Record entitled "Survey for E. Jerry Williams Living Trust", dated Feb. 21, 2011 recorded in Pitt Count Register of Deeds MB 74 Pg 79.

PARCELNUMBER	NCPIN	LocationStreet	LocationType	Municipality	OwnerAddress1	OwnerAddress2	OwnerAddress3	CityStateZip
26863016	89045	2707 ELIANA	LN	WINTERVILLE	TAYLOR TAMARAH AINKA	TAYLOR RONALD C	2707 ELIANA LN	WINTERVILLE NC 28590
26858045	89044	2713 ELIANA	LN	WINTERVILLE	ADAMS HOMES AEC LLC		100 WEST GARDEN STREE	PENSACOLA FL 32502
26863017	89043	2719 ELIANA	LN	WINTERVILLE	ADAMS HOMES AEC LLC		100 WEST GARDEN STREE	PENSACOLA FL 32502
26858044	89042	2727 ELIANA	LN	WINTERVILLE	ADAMS HOMES AEC LLC		100 WEST GARDEN STREE	PENSACOLA FL 32502
26856029	82988	208 COPPER CREEK	DR	WINTERVILLE	JOHNSON JOHN KENROY SR	JOHNSON PHYLLIS THELMA ANN	208 COPPER CREEK DR	WINTERVILLE NC 28590
26858174	82987	214 COPPER CREEK	DR	WINTERVILLE	WOODWARD RONALD G	WOODWARD SARAH L	214 COPPER CREEK DR	WINTERVILLE NC 28590
26852959	82986	220 COPPER CREEK	DR	WINTERVILLE	WEAVER WILLIAM DONALD II		220 COPPER CREEK DR	WINTERVILLE NC 28590
26858173	82985	228 COPPER CREEK	DR	WINTERVILLE	ATODARIA VISHWAJEETSINH	MAHIDA SNEHALBEN	228 COPPER CREEK DR	WINTERVILLE NC 28590
26855188	82984	234 COPPER CREEK	DR	WINTERVILLE	MAY ARCHIE GRAY JR	MAY DEBORAH DENNING	234 COPPER CREEK DR	WINTERVILLE NC 28590
26855187	82983	240 COPPER CREEK	DR	WINTERVILLE	WATSON ROBERT KEITH		240 COPPER CREEK DR	WINTERVILLE NC 28590
26855186	82982	248 COPPER CREEK	DR	WINTERVILLE	VIERA JOSE ANTONIO	VIERA ROBIN TUNISIA	248 COPPER CREEK DR	WINTERVILLE NC 28590
26856028	82981	254 COPPER CREEK	DR	WINTERVILLE	MCGHEE JEREMY DAVID ROYCE	MCGHEE DIONNA DONTRICE	254 COPPER CREEK DR	WINTERVILLE NC 28590
26855185	82980	260 COPPER CREEK	DR	WINTERVILLE	ELLIS CHRISTOPHER D	ELLIS TAMMI A	260 COPPER CREEK DR	WINTERVILLE NC 28590
26858172	82979	266 COPPER CREEK	DR	WINTERVILLE	HARRIS DOLLIE	HARRIS RONALD	266 COPPER CREEK DR	WINTERVILLE NC 28590
26858171	82978	272 COPPER CREEK	DR	WINTERVILLE	FOSTER SUMMER ERIN	SEBASTIAN TERESA LYNN	272 COPPER CREEK DR	WINTERVILLE NC 28590
26855184	82977	280 COPPER CREEK	DR	WINTERVILLE	YOUSSEF ABDALLA S		280 COPPER CREEK DR	WINTERVILLE NC 28590
26858170	82976	286 COPPER CREEK	DR	WINTERVILLE	MCMILLAN SEBRON J	RICHARDSON RAIESHA J	286 COPPER CREEK DR	WINTERVILLE NC 28590
26855183	82975	290 COPPER CREEK	DR	WINTERVILLE	JONES ROBERT ANTHONY	JONES LATONYA AKEEMA	290 COPPER CREEK DR	WINTERVILLE NC 28590
26852958	82974	298 COPPER CREEK	DR	WINTERVILLE	COX DONNIE BERNARD		298 COPPER CREEK DR	WINTERVILLE NC 28590
26852957	82973	304 COPPER CREEK	DR	WINTERVILLE	MILLS KEVIN	MILLS BRANDI	304 COPPER CREEK DR	WINTERVILLE NC 28590
26858169	82972	310 COPPER CREEK	DR	WINTERVILLE	CCS RESOURCES LLC		1801 FOX DEN WAY UNIT	GREENVILLE NC 27858
26852956	82971	316 COPPER CREEK	DR	WINTERVILLE	ADAMS D SHAWN H	ATKINSON ASHLEY	316 COPPER CREEK DR	WINTERVILLE NC 28590
26832265	51906	5076 REEDY BRANCH	RD		BRILEY TRUDY ORLENE J		4984 REEDY BRANCH RO,	WINTERVILLE NC 28590
26841987	02386	4960 REEDY BRANCH	RD		BRILEY TRUDY O JEFFERSON		4984 REEDY BRANCH RO,	WINTERVILLE NC 28590
26831370	01287	5074 REEDY BRANCH	RD		BRILEY TRUDY ORLENE J		4984 REEDY BRANCH RO,	WINTERVILLE NC 28590



**NOTE:**  
 COMBINED SCALE FACTOR = 0.9999837  
 ALL DISTANCES ARE HORIZONTAL  
 GROUND MEASUREMENTS IN FEET  
 AND DECIMALS THEREOF UNLESS  
 NOTED OTHERWISE.

**SOURCE OF TITLE:**  
 DB 2315, P. 33  
 DB 5-25, P. 535

**LEGEND:**  
 NN.....NEW NAIL  
 EP.....EXISTING IRON PIPE  
 IP.....IRON PIPE SET  
 WTS.....NOT TO SCALE  
 T.....TOTAL DISTANCE  
 EDM.....EXISTING CONCRETE MONUMENT  
 EPK.....EXISTING PK NAIL  
 MNS.....MAG NAIL SET  
 ELD.....CENTERLINE DITCH  
 R/W.....RIGHT OF WAY

- NOTES:**
1. PROPERTY SURVEYED IS PARCEL NUMBER 74604, BEING THE JERRY WILLIAMS LIVING TRUST, CONTAINING 26.06.
  2. ACRES WERE CALCULATED BY THE COORDINATE METHOD.
  3. NO TITLE OPINION OR TITLE COMMITMENT WAS PROVIDED BY THE OWNER AT THE TIME OF THIS SURVEY.
  4. THIS PROPERTY LOCATED IS NOT LOCATED WITHIN A SPECIAL FLOOD AREA.
  5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE, NO GRID FACTOR APPLIED.

Doc ID: 010837000001  
 Recorded: 09/03/2011 at 04:59:07 PM  
 Fee Amt: \$21.00 Page 1 of 1  
 Deed Book: 74 Pg 79  
 Deed Book: 74 Pg 79



KENNETH L. BIGGS, SR., L-3110  
 SURVEYOR

**CERTIFICATIONS:**  
 STATE OF NORTH CAROLINA  
 I, KENNETH L. BIGGS, SR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION RECORDED IN BOOK NO. 74, PAGE 79) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY SHOWN AND THE AREA CALCULATED IS 13.03 ACRES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 21 DAY OF FEBRUARY, A.D., 2011.

SEAL OR STAMP

I, KENNETH L. BIGGS, SR., PROFESSIONAL LAND SURVEYOR NO. L-3110, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THIS DAY (21) OF FEBRUARY, 2011:  
 A. THAT THIS PLAT IS OF A SURVEY THAT 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 PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;  
 C. ANY OF THE FOLLOWING:  
 1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;  
 2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE OR  
 3) THAT THE SURVEY IS A CONTROL SURVEY.  
 D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE COMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;  
 E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A STATEMENT AS TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

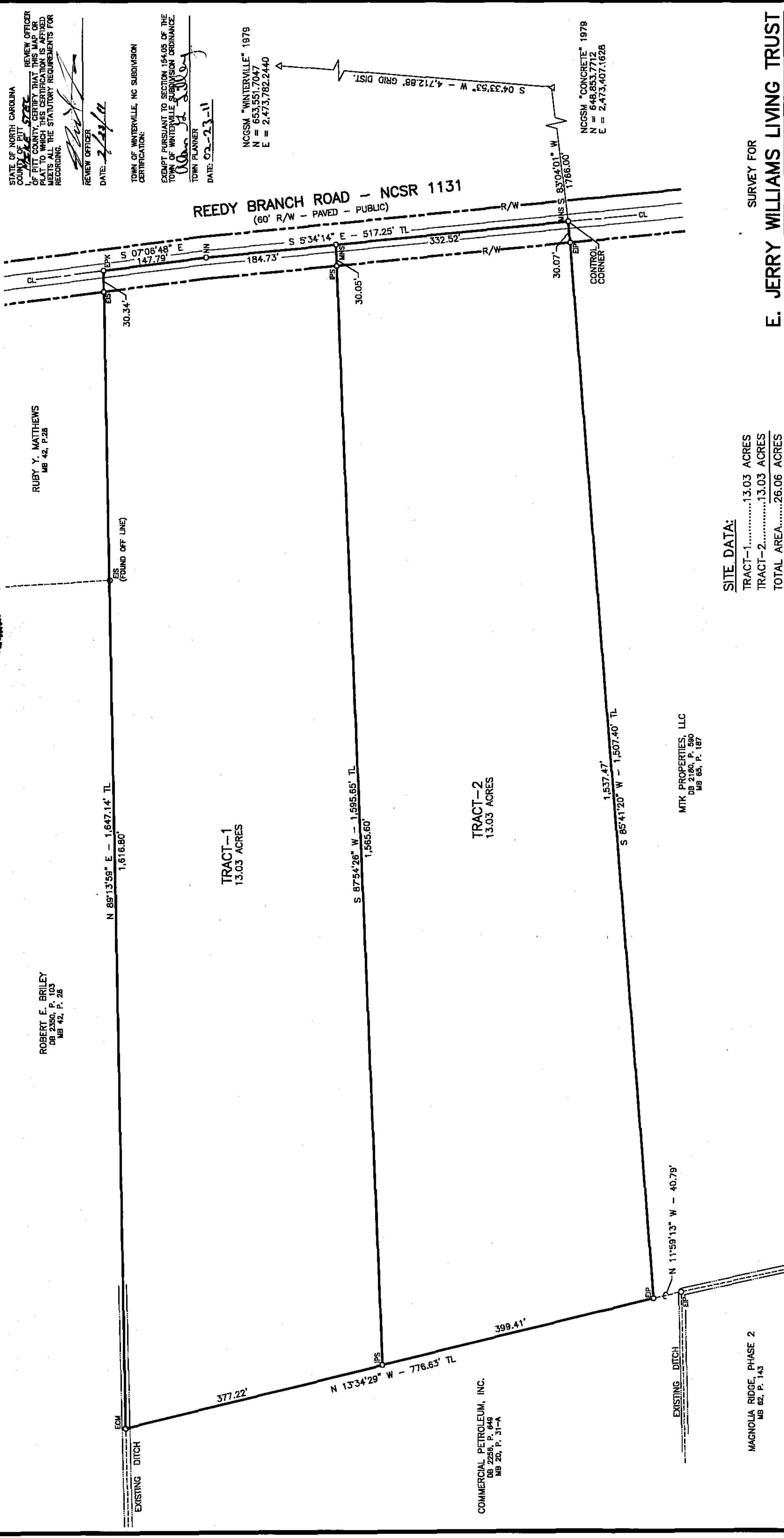
STATE OF NORTH CAROLINA  
 COUNTY OF PITT  
 TOWN OF WINTERVILLE, NC SUBDIVISION  
 CERTIFICATION:  
 EXEMPT PURSUANT TO SECTION 184.05 OF THE TOWN OF WINTERVILLE SUBDIVISION ORDINANCE.  
 TOWN PLANNER  
 DATE: 02-23-11

REVIEW OFFICER  
 DATE: 2/23/11

REVIEW OFFICER  
 DATE: 2/23/11

TOWN OF WINTERVILLE, NC SUBDIVISION  
 CERTIFICATION:  
 EXEMPT PURSUANT TO SECTION 184.05 OF THE TOWN OF WINTERVILLE SUBDIVISION ORDINANCE.  
 TOWN PLANNER  
 DATE: 02-23-11

REVIEW OFFICER  
 DATE: 2/23/11



**SITE DATA:**  
 TRACT-1.....13.03 ACRES  
 TRACT-2.....13.03 ACRES  
 TOTAL AREA.....26.06 ACRES

**E. JERRY WILLIAMS LIVING TRUST**  
 Winterville Township  
 Pitt County  
 February 21, 2011  
 North Carolina

Coastal Carolina Surveyors, PLLC  
 LAND SURVEYORS  
 P-0790  
 PO Box 2788 · Winterville, NC 28590  
 KLB (252) 702-1427, FAX (252) 321-8621  
 kembiggsl@yahoo.com

Drawn by: Hgn  
 Checked by: KLB  
 Approved by: KLB  
 DATE: 2/21/11  
 Scale: 1" = 100'

CCS Project No. 2010015  
 ECC Project No. 042 2-11 Jerry Williams Survey  
 Graphic Scale: 1" = 100'-0" 100 50 0' 100'



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Cornerstone Annexation (of Last Phase).

**Action Requested:** Hold Public Hearing for Annexation Request at August 5, 2024 Meeting.

**Attachment:** Annexation Application, Annexation Map, and Legal Description.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Applicant:** Reggie Spain Homes LLC.

**Location:** Last phase/section of Cornerstone Subdivision that is located off of Fire Tower Road.

**Parcel Numbers:** 38827.

**Site Data:** 3.315 Acres.

**Zoning District:** R-6.

**Staff Analysis:**

The applicant is constructing the last phase of Cornerstone in order to build more Single Family Residential Homes.

**Budgetary Impact:** TBD.

**Recommendation:** Schedule Public Hearing for Annexation Request for August 5, 2024 Meeting



**PETITION REQUESTING ANNEXATION**

Date: 3/28/2024

To the Mayor and Town Council of the Town of Winterville:

1. We the undersigned owners of real property respectfully requested that the area described in Paragraph 2 below be annexed to the Town of Winterville.

- All owners of the property must sign.

2. The area to be annexed is contiguous to the Town of Winterville and the boundaries of such territory are as follows:

Description

See Attached.

Name Reggie Spain Homes, LLC Address 609 D Country Club Drive

Signature 

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_

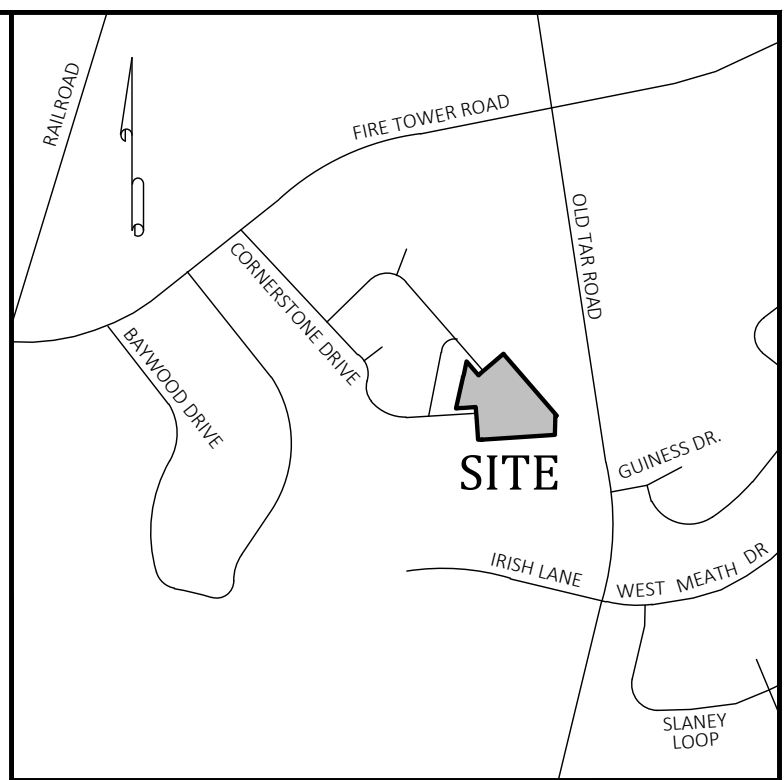
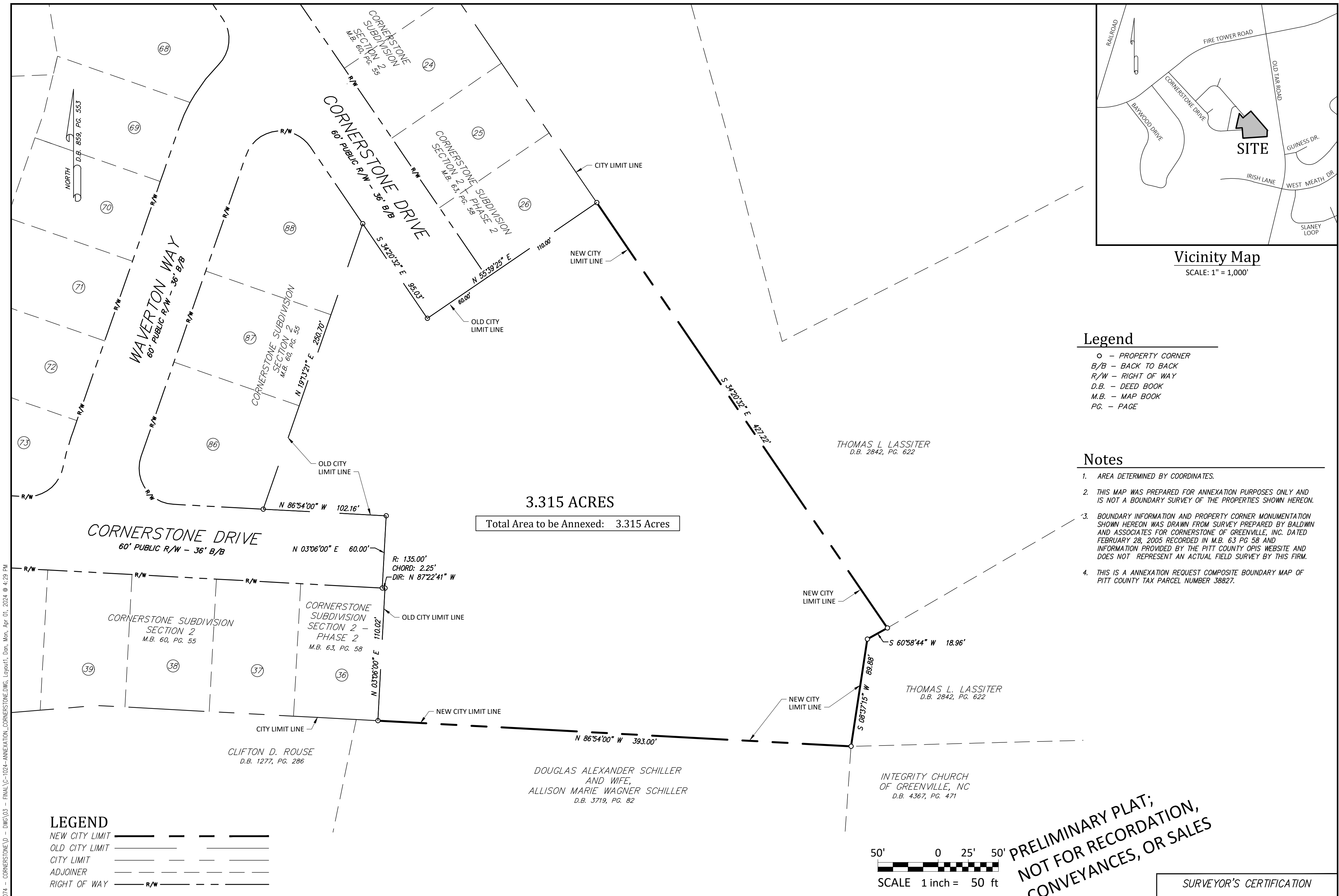
Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_

## Description

Beginning at a point on the southeastern terminus of Cornerstone Drive, said point being the southwestern corner of Lot 26, Cornerstone, Section 2, Phase 2 as recorded in Map Book 63, Page 58 of the Pitt County Register of Deeds Office. From the above described beginning, so located running thence as follows:

Leaving the southeastern terminus of Cornerstone Drive and with the southern line of reference Lot 26, Cornerstone, Section 2, Phase 2, N 55-39-28 E 110.00 feet to a point on the western line of the Thomas Lee Lassiter Property as described in Deed Book 2842, Page 622 of the Pitt County Register of Deeds Office, thence with the western line of said Thomas Lee Lassiter Property, S 34-20-32 E 427.22 feet to a point on the northern line of the Thomas Lee Lassiter Property as described in Deed Book 2842, Page 622 of the Pitt County Register of Deeds Office, thence with the northern and western lines of said Thomas Lee Lassiter Property, S 60-58-44 W 18.96 feet and S 08-37-15 W 89.88 feet to a point in the northeastern corner of the Douglas A. Schiller and wife Allison M. Schiller Property as described in Deed Book 3719, Page 82 of the Pitt County Register of Deeds Office, thence with the northern line of said Schiller Property, N 86-54-00 W 393.00 feet to a point at the southeastern corner of Lot 36, Cornerstone, Section 2, Phase 2 as referenced, thence with eastern line of Lot 36, Cornerstone, Section 2, Phase 2, N 03-06-00 E 110.02 feet to a point at the northeastern corner of Lot 36, Cornerstone, Section 2, Phase 2 as referenced, thence with the northern line of Lot 36, Cornerstone, Section 2, Phase 2, along a curve in a clockwise direction having a chord bearing of N 87-22-41W, a chord distance of 2.25 feet and a radius of 135.00 feet to a point on the southeastern terminus of Cornerstone Drive, thence crossing the eastern terminus of Cornerstone Drive, N 03-06-00 E 60.00 feet to a point on the northern right-of-way of Cornerstone Drive, thence with the northern right-of-way of Cornerstone Drive N 86-54-00 W 102.16 feet to a point at the southeastern corner of Lot 86, Cornerstone, Section 2, as recorded in Map Book 60, Page 55 of the Pitt County Register of Deeds Office thence with the eastern line of Lots 86,87 and 88, Cornerstone, Section 2, N 19-13-21 E 250.70 feet to a point in the southern right of way of Cornerstone Drive, thence with the southern right of way of Cornerstone Drive S 34-20-32 E 95.03 feet to a point at the southwestern terminus of Cornerstone Drive, thence crossing the southern terminus of Cornerstone Drive, N 55-39-28 E 60.00 feet to the point of beginning containing 3.315 acres and being a portion of the property described in Deed Book 774, Page 595 of the Pitt County Register of Deeds Office.



**Vicinity Map**  
SCALE: 1" = 1,000'

**Legend**

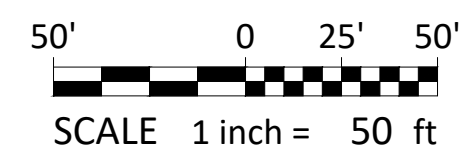
- - PROPERTY CORNER
- B/B - BACK TO BACK
- R/W - RIGHT OF WAY
- D.B. - DEED BOOK
- M.B. - MAP BOOK
- PG. - PAGE

**Notes**

1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION AND PROPERTY CORNER MONUMENTATION SHOWN HEREON WAS DRAWN FROM SURVEY PREPARED BY BALDWIN AND ASSOCIATES FOR CORNERSTONE OF GREENVILLE, INC. DATED FEBRUARY 28, 2005 RECORDED IN M.B. 63 PG 58 AND INFORMATION PROVIDED BY THE PITT COUNTY OPIS WEBSITE AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM.
4. THIS IS AN ANNEXATION REQUEST COMPOSITE BOUNDARY MAP OF PITT COUNTY TAX PARCEL NUMBER 38827.

**LEGEND**

- NEW CITY LIMIT
- OLD CITY LIMIT
- CITY LIMIT
- ADJOINER
- RIGHT OF WAY



**PRELIMINARY PLAT;  
NOT FOR RECORDATION,  
CONVEYANCES, OR SALES**

**SURVEYOR'S CERTIFICATION**

I, J. DANTZLER WITHERS, CERTIFY THAT THIS MAP WAS PREPARED FROM INFORMATION SHOWN IN MAP BOOK 63, PAGE 58 AND HAS NOT BEEN FIELD SURVEYED BY ARK CONSULTING GROUP, PLLC AND IS EXEMPT FROM G.S. 47-30 AS SET FORTH IN SECTION (j) THEREOF.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS  
THE 28th DAY OF MARCH, 2024.

SIGNED \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR NO. L-5508

D:\ARK\_DROPBOX\01 - PROJECTS\ACTIVE\SPAIN\24074 - CORNERSTONE\10 - DWG\03 - FINAL\C-1024-ANNEXATION-CORNERSTONE.DWG, Layout1, Dwg, Mon, Apr 01, 2024 @ 4:29 PM

ANNEXATION MAP FOR <b>CORNERSTONE SUBDIVISION</b> TOWN OF WINTERVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, N.C. ARK DRAWING NO. C-1024		MAP NO.	PLATS RECORDED	BOOK	PAGE
 NC License: P-1199 <b>ARK CONSULTING GROUP, PLLC</b> ENGINEERS & SURVEYORS www.arkconsultinggroup.com 2755-B Charles Blvd. Phone: (252) 558-0888 Greenville, NC 27858					
		SURVEYED:	APPROVED: JDW		
	DRAWN: CEW	DATE: 3-28-2024			
	CHECKED: JDW	SCALE: 1"=50'			

MAP SHOWING AREA TO BE ANNEXED BY  
THE TOWN OF WINTERVILLE, N.C.  
DATE: \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_ AREA: 3.315 AC  
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

### Description

Beginning at a point on the southeastern terminus of Cornerstone Drive, said point being the southwestern corner of Lot 26, Cornerstone, Section 2, Phase 2 as recorded in Map Book 63, Page 58 of the Pitt County Register of Deeds Office. From the above described beginning, so located running thence as follows:

Leaving the southeastern terminus of Cornerstone Drive and with the southern line of reference Lot 26, Cornerstone, Section 2, Phase 2, N 55-39-28 E 110.00 feet to a point on the western line of the Thomas Lee Lassiter Property as described in Deed Book 2842, Page 622 of the Pitt County Register of Deeds Office, thence with the western line of said Thomas Lee Lassiter Property, S 34-20-32 E 427.22 feet to a point on the northern line of the Thomas Lee Lassiter Property as described in Deed Book 2842, Page 622 of the Pitt County Register of Deeds Office, thence with the northern and western lines of said Thomas Lee Lassiter Property, S 60-58-44 W 18.96 feet and S 08-37-15 W 89.88 feet to a point in the northeastern corner of the Douglas A. Schiller and wife Allison M. Schiller Property as described in Deed Book 3719, Page 82 of the Pitt County Register of Deeds Office, thence with the northern line of said Schiller Property, N 86-54-00 W 393.00 feet to a point at the southeastern corner of Lot 36, Cornerstone, Section 2, Phase 2 as referenced, thence with eastern line of Lot 36, Cornerstone, Section 2, Phase 2, N 03-06-00 E 110.02 feet to a point at the northeastern corner of Lot 36, Cornerstone, Section 2, Phase 2 as referenced, thence with the northern line of Lot 36, Cornerstone, Section 2, Phase 2, along a curve in a clockwise direction having a chord bearing of N 87-22-41W, a chord distance of 2.25 feet and a radius of 135.00 feet to a point on the southeastern terminus of Cornerstone Drive, thence crossing the eastern terminus of Cornerstone Drive, N 03-06-00 E 60.00 feet to a point on the northern right-of-way of Cornerstone Drive, thence with the northern right-of-way of Cornerstone Drive N 86-54-00 W 102.16 feet to a point at the southeastern corner of Lot 86, Cornerstone, Section 2, as recorded in Map Book 60, Page 55 of the Pitt County Register of Deeds Office thence with the eastern line of Lots 86,87 and 88, Cornerstone, Section 2, N 19-13-21 E 250.70 feet to a point in the southern right of way of Cornerstone Drive, thence with the southern right of way of Cornerstone Drive S 34-20-32 E 95.03 feet to a point at the southwestern terminus of Cornerstone Drive, thence crossing the southern terminus of Cornerstone Drive, N 55-39-28 E 60.00 feet to the point of beginning containing 3.315 acres and being a portion of the property described in Deed Book 774, Page 595 of the Pitt County Register of Deeds Office.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** June 10, 2024

**Presenter:** Anthony Bowers, Assistant Town Manager

**Item to be Considered**

**Subject:** Approval of Terms to Design Co. for the Public Works and Electric Office Renovation.

**Action Requested:** Approve the bid amount.

**Attachment:** Bid Tabulation.

**Prepared By:** Anthony Bowers, Assistant Town Manager

**Date:** 6/6/2024

**ABSTRACT ROUTING:**

TC: 6/6/2024

TM: 6/6/2024

Final: tlp - 6/6/2024

**Supporting Documentation**

The Town budgeted for renovations to the Public Works facility in the 2023-2024 budget. After further evaluation it was determined that the offices in the Electric Department also needed repair. We requested proposals from four contractors. We only received bids from two. They were American Builders and Design Co. We had no bids from Precision Wood Cuts, and Custom Building Company. These facilities have not been renovated in over 15 years and some of the facilities have HVAC systems from the 70's, and significant roof leaks.

This work does not require a formal process because the value of the work is lower than the threshold for formal process.

American Builders bid was \$197,360 while Design Co's bid was 157,503

**Budgetary Impact:** The total change order is \$157,503. Funds are available..

**Recommendation:** Staff recommends Council award the project to Design Co.

## Bid Tabulation for Public Works and Electric Building Offices

	Public Works Building	Electric Building	Combined Cost
<b>American Builders</b>			
Base Bid	\$110,220	\$74,720	
Alt Bid New HVAC	\$12,420		
Alt Bid new Cabnets			
Add Elecric Water Heater			
	<b>\$122,640</b>	<b>\$74,720</b>	<b>\$197,360</b>

<b>DesignCo</b>			
Floor	\$21,500	\$18,120	
Paint	\$20,600	\$10,000	
Cabinets	\$6,580	\$6,580	
Plumbing	\$4,377	\$3,816	
Electrical	\$12,000	\$1,200	
Door Hardware	\$9,555	\$1,050	
Roof		\$6,480	
HVAC	\$23,340	NA	
Bathroom Capartments	\$5,045	NA	
Porch	\$7,260		
	<b>\$110,257</b>	<b>\$47,246</b>	<b>\$157,503</b>

Custom Building Company  
Precision Wood Cuts

No Quote  
No Quote

No Quote  
No Quote



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Old Business

**Meeting Date:** June 10, 2024

**Presenter:** Terri L. Parker, Town Manager

**Item to be Considered**

**Subject:** Winterville Human Relations Board Discussion and Appointment of New Members.

**Action Requested:** Appoint New Members.

**Attachment:** Applications of Interested persons.

**Prepared By:** Terri L. Parker, Town Manager

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Winterville Human Relations Board**

An information meeting was on Thursday, May 16, 2024 at 6:00 pm in the Town Hall Executive Conference Room to explain the commitments, purpose, and by-laws to applicants as potential new members. A presentation (copy attached) was delivered by Councilwoman Shantel Hawkins and a question and answer time was held to help applicant understand the Winterville Human Relations Board and its goals and objectives.

The Human Relations Board consists of six (6) Members. At the present time, the Board has met irregularly in the past due to attendance. All sitting members (Councilwoman Shantel Hawkins, Stephanie Ham, and Dennis Bottoms attended the said informational meeting. Don Harvey, Town Clerk and Terri L. Parker, Town Manager attended as well.

Applications on file are attached from the following persons:

- Dedra Gregory
- Shetoria Roach
- Rashana Carmon
- James Jones
- Patrice Hardy

Of the applicants who have expressed interest in serving, Dedra Gregory, Rashana Carmon and Patrice Hardy were present and participated in the Informational Meeting.

Council needs to appoint three (3) people to round out the membership of the WHRB. Staff recommends appointing those who attended the Informational Meeting.

**Budgetary Impact:** TBD..

**Recommendation:** Council Appoint three (3) members to fill vacant seats.

### TOWN OF WINTERVILLE

Request for Appointments to Boards, Commissions and Committees of the Town of Winterville

**Please indicate which board you are interested in serving on. If you are interested in more than one board, please list them by preference by using numbers (1, 2, 3, etc.)**

- Board of Adjustment
- Planning and Zoning Board
- Recreation and Parks Advisory Board
- Stormwater Advisory Committee
- Human Relations Board

❖ Require in-town residency or in the Town's ETJ to be appointed to any volunteer board.

Name: Dedra A. Gregory  
Address: 310 Quinn Court, Winterville, NC 28590

Home Phone #: \_\_\_\_\_ Business Phone #: 252-312-7144

Email Address: dedra.gregory85@gmail.com

Employed By: State of NC Occupation: Rehabilitation Counselor

Name of High School Attended: Pasquotank County High School

College or University Attended: East Carolina University

How long have you been a resident of Winterville? 14 years

Have you served on a board/commission of the town? ( ) Yes (  ) No

If yes, please indicate which one(s): \_\_\_\_\_

Current membership in organization and offices held: N/A

Past membership in organizations and offices held: N/A

State why you feel you would be an asset to this board/commission. I am patient, unbiased and I understand the importance of transparency and open-communication when strengthening relationships between citizens and community leaders.

Signature: Dedra Gregory Date: 12-6-21

**Please return to: Town of Winterville Town Clerk's Office PO Box 1459 Winterville, NC 28590 or email [don.harvey@wintervillenc.com](mailto:don.harvey@wintervillenc.com) with the completed application.**

This information requested below is optional:

<b>Ethnic Group:</b>	<b>Sex:</b> <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male
<input checked="" type="checkbox"/> African American	<b>US Citizenship:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> American Indian	<b>Birth Date:</b> <u>2-18-85</u>
<input type="checkbox"/> Asian or Pacific Islander	
<input type="checkbox"/> Caucasian	
<input type="checkbox"/> Hispanic	



TOWN OF WINTERVILLE

Request for Appointments to Boards, Commissions and Committees of the Town of Winterville

Please indicate which board you are interested in serving on. If you are interested in more than one board, please list them by preference by using numbers (1, 2, 3, etc.)

- 5 Board of Adjustment
2 Planning and Zoning Board
1 Recreation and Parks Advisory Board
4 Stormwater Advisory Committee
3 Human Relations Board

Require in-town residency or in the Town's ETJ to be appointed to any volunteer board.

Name: Shetonia Roach

Address: 409 HOLLY GROVE DRIVE
Winterville, NC, 28590

Home Phone #: 252-493-2592 Business Phone #: 252-214-9722

Email Address: Shetonia\_m@yahoo.com

Employed By: United Health Care Occupation: Registered Nurse

Name of High School Attended: Greene Central High

College or University Attended: Wilson Community + Fayetteville State University

How long have you been a resident of Winterville? 3 years

Have you served on a board/commission of the town? ( ) Yes (X) No

If yes, please indicate which one(s): N/A

Current membership in organization and offices held: member of the American Nurse Association and North Carolina Nurse Association

Past membership in organizations and offices held: Former member of Phi Theta Kappa Honor Society

State why you feel you would be an asset to this board/commission. I am compassionate, organized, honest, work well on teams, and innovative.

Signature: Shetonia Roach Date: 1/12/24

Please return to: Town of Winterville Town Clerk's Office PO Box 1459 Winterville, NC 28590 or email don.harvey@wintervillenc.com with the completed application.

This information requested below is optional:

Form with fields for Ethnic Group, Sex, US Citizenship, and Birth Date.

### TOWN OF WINTERVILLE

Request for Appointments to Boards, Commissions and Committees of the Town of Winterville

Please indicate which board you are interested in serving on. If you are interested in more than one board, please list them by preference by using numbers (1, 2, 3, etc.)

- Board of Adjustment
- Planning and Zoning Board
- Recreation and Parks Advisory Board
- Stormwater Advisory Committee
- Human Relations Board

❖ Require in-town residency or in the Town's ETJ to be appointed to any volunteer board.

Name: Rashana Carmon

Address: 2457 Chapman St Winterville NC 28590

Home Phone #: 252-751-8592 Business Phone #: N/A

Email Address: rashana.k.carmon@gmail.com

Employed By: \_\_\_\_\_ Occupation: Student

Name of High School Attended: South Central High School

College or University Attended: Los Angeles Film School

How long have you been a resident of Winterville? 36 yrs

Have you served on a board/commission of the town? ( ) Yes (  ) No

If yes, please indicate which one(s): Parks and Recreation

Current membership in organization and offices held: I proudly serve on the parks and recreation board in Winterville, NC.

Past membership in organizations and offices held: N/

State why you feel you would be an asset to this board/commission. \_\_\_\_\_

I know that I would be an assest to this board one because I am great with people and I am relatable. I will also bring fresh and innovative ideas to help bridge the gap and improve relationships with the citizens of winterville.

Signature: Rashana Carmon Date: 3/14/24

Please return to: Town of Winterville Town Clerk's Office PO Box 1459 Winterville, NC 28590 or email [don.harvey@wintervillenc.com](mailto:don.harvey@wintervillenc.com) with the completed application.

This information requested below is optional:

<b>Ethnic Group:</b>	<b>Sex:</b> <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male
<input checked="" type="checkbox"/> African American	<b>US Citizenship:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> American Indian	<b>Birth Date:</b> <u>10/19/1987</u>
<input type="checkbox"/> Asian or Pacific Islander	
<input type="checkbox"/> Caucasian	
<input type="checkbox"/> Hispanic	

TOWN OF WINTERVILLE

Request for Appointments to Boards, Commissions and Committees of the Town of Winterville

Please indicate which board you are interested in serving on. If you are interested in more than one board, please list them by preference by using numbers (1, 2, 3, etc.)

- Board of Adjustment
Planning and Zoning Board
Recreation and Parks Advisory Board
Stormwater Advisory Committee
X Human Relations Board

Require in-town residency or in the Town's ETJ to be appointed to any volunteer board.

Name: James G. Jones
Address: 127 Boyd Street WINTERVILLE NC. 28590

Home Phone #: 252-864-7500 Business Phone #:
Email Address: jgjfinancial@gmail.com

Employed By: Self employed Occupation: Real Estate and Insurance Broker

Name of High School Attended: DH Conley
College or University Attended: Central Piedmont Community College

How long have you been a resident of Winterville? 26 years total

Have you served on a board/commission of the town? (X) Yes ( ) No

If yes, please indicate which one(s): Planning and Zoning

Current membership in organization and offices held: Southside Senior Citizens Club - President

Past membership in organizations and offices held:

State why you feel you would be an asset to this board/commission. I am a responsible and concerned citizen of the Town of WINTERVILLE

Signature: [Handwritten Signature] Date: 4/8/2024

Please return to: Town of Winterville Town Clerk's Office PO Box 1459 Winterville, NC 28590 or email don.harvey@wintervillenc.com with the completed application.

This information requested below is optional:

Form with fields for Ethnic Group, Sex, US Citizenship, and Birth Date.

TOWN OF WINTERVILLE

Request for Appointments to Boards, Commissions and Committees of the Town of Winterville

Please indicate which board you are interested in serving on. If you are interested in more than one board, please list them by preference by using numbers (1, 2, 3, etc.)

- Board of Adjustment
Planning and Zoning Board
Recreation and Parks Advisory Board
Stormwater Advisory Committee
[X] Human Relations Board

Require in-town residency or in the Town's ETJ to be appointed to any volunteer board. Patrice Hardy

Name: \_\_\_\_\_

Address: 4263 Dudleys Grant Drive , Apt. E , Winterville, NC, 28590

Home Phone #: 910-528-1014 Business Phone #: \_\_\_\_\_

Email Address: Patricenhardy@gmail.com

Employed By: Wilkins Realty Group Occupation: Agent/ Broker

Name of High School Attended: Greene Central High School

College or University Attended: Southern New Hampshire University

How long have you been a resident of Winterville? 8 years

Have you served on a board/commission of the town? ( ) Yes ( X ) No

If yes, please indicate which one(s): \_\_\_\_\_

Current membership in organization and offices held: \_\_\_\_\_

Past membership in organizations and offices held: \_\_\_\_\_

State why you feel you would be an asset to this board/commission.

"I believe I would be an asset due to my strong interpersonal skills, empathy, and commitment to promoting diversity and inclusion. I am dedicated to fostering positive relationships and resolving conflicts effectively. I am passionate about creating a welcoming and inclusive environment for all individuals, and I am confident that my abilities would contribute positively to the work of the Board/Commission"

Signature: [Handwritten Signature] Date: April, 29, 2024

Please return to: Town of Winterville Town Clerk's Office PO Box 1459 Winterville, NC 28590 or email don.harvey@wintervillenc.com with the completed application.

This information requested below is optional:

Form with fields for Ethnic Group (X African American), Sex (F Female), US Citizenship (X Yes), and Birth Date (January 26, 1993).

I am excited to express my interest in joining the esteemed Human Relations Committee for the town of Winterville. Enclosed, you will find my application, detailing my qualifications and enthusiasm for contributing to the committee's vital work. With a deep-rooted commitment to fostering inclusivity and promoting harmony within our community, I believe that my dedication to these values aligns seamlessly with the mission of the Human Relations Committee. I am eager to leverage my skills and experiences to make a meaningful impact and help create a more equitable and welcoming environment for all residents of Winterville. I am confident that my passion for diversity and inclusion, coupled with my strong interpersonal skills and unwavering dedication, make me a fitting candidate for this role. I am enthusiastic about the opportunity to collaborate with like-minded individuals on the committee and contribute to positive change within our town. I sincerely appreciate your consideration of my application and look forward to the possibility of serving on the Human Relations Committee. Thank you for your time and attention.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 10, 2024

**Presenter:** Jessica Manning, Finance Director

**Item to be Considered**

**Subject:** 2024-2025 Fiscal Year Budget Ordinance.

**Action Requested:** Approval of Budget Ordinance.

**Attachment:** Draft Fiscal Year 2024-2025 Budget Ordinance.

**Prepared By:** Jessica Manning, Finance Director

**Date:** 6/4/2024

**ABSTRACT ROUTING:**

TC: 6/4/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

Please find the attached Draft Budget Ordinance for the 2024-2025 Fiscal Year. The Budget Ordinance reflects the totals of the draft balanced budget as presented and discussed at the Budget Public Hearing held on Monday, June 3, 2024.

**Budgetary Impact:** As presented.

**Recommendation:** Staff recommends Council approval of the FY 2024-2025 Budget Ordinance.

**TOWN OF WINTERVILLE  
BUDGET ORDINANCE  
FISCAL YEAR 2024-2025**

**BE IT ORDAINED** by the Governing Board of the Town of Winterville, North Carolina:

**SECTION 1:** It is estimated that the following revenues will be available in the General Fund for the Fiscal year beginning July 1, 2024 and ending June 30, 2025:

Ad Valorem Taxes	6,438,015
Other Taxes and Licenses	4,132,077
Permits and Fees	22,000
Sanitation Fees	784,688
Investment Income	613,305
Inspections	253,650
Miscellaneous Income	156,175
Grant Revenue	265,089
Inter-Fund Transfer	
Services	1,455,766
Electric Fund Contribution	350,000
EMS Contribution	202,027
Fund Balance Appropriation	386,483
Debt Proceeds	
	458,000
<b>Total</b>	<b>15,517,275</b>

**SECTION 2:** The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Governing Board	162,908
Administration	768,659
Finance	1,070,927
Inspections	437,815
Human Resources	291,536
Information Technology	710,552
Planning Department	305,229
Public Buildings	988,093
Grounds and Maintenance	116,000
Police Department	3,203,642
Fire Department	2,541,179
EMS Department	212,213
Animal Control	10,600
Mosquito Control	9,200
Public Works	1,510,847
Streets and Sidewalks	213,000
Sanitation	750,000
Non-Departmental	2,214,875
<b>Total</b>	<b>15,517,275</b>

**SECTION 3:** The following revenues will be available in the Recreation Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Program Fees	\$105,420
Concession Income	\$50,000
<u>General Fund Transfer</u>	<u>\$1,043,454</u>
	<b>\$1,198,874</b>

**SECTION 4:** The following amount is hereby appropriated in the Recreation Fund for operation of the Winterville Recreation Programs during the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Recreation Department</u>	<u>\$1,198,874</u>
	<b>\$1,198,874</b>

**SECTION 5:** It is estimated that the following revenues will be available in the Powell Bill Fund for the Fiscal year beginning July 1, 2024 and ending June 30, 2025:

Grant Funding	\$345,394
<u>Interest Income</u>	<u>\$41,869</u>
	<b>\$387,263</b>

**SECTION 6:** The following amount is hereby appropriated in the Powell Bill Fund for the operation of the Powell Bill Program for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Powell Bill</u>	<u>\$387,263</u>
	<b>\$387,263</b>

**SECTION 7:** It is estimated that the following revenues will be available in the Safe Routes to School Grant Fund for the Fiscal year July 1, 2024 and ending June 30, 2025:

<u>Grant Funding</u>	<u>\$60,922</u>
	<b>\$60,922</b>

**SECTION 8:** The following amount is hereby appropriated in the Safe Routes to School Grant Fund for the operation of the Safe Routes to School Program for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Safe Routes to School</u>	<u>\$60,922</u>
	<b>\$60,922</b>

**SECTION 9:** It is estimated that the following revenues will be available in the Home Housing Program Fund for the Fiscal year July 1, 2024 and ending June 30, 2025:

Fund Balance Appropriation	\$0
<u>General Fund Contribution</u>	<u>\$20,000</u>
	<b>\$20,000</b>

**SECTION 10:** The following amount is hereby appropriated in the Home Housing Program Fund for the operation of the Urgent Repair and Housing Program for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Home Housing</u>	<u>\$20,000</u>
	<b>\$20,000</b>



**SECTION 11:** It is estimated that the following revenues will be available in the Electric Enterprise Fund for the Fiscal year July 1, 2024 and ending June 30, 2025:

Sales and Service	\$8,025,251
<u>Retained Earnings</u>	<u>\$823,634</u>
	<b>\$8,848,885</b>

**SECTION 12:** The following amount is hereby appropriated in the Electric Enterprise Fund for the operation of the electric utility for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Electric Department</u>	<u>\$8,848,885</u>
	<b>\$8,848,885</b>

**SECTION 13:** It is estimated that the following revenues will be available in the Water Enterprise Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Sales and Service	\$1,780,933
<u>Retained Earnings</u>	<u>\$288,838</u>
	<b>\$2,069,771</b>

**SECTION 14:** The following amount is hereby appropriated in the Water Enterprise Fund for the operation of the water utility for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Water Department</u>	<u>\$2,069,771</u>
	<b>\$2,069,771</b>

**SECTION 15:** It is estimated that the following revenues will be available in the Sewer Enterprise Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Sales and Service	\$3,292,511
<u>Retained Earnings</u>	<u>\$26,000</u>
	<b>\$3,318,511</b>

**SECTION 16:** The following amount is hereby appropriated in the Sewer Enterprise Fund for the operation of the sewer utility for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Sewer Department</u>	<u>\$3,318,511</u>
	<b>\$3,318,511</b>

**SECTION 17:** It is estimated that the following revenues will be available in the Stormwater Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Sales and Service</u>	<u>\$584,000</u>
	<b>\$584,000</b>

**SECTION 18:** The following amount is hereby appropriated in the Stormwater Fund for the operation of the Storm Water utility for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

<u>Storm Water Department</u>	<u>\$584,000</u>
	<b>\$584,000</b>

**SECTION 19:** There is hereby levied a tax at the rate of forty-five cents (\$.45) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2024 for the purpose of raising the revenue listed as “Ad Valorem Taxes” in the General Fund in Section 1 of this ordinance. This rate is based on a total estimated valuation of property for the purposes of taxation of \$1,297,746,298 and an estimated rate of collection of 98% for real and personal property, 100% for vehicles.

**SECTION 20:** The Town Manager (Budget Officer) is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. May amend line item appropriations within any Fund as long as the total appropriation of that Fund is not changed. A record of any such amendments shall be maintained by the Finance Director for public inspection.
- b. May not transfer any amounts between funds, unless approved by the Governing Board through an amendment to the Budget Ordinance.

**SECTION 19:** The attached Fee and Utility Rate Schedules are hereby adopted for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025.

**SECTION 20:** The attached Pay and Classification Plan is hereby adopted for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025.

**SECTION 21:** Copies of the Budget Ordinance shall be furnished to the Town Clerk to the Governing Board and to the Town Manager (Budget Officer) to be kept on file by them for their direction in the disbursement of funds.

Adopted this 10th day of June, 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

Attest:

\_\_\_\_\_  
Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 10, 2024

**Presenter:** Anthony Bowers, Assistant Town Manager

**Item to be Considered**

**Subject:** Change order for Tripp Brothers LLC to replace a water line on Railroad and Depot Streets, and cover undercut of bad soils on Worthington, Railroad and Depot Streets.

**Action Requested:** Approval of the Change Order.

**Attachment:** Change Orders.

**Prepared By:** Anthony Bowers, Assistant Town Manager

**Date:** 5/30/2024

**ABSTRACT ROUTING:**

**TC:** 6/3/2024

**TM:** 6/4/2024

**Final:** tlp - 6/4/2024

**Supporting Documentation**

There are 8 change orders for additional items including needed curb replacement and undercutting of the bad soils. The total for the Powell Bill fund increase is \$60,423.

The water fund had a revision to the first change order in the amount of \$12,050, The second change order was for the Depot Street water line replacement in the amount of \$85,849.42

During the current street resurfacing project, it was determined that the water line on Depot Street needed to be replaced. This water line is constructed of a material that is no longer allowed to be installed. The line is also very old and brittle. The replacement of this line is a proactive measure that will allow the Town to avoid tearing up the street in a few years to remove and replace the water line.

Staff is recommending the approval of all of the change orders for completion of the project.

**Budgetary Impact:** The total change order for Powell Bill is \$60,423. The water fund is \$85,849.42.

**Recommendation:** Staff recommends Council approve the change orders.

# CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-01-REV2

**DATE:** 12/20/2023

**JOB NAME:** Winterville Streets Resurfacing 2023

**JOB NUMBER:** 3000-23

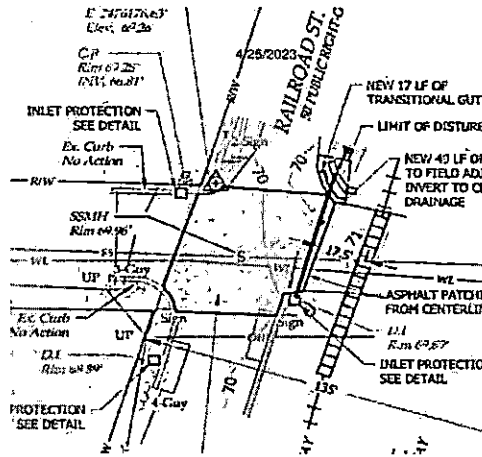
**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** Extend entire new curb at NE corner of Worthington St and Railroad St. (South bound) 3 feet towards the NE. Price includes labor, material and equipment for the necessary grading work. Any contract items that can be adjusted will be done so after the work is complete, asphalt, curb, pipe, etc.



## CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Traffic Control	1.00	Day	\$1,500.00	\$1,500.00
Seeding/Matting	170.00	SF	\$4.40	\$748.00
Fill material	30.00	CY	\$50.00	\$1,500.00
Labor & Equipment for grading work	1.00	Day	\$2,785.50	\$2,785.50
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$6,533.50</b>

Tripp Brother's, Inc. Representative

Accepted By:

**From:** Stewart Barnette <sbarnette@thewootencompany.com>  
**Sent:** Wednesday, February 28, 2024 7:54  
**To:** Mark Harris  
**Cc:** Bobby Tripp  
**Subject:** RE: Winterville - Revised WL COs

Thanks Mark.

Couple discrepancies I have from Kens measurements:

**Railroad Street:**

- We measured 462 LF of new PVC pipe which would increase the total to \$65,396.50

**Railroad Street Water Line**

Description	Quantity	Unit	Unit Price	Total
Install 6" PVC with service - Labor	462	LF	\$ 57.61	\$ 26,615.82
Install 6" PVC with service - Equipment	462	LF	\$ 22.91	\$ 10,584.42
Install 6" PVC with service - Material	462	LF	\$ 23.28	\$ 10,755.36
Flowable fill existing WL - Labor	370	LF	\$ 5.45	\$ 2,016.50
Flowable fill existing WL - Equipment	370	LF	\$ 5.39	\$ 1,994.30
Flowable fill existing WL - Material	370	LF	\$ 3.73	\$ 1,380.10
2" Gate Valve	1	EA	\$ 5,200.00	\$ 5,200.00
6" Gate Valve	1	EA	\$ 6,850.00	\$ 6,850.00
			<b>Railroad Street Total =</b>	<b>\$ 65,396.50</b>

**Depot Street**

- The Town is going to pay for the curb and gutter with the Powell Bill funds so we will add that to the street work.
- I was given a measurement of 346 LF of water main that was abandoned and have a total of \$73,799.42 for Depot Street.

**Depot Street Water Line**

Description	Quantity	Unit	Unit Price	Total
Install 6" PVC with service - Labor	319	LF	\$ 57.61	\$ 18,377.59
Install 6" PVC with service - Equipment	319	LF	\$ 22.91	\$ 7,308.29
Install 6" PVC with service - Material	319	LF	\$ 23.28	\$ 7,426.32
Install 6" DIP with service - Labor	44	LF	\$ 57.61	\$ 2,534.84
Install 6" DIP with service - Equipment	44	LF	\$ 22.91	\$ 1,008.04
Install 6" DIP with service - Material	44	LF	\$ 40.98	\$ 1,803.12
Abandon existing WL - Labor	346	LF	\$ 5.45	\$ 1,885.70
Abandon existing WL - Equipment	346	LF	\$ 9.12	\$ 3,155.52
6" Cap/Plug	1	EA	\$ 5,125.00	\$ 5,125.00
Hydrant Assembly	1	EA	\$ 10,500.00	\$ 10,500.00
6" Tapping Sleeve and Valve	1	EA	\$ 6,325.00	\$ 6,325.00
6" Gate Valve	1	EA	\$ 6,850.00	\$ 6,850.00

Sewer Service	2	EA	\$ 750.00	\$ 1,500.00
<b>Depot Street Total =</b>			<b>\$ 73,799.42</b>	

Let me know if these quantities work for you.

Thanks,

**Stewart Barnette, PE**

*Project Engineer*

(252) 757-1096 x228 • Office

(252) 714-2475 • Mobile

(252) 757-3221 • Fax

301 W. 14<sup>th</sup> St.

Greenville, NC 27834




---

**From:** Mark Harris <[mark@trippbrothers.com](mailto:mark@trippbrothers.com)>  
**Sent:** Wednesday, February 28, 2024 6:58 AM  
**To:** Stewart Barnette <[sbarnette@thewootencompany.com](mailto:sbarnette@thewootencompany.com)>  
**Cc:** Bobby Tripp <[bobby@trippbrothers.com](mailto:bobby@trippbrothers.com)>  
**Subject:** Winterville - Revised WL COs

Stewart,  
Here are the revised WL COs.

**Mark Harris**

*Project Manager*

**Tripp Bro's, Inc.**

**Mobile 252-521-2758**

**Email** [mark@trippbrothers.com](mailto:mark@trippbrothers.com)

4158 Norris Store Rd | Ayden, NC 28513



Tripp Bro's, Inc.



## CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-02 REV

**DATE:** 3/19/2024  
**JOB NAME:** Winterville Streets Resurfacing 2023  
**JOB NUMBER:** 3000-23  
**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** We are requesting this change order to recover the cost for work related to the import of fill and export of the undercut the unsuitable material at multiple areas on Railroad St. Section on East side near railroad tracks was done two times.

### CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Undercut Railroad St - Import/Export - West Side	167.42	CY	\$30.00	\$5,022.60
Undercut Railroad St - Import/Export - East Side - 1st Time	216.87	CY	\$30.00	\$6,506.10
Undercut Railroad St - Import/Export - East Side - 2nd Time	216.87	CY	\$30.00	\$6,506.10
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$18,034.80</b>

Tripp Brother's, Inc. Representative

Accepted By:

# CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-05 REV

**DATE:** 3/19/2024  
**JOB NAME:** Winterville Streets Resurfacing 2023  
**JOB NUMBER:** 3000-23  
**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**  
  
1 Calendar Days

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** We are requesting this change order to recover the time and cost associated with substituting asphalt base for ABC subgrade on Railroad Street.

## CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Asphalt Base	80.00	TN	\$74.90	\$5,992.00
Geo Grid	189.22	SY	\$1.75	\$331.14
Deduct ABC Stone	-80.00	TN	\$15.00	-\$1,200.00
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$5,123.14</b>

Tripp Brother's, Inc. Representative

Accepted By:



# CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-06 REV

**DATE:** 3/19/2024  
**JOB NAME:** Winterville Streets Resurfacing 2023  
**JOB NUMBER:** 3000-23  
**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**  
  
**3 Calendar Days**

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** We are requesting this change order to recover the cost for work related to the import of fill and export of the undercut the unsuitable material at Worthington and Railroad St. intersection.

## CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Undercut Worthington Int - Import/Export	143.70	CY	\$30.00	\$4,311.00
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$4,311.00</b>

\_\_\_\_\_  
Tripp Brother's, Inc. Representative

\_\_\_\_\_  
Accepted By:

## CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-08 REV

**DATE:** 3/19/2024  
**JOB NAME:** Winterville Streets Resurfacing 2023  
**JOB NUMBER:** 3000-23  
**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**  
  
**2 Calendar Days**

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** We are requesting this change order to recover the cost for installing Tensar GeoGrid.

### CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Install Tensar GeoGrid on Depot St/RR St Intersection	334.40	SY	\$3.00	\$1,003.20
Install Tensar GeoGrid on Blount St/RR St (West) Intersection	639.87	SY	\$3.00	\$1,919.61
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$1,003.20</b>

\_\_\_\_\_  
Tripp Brother's, Inc. Representative

\_\_\_\_\_  
Accepted By:

## CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-09

**DATE:** 3/18/2024  
**JOB NAME:** Winterville Streets Resurfacing 2023  
**JOB NUMBER:** 3000-23  
**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**  
  
5 Calendar Days

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** We are requesting this change order to recover the cost for undercut at RR St/Depot St intersection.

### CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Full Depth Asphalt (12") at Blount/RR	240.00	SY	\$30.00	\$7,200.00
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$7,200.00</b>

Tripp Brother's, Inc. Representative

Accepted By:

Need to confirm

## CHANGE ORDER REQUEST



Tripp Bro's, Inc.

**FROM:**  
Tripp Bro's, Inc.

**COR #:** 3000-23-10

**DATE:** 3/19/2024

**JOB NAME:** Winterville Streets Resurfacing 2023

**JOB NUMBER:** 3000-23

**PREPARED BY:** Mark Harris

**To:**  
Town of Winterville

**TIME ASSOCIATED WITH THIS CHANGE ORDER:**

4 Calendar Days

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**DESCRIPTION:** We are requesting this change order to recover the cost for the 2 FT undercut on Depot St.

### CHANGES REQUEST

DESCRIPTION	QTY	UOM	Unit Price	
Undercut 2FT on Depot St	607.25	CY	\$30.00	\$18,217.50
<b>AMOUNT OF THIS CHANGER ORDER REQUEST</b>				<b>\$18,217.50</b>

\_\_\_\_\_  
Tripp Brother's, Inc. Representative

\_\_\_\_\_  
Accepted By:



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 10, 2024

**Presenter:** Diane White, Director of Parks and Recreation

**Item to be Considered**

**Subject:** Comprehensive and Site-Specific Master Plan.

**Action Requested:** Award contract for Winterville Comprehensive and Site-Specific Master Plan.

**Attachment:** **Comprehensive Parks and Recreation Plan Contract Selection (Attachments Added).**

**Prepared By:** Diane White, Director of Parks and Recreation

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/6/2024

TM: 6/6/2024

Final: tlp - 6/6/2024

**Supporting Documentation**

The main purpose of the Comprehensive and Site-Specific Master Plan is to identify the current state of Parks and Recreation in Winterville and to develop a realistic plan of action for the future focusing on staffing, programming, facilities, parks, trails, and agency growth. The Site-Specific Master Plan thoroughly assesses the Town of Winterville's current and future needs for the new multi-purpose center and associated property.

The Comprehensive Plan thoroughly assesses the Town of Winterville's current and future needs for the Parks and Recreation Facilities. A practical strategy over the next ten (10) years to help guide the decisions of the Town's leadership and Town Council will also be provided for helping with the continued development of the department, parks, recreation facilities and programs.

- Submittal deadline was March 29, 2024. Attached is a copy of the proposal and scoring system. Based off of proposal review, experience and highest cumulative score, the staff recommends awarding the contract for creation and completion of both the Comprehensive and Site-Specific Master Plan to McGill Associates, PA.

**Budgetary Impact:** Funds for project have been budgeted.

**Recommendation:** .Staff recommends awarding the contract for creation and completion of both the Comprehensive & Site-Specific Master Plan to McGill Associates, PA

**Town of Winterville Parks & Recreation Department**  
**Comprehensive & Site-Specific Master Plans**

**Proposal Scoring System**

<b><u>Criteria</u></b>	<b><u>Measure</u></b>	<b><u>x</u></b>	<b><u>Weight</u></b>	<b><u>=</u></b>	<b><u>Rating</u></b>
Extensive experience in the Comprehensive Master planning process	_____	X	4	=	_____
Extensive experience in the Site-Specific Master planning process	_____	X	4	=	_____
Extensive & creative methodology of soliciting community involvement/input	_____	X	4	=	_____
Firms overall focus on Parks & Recreation Projects	_____	X	4	=	_____
Quality of organization and thoroughness of proposal package	_____	X	3	=	_____
Quality of overall presentation	_____	X	3	=	_____
Quality of relevant examples of similar projects	_____	X	3	=	_____
Professional experience/education of designated project manager	_____	X	3	=	_____
Quality of computerized enhanced Design Graphics relating to Schematic Plans	_____	X	2	=	_____
Firm's Action Plan associated with timeline/schedule for project completion	_____	X	2	=	_____
Resumes/bios including relevant certifications & licenses of key staff assigned to the project	_____	X	2	=	_____
Assistance methodology pertaining to possible funding mechanisms/options	_____	X	1	=	_____
Firms perceived ability to relate effectively to the Town of Winterville	_____	X	1	=	_____
Statement of any possible conflicts of interest	_____	X	1	=	_____
<b>Total Overall Score</b>					_____

**Scale**

5 Outstanding	3 Good	1 Poor
4 Great	2 Fair	0 Information not Provided



# Town of Winterville

Comprehensive and  
Site-Specific Master Plan





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### PREPARED FOR

Diane White  
Parks and Recreation Director  
Town of Winterville  
Post Office Box No. 1459  
Winterville, NC 28590

### PREPARED BY

McGill Associates, PA  
5400 Trinity Road, Suite 107  
Raleigh, NC 27607  
919.378.9111  
mcgillassociates.com



May 29, 2024

Diane White, Parks and Recreation Director  
Town of Winterville Parks and Recreation  
Post Office Box No. 1459  
Winterville, NC 28590

RE: Response to Request for Qualifications  
Comprehensive and Site-Specific Master Plan

Dear Diane White:

McGill Associates, PA (McGill) understands the Town of Winterville wants to improve its parks and recreation facilities and plan for the new multi-purpose center and associated property. We know the best master plan has a clear implementation process, and we understand the importance of guiding communities toward attainable goals. We are currently working on a master plan for Pitt County, so we are familiar with the area and have an understanding of the community's needs at large. As you review our proposal, please keep the following strengths in mind:



**We Have a Passionate and Experienced Team:** Our team is a unique blend of professionals — a former parks director, North Carolina Recreation Resources Service (RRS) consultant, retired city manager, and former North Carolina Parks grants director. We have a tremendous wealth of park planning and design experience throughout the Southeast. You will be working closest with Nate Halubka, who understands that each region and landscape has its own unique characteristics. Nate has extensive experience in parks and recreation planning, programming, and funding.



**We Know Park Development:** Unlike some other firms, we offer all services in house and can be involved throughout the planning, funding, and design implementation process. With Nate's background, McGill has extensive experience helping communities secure Parks and Recreation Trust Fund (PARTF) funding for their projects.



**We Proactively Seek Public Input:** We use multiple platforms to get information and opinions from community members. By having virtual and in-person meeting options, we can reach more people and provide more inclusive and well-rounded feedback. We meet your community members where they are and when they are available. Additionally, we are working on a master plan for Pitt County, so we are already engaged in public input and community engagement efforts.

McGill is eager to assist the Town of Winterville in achieving its parks and recreation goals. We are confident that our team is well-equipped to create a plan that will effectively guide your community into the future. We have no conflicts of interest. Please reach out with any questions. You can reach me by phone at 828.310.5238 or by email at [mike.norris@mcgillassociates.com](mailto:mike.norris@mcgillassociates.com). Thank you for your consideration.

Sincerely,  
MCGILL ASSOCIATES, PA

A handwritten signature in black ink, appearing to read "Michael J. Norris".

MICHAEL J. (MIKE) NORRIS, PLA

Director of Land Planning and Recreation

# 01 | Firm Qualifications

## Contact



**Mike Norris, PLA**

**Director of Land Planning and Recreation**  
mike.norris@mcgillassociates.com



**Local Office:**

5400 Trinity Road, Suite 107, Raleigh, NC 27607  
919.378.9111

## What We Do



Land Planning and Recreation



Water and Wastewater



Civil Engineering



Water Resources



Electrical Engineering



Mechanical, Electrical, and Plumbing



Surveying



Construction Administration



Solid Waste



Environmental



Consulting Services

## Offices



## History of the Firm

McGill was founded in 1984 in Asheville, North Carolina. Over the past 40 years, the firm has grown to include 7 other offices in Hickory, Pinehurst, Raleigh, and Shallotte, North Carolina; Roanoke, and Williamsburg, Virginia; and Knoxville, Tennessee. McGill has stayed true to our founding commitment — to always provide quality and responsive service to our clients. We help our clients identify challenges, formulate responsive solutions, and manage successful project completion. Through partnership, we shape the best results for each client and community.

### At a Glance

**Legal Name: McGill Associates, PA**

**Incorporated / Year: 1984**

**Business Type: Corporation**

**Number of Offices: 8**

**Number of Employees: 160+**





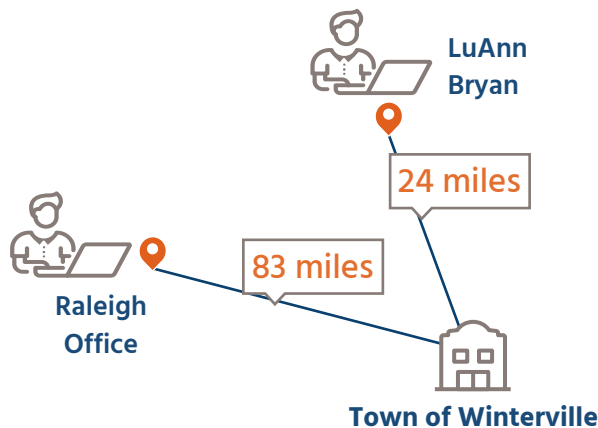
# Why We're Best-Suited for this Project

## Accessibility

As an effective multidisciplinary team, we have ample resources and expertise to guide us through this process. Our team is dedicated to ultimate project success. We can respond quickly and effectively to unplanned project issues and to attend staff and public meetings on short notice, even after business hours. LuAnn Bryan, our project consultant, only lives 30 minutes away from the Town of Winterville, and the rest of our team is easily accessible via phone calls and virtual meetings.

## Unique Characteristics / Innovative Ideas

McGill views each project as unique, even if it is similar in scope to prior projects. At project inception, we will schedule a project team meeting involving your staff, the designers, and the appropriate stakeholders to fully discuss the project and — using aerial photographs as working documents — provide an opportunity for all parties to note areas of concern, create a wish list of improvements, and look at future area planning. Those documents will be referenced throughout the design process to provide focus to project development.



## Qualifications of Project Managers and Key Personnel

Mike Norris directs McGill's land planning and recreation efforts. Mike is an award-winning landscape architect, and he has been helping to shape communities for 27 years. Nate Halubka will lead our team with any grants and funding needs for this project. He has worked on numerous North Carolina PARTF and Land and Water Conservation Fund (LWCF) grants that were funded.

## Land Planning Expertise

McGill's award-winning land planning and recreation team is known for designing and creating spaces that seamlessly tie together built and natural environments. We have received special recognition by organizations like the North Carolina American Society of Landscape Architects and the North Carolina Main Street Center. Through our comprehensive suite of planning, design, and support services, McGill takes the time to understand the unique culture of every community to create exceptional places for future generations.

## Summary of Liability, Errors, and Omission Insurance Coverage

McGill has soundly demonstrated our financial stability during the past 40 years of operation. We carry a minimum of \$3,000,000 errors and omission insurance, and we have a firm financial standing with First Citizens Bank, our principal bank. Furthermore, we have \$1,000,000 general liability coverage and meet state requirements for workers compensation insurance. Both our general liability and our workers compensation insurance have further coverage under a \$5,000,000 additional liability umbrella.



# Comprehensive Parks and Recreation Master Plans Within the Last Five Years

Team members Mike Norris and Jim Ford have worked on each of these plans listed below:

Client	Population
Ashe County	26,598
Brunswick County	144,215
Chowan County	13,940
City of Lincolnton	10,926
City of New Bern	31,058
Currituck County	27,575
Davie County	44,090
Haywood County	61,695
Lincoln County	89,670
Onslow County	206,160
Pender County	56,964
Pitt County	173,542
Town of Black Mountain	8,386
Town of Blowing Rock	1,071
Town of Calabash	2,117
Town of Holden Beach	952
Town of Knightdale	18,614
Town of Lewisville	13,413
Town of Oak Ridge	7,595
Town of Ocean Isle Beach	768
Town of Pilot Mountain	1,747
Town of Shallotte	4,059
Town of Sunset Beach	4,091
Town of Wendell	9,847



Riverwalk in Brunswick County



Ribbon cutting for Martin Marietta Park in New Bern

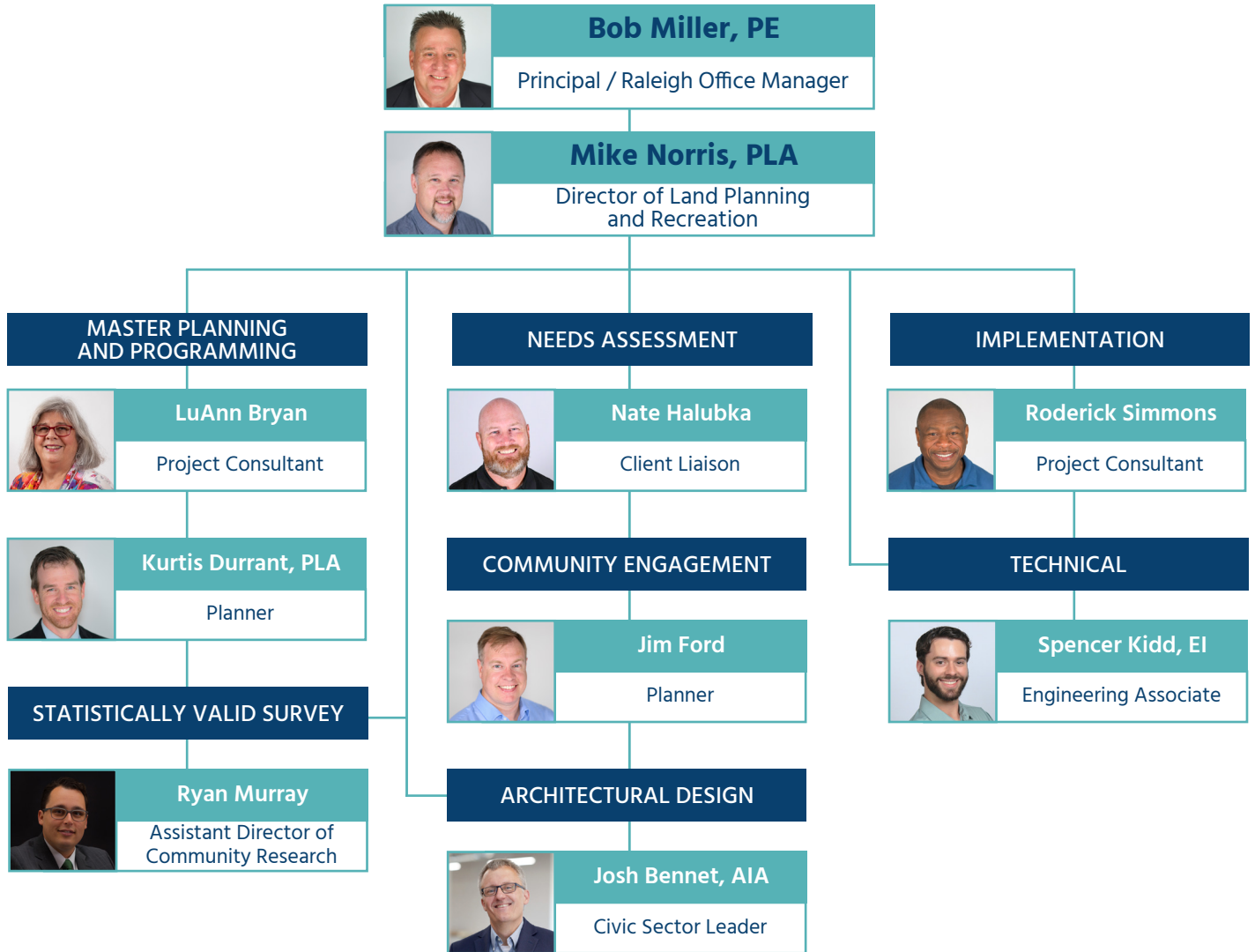


New basketball court for the Town of Ocean Isle Beach



# 02 | Team Qualifications

## Organizational Chart





## Bob Miller, PE

### Principal / Raleigh Office Manager

**Office Location:** Raleigh

With significant experience in operational management, Bob Miller has excelled as a successful project manager. He has effectively overseen programs and projects pertaining to the fields of geoenvironmental services, geotechnical services, water and wastewater, and various other environmental services with great success. Bob has a proven record of success in business operations, strategic business development, staff leadership, and mentorship. His career has been characterized by serving in various progressively more impactful roles. He is well-versed in water and wastewater engineering and permitting for various clients, including those in the private and public sectors, as well as industrial, commercial, energy, municipal, state, federal agencies, and educational institutions.

#### Education

MS, Environmental Engineering, Manhattan College

BS, Chemical Engineering, State University of New York at Buffalo

#### Professional Licensure

PE NC #017147

#### Years of Experience

38

#### Estimated Hours

5

#### Relevant Project Experience

- On-Call Plan Review, City of Oxford
- On-Call Engineering Experience, South Granville Water and Sewer Authority
- Hix Park Gym Parking Lot Addition, City of Oxford
- AIA Water Application and Project, City of Oxford



## Mike Norris, PLA

### Director of Land Planning and Recreation

**Office Location:** Hickory

Mike Norris is an award-winning, registered landscape architect with extensive experience in park master planning and design services. Mike offers expertise in all phases of landscape architecture and land planning, including master planning, due diligence evaluations, rezoning, Americans with Disabilities Act (ADA) compliance, and public information sessions. Mike has an array of experience garnering public input, and he enjoys involving the public in his projects through community meetings and charrettes, which allow him to understand the needs and culture of the community.

#### Education

BLA, North Carolina State University (NCSU)

BS, Environmental Design in Architecture, NCSU

#### Professional Licensure

PLA NC #1048

#### Years of Experience

27

#### Estimated Hours

50

#### Comprehensive Parks and Recreation Master Plan Experience

- Ashe County
- Brunswick County
- Burke County
- Catawba County
- Chatham County
- City of Brevard
- City of Lenoir
- City of Lincolnton
- City of Shelby
- City of Southport
- City of Knightdale
- Lincoln County
- Onslow County
- Pender County
- Town of Lillington
- Town of Wendell
- Town of Winterville
- Village of Pinehurst





# Nate Halubka

## Client Liaison

**Office Location:** Raleigh

Nate Halubka has been shaping communities as a professional in the parks and recreation industry for many years. As one of the leading experts in parks and recreation funding in North Carolina, he is an extremely valuable member of our team. For three years, Nate oversaw every PARTF, Connect North Carolina Bond, and Land and Water Conservation Fund project that came through the state of North Carolina, and before that, he did the same on a smaller scale with 25 of North Carolina’s counties. Nate is skilled in understanding and interpreting difficult regulations and putting them into simple terms for grantees, and he puts a great deal of emphasis on collaborative problem solving with large-scale capital projects.

### Education

MS, Parks and Recreation Management, University of North Carolina (UNC) Greensboro  
BS, History, UNC Charlotte

### Years of Experience

18, former North Carolina Parks Grant Manager

### Estimated Hours

350

### Comprehensive Parks and Recreation Master Plan Experience

- City of Archdale
- City of Lincolnton
- City of New Bern
- Town of Aberdeen
- Town of Biscoe
- Town of Black Mountain
- Town of Holden Beach
- Town of Pilot Mountain
- Pitt County
- Davie County



# Roderick Simmons

## Project Consultant

**Office Location:** Asheville

Roderick Simmons is a well-organized, dedicated, and caring professional with 30 years of progressive leadership experience and an extensive public administration background. He worked as the City of Asheville Parks and Recreation Director for 14 years, which gave him a deep understanding of government operations. He has also held director-level positions for Sampson County, the City of Fayetteville, and the City of High Point. He was an early adopter of implementing equity in service delivery and redesigned Asheville’s department to support this effort. Roderick created and executed the plan for a \$17 million parks bond approved by Asheville voters, including facility improvements and land acquisition. By focusing the department’s efforts on making improvements to older facilities before adding new ones, he was able to increase the standard of quality throughout the inventory of the City of Asheville’s facilities.

### Education

MS, Public Administration, Central Michigan University  
BA, Recreation Management, Catawba College

### Years of Experience

32, Retired City of Asheville Parks and Recreation Director

### Estimated Hours

25

### Comprehensive Parks and Recreation Master Plan Experience

- Pitt County
- Davie County
- City of Kings Mountain
- City of New Bern





# Kurtis Durrant, PLA

## Planner

**Office Location:** Hickory

Kurtis Durrant has been in the design field for eight years as a landscape designer, working on residential outdoor environments. During his tenure as a graduate student, he took an interest in how the outdoors can affect childhood development and a person’s health and well-being. Kurtis has taken a particular interest in motivating people, especially families, to get outdoors for physical, social, and mental health.

### Education

MS, Landscape Architecture, NCSU

BS, Horticulture / Landscape Design, NCSU

AAS, Horticulture Technology, NCSU

### Professional Licensure

PLA NC #2278

### Years of Experience

8

### Estimated Hours

50

### Comprehensive Parks and Recreation Master Plan Experience

- Brunswick County
- City of Archdale
- City of Greenville
- City of Lincolnton
- Lincoln County
- Onslow County
- Pender County
- Town of Black Mountain
- Town of Holden Beach
- Town of Knightdale
- Town of Wendell
- City of New Bern
- Ashe County
- Town of Calabash
- Town of Ocean Isle Beach
- Town of Blowing Rock
- Davie County
- Town of Sunset Beach
- Currituck County



# Jim Ford

## Planner

**Office Location:** Hickory

Jim Ford is an experienced planner who creates sustainable designs through environmentally conscious open-space and low-impact development concepts. His landscape plans have helped multiple clients attain LEED gold and platinum designations. Jim serves public interests through quality landscape design and ecologically sensitive planning to help protect and restore native habitats, improve water and air quality, and provide educational opportunities for persons of all ages. His professional focus includes technical and site detailing, plants and ecology, parks planning, site design and building material use, and graphic visualization.

### Education

MS, Landscape Architecture, Florida Agricultural and Mechanical University

BS, Physical Education and Sports Management, Florida State University

### Years of Experience

22

### Estimated Hours

350

### Comprehensive Parks and Recreation Master Plan Experience

- Ashe County
- Brunswick County
- Burke County
- Catawba County
- Chatham County
- City of Brevard
- City of Knightdale
- City of Lenoir
- Lincoln County
- Onslow County
- Pender County
- Town of Lillington
- Town of Wendell
- Town of Winterville
- Village of Pinehurst







## LuAnn Bryan

### Project Consultant

**Office Location:** Raleigh

LuAnn Bryan was the fourth female park ranger in North Carolina. Early in her career as a park ranger, LuAnn laid a new trail where the first mile was accessible for all users. The trail’s design aimed to enable individuals with mobility or physical disabilities to access the trail leading to the creek, providing them with an outdoor experience they had not been able to previously enjoy. In the late 1970s, those with disabilities did not have access to such accommodations. In the last 20 years, LuAnn has worked in multiple recreation positions, spanning from greenway planner to recreation director, where she developed a deep knowledge of parks and recreation planning, programming, and funding.

#### Education

MPA, East Carolina University (ECU)  
MS, Recreation Resources, NCSU  
BS, Parks, Recreation, and Conservation Administration, ECU

#### Years of Experience

46, Former RRS Consultant (Eastern and Western Regions)

#### Estimated Hours

25

#### Comprehensive Parks and Recreation Master Plan Experience

- Brunswick County
- City of Lincolnton
- Currituck County
- Lincoln County
- Onslow County
- Pender County
- Town of Holden Beach
- Town of Knightdale
- Davie County
- City of New Bern



## Spencer Kidd, EI

### Engineering Associate

**Office Location:** Raleigh

Spencer Kidd will provide technical services to support McGill’s land planning and recreation staff in developing a master plan. Spencer’s ability to visualize projects and the desired outcome makes him an asset to any initiative he is a part of. He is motivated by projects that have a sense of longevity because he enjoys being part of the process. Spencer is eager to have the opportunity to participate in the development of projects that will benefit people in communities for years to come.

#### Education

MS, Mechanical Engineering, NCSU  
BS, Civil Engineering, NCSU  
AS, Science, Guilford Technical Community College

#### Years of Experience

2

#### Estimated Hours

5

#### Relevant Project Experience

- Soccer Field Design Permitting and Construction Administration, Lenoir Community College
- Hollybrook Property Park Development, Town of Wendell
- Belleview Road Sidewalk, Town of Waynesville
- Field CJDR Building Renovations, International Contractors, Inc.

## Subconsultants



### Moseley Architects

**Services for this Project:** Architectural design

#### Contact

**Josh Bennett, AIA**

[jbennett@moseleyarchitects.com](mailto:jbennett@moseleyarchitects.com)

919.840.0091

#### Office Location

911 North West Street

Suite 205

Raleigh, NC 27603

Moseley Architects provides professional architectural, engineering, and interior design solutions to clients seeking responsive and reliable planning and design services and specialized expertise. They understand that great design is only one component of a project's success and strive to deliver high-quality, value-based, and timely service for projects both large and small.

Their architects, engineers, interior designers, and other professionals collaborate within a unified, multi-disciplinary studio setting. This approach, facilitated by innovative building information modeling (BIM) technology, results in integrated designs tailored to clients' needs and priorities.



### ETC Institute

**Services for this Project:** Statistically valid survey

#### Contact

**Ryan Murray**

[ryan.murray@etcinstitute.com](mailto:ryan.murray@etcinstitute.com)

913.254.4598

#### Office Location

725 West Frontier Circle

Olathe, KS 66061

ETC institute (ETC) is a market research firm that specializes in the design and administration of market research for governmental organizations. Since 1982, the firm has completed research projects for organizations in 49 states. ETC Institute has designed and administered more than 3,500 statistically valid surveys, and the team of professional researchers has moderated more than 1,000 focus groups and 2,000 stakeholder meetings. In the past five years, the firm has administered surveys in more than 700 cities and counties across the United States. ETC Institute has conducted research for more major US cities and counties than any other competing firm. Core services of the firm involve conducting statistically valid surveys and related market research. ETC Institute has conducted more than 500 surveys for parks and recreation systems in 46 states across the country for a wide variety of projects.

## 03 | Relevant Experience

### Project Understanding

The Town of Winterville wants to update its 2015 Recreational Master Plan to develop the current and future needs for the Town’s recreation system. As part of this effort, the Town also desires the development of a site specific master plan for town owned property to be developed with a multi-purpose center and associated park improvements. The Town is seeking a qualified and experienced landscape architect and engineering firm to develop these master plans and, if requested, provide additional services for the design, permitting, bidding, and construction phases of the project. The plan development will include input from Town staff, community engagement, site analysis, funding recommendations, and implementation recommendations.

The Town of Winterville acquired two adjoining land parcels with plans to develop a community park with a multi-purpose indoor facility. Including the park and the indoor facility, the site is 12.6 acres. Winterville is part of Pitt County, and McGill is currently working on a parks and recreation master plan for Pitt County. Our experience with the County and its community engagement results sets us up for success with the Town of Winterville. We have information on the County’s needs, which will help us efficiently and effectively identify the Town’s needs and begin the implementation process. We are confident our team can meet the Town’s requirements as outlined in the Request for Qualifications (RFQ).

### Approach

Our process is based on the fundamental assumption that project planning and design are tailor-made to have meaningful and ongoing collaboration with local officials, advisory boards, Town staff, interested community organizations, and other stakeholders. The following phases generally outline our proposed scope of work.

#### Phase 1: Discovery

We will inventory the Town’s existing park resources, land, and facilities to understand opportunities for facility improvements and system-wide expansions. This inventory will include existing Town partnerships and facilities and a summary of all municipal, state, and private recreation and parks facilities located in and near the community.

#### Project Initiation

To start the planning process, we will hold a kickoff meeting with Town staff and the steering committee. This meeting allows our team, Town staff, and the steering committee to become better acquainted, confirm project goals and deliverables, review the draft project schedule, discuss potential meeting dates, and identify data to be acquired. We will discuss the group’s initial thoughts regarding issues and opportunities and confirm project objectives and expectations. An effective way to forge a productive working relationship is to start the project with a tour of the area, which can be scheduled following the kickoff meeting. This tour will strengthen the team’s grasp of the existing conditions and stimulate ideas to explore during the planning process.

#### Phase 2: Community Visioning and Needs Assessment (System-Wide and Site-Specific Master Plan)

##### Community Engagement

McGill’s master plan approach allows the community to design the process. We will work with the Town staff to develop options for engaging a diverse cross-section of the community throughout the entire study to ensure it is a well-rounded plan. The options will be available in paper and digital formats and will be marketed through various delivery methods, including flyers, emails, and QR links. We recommend having meetings and community engagement activities that include input for both the system-wide plan and the park master plan. In accordance with PARTF requirements, we suggest the following meetings and events to obtain successful community engagement:

- Periodic meetings / briefings with Town staff
- Four meetings with the steering committee in the first month
- Community needs assessment via a recreational survey to collect public opinions and concerns related to levels of resident satisfaction and awareness of creation and parks resources and facilities
- Two public community meetings (open houses) in different locations to foster engagement, and gather input on the recreational survey (these events will help participants understand the survey’s goals and the master planning process)
- Up to six virtual focus group sessions
- One work session with the Town Council
- One design visioning session for the site-specific master plan of the new park with the Town’s elected officials and staff
- One public presentation to review design concepts for the new park
- A final presentation to the Town of the comprehensive system-wide master plan and site-specific master plan

The next step will consist of developing a statistically valid survey to collect valuable public opinions and concerns related to levels of resident satisfaction and awareness of recreation and parks department resources and facilities. As part of the McGill team, ETC will primarily be leading the survey. McGill and ETC will develop a survey to be administered through a combination of mail, email, and phone sampling. This survey will be compared with ETC’s DirectionFinder® Parks and Recreation Survey. Additional public input will be solicited at scheduled and advertised community meetings.

### Engagement Summary

The raw data will be compiled to create a comprehensive engagement report and summary specifically tailored to the Town. The report will provide an in-depth analysis of survey responses and community meetings, emphasizing significant findings and trends.



Community engagement in Brunswick County, NC

### Data Collection and Existing Conditions

At project initiation, we will gather data to evaluate the Town’s current recreation and parks program. Our team will prepare an inventory of available data and data we will need to request from the Town. The inventory will identify an array of information ranging from existing geographic information system (GIS) shape-files to relevant plans and studies. Maps will include aerial photography, parcel lines and major neighborhoods, primary transportation routes, environmental features, topography, and jurisdictional boundaries. As appropriate, the inventory will note any limitations of the data collected. Base maps will then be created for use throughout the planning process and for the site-specific master plan.

### Review of Demographics and Recreation Trends

McGill will create a demographic profile of the Town to identify meaningful development strategies. Using data from the United States Census Bureau, North Carolina State Demographer’s Office, or the Town Planning and Zoning Department, the profile will include population and employment estimates (2024–2034). McGill will utilize the Town’s projected population growth and supplement with census tract demographic data obtained from Environmental Systems Research Institute, Inc. (ESRI) GIS data for assessment purposes. The following demographic characteristics will be included: population density, age distribution, gender, ethnicity, and household income.

### Review of Plans, Policies, and Studies

McGill will collect and review adopted plans, policies, and studies to gain a better understanding of previous efforts that have been conducted by the Town.



Winterville community members enjoying a local park

### Evaluation of Existing Facilities and Properties (System-Wide Master Plan)

McGill will assess the Town’s facilities and properties to ensure that both present and future recreational needs are being addressed. We will:

- Analyze the demographic data and projected growth
- Identify concentrations of key parks and recreation user groups
- Review spatial data
- Inventory existing and potential parks and recreation assets
- Identify community access to facilities and opportunities to enhance local connectivity
- Examine existing plans, policies, and programs

### Site Analysis and Inventory (Site-Specific Master Plan)

Our team will perform an initial needs assessment and field investigation of the primary park site to document any existing deficiencies or land development hindrances. The assessment will include:

- Initial field investigation (with all appropriate parties)
- Identification, review, and analysis of vegetative cover and extent of tree coverage, including any possible riparian vegetation
- Classification of soil types, site topography, drainage patterns, wetlands, and environmentally sensitive areas
- Assessment of existing ponds and streams for condition and potential recreational use
- Determination of adjacent land uses, potential pedestrian connections, vehicular parking, and ingress and egress issues

- Examination of potential partnerships with local and state agencies — such as PARTF, LWCF, and Recreational Trails Program (RTP) — to enhance the possibility of receiving grant funding
- Identification of possible permits necessary for future site work
- Assurance that all data gathered or provided is sufficient to develop a quality design
- Natural features where appropriate
- ADA-accessibility requirements
- Low-impact development stormwater control measures (SCMs)
- Plans for compliance with regulatory requirements
- Plans for utilities, including water and sewer, roadways, parking and entry drive improvements
- Plans for multiphase development sequencing and future maintenance concerns

### Phase 3: Benchmarking and Recommendations (System-Wide Master Plan)

In Phase 3, McGill will:

- Evaluate and compare this park system to ones with similar demographics, trends, and structure to make sure the service level is adequate
- Make specific recommendations addressing future needs, including park acquisitions, development, staffing, and recreation program improvements
- Determine what each facility needs and develop specifications, including ADA access barriers
- Evaluate current and future recreation trends
- Conduct a staffing analysis needed for current, adequate, and desirable levels of service
- Explore partnerships and tourism opportunities
- Develop a map and database of recreation and parks resources
- Complete a park resources assessment

## Phase 4: Development of Recommendations and Plan Document

### General Recommendations and Planning Documents (System-Wide Plan and Site-Specific Plan)

McGill will work closely with Town staff to analyze data from the needs assessment to collectively develop plan recommendations for the system-wide parks and recreation master plan and the corresponding site-specific master plan. We will provide final recommendations and associated opinions of probable costs for the development of future facilities for the Town, including operational staff assessment for current and future system growth.

### Conceptual / Preliminary Design (Site-Specific Master Plan)

McGill's approach to a site-specific master design is comprehensive and thorough. The planning process includes the following elements. We will prepare multiple conceptual design options for proposed park improvements and develop a probable cost estimate for the proposed park improvements.

### Presentation and Revisions (Site-Specific Master Plan)

After developing the conceptual schematic / preliminary designs, McGill will:

- Host public drop-in sessions to present revised conceptual design options
- Incorporate comments from the public, Town staff, and other significant stakeholders
- Submit revised conceptual design documents to the Town for additional input
- Present findings at a Town Council meeting
- Coordinate all design activities with stakeholder groups, local utilities, regulatory agencies, and others, as appropriate

### Final Schematic Design and Cost Estimates (Site-Specific Master Plan)

After receiving input from the Town, McGill will:

- Prepare and submit a multiphase estimate of probable cost
- Present conceptual designs at a meeting with Town staff and other stakeholder group(s) to receive feedback and come to a consensus on one of the design alternatives

- Conduct a second and final public meeting where the final master plans will be presented in order to obtain any remaining comments (these meetings may be combined with meetings for the system-wide master plan; meeting minutes and a detailed record of all public comments will be recorded and organized as part of the public record for future grant applications)
- Submit final rendered master plan and sketches graphically communicating the objectives of the plan with written guidance documenting the planning process and outcomes of this multiphase project



Groundbreaking at Martin Marietta Park

## Phase 5: Final Plan and Adoption (System-Wide and Site-Specific Master Plan)

### Action / Implementation Plan

McGill will develop an action / implementation plan based on the analysis of acquired data and findings from public engagement and stakeholder meetings. The final action / implementation plan will:

- Prioritize strategies based on current and future funding scenarios
- Provide a schedule for new improvements and services
- Identify costs for proposed recommendations
- Administer an evaluation and recommendations for staffing and maintenance
- Supply a clear plan for development of programming, based on standards and demand analysis
- Identify funding and phasing strategies, including the formulation of a capital improvements plan (CIP)
- Describe final priorities for development, including a plan to help implement the comprehensive plan goals
- Propose any amendments to accomplish park development goals and objectives, based on the Town's planning and development ordinances

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## Plan Adoption

McGill staff will complete the following tasks:

- Submit a draft of the system-wide parks and recreation master plan and site-specific master plan to Town staff, elected officials, and the public for review
- Incorporate feedback from presentation findings
- Present final plan for approval and adoption

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## Design to Construction

When the master plan is complete, McGill is prepared to provide the following additional services, if requested, to bring the first phase of the project to fruition.

### Funding Assistance

To supplement the implementation of the master plan, we will provide funding recommendations, including alternative funding opportunities and revenue-generation opportunities. Our experienced staff is well versed in managing multiple funding sources and navigating the complexities of project reporting and funding administration. We maintain excellent working relationships with the various funding agencies.

### Approach to Site Development

Our approach to recreation facility design is comprehensive and thorough. A summary of the project phases and tasks include the following elements of the planning and design process:

#### Preliminary Site Planning

McGill will:

- Prepare appropriate project schedules and coordinate with the Town
- Review any existing project Town ordinances and specific design parameters with Town staff and appropriate stakeholders
- Hold a work session with Town staff to review and discuss the master plan, the proposed improvements, design options, and material selection
- Conduct a thorough field investigation of the project site with Town staff and other appropriate parties
- Identify and locate relevant site design parameters and project objectives

- Provide a complete topographical and location survey identifying and locating key natural features and environmental resources for site planning and design activities
- Evaluate grading alternatives to determine the best approach for addressing proposed site amenities
- Analyze future park elements and infrastructure and their relevance to the current phase of the project
- Prepare a preliminary site plan with proposed improvements and submit preliminary plans to Town staff for preliminary review and comment
- Prepare a preliminary project cost estimate

#### Construction Document Phase (60% and 100% Completion)

During the construction document phase, we will:

- Incorporate the Town's review comments into a final project drawing and specification document
- Prepare detailed project drawings and specifications for the proposed improvements
- Coordinate all design activities with Town departments, utilities, regulatory agencies, and others
- Meet with Town staff to resolve any problems or questions related to plans and specifications
- Thoroughly review final plans, specifications, and adjustments with Town staff prior to bidding
- Assist the Town with securing required local, state, and other regulatory approvals pertaining to the project
- Finalize the project drawings and specifications, while addressing client and agency comments
- Produce construction drawings and bid documents

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## Timely Work

Throughout all project phases, we will work with the Town's staff to ensure all deliverables are completed in a timely and thorough manner. We will stay in communication with the Town to help streamline the process.



## Comprehensive Parks and Recreation Plan

### Pitt County

Pitt County is a rapidly growing hub in Eastern North Carolina. The County contains Greenville, which is home to Eastern Carolina University. With the population increase and desire to keep facilities and parks in good condition, McGill is working on a comprehensive parks and recreation master plan.

McGill is currently working on this plan, and the implementation process should start in the near future. The plan includes the following services:

- Engaging the community to receive and implement public input
- Using our team’s extensive experience to find the unique solution that fits the needs of the Pitt County community
- Leveraging our presence in and familiarity with the area

### Client Reference

Eric Gooby, Senior Planner  
[eric.gooby@pittcountync.gov](mailto:eric.gooby@pittcountync.gov)  
 252.902.3260

### Project Highlights

- Community vision enhancement
- Benchmark goals
- Community development plan
- Research use
- Relationship building





# Wildwood Park Improvements

## City of Greenville

In Greenville, North Carolina, Wildwood Park was a land acquisition along the Tar River, and the City of Greenville had a vision to turn it into a regional park with options for adventure play, camping, water play, and community events. The property is approximately 365 acres of land and lakes.

The City hired McGill to help implement its vision. The lakes are the property's main attraction, so McGill planned canoe and kayak launches, a floating water playground, water-accessible camping areas, a boat ramp, fishing, bird watching accommodations, and a cable wake boarding course. We designed the amphitheater to initially accommodate seating for 4,000 patrons with space for expansion. The park also has a ropes course, a bike pump track, zip lines, an observation tower, and a vast network of walking and biking trails. Our team designed a variety of camping areas like cabins, spots to car camp, and spots to paddle in for. There are wildlife viewing platforms and shelters throughout the property. To finish it off, our staff designed traditional park facilities, like parking, restrooms, concessions, a playground, and picnic shelters.

### Client Reference

Don Octigan, Parks and Recreation Director  
 doctigan@greenvillenc.gov  
 252.329.4540

### Project Highlights

- Observation tower
- Outdoor entertainment area
- Water-based amenities
- Cable wake boarding
- Canoe and kayak launches
- Walking and biking trails
- Camping (tent, paddle-in, car camping, cabins)
- Playground
- Ropes course
- Picnic shelters
- Wildlife viewing platform
- Restrooms and concessions
- Parking improvements



# Master Planning and Site Development

## Brunswick County

### Comprehensive Parks and Recreation Plan

McGill was selected to lead a joint effort between the planning department and the parks and recreation department to conduct a parks and recreation comprehensive plan in conjunction with a comprehensive land use plan. Deemed “Blueprint Brunswick,” McGill assisted the County with data collection and existing conditions assessments, community engagement visioning and strategy, public involvement, needs analysis, and obtaining resident preferences on recreational activities and public facilities. By combining the efforts into one project, McGill was able to reduce the costs of obtaining public input for both plans.

### Site-Specific Master Planning and Site Development for Ocean Isle Beach Park

McGill has provided site development work for multiple projects in Brunswick County (Brunswick Nature Park, Town Creek Park, Smithville Park, and Brunswick Waterway Park). Brunswick County’s Ocean Isle Beach Park is located on a 57-acre parcel on Old Georgetown Road, near the Town of Ocean Isle Beach. In 2016, we helped develop a site-specific master plan and full site engineering support for the design, permitting, and construction services. Multiple community and stakeholder committee meetings and due diligence investigations led to the final design.

The necessary site engineering tasks for design, permitting, and construction phases of the project: included surveying, 404 wetland evaluations and re-certifications, stormwater management, sedimentation and erosion control measures, fire and potable water distribution system, public sewer, driveway and encroachments, site construction, and engineering certifications.

### Client Reference

Aaron Perkins, Parks and Recreation Director  
 aaron.perkins@brunswickcountync.gov  
 910.253.2675

### Project Highlights

- Little library kiosk
- Athletic fields
- Basketball and pickleball courts
- Restrooms and concessions
- Dog park
- Walking trail with fitness stations
- PARTF funding



## Master Planning and Site Development

### Town of Lillington

#### Comprehensive System-Wide Parks and Recreation Plan

The Town of Lillington comprehensive master plan 2013-2033 provided the guiding framework for near-future and long-range planning. The framework for this master plan was based upon conducting an inventory of existing park system, recording site observations, and obtaining public comments made at community meetings. The master plan is action-oriented and provides the Town of Lillington with a practical guide to enhance the Town's facilities and programs over the next 20 years. This master plan includes recommendations and prioritizes specific projects, like recommended park upgrades, expansions, and land acquisition, as well as the identification of user population and the development of recreation standards.

#### Site-Specific Master Plan for the River Park Master Plan

McGill created a master plan for the new River Park in the Town of Lillington. River Park's design called for a half-mile, ten-foot-wide, paved walking trail with four fitness stations. The park features an outdoor performance stage and amphitheater, restrooms, and two picnic shelters, one of which can accommodate large groups. It also offers a playground, splash pad, riverwalk, and a canoe and kayak portage. The new park is located next to the existing Lillington Park, which needed additional parking. Parking will be accommodated with a new 70-space lot, which provides Lillington Park with additional spillover parking for baseball games. Both River Park and Lillington Park will link to a proposed greenway corridor.

#### Site Development of River Park

McGill provided design, bidding, and construction administration for Phase 1 of this project, which was partly funded by PARTF.

#### Client Reference

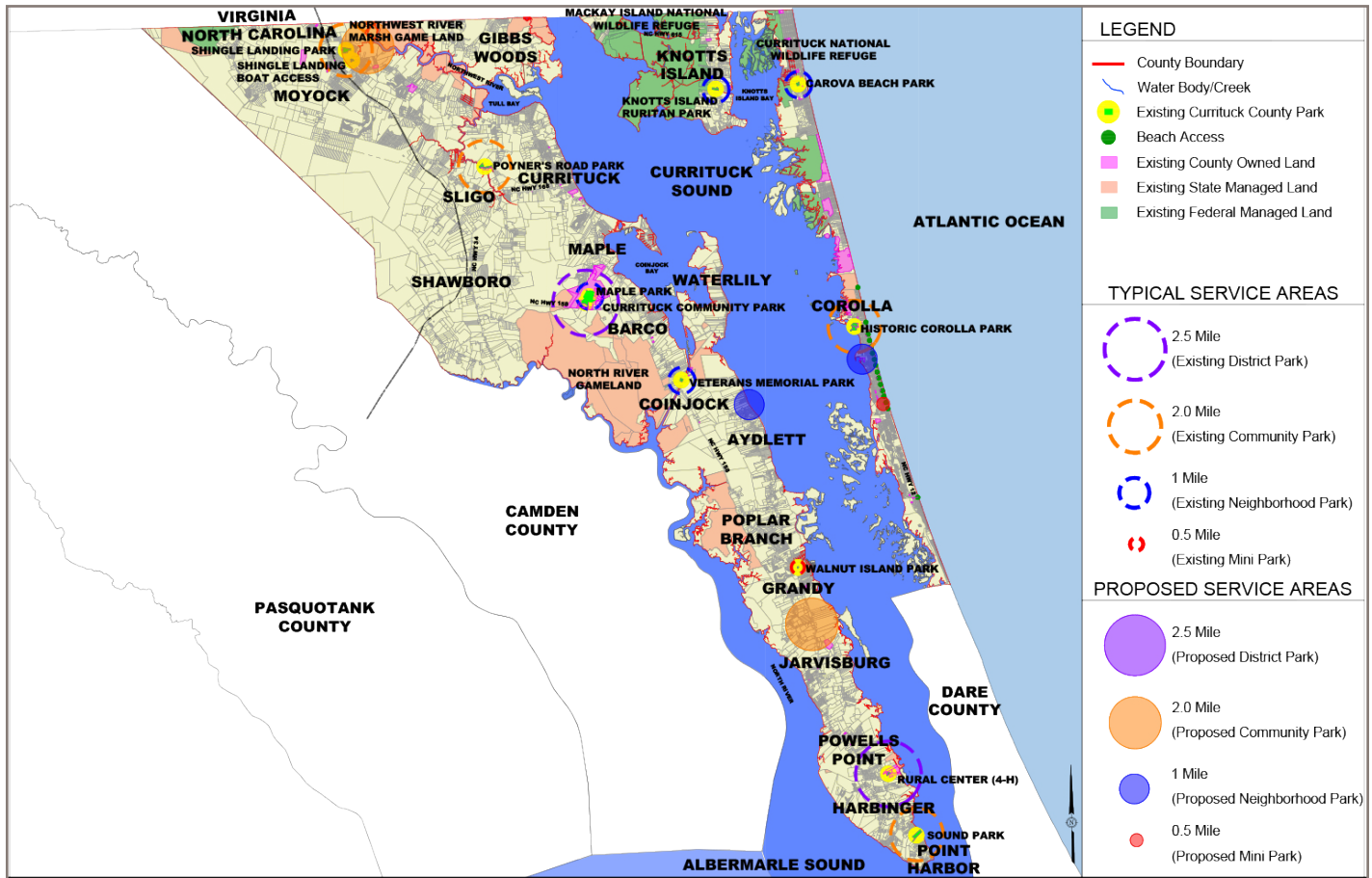
William Baker, Parks and Recreation Director

wbaker@lillingtonnc.org

910.893.0340

#### Project Highlights

- Multiphase site development plan
- ADA accessibility
- Paved walkways providing access to canoe and kayak portage
- Outdoor performance stage
- Nautical-themed playground
- Picnic pavilion
- Restrooms
- Paved parking lot
- PARTF funding



# Comprehensive Parks and Recreation Master Plan

## Currituck County

Currituck County wanted to ensure its recreation facilities and programs continue to meet residents and visitors needs for at least 10 more years. This plan was designed to evaluate the County’s existing parks and make recommendations for improvements and new parks, facilities, and programs.

The master plan outlined practical ways to improve the existing recreation system, including parks and recreational facilities, as a way of enhancing recreational opportunities in the community. Our team created a plan that provided Currituck County with an accurate, usable guide for decision-making. The master plan highlighted:

- Enhancing existing facilities currently owned by Currituck County
- Exploring the possibilities for developing new facilities within Currituck County
- Developing amenities that will promote walking and cycling
- Expanding programs to enhance the educational, social, and physical well-being of the community
- Updating policies and ordinances to meet community needs and desires

### Client Reference

Jason S. Weeks, Parks and Recreation Director

jason.weeks@currituckcountync.gov  
252.453.0124

### Project Highlights

- Public community meetings
- Virtual focus group interviews
- Park and open-space facility recommendations
- Land acquisition
- Strategic plan development
- Ten-year CIP formulation



## System-Wide Parks and Recreation Master Plan

### Town of Knightdale

After the Town of Knightdale implemented its KnightdaleNext Comprehensive Plan for parks and recreation programs and facilities, which McGill prepared, we helped them create a guide for decision-making. The ten-year comprehensive master plan outlines practical and desirable improvements to the existing recreation system. To create an accurate master plan, our team completed an inventory of the existing park system, recorded site observations, discussed needs with Town staff, and evaluated community input. The plan provides recommendations for the addition or renovation of parks, programs, and recreational facilities, prioritizing each project in a strategic plan for the community. We used state and national standards as a guide to support the recommendations for the Town recreation facilities.

### Client Reference

Bill Summers  
Town Manager  
bill.summers@knightdalenc.gov  
919.217.2202

### Project Highlights

- Ten-year comprehensive plan
- Existing parks inventory
- Community engagement
- Staff engagement
- Supporting a rapidly growing community
- Strategic implementation plan



## Martin Marietta Park Master Plan

### City of New Bern

The Martin Marietta Park in the City of New Bern was a land donation by the Martin Marietta Corporation. Martin Marietta's donation coincides with the City's vision to create a regional park with multi-recreational opportunities and space for an outdoor amphitheater to host entertainment. The property is approximately 888 acres of land and lakes. The City of New Bern hired McGill to develop options for multi-recreational and cultural opportunities and an amphitheater.

The lakes are the park's main attraction, so McGill planned for canoe and kayak launches, sailboat rentals, fishing, and birding accommodations. We designed traditional park facilities, like parking, restrooms, concessions, an adventure playground, and picnic shelters, all of which have an outdoor theme. The amphitheater can accommodate 5,000 patrons, and there is space for expansion. The park will also have a ropes course, skate park, zip lines, lookout and observation deck, and a vast network of walking and biking trails.

### Client Reference

Kari Green-Warren, Parks and Recreation Director

greene-warrenk@newbernnc.gov  
252.639.2902

### Project Highlights

- Master planning
- Water-based amenities
- PARTF funding
- Parking improvements
- Walking and biking trails



## Family Center Recreation Complex

### Ashe County

McGill assisted Ashe County with master planning the expansion of Family Central Recreation Center. This addition includes 25 meter lap pool (6 lane), basketball gymnasium, activity play areas, and walking track. In addition, outdoor improvements include interactive splash pad, walking trail, picnic shelter, and playground improvements.

The expansion of the proposed improvements offer new recreational opportunities for residents and visitors that are invaluable asset for the community that can be used by all ages and abilities..

This PARTF-funded project included the expansion of the existing recreation complex at Family Central, and the proposed amenities reflected the needs from the Ashe County community and staff.

### Client Reference

Kevin Anderson, Parks and Recreation Director

kevinanderson@ashecountygov.com  
336.982.6185

### Project Highlights

- Parking lot
- Bleachers
- Dugouts
- Concession and restroom building
- Playground
- Walking trail
- PARTF Funding



## Price Landing Master Plan

### Town of Shallotte

The Shallotte Town Board of Aldermen hired McGill to create a park master plan for an existing undeveloped downtown parcel owned by the Town. The project site is located between the existing Mulberry Street Park and the historic Mulberry Branch waterway. McGill was asked to develop the site-specific master plan. Public input played an important role in understanding the user needs and desires for the Price Landing Park master plan.

Final plan outcomes included the historical significance of the site and providing Shallotte residents and visitors with an attractive walkable destination within the downtown. The design features water access for fishing, wildlife observation, and canoeing and kayaking access, as well as trails, an accessible community garden, play area, outdoor classroom, and educational kiosks. Children, families, and seniors needed a place to recreate, and the Town needed facilities, like restrooms, to support that recreation. These needs were integrated into the design for Price Landing at Mulberry Park. This project was partly funded by North Carolina PARTF.

### Client Reference

Mimi Gaither,  
Town Administrator

[mgaither@townofshallotte.org](mailto:mgaither@townofshallotte.org)  
910.754.4032

### Project Highlights

- PARTF funding
- Master planning
- Public input
- Historic preservation
- Support facilities





Goat Island Park Pedestrian Bridge

## McGill's PARTF Projects

McGill has assisted communities with NC PARTF grants for nearly 20 years. Below is a list of some recent PARTF project experience.

### Alexander County

- Rocky Face Park, Phase 2

### Ashe County

- Family Central Recreation Complex Expansion

### Brunswick County

- Ocean Isle Beach County Park, Phase 2
- Smithville Park
- Town Creek Park
- Waccamaw Park

### Chatham County

- Northeast District Park
- The Park at Briar Chapel

### City of Archdale

- Aldridge Park
- Creekside Park

### City of Bessemer City

- Stinger Park

### City of Concord

- Hector Henry Greenway

### City of Greenville

- Wildwood Park

### City of Lenoir

- Mulberry Optimist Park Expansion

### City of Lincolnton

- City Park

### City of New Bern

- Martin Marietta Park

### City of Shelby

- City Park

### City of Southport

- Taylor Field Park

### City of Statesville

- Recreation Center

### Harnett County

- Government Complex Park

### Rutherford County

- Rutherford County Soccer Complex

### Town of Blowing Rock

- Recreation Center
- Robbins Memorial Swimming Pool

### Town of Calabash

- Waterfront Park

### Town of Forest City

- Cool Springs Gym
- Thermal Belt Rail Trail

### Town of Fuquay Varina

- Town Park

### Town of Lillington

- River Park

### Town of Ocean Isle Beach

- Ocean Isle Beach Town Park

### Town of Shallotte

- Town Park

### Town of Siler City

- Bray Park Pool

### Town of Wendell

- Hollybrook Park

# References

## Brunswick County, NC

### Aaron Perkins, Parks and Recreation Director

20 Referendum Drive, Building G  
Bolivia, NC 28422  
aaron.perkins@brunswickcountync.gov  
910.253.2675

## Town of Lillington, NC

### William Baker, Parks and Recreation Director

307 South First Street  
Lillington, NC 27546  
wbaker@lillingtonnc.org  
910.893.0340

## Town of Knightdale, NC

### Bill Summers, Town Manager

950 Steeple Square Court  
Knightdale, NC 27545  
bill.summers@knightdalenc.gov  
919.217.2202

## City of Greenville, NC

### Don Octigan, Parks and Recreation Director

200 West Fifth Street  
Greenville, NC 27858  
doctigan@greenvillenc.gov  
252.329.4540

## Pitt County, NC

### Eric Gooby, Senior Planner

1717 West Fifth Street  
Greenville, NC 27858  
eric.gooby@pittcountync.gov  
252.902.3260

## Ashe County, NC

### Kevin Anderson, Parks and Recreation Director

626 Ashe Central School Road, Unit 16  
Jefferson, NC 28640  
kevinanderson@ashecountygov.com  
336.982.6185



Partnership



Innovation



Teamwork



**McGill Associates, PA**

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**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Planning and Zoning Board Reappointment of Members.

**Action Requested:** Reappoint Expiring Members for another three-year term.

**Attachment:** None.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Planning and Zoning Board Members Expiring and Seeking Reappointment:**

- 1.** Peggy Cliborne:
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.
- 2.** Darlene Gardner:
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.
- 3.** Douglas R. Kilian:
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.
- 4.** Gregory Monroe:
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.
- 5.** Michael Weldin:
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.

**Budgetary Impact:** TBD.

**Recommendation:** Reappoint terms of expiring members for another three year term.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 10, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Board of Adjustment Reappointment of Members.

**Action Requested:** Reappoint Expiring Members for another three-year term.

**Attachment:** None.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 5/28/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**BOA Members Expiring and Seeking Reappointment:**

- 1.** Edward A. Reynolds:
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.
- 2.** Alfred P. Phillips.
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.
- 3.** Jeffrey Earl Briley (ETJ Member) will need reappointment by Pitt County Commissioners if approved by Town Council.
  - a. Term Expires 6/30/2024.
  - b. Extend Term to 6/30/2027.

**Budgetary Impact:** TBD.

**Recommendation:** Reappoint terms of expiring members for another three year term.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 10, 2024

**Presenter:** Diane White, Director of Parks and Recreation

**Item to be Considered**

**Subject:** Recreation Advisory Board Appointments.

**Action Requested:** Reappoint Randy Bowers, Kirby Bryson and Carolyn Wanczyk to the Recreation Advisory Board.

**Attachment:** None.

**Prepared By:** Diane White, Director of Parks and Recreation

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

**Recreation Advisory Board Members:**

The Recreation Advisory Board (RAB) is composed of seven (7) Resident members, two (2) Non-Resident (ETJ) members, and one (1) Alternate member that may be a resident or non-resident.

The Recreation Advisory Board (RAB) currently has one (3) Resident Members whose term will expire at the end of June 2024 and have requested to be appointed to an additional term. Following is list of said members and their membership type: Randy Bowers (resident), Kirby Bryson (resident) and Carolyn Wanczyk (resident).

Staff recommends that all current members, as listed above, be appointed to an additional two (2) year term on the Recreation Advisory Board.

**Budgetary Impact:** None.

**Recommendation:** Reappoint Randy Bowers, Kirby Bryson and Carolyn Wanczyk to the Recreation Advisory Board.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** June 3, 2024

**Presenter:** Terri L. Parker, Town Manager

**Item to be Considered**

**Subject:** Approval for County Commissioner Mark Smith and Town Manager Parker to terms as CMSD Board Member.

**Action Requested:** Approval of Request.

**Attachment:** **CMSD Members and Term Expirations. (Attachment Added).**

**Prepared By:** Terri L. Parker, Town Manager

**Date:** 6/3/2024

**ABSTRACT ROUTING:**

TC: 6/3/2024

TM: 6/4/2024

Final: tlp - 6/4/2024

**Supporting Documentation**

Chairman (Pitt County Commissioners) Mark Smith's term is coming to an end and he has requested to remain as a Board Member/Chairman on the CMSD Board. His term will end on June 29, 2024.

Town Manager Parker term is coming to an end and she would like to remain as a Board Member on the CMSD Board. Her term ends on June 29, 2024.

There is one requirement for someone to serve on the CMSD Board and that is that the person must reside within the District. Chairman Smith and Town Manager Parker meet this criteria.

**Budgetary Impact:** TBD.

**Recommendation:** Staff recommends approval of the Request.

## CMSD BOARD MEMBERS & EXPIRATION DATES

<u>NAME</u>	<u>INSTALL DATE</u>	<u>TERM</u>	<u>EXP. DATE</u>	<u>TOWN</u>
Oryan Lowry	06/13/23	4 year	06/13/27	Grifton
Scott Howard	12/11/23	4 year	03/14/26	Ayden*
Raymond Langley	06/08/20	4 year	06/08/24	Ayden*
Billy Ray Jackson	06/09/20	4 year	06/09/24	Grifton
Terri Parker	06/29/20	4 year	06/29/24	Winterville
Mark Smith	06/29/20	4 year	06/29/24	Winterville
Ricky Hines (A/L)	05/14/22	3 year	05/14/25	Winterville

- Officers for 2024
  - Mark Smith, Chairman
  - Billy Ray Jackson, Vice-Chairman
  
- Grifton will have the next At-large member when Winterville relinquishes in May 2025.
- \*Scott Howard is filling the unexpired term of Steve Tripp (03/14/22).
- \*Raymond Langley is filling the unexpired term of Johnny Davis (07/11/22).