

# Greene County, North Carolina

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## Zoning Ordinance

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JUNE 5, 2017, REVISED \_\_\_\_\_

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## Article 1: General Provisions

### Section 1.1 TITLE

This chapter shall be known and may be cited as the "Greene County Zoning Ordinance" and may be referred to hereinafter as the "Ordinance".

### Section 1.2 AUTHORITY

This Ordinance is adopted under the authority of Chapter 160D of the North Carolina General Statutes (N.C.G.S.).

### Section 1.3 PURPOSE

The purpose of this Ordinance is to protect the health, safety, and general welfare of the citizens of Greene County. The intent of this Ordinance is more specifically to:

- 1) To preserve and improve the character of development in the County;
- 2) Ensure the viability of agricultural uses by protecting them from encroachment by incompatible land uses;
- 3) Maintain and guide the growth of economically vibrant and attractive commercial areas;
- 4) Protect the character and quality of established residential areas;
- 5) Promote economic development and expand the range of employment opportunities for the citizens of Greene County;
- 6) Protect life and property from harm by regulating development;
- 7) Provide for a wide range of housing opportunities for the citizens of Greene County;
- 8) Ensure that adequate infrastructure is constructed to support future development; and
- 9) Coordinate land use and development decisions with transportation improvements to reduce congestion and ensure the safety of the roads in Greene County.

The zoning regulations in this Ordinance have been made with reasonable consideration, among other things, as to the character of Greene County's jurisdiction and the suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

### Section 1.4 APPLICABILITY AND JURISDICTION

**1.4.1 GENERAL APPLICABILITY.** The provisions of this Ordinance shall apply to the use and development of all land within the unincorporated area of Greene County, North Carolina unless such use or development is expressly exempted by a specific Section of this Ordinance, or by State or Federal Law. No person shall commence or proceed with development without first securing approval from the County as herein provided. As defined in N.C.G.S. §160D (12), "development" 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 N.C.G.S. §160D-802.
- (D) The initiation or substantial change in the use of land or the intensity of use of land.

A development approval shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

An approval made pursuant to this Ordinance attaches to and runs with the land.

The provisions of this Ordinance shall apply throughout the County except in areas subject to municipal planning and development regulation jurisdiction. This Ordinance may be exercised within the planning and development regulation jurisdiction of a municipality, upon adoption of a formal resolution by the municipality's governing board requesting same and upon adoption of a formal resolution of the Board of County Commissioners agreeing to such exercise. The Board of County Commissioners reserves the right to decline, for any or no reason, the exercise of any Article of this Chapter within the planning and development regulation jurisdiction of a municipality and further reserves the right to revoke such exercise at any time upon adoption of a formal resolution to such effect, provided that notice of such revocation shall be provided to the relevant municipality upon two years' written notice.

**1.4.2 BONA FIDE FARM EXEMPTION.** The provisions of this Ordinance shall not affect property used for bona fide farm purposes; provided, however, that this Ordinance shall apply to the use of farm property for nonfarm purposes. The provisions of GS 160D-903 shall control whether the use of property is for "bona fide farm purposes," and the provisions of such section are incorporated herein by reference as if set forth herein verbatim.

**1.4.3 Density Credits or Severable Development Rights.** Density credits or severable development rights for dedicated rights-of-way shall be provided to a developer pursuant to N.C.G.S. §136-66.10 or §136-66.11. The County reserves the right to determine whether density credits or severable development rights shall be provided in any particular case.

## Section 1.5 SEVERABILITY

If the provisions of any Section, clause, phrase or word of this Ordinance shall be adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance.

## Section 1.6 GENERAL RULES OF INTERPRETATION

**1.6.1 Literal Interpretation.** The language of this Ordinance must be read and interpreted literally. Regulations contained within this Ordinance are no more or less strict than stated.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in Chapter 160D shall have the meanings herein set forth when used in this Ordinance. If a word or phrase used in this Ordinance is not defined by Chapter 160D or elsewhere in this Ordinance, to the extent such word or phrase is defined in Chapter 160D, that definition shall control.

**1.6.2 Rules of Language and Construction.** For the purposes of interpreting the general language and sentence construction of this Ordinance, the following rules of construction apply unless the context clearly indicates otherwise:

- (A) **General Word Interpretation.** Words listed in Section 10 (Definitions), have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their common meaning.

Words used in the present tense shall include the future, and words used in the future tense shall include the present tense.

“Word” used in the singular number shall include the plural number, and “words” used in the plural number shall include the singular number.

The words “shall”, “will”, “must” and “may not” are mandatory and not discretionary.

The word “may” is permissive.

The word “person” includes an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

The word “lot” shall include the words “plot”, “parcel”, and “tract”.

The word “building” shall include all structures of every kind, except fences and walls, regardless of similarity to buildings.

The phrase “use for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

The word “regulation” also means statutes and laws.

- (B) **Tables, Figures and Illustrations.** Tables, figures, and illustrations are provided for reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any table, figure or illustration, the text shall govern.
- (C) **Current Versions and Citations.** All references to other County, State or Federal regulations in this Ordinance are intended to be references to the most current versions and citations, unless otherwise expressly indicated. When referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
- (D) **Lists and Examples.** Unless otherwise expressly indicated, lists of items or examples that use “including”, “such as” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.
- (E) **Delegation of Authority.** Whenever a provision appears requiring a specific officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the officer or employee to delegate that responsibility to others over whom he or she has authority. Delegation of authority is not allowed when the provisions of this Ordinance or other laws or regulations expressly prohibit such delegation.
- (F) **Calculations and Rounding.** Unless otherwise specified within this Ordinance, all calculations that result in a part or fraction of a whole number must be rounded up to the next highest whole number.
- (G) **Application of Certain Terms.**
  - (a) "Written" or "in writing" is deemed to include electronic documentation.
  - (b) Unless specified otherwise, in the absence of evidence to the contrary, delivery by first-class mail shall be deemed received on the third business day following deposit of the item for mailing with the United States Postal Service, and delivery by electronic mail shall be deemed received on the date sent.

## Section 1.7 **CONFLICTING PROVISIONS**

**1.7.1 Conflict with State or Federal Regulations.** Chapter 160D of the North Carolina General Statutes is applicable to this Chapter. In the event of any conflict between this Ordinance and Chapter 160D, the provisions of Chapter 160D shall control.



If any provisions of this Ordinance are inconsistent with those of State or Federal government, the more restrictive provisions shall govern unless the State or Federal regulation is intended to preempt the local regulation. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this Ordinance, no land may be developed or used, and no structure may be erected or maintained in violation of any State or Federal regulation.

**1.7.2 Conflict with Local Regulations.** If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

**1.7.3 Conflict with Private Agreements and Contracts.** This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law. The County has no responsibility for monitoring or enforcing private agreements or contracts.

## Section 1.8 **OFFICIAL ZONING MAP**

**1.8.1 General** The Official Zoning Map designates the location and boundaries of the zoning districts established by this Ordinance. It shall be the final authority as to the status of the current zoning district classification of land within the County's jurisdiction, and shall only be amended in accordance with procedures set forth in Section 3.7 (Zoning Map Amendment (Rezoning)) of this Ordinance.

The Official Zoning Map shall be maintained for public inspection in the office of the Zoning Administrator. The official Zoning Map shall also be kept on file with the Clerk to the Board of Commissioners. Copies of the Official Zoning Map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the clerk to the Board of County Commissioners in accordance with N.C.G.S. §153A-50, shall be admissible into evidence and shall have the same force and effect as would the original map.

**1.8.2 Incorporation by Reference** The "Official Zoning Map of Greene County, North Carolina" is hereby incorporated by reference and made part of this Ordinance. The "Official Zoning Map of Greene County, North Carolina" may be referred to hereinafter as the "Official Zoning Map". Also incorporated herein by reference and made a part of this Ordinance are those maps issued by the Federal Emergency Management Agency depicting flood hazard areas, risk premium zones and floodways; such maps may be collectively referred to herein as "Flood Maps."

**1.8.3 Interpretation of District Boundaries** A boundary shown on the map as approximately following the centerline of a street, highway or alley is construed as following such centerline.

- (A) A boundary shown on the map as approximately following a parcel boundary is construed as following the parcel boundary as it actually existed at the time the zoning boundary was established.
- (B) A boundary shown on the map as approximately following a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.
- (C) A boundary shown on the map as approximately following a political, administrative or other jurisdictional boundary is construed as following that boundary.
- (D) A boundary shown on the map as approximately parallel to, or as an extension of, a feature described above is construed as being actually parallel to, or an extension of, the feature.

**Section 1.9 GREENE COUNTY COMPREHENSIVE PLAN**

1.9.1 The Greene County Comprehensive Plan sets forth the goals, policies, and programs intended to guide the present and future physical, social, and economic development of the County. The Comprehensive Plan has been established pursuant to Chapter 33.04(E) of the Greene County Code of Ordinances, and adopted by the Board of Commissioners.

The Comprehensive Plan is designed to guide and accomplish a coordinated, adjusted, and harmonious development of the County that will best promote health, safety, morals, and general welfare, as well as efficiency and economy in the development process. The Comprehensive Plan may address factors including those set forth in the Greene County N.C., Code of Ordinances, Chapter 33.04(E)(1) and N.C. Gen. Stat. §160D-501(b).

The Comprehensive Plan shall be considered by the Planning Board and the Board of Commissioners when considering proposed amendments to this Ordinance. The Comprehensive Plan has been created by the Planning Board and approved by the Board of Commissioners. Any future amendment of the Comprehensive Plan shall follow the procedures for consideration and approval of a text amendment, as set forth in Section 3.6 herein.

**Section 1.10 EFFECTIVE DATE**

This Zoning Ordinance was adopted as amended on \_\_\_\_\_ becoming effective, as amended, \_\_\_\_\_.

## Article 2: Administration

### Section 2.1 ZONING ADMINISTRATOR

**2.1.1 Establishment.** The Board of Commissioners shall appoint a Zoning Administrator. The Zoning Administrator, or his/her authorized agent, is hereby authorized, and it shall be his/her duty, to administer and enforce the provisions of this Ordinance.

It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator. The Zoning Administrator shall have all rights of enforcement as outlined in Article 9, Enforcement, herein.

An appeal from the decision of the Zoning Administrator shall be made pursuant to the provisions of Section 3.8 herein.

**2.1.2 Powers and Duties.** In administering the provisions of this Ordinance, the Zoning Administrator shall:

- (A) Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
- (B) File and safely keep copies of all plans submitted, and the same shall form a part of the records of his/her office and shall be available for inspection at reasonable times by any interested person.
- (C) Transmit to the appropriate board or commission and the Board of County Commissioners all applications and plans for which their review and approval is required.
- (D) Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- (E) Discuss plans with applicants and to advise them on the requirements of this Ordinance.
- (F) Maintain the Official Zoning Map and related materials.
- (G) Maintain the official copy of the Zoning Ordinance and ensure that it is updated upon the approval of a text amendment.

The Zoning Administrator is granted the authority to administer and enforce the provisions of this Section, exercising in the fulfillment of his/her responsibility the full police power of Greene County.

**2.1.3 Review Authority.** The Zoning Administrator shall be responsible for the review of and making recommendations regarding the following:

- (A) Zoning Ordinance text amendments

- (B) Zoning Map amendments (Rezoning)
- (C) Special Use Permit
- (D) Variance

2.1.4 **Final Authority.** The Zoning Administrator shall be responsible for final action regarding the following: Zoning Permits for uses that are permitted by right and the establishment of vested rights.

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

2.1.6 **Notice.** Any approval or disapproval of an application for Zoning Compliance made pursuant to this Section shall be communicated by the Administrator who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the County tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

2.1.7 **Appeals.** Any appeal from a decision of the Zoning Administrator may be made in accordance with the provisions of Section 3.8 herein.

## Section 2.2 **PLANNING BOARD**

2.2.1 **Establishment.** The Planning Board is established pursuant to N.C.G.S. §160D-301.

2.2.2 **Membership and Vacancies.** See the Greene County, NC Code of Ordinances §33.04 (A). The Planning Board shall consist of nine (9) members. All appointments to the Planning Board shall be made by the Board of County Commissioners. The Board of County Commissioners may establish reasonable procedures to solicit, review, and make appointments.

2.2.3 **Organization, rules, meetings, and records.** See the Greene County, NC Code of Ordinances §33.04 (B).

All meetings and hearings of the Planning Board shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the rules of procedure of the Planning Board.



Meetings of the Planning Board shall be held pursuant to a schedule adopted pursuant to law. Special or emergency meetings of the Planning Board may be held in accordance with the provisions of Chapter 143 of the North Carolina General Statutes.

Rules of procedure that are consistent with the provisions of this Ordinance may be adopted by the Board of County Commissioners for the Planning Board. In the absence of action by the Board of County Commissioners, the Planning Board is authorized to adopt its own rules of procedure that are consistent with the provisions of Chapter 160D. A copy of any adopted rules of procedure shall be maintained by the Clerk to the Board of Commissioners and shall be posted on the County's website. Meetings of the Planning Board shall be held pursuant to a schedule adopted pursuant to law. Special or emergency meetings of the Planning Board may be held in accordance with the provisions of Chapter 143 of the North Carolina General Statutes. All meetings shall be open to the public.

The Planning Board shall keep permanent minutes of all proceedings. The minutes shall record attendance of its members, its resolutions, findings, recommendations, and final actions.

The minutes of the Planning Board shall be public record.

**2.2.4 Powers and Duties.** In execution of the provisions of this Ordinance, the Planning Board shall have the following powers and duties:

- (A) Review and make recommendations for Zoning Ordinance text amendments and Official Zoning Map amendments.
- (B) Perform related duties as directed by the Board of Commissioners.
- (C) Exercise additional powers as may be described elsewhere in this Ordinance and as permitted by N.C.G.S. §160D-301.
- (D) All general powers and duties as described in the Greene County, NC Code of Ordinances §33.04 (C).

**2.2.5 Review Authority.** The Planning Board shall make recommendations regarding the following:

- (A) Zoning Ordinance text amendments
- (B) Zoning Map amendments (Rezoning)

**2.2.6 Oath of Office.** All members appointed to the Planning Board under this ordinance shall, before entering their duties, qualify by taking an oath of office as required by N.C.G.S. §153A-26.

**2.2.7 Evidentiary Hearings and Quasi-Judicial Decisions.** The Planning Board shall follow the procedures set forth in Section 2.5 herein if making a decision or determination for which an evidentiary hearing or quasi-judicial procedures is required.



## Section 2.3 BOARD OF ADJUSTMENT

**2.3.1 Establishment.** The Board of Adjustment is established pursuant to N.C.G.S. §160D-302.

**2.3.2 Membership and Vacancies.** The Board of Adjustment shall consist of five (5) or more members and two (2) alternates. All appointments to the Board of Adjustment shall be made by the Board of County Commissioners. The Board of County Commissioners may establish reasonable procedures to solicit, review, and make appointments.

New members shall be appointed for a maximum term of three (3) years. In appointing the original members or in filling of vacancies caused by the expiration of the terms of existing members, the Board of Commissioners may appoint certain members for less than three (3) years so that the terms of all members shall not expire at the same time.

Alternates shall serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending the appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member.

All members appointed to the Board of Adjustment under this Ordinance shall, before entering their duties, qualify by taking an oath of office as required by N.C.G.S. §153A-26.

The Board of Commissioners may delegate duties of the Board of Adjustment to the Planning Board.

**2.3.3 Meetings and Procedures.** All meetings and hearings of the Board of Adjustment shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the rules of procedure of the Board of Adjustment.

Meetings of the Board of Adjustment shall be held pursuant to a schedule adopted pursuant to law. Special or emergency meetings of the Planning Board may be held in accordance with the provisions of Chapter 143 of the North Carolina General Statutes.

Rules of procedure that are consistent with the provisions of this Ordinance may be adopted by the Board of County Commissioners for the Board of Adjustment. In the absence of action by the Board of County Commissioners, the Board of Adjustment is authorized to adopt its own rules of procedure that are consistent with the provisions of Chapter 160D. A copy of any adopted rules of procedure shall be maintained by the Clerk to the Board of Commissioners and shall be posted on the County's website.

**2.3.4 Evidentiary Hearings and Quasi-Judicial Decisions.** The Board of Adjustment shall follow the procedures set forth in Section 2.5 herein if making a decision or determination for which an evidentiary hearing or quasi-judicial procedure is required.

**2.3.5 Minutes.** The Board of Adjustment shall keep permanent minutes of all proceedings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and final actions.

The minutes of the Board of Adjustment shall be public record.

**2.3.6 Powers and Duties.** In execution of the provisions of this Ordinance, the Board of Adjustment may exercise the powers as may be described elsewhere in this Ordinance and as permitted by N.C.G.S. §160D-302.

**2.3.7 Final Authority.** The Board of Adjustment shall be responsible for final action regarding the following:

- (A) Special Use Permits
- (B) Variances
- (C) Administrative appeals

#### Section 2.4 **BOARD OF COMMISSIONERS**

**2.4.1 Powers and Duties.** In execution of the provisions of this Ordinance, the Board of Commissioners may exercise the powers as may be described elsewhere in this Ordinance and as permitted in the Greene County, NC Code of Ordinances §34 (Board of Commissioners).

**2.4.2 Final Authority.** The Board of Commissioners shall be responsible for final action regarding the following:

- (A) Zoning Ordinance text amendments
- (B) Zoning Map amendments (Rezoning)

**2.4.3 Minutes.** The Board of Commissioners shall keep minutes of its proceedings.

**2.4.4 Evidentiary Hearings and Quasi-Judicial Decisions.** The Board of Commissioners shall follow the procedures set forth in Section 2.5 herein if making a decision or determination for which an evidentiary hearing or quasi-judicial process is required.

#### Section 2.5 **QUASI JUDICIAL PROCEDURES**

**2.5.1 Process Required.** The Board of Adjustment or Planning Board (if duties are delegated to same by the Board of Commissioners) shall follow quasi-judicial procedures as directed in this Ordinance, and in any event in determining appeals of administrative decisions and Variances.

**2.5.2 Notice of Hearing.** Notice of evidentiary hearings conducted pursuant to this Ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this Ordinance. In the absence of evidence to the contrary, the County may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the County shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular meeting of the board without further advertisement.

**2.5.3 Administrative Materials.** The Zoning Administrator shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

**2.5.4 Presentation of Evidence.** The applicant, the County, and any person who would have standing to appeal the decision shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

**2.5.5 Objections.** Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to N.C.G.S. §160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

**2.5.6 Appearance of Official New Issues.** The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the County, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.



**2.5.7 Oaths.** The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

**2.5.8 Subpoenas.** The board making a quasi-judicial decision under this Ordinance through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the County, and any person with standing may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this Subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

**2.5.9 Voting.** The concurring vote of four-fifths of the board shall be necessary to grant a Variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this Subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under Section 2.6 of this Ordinance shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

**2.5.10 Decisions.** The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the County that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

## **Section 2.6 CONFLICTS OF INTEREST**

**2.6.1 Board of County Commissioners.** A County Commissioner shall not vote on any legislative decision regarding a development regulation under this Ordinance where the

outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Commissioner.

**2.6.2 Planning Board and Board of Adjustment.** Members of the Planning Board and Board of Adjustment shall not vote on any advisory or legislative decision regarding a development regulation under this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

**2.6.3 Administrative Staff.** No staff member shall make a final decision on an administrative decision regarding a development regulation under this Ordinance 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.

**2.6.4** No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the County to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the County, as determined by the County.

**2.6.5 Quasi-Judicial Decisions.** When the Board of Adjustment or Planning Board is exercising quasi-judicial functions pursuant to this Ordinance, board members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having:

- a fixed opinion prior to hearing the matter that is not susceptible to change;
- undisclosed ex parte communications;
- a close familial, business, or other associational relationship with an affected person; or
- a financial interest in the outcome of the matter.

**2.6.6 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.

**2.6.7 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.



## Article 3: Review and Approval Procedures

### Section 3.1 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review and approval authority under this Ordinance.

**Table 3.1 Summary of Review Authority**

	<b>Zoning Administrator</b>	<b>Planning Board</b>	<b>Board of Adjustment</b>	<b>Board of Commissioners</b>	<b>Ordinance Reference</b>
Zoning Permit	Decision				Section 3.3
Special Use Permit	Review		Decision <sup>2</sup>		Section 3.4
Variance	Review		Decision <sup>2</sup>		Section 3.5
Text Amendment	Review	Review		Decision <sup>1</sup>	Section 3.6
Zoning Map Amendment (Rezoning)	Review	Review		Decision <sup>1</sup>	Section 3.7
Administrative Appeal			Decision <sup>2</sup>		Section 3.8
Establishment of Vested Rights	Decision				Section 3.9
1 Legislative hearing is required. Evidentiary hearing using quasi-judicial procedures is required.					

### Section 3.2 COMMON REVIEW PROCEDURES

**3.2.1 Application Requirements.** Applications required under this Ordinance shall be submitted on forms and in such numbers as required by Greene County Planning Department.

**3.2.2 Site Plan Requirements.** All applications for new developments of less than 5 acres must submit a Site Plan concurrently with any application for a permit. Site Plans must be performed, signed and sealed by a Surveyor or Licensed in the State of North Carolina Engineer. Site Plans must be to scale (1" = 60" or less) and should include, but are not limited to:

- (A) Location of boundary lines and should be accurately represented with all bearings and distances shown;
- (B) Location of proposed improvements (house, buildings, drive, parking lots, or other built features);
- (C) All minimum building setbacks;
- (D) Location of any buffers, easements or right of ways that affect proposed property;
- (E) If the property is located within a flood hazard area, the Site Plan will require a flood statement; and
- (F) Any other information that may be needed to adequately determine approval by the Zoning Administrator, Building Inspector, and/or Health Department.

Accessory structures and additions to existing structures will not need a Site Plan unless determined by the above departments. If there are any questions or concerns about any requirements or if a Site Plan is required, the Zoning Administrator may be contacted.

**3.2.3 Fees.** All applications and associated fees shall be filed with the Greene County Planning Department at the time of submittal.

An Applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to having been initiated by County Staff shall be entitled to a refund of the amount paid upon written request to the Planning Department. Once review has begun, no refund shall be available.

The Applicant shall submit the cost of postage to notify all adjacent landowners.

**3.2.4 Completeness Review.** All applications shall be sufficient for processing before staff is required to review the application.

An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Ordinance.

Once the application has been determined sufficient for processing, copies of the application shall be referred by staff to the appropriate reviewing entities.

The review officials may require an Applicant to present evidence of authority to submit the application.

**3.2.5 Public Notice.** Notice shall be required for legislative hearings of applications for approval as shown in Table 3.2.

**Table 3.2 Public Notice Requirements**

	Published (Newspaper)	Written	Posted (Sign)
Special Use Permit		✓	✓
Variance		✓	✓
Text Amendment	✓		
Zoning Map Amendment (Rezoning)	✓	✓	✓

Where published notice is required by this Ordinance, a distinctive advertisement shall be placed by the County in a local newspaper of general circulation once a week for two (2) successive calendar weeks, the first notice being published not less than 10 days nor more than 25 days before the date fixed for the legislative hearing.

Notice of proposed modifications to the text of this Ordinance shall be made in accordance with Section 3.6 herein.

Notice of proposed modifications to any amendment of the official Zoning Map shall be made in accordance with the provisions of Section 3.7 herein.

**3.2.6 Evidentiary Hearings and Legislative Hearings.** Hearings shall be required for development review as shown in Table 3.3.

**Table 3.3 Evidentiary Hearing and Legislative Hearing Summary**

	<b>Board of Adjustment</b>	<b>Board of Commissioners</b>
Special Use Permit	*	
Variance	*	
Text Amendment		✓
Zoning Map Amendment (Rezoning)		✓
Administrative Appeal	*	
*Hearing is not legislative, but evidentiary in nature and must follow quasi-judicial procedures. <input checked="" type="checkbox"/> hearing is legislative.		

**3.2.7 Notice of Decision by Zoning Administrator.** Any approval or disapproval of an application for Zoning Compliance made pursuant to this Section shall be communicated by the Administrator who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

**3.2.8 Withdrawal of Application.** An Applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator.

The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate’s lawful personal representative, or the applicant’s guardian.

The Zoning Administrator may withdraw applications due to failure of the Applicant to submit required information within 90 days of the initial request for said information.

**3.2.9 Administrative (Minor) Modifications.** The Zoning Administrator is authorized to review and approve administratively a minor modification to a development approval, subject to the following limitations:

- a. General Limitations. The minor modification:
  - i. Does not involve a change in uses permitted or the density of overall development permitted;
  - ii. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
  - iii. Meets all other Ordinance requirements.
- b. In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:
  - i. An adjustment to minor shifts in building size or location. A new Site Plan may be required at the discretion of Planning Director.
  - ii. Adjustment to setback requirements up to one (1) foot or 5 percent, whichever is greater, of the standard setback.
  - iii. Driveway Locations.
  - iv. An adjustment to parking requirements up to the greater of 20 spaces or 10 percent.

### Section 3.3 ZONING PERMIT

**3.3.1 Applicability.** No person shall commence or proceed with development without first securing approval from the County as herein provided. As defined in N.C.G.S. §160D-102(12), “development” 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 N.C.G.S. §160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

**3.3.2 Application.** All applications for a Zoning Permit shall be submitted in accordance with Section 3.2 (Common Review Procedures) of this Ordinance.

In all cases where a building permit is required, application for a Zoning Permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this Section.

**3.3.3 Action by the Zoning Administrator.** If the proposed application is in conformity with the provisions of this Ordinance, and if all applicable permits have been approved by the Greene County Health Department, the Zoning Administrator shall issue a Zoning Permit, provided that all of the following conditions shall apply:

- (A) Issuance of a Zoning Permit shall in no case be construed as waiving any provisions of this Ordinance;
- (B) The Zoning Administrator shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter or use buildings, structures or land;
- (C) The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the Applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and
- (D) The Zoning Permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this Ordinance.
- (E) Prior to the issuance of a Zoning Permit, the Zoning Administrator shall consult with other applicable departments, as necessary.

Any approval or disapproval of an application for a Zoning Permit made pursuant to this Section shall be communicated by the Zoning Administrator who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

**3.3.4 Denial.** If the proposed application is not in conformity with the provisions of this Ordinance, the Zoning Administrator shall not issue the Zoning Permit and shall provide in writing the specific reason of such disapproval to the Applicant. Any disapproval of an application for a Zoning Permit made pursuant to this Section shall be communicated by the Administrator who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

**3.3.5 Review Criteria.** Zoning Permits shall be approved where the Zoning Administrator determines that the proposed use or activity is in conformity with all applicable requirements of this Ordinance.

**3.3.6 Expiration of Zoning Permit.** A Certificate of Zoning Compliance shall expire one year after the date of issuance if the work authorized by the Certificate has not been substantially commenced. If after commencement the work or activity allowed under a Certificate is



discontinued for a period of 12 months after commencement, the Certificate shall immediately expire.

3.3.7 **Appeal.** Final action on a Zoning Permit may be appealed to the Board of Adjustment in accordance with Section 3.8 (Appeal of Administrative Decisions) of this Ordinance.

#### Section 3.4 SPECIAL USE PERMIT

3.4.1 **Applicability.** A Special Use Permit is a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. Special uses within each zoning district are uses that may or may not be appropriate in a particular zoning district, depending on the location, design, configuration, density and intensity of use, or other factors requiring individual review.

A Special Use Permit shall be required for all special uses as set forth in Section 6.3 (Table of Uses).

3.4.2 **Pre-Application Conference.** Prior to submitting a formal application, a pre-application consultation may be conducted at the Applicant's request. It is recommended that the Applicant prepare a sketch plan or some depiction of the proposed development concept for a pre-application meeting with the Zoning Administrator to be sure the project will meet all requirements. Notwithstanding any provision contained in this Ordinance to the contrary, neither the Zoning Administrator's review of the plan submitted for review nor the Zoning Administrator's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

3.4.3 **Application Submittal.** All applications for a Special Use Permit shall be submitted in accordance with Article 3: Review and Approval Procedures of this Ordinance.

The owner or owners of all the property included in the petition for a Special Use Permit shall submit all required application information to the Greene County Planning Department at least 30 days prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance and shall be submitted in accordance with Section 3.2 (Common Review Procedures) as applicable.

3.4.4 **Notice and Hearings.** The County shall give notice in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Evidentiary Hearings and Legislative Hearings).

3.4.5 **Action by Zoning Administrator.** Upon submission of a completed application, the Zoning Administrator shall review the request and associated Site Plan for consistency with the requirements of this Ordinance.

Upon completion of the technical review, the Zoning Administrator shall prepare a staff report that reviews the request in accordance with the adopted plans and policies of the County, and the general requirements of this Ordinance.

The report, Site Plan and any related application materials shall be presented to the Board of Adjustment during its hearing on the application.

**3.4.6 Action by the Board of Adjustment.** Following public notification and the scheduling of an evidentiary hearing in accordance with 3.2.5 Public Notice and Article 3: Review and Approval Procedures of this Ordinance, the Board of Adjustment shall conduct an evidentiary hearing on the application in accordance with Section 2.5 herein.

**3.4.7 Findings of Fact.** No Special Use Permit shall be approved unless the following findings are made concerning the application:

- (A) The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
- (B) The use will meet all required conditions and specifications if used as permitted;
- (C) The use will not substantially injure the value of adjoining property or be a public nuisance; and
- (D) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

**3.4.8 Conditions.** The Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards on the Special Use Permit approval in accordance with N.C.G.S. §160D-705(c).

All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on or attached to the approved plans submitted therewith.

**3.4.9 Modifications to Approved Special Use Permit.** If a proposed modification deviates from the approved Special Use Permit, the applicant shall seek an amendment of the Special Use Permit in accordance with Section 3.4 (Special Use Permit).

**3.4.10 Effect of Decision.** If the application for a Special Use Permit is denied by the Board of Adjustment, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until six (6) months have elapsed from the date of denial.

The Special Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original Applicant as well as any successors, assigns, and heirs.

**3.4.11 Expiration.** A Special Use Permit shall expire one year after the date of issuance if the work authorized by the approval has not been substantially commenced. If after commencement the work or activity allowed under a Special Use Permit is discontinued for a period of 12 months after commencement, the Special Use Permit shall immediately expire. The time periods set out in this Subsection shall be tolled during the pendency of any appeal. No work or activity authorized by a Special Use Permit that has expired shall thereafter be performed until a new development approval has been secured.

Upon written application, submitted at least 30 days prior to the expiration of the permit by the Applicant, and upon a showing of good cause, the Zoning Administrator may grant one (1) extension to the Special Use Permit for a period not to exceed six (6) months. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the Special Use Permit.

**3.4.12 Revocation of Special Use Permit.** In the event of failure to comply with the plans or any other conditions imposed upon the Special Use Permit and approved by the Board of Adjustment, the enforcement provisions of Article 9 herein shall apply.

Before revoking a permit or other authorization pursuant to Section 9.4 herein, the Zoning Administrator must give the holder of the permit ten (10) days written notice of intent to revoke the permit and include the reasons for the intended revocation.

On revoking a permit, the Zoning Administrator must give the holder of the permit a written notice, including specific reasons for, the revocation.

If revoked, no building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance.

In such cases, the owner of the property and to the person who sought the determination, if different from the owner, shall be notified that the Special Use Permit is no longer in effect in accordance with Section 9.4 herein.

**3.4.13 Notice.** In addition to any other requirements of this Article regarding the approval or disapproval of an application for a Special Use Permit, the approvals and disapprovals set forth in this Section shall be communicated by the officer or board making the determination who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the County tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.



## Section 3.5 VARIANCES

**3.5.1 Applicability.** The purpose of a Variance is to allow certain deviations from the standards of this Ordinance (such as yard setback or similar numeric standards), when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

**3.5.2 Application Requirements.** All applications for a Variance shall be submitted in accordance with Section 3.2 (Common Review Procedures) of this Ordinance.

**3.5.3 Notice and Evidentiary Hearings.** The Board of Adjustment shall hold a required evidentiary hearing and give notice in accordance with Section 3.2.5 (Public Notice) and 2.5.2 (Notice of Hearing). The hearing shall be conducted in accordance with the standards set forth in Section 2.5 herein.

The Board of Adjustment shall fix a date for hearing the variance request, to be held within 45 days of the date a complete application was submitted, giving notice to the Applicant by certified mail.

**3.5.4 Burden of Proof.** The Applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

**3.5.5 Action by the Zoning Administrator.** The Zoning Administrator shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

**3.5.6 Action by the Board of Adjustment.** Following public notification and the scheduling of an evidentiary hearing in accordance with Section 3.2.5 (Public Notice) and Section 2.5.2 (Notice of Hearing), the Board of Adjustment shall follow the quasi-judicial processes as set forth in Section 2.5 (Quasi-Judicial Procedures) herein.

The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a Variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this Subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under Section 2.5 shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.



**3.5.7 Findings of Fact.** When unnecessary hardships would result from carrying out the strict letter of a requirement of this Ordinance, the Board of Adjustment shall vary the requirement of this Ordinance upon a showing of all of the following:

- (A) Unnecessary hardship would result from the strict application of the requirement. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (D) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by Variance.

**3.5.8 Conditions.** Appropriate conditions may be imposed on any Variance, provided that the conditions are reasonably related to the Variance. Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the area. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

**3.5.9 Reapplication of Variance Request.** The Board of Adjustment shall not hear an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the application.

**3.5.10 Subsequent Development.** Development authorized by the Variance shall not be carried out until the Applicant has secured all other permits required by this Ordinance. A Variance does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance are met.

**3.5.11 Variance Runs With the Land.** Pursuant to Section 1.4.1, Variance is not a personal right, but runs perpetually with the land.

**3.5.12 Decisions and Notice.** The decision of the Board of Adjustment and notice of same shall be made in accordance with the provisions of Section 2.5.10 herein.

3.5.13 **Appeals.** All appeals from a decision of the Board of Adjustment shall follow the process and procedure set forth in Section 3.8.6 herein.

### Section 3.6 **TEXT AMENDMENT**

3.6.1 **Applicability.** The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify or repeal the regulations established by this Ordinance.

No amendment to this Ordinance that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the County. For purposes of this prohibition, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (a) by decreasing the development density of the land to be less dense than was allowed under its previous usage, or (b) by reducing the permitted uses of the land that are specified in the Ordinance to fewer uses than were allowed under its previous usage.

3.6.2 **Initiation of Amendments.** A request to amend the text of this Ordinance may be initiated by the Board of Commissioners, Board of Adjustment, Planning Board, Zoning Administrator, or the general public.

3.6.3 **Application Submittal.** Applications for proposed amendments to this Ordinance must be submitted to the Greene County Planning Department at least 30 days prior to the Planning Board meeting at which it is to be considered.

All applications for a Text Amendment shall be submitted in accordance with Section 3.2 (Common Review Procedures) of this Ordinance.

3.6.4 **Notice and Legislative Hearings.** Before adopting, amending, or repealing any provision of this Ordinance, the Board of Commissioners shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

**Notice to Military Bases.** - If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the County shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the Board of

Commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance.

**3.6.5 Action by the Zoning Administrator.** The Zoning Administrator shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request. Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board for a recommendation.

**3.6.6 Action by the Planning Board.**

- (A) Zoning Amendments. - All proposed amendments to this Ordinance shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the Board of Commissioners may act on the amendment without the Planning Board report. The Board of Commissioners are not bound by the recommendations, if any, of the Planning Board.
- (B) Plan Consistency. - When conducting a review of proposed zoning text pursuant to this Section, the Planning Board shall advise and comment on whether the proposed action is consistent with the Greene County Comprehensive Plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Greene County Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the County.
- (C) Separate Board Required. - Notwithstanding the authority to assign duties of the Planning Board to the Board of County Commissioners as provided by Chapter 160D, the review and comment required by this Section shall not be assigned to the Board of County Commissioners and must be performed by a separate board.

Following Planning Board review, the Zoning Administrator shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Board of Commissioners for final action.

**3.6.7 Citizen Comments.** If any resident or property owner in the County submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment, to the clerk to the Board of Commissioners at least two business days prior to the proposed vote on such change, the clerk to the Board shall deliver such written statement to the Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under N.C.G.S. §160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the



provision of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting.

**3.6.8 Action by the Board of Commissioners.** Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall conduct a legislative hearing, in accordance with Section 3.2.6 (Evidentiary and Legislative Hearings) of this Ordinance, to review and consider the application, the relevant supporting materials, the Zoning Administrator's report and recommendation (if given), the recommendation of the Planning Board, and any comments submitted by the public pursuant to Section 3.6.7 or made during the hearing. Following the close of the legislative hearing, the Board of Commissioners shall take one of the following actions:

- (A) Approve the amendment as proposed;
- (B) Approve a revised amendment;
- (C) Remand the application back to the Planning Board for further consideration; or
- (D) Take no action on the proposed amendment.

#### **Board of Commissioners Statement**

- (A) **Plan Consistency.** - When adopting or rejecting any zoning text amendment, the Board of County Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with the Greene County Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of County Commissioners that at the time of action on the amendment the Board of County Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review.

**3.6.9 Approval Criteria.** In evaluating any proposed amendment of the text of this Ordinance, the Planning Board and the Board of Commissioners shall consider the following:

- (A) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- (B) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- (C) Whether or not the proposed text amendment corrects an error in the Ordinance;
- (D) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law;
- (E) The proposed text amendment will advance the public health, safety and welfare of Greene County;



- (F) Whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable based on N.C.G.S. §160D-501.

3.6.10 **Withdrawal of Application.** Any application submitted in accordance with the provisions of this Section for the purpose of amending the regulations of this Ordinance may be withdrawn at any time, but fees are nonrefundable.

Any application that has been withdrawn shall be reconsidered only as a new petition and must comply with the submission and review requirements of this Section.

### Section 3.7 ZONING MAP AMENDMENT (REZONING)

3.7.1 **Applicability.** Amendments to the Official Zoning Map shall be made in accordance with the provisions of this Section. The Board of Commissioners shall consider amendments to the Official Zoning Map, as may be required from time to time.

Rezoning should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.

All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the legislative hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

No amendment to the Official Zoning Map of Greene County that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the County. For purposes of this prohibition, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (a) by decreasing the development density of the land to be less dense than was allowed under its previous usage, or (b) by reducing the permitted uses of the land that are specified in the Zoning Ordinance to fewer uses than were allowed under its previous usage.

3.7.2 **Initiation of Amendment.** A request for a rezoning may be initiated by the Board of Commissioners, the Planning Board, or the Zoning Administrator. An owner of land within the jurisdiction of the County (or a duly authorized agent or representative) may petition the Board of Commissioners for a rezoning.

3.7.3 **Pre-Application Conference.** Prior to submitting a formal application, a pre-application consultation may be conducted at the Applicant's request. It is recommended that the Applicant prepare a sketch plan or some depiction of the proposed development concept to a pre-

application meeting with the Zoning Administrator to be sure the project will meet all requirements.

Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

**3.7.4 Application Submittal.** All applications for a Zoning Map Amendment (Rezoning) shall be submitted in accordance with Section 3.2 (Common Review Procedures) of this Ordinance.

Application shall include a description and statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved.

An application for a Rezoning should be submitted to the Zoning Administrator no later than 30 days prior to the meeting at which it is to be considered.

A separate application must be submitted for each parcel of land that has different ownership.

**3.7.5 Notice of Hearing on Proposed Zoning Map Amendments.**

- (A) Mailed Notice. - The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the County tax abstracts. For the purpose of this Section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.
- (B) Optional Notice for Large-Scale Zoning Map Amendments. - The first-class mail notice required under Subsection (A) of this Section shall not be required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the County elects to use the expanded published notice provided for in this Subsection. In this instance, the County may elect to make the mailed notice provided for in Subsection (A) of this Section or, as an alternative, elect to publish notice of the hearing as required by N.C.G.S. §160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of Subsection (A) of this Section.
- (C) Posted Notice. - When a zoning map amendment is proposed, the County shall prominently post a notice of the hearing on the site proposed for the

amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the County shall post sufficient notices to provide reasonable notice to interested persons.

**3.7.6 Action by the Zoning Administrator.** The Zoning Administrator shall prepare a staff report that reviews the rezoning request in accordance with any adopted plans and policies of the County and the general requirements of this Ordinance.

Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board for a recommendation.

**3.7.7 Action by the Planning Board.**

- (A) Zoning Amendments. - All proposed amendments to the zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the Board of Commissioners may act on the amendment without the Planning Board report. The Board of Commissioners are not bound by the recommendations, if any, of the Planning Board.
- (B) Plan Consistency. - When conducting a review of proposed map amendments pursuant to this Section, the Planning Board shall advise and comment on whether the proposed action is consistent with the Greene County Comprehensive Plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Greene County Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the County. If a zoning map amendment qualifies as a "large-scale rezoning" under N.C.G.S. §160D-602(b), the Planning Board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- (C) Separate Board Required. - Notwithstanding the authority to assign duties of the Planning Board to the Board of County Commissioners as provided by Chapter 160D, the review and comment required by this Section shall not be assigned to the Board of County Commissioners and must be performed by a separate board.

Following Planning Board review, the Zoning Administrator shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Board of Commissioners for final action.



**3.7.8 Citizen Comments.** If any resident or property owner in the County submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a map amendment, to the clerk to the Board of Commissioners at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under N.C.G.S. §160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

**3.7.9 Action by the Board of Commissioners.** Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall conduct a legislative hearing, in accordance with Section 3.2.6 (Quasi-Judicial and Legislative Hearings) of this Ordinance, to review and consider the application, the relevant supporting materials, the Zoning Administrator's report and recommendation (if given), the recommendation of the Planning Board, and the comments given during the hearing (if any), or pursuant to Section 3.7.8 herein. Following the close of the legislative hearing, the Board of Commissioners shall take one of the following actions:

- (A) Approve the application for amendment to the Official Zoning Map as submitted;
- (B) Approve the application for amendment to the Official Zoning Map with a reduction in the size of the area requested in the application;
- (C) Deny the application for amendment to the Official Zoning Map; or
- (D) Remand any application back to the Planning Board for further consideration.

**Board of Commissioners' Statement.**

- (A) Plan Consistency. - When adopting or rejecting any zoning map amendment, the Board of County Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with the Greene County Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of County Commissioners that at the time of action on the amendment the Board of County Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of the Greene County Comprehensive Plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the Plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under N.C.G.S. §160D-602(b), the Board of County Commissioners statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.



- (B) Additional Reasonableness Statement for Rezoning. - When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under N.C.G.S. §160D-602(b), the Board of County Commissioners statement on reasonableness may address the overall rezoning.
- (C) Single Statement Permissible. - The statement of reasonableness and the plan consistency statement required by this Section may be approved as a single statement.

**3.7.10 Approval Criteria.** In evaluating any proposed map amendment, the Planning Board and the Board of Commissioners shall consider the following:

- (A) Whether, and to the extent, which the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan;
- (B) Whether, and to the extent which, the proposed amendment addresses a demonstrated community need;
- (C) Whether, and to the extent which, the proposed amendment is compatible with existing and proposed uses surrounding the land subject to the amendment;
- (D) Whether, and to the extent which, the proposed amendment would result in a logical and orderly pattern of development;
- (E) Whether, and to the extent which, the proposed amendment would encourage premature development in the area subject to the amendment;
- (F) Whether, and to the extent which, the proposed amendment would result in adverse impacts to property values in the area surrounding the land subject to the amendment;
- (G) Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.

**3.7.11 Modification of Application.** An Applicant in a rezoning matter may reduce the geographic scope from that requested in the application by filing a statement of modification with the Zoning Administrator.

**3.7.12 Reapplication for Zoning Map Amendment.** If the application for a zoning map amendment is denied by the Board of Commissioners, applicants must wait one (1) full year before applying for the rezoning of the same property. Exceptions to this limitation include

requests originating from the Planning Board, Board of Adjustment or County Administration. The Board of Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction.

### Section 3.8 APPEAL OF ADMINISTRATIVE DECISIONS

**3.8.1 Applicability.** Appeals of decisions made by the Zoning Administrator or his/her deputy or staff under this Ordinance shall be made to the Board of Adjustment. Appeals shall be heard by the Board of Adjustment, in compliance with the quasi-judicial processes set forth in Section 2.5 herein.

**3.8.2 Standing.** Any person who has standing or the County may appeal an administrative decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Clerk to the Board. The notice of appeal shall state the grounds for the appeal.

**3.8.3 Time to Appeal.** - The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. The written Notice of Appeal shall specify the grounds for the appeal, a statement of the decision or interpretation alleged to be improper, the date of that decision or interpretation, and all supporting materials related to the decision. In the absence of evidence to the contrary, notice given pursuant to Section 2.1.6 herein by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

**3.8.4 Record of Decision.** - The official who made the decision shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

**3.8.5 Stays.** - An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation shall not stay the further review of an application for development approvals to use such property; in these situations, the appellant or County may request and the board may grant a stay of a final

decision of development approval applications, including building permits affected by the issue being appealed.

**3.8.6 Appeal of Decision.** Any appeal from the decision of the Board of Adjustment shall be to the Superior Court for Greene County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed with the Clerk of Court in accordance with the provisions of N.C.G.S. §160D-1402.

## Section 3.9 PERMIT CHOICE AND VESTED RIGHTS

**3.9.1 Applicability.** County approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. It is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation.

**3.9.2 Permit Choice.** If the Ordinance is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, N.C.G.S. §143-755 applies.

**3.9.3 Vested Rights.** Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

- (A) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with N.C.G.S. §143-755.
- (B) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with N.C.G.S. §143-755.
- (C) A site-specific vesting plan.
- (D) A multi-phased development.
- (E) A vested right established by the terms of a development agreement authorized by Article 10 of Chapter 160D.

The establishment of a vested right under any subdivision of this Subsection does not preclude vesting under one or more other subdivisions of this Subsection or vesting by application of common law principles. A vested right, once established as provided for in this Section or by common law, precludes any action by the County that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating County enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

**3.9.4 Duration of Vesting.** Upon issuance of a development permit, the statutory vesting granted by Subsection 3.9.3 of this Section for a development project is effective upon filing of the



application in accordance with N.C.G.S. §143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this Section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. For the purposes of this Section, a permit is issued either in the ordinary course of business of the County or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or this Ordinance, the statutory vesting granted by this Section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this Section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any Board of Adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this Section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

**3.9.5 Multiple Permits for Development Project.** Subject to Subsection 3.9.4 of this Section, where multiple County development permits are required to complete a development project, the development permit applicant may choose the version of each of the County land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this Subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

**3.9.6 Multi-Phased Development.** A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this Subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

**3.9.7 Continuing Review.** Following issuance of a development permit, the County may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.

**3.9.8 Process to Claim Vested Rights.** A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Zoning Administrator who shall make an initial determination as to the existence of the vested right. The decision of the Zoning Administrator may be appealed to the Board of Adjustment under Section 3.8. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under Section 3.8, a person claiming a vested right may bring an original civil action as provided by N.C.G.S. §160D-1403.1.

**3.9.9 Miscellaneous Provisions.** The vested rights granted by this Section run with the land except for the use of land for outdoor advertising governed by N.C.G.S. §136-131.1 and



N.C.G.S. §136-131.2 in which case the rights granted by this Section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this Section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Section, nothing in this Section shall be construed to alter the existing common law.

**3.9.10 Definitions.** As used in this Section, the following definitions apply:

- (A) Development. - As defined in N.C.G.S. §143-755(e)(1).
- (B) Development permit. - As defined in N.C.G.S. §143-755(e)(2).
- (C) Land development regulation. - As defined in N.C.G.S. §143-755(e)(3).
- (D) Multi-phased development. - A development containing 25 acres or more that is both of the following:
  1. Submitted for development permit approval to occur in more than one phase.
  2. Subject to a master development plan with committed elements showing the type and intensity of use of each phase. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 5(a), 50(b), 51(a), (b), (d).)

### **Section 3.10 Conditional Zoning (CZ)**

Conditional zoning is a legislative process in which an applicant proposes, and the County considers, a zoning map amendment that includes additional conditions. Conventional zoning map amendments change the zoning district applicable to a piece of property, but do not include any standards beyond the base standards of the zoning ordinance. Conditional zoning allows the County and the applicant to agree on additional conditions that may be appropriate for a particular project within the context of a legislative rezoning.

**3.10.1 Conditional zoning.** - A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

**3.10.2 Purpose.** This Section authorizes the creation of conditional zoning districts proposed by the property owners and customized to the context of a particular development project or land use on a particular site. Each conditional zoning district includes one or more conditions of approval that help the project conform to the Greene County's adopted ordinances and plans, and mitigate the impacts reasonably expected to be generated by the development or use of the site.

**3.10.3 Applicability.** CZ districts are intended only for voluntary proposals submitted in the names of the owners of all property included in the petition/application. Once a property has been rezoned to a CZ, it shall be referenced with the letters "CZ" behind the name of the applicable general zoning district. Thus, a property rezoned to a Conditional District in the "AR" (Agricultural/Rural District) shall appear on the Zoning Map as "ARCZ."

**3.10.4 Development Standards.** Any proposed development within a conditional district must meet all requirements of the corresponding general use district, as modified by any conditions of approval.

**3.10.5 Procedure.** The Agricultural/Rural District AR may only be considered by the Greene County Board of Commissioners for Conditional Zoning through a legislative decision-making process, following the procedures for zoning map amendments outlined in this Ordinance.

a. **Submittal Application and Site Plan.** Application by the owner or owners of the property must be made with the Zoning Administrator. Each project must include a site plan that meets the site plan requirements listed in this ordinance.

b. **Staff Review and Action.** The Planning Director shall review the application, prepare a staff report, and provide a recommendation

c. **Planning Board Review.** The Planning Board shall review the application of conditional zoning and make a recommendation to the Board of Commissioners. Planning Board members may propose additional conditions and requirements beyond those proposed by the applicant.

d. **Board of Commissioners Review and Action.** The Board of Commissioners shall conduct a legislative hearing on the application. One or more Commissioners may propose additional conditions or requirements beyond those proposed by the applicant. After the legislative hearing on the application is concluded, the Board of Commissioners shall make a decision on the application. The decision of the Board of Commissioners shall be one of the following:

- i. Approve the application as submitted, subject to conditions of approval;
- ii. Approve the application, subject to revised conditions of approval;
- iii. Remand the application to the Planning Board for further consideration; or
- iv. Deny the application.

**3.10.6 Expiration.** Conditional Zoning shall expire two years after the date of approval if the work authorized by the zoning has not been substantially commenced. If after commencement the work or activity allowed under a conditional zoning is discontinued for a period of 180 days after commencement, the conditional zoning shall become null and void, and the Zoning Map shall be updated to reflect the tract's original zoning designation.

## **Article 4: Nonconformities**

### **Section 4.1 GENERAL INFORMATION**

**4.1.1 Applicability.** A "nonconformity" is any use, building, structure, or lot which lawfully existed prior to the adoption of this Ordinance on June 5, 2017 and which fails to comply with one or more of the applicable regulations or standards established herein.

A nonconformity is also any use, building, structure, or lot which was lawfully created, or constructed, under this Ordinance but which was subsequently rendered nonconforming due to circumstances that were not self-created.

**4.1.2 Purpose and Scope.** The purpose and intent of this Section is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their continuance except under the limited circumstances established in this Section. The provisions of this Section are designed to curtail substantial investment in nonconformities.

**4.1.3 Authority to Continue.** Nonconformities are allowed to continue in accordance with the requirements of this Section, and are encouraged to receive routine maintenance as a means of preserving safety and appearance.

**4.1.4 Determination of Nonconforming Status.** In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

**4.1.5 Minor Repairs and Maintenance.** Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, and lots of record in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, or lot of record.

## Section 4.2 **NONCONFORMING USES**

**4.2.1 General.** Nonconforming uses are declared generally incompatible with the permitted uses in the zoning district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

**4.2.2 Change of Use.** A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased operation or has been discontinued for a period of 180 days or longer, it shall only be replaced with a conforming use.

**4.2.3 Expansion and Enlargement.** Except in accordance with this Section, a nonconforming use shall not be enlarged, expanded in area occupied or intensified. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity.

**4.2.4 Discontinuance.** A nonconforming use shall not be reestablished after discontinuance for a period of 180 consecutive calendar days or more. An effort to renovate the structure housing the use is not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation is completed within 180 days from its commencement, and the use is re-established within 30 days from the time the

renovation is completed. Failure to complete the renovation within 180 days or reestablish the use within 30 days following renovation shall constitute discontinuance, and a nonconforming use shall not be reestablished in the structure.

**4.2.5 Accessory Uses.** Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operation within 180 days.

(A) **Reestablishment after Casualty Damage. Destruction or Damage Beyond Sixty Percent (60%) of Value.** If a structure housing a nonconforming use is destroyed or damaged, by any means, to an extent greater than sixty percent (60%) of its current assessed tax value, the nonconforming use may not be reestablished following reconstruction.

(B) **Damage of Sixty Percent (60%) of Value or Less.** If the amount of damage is sixty percent (60%) or less of the current assessed tax value, the nonconforming use may be reestablished if a Building Permit is obtained within 180 days following the casualty damage and the restoration of the structure housing the nonconforming use is completed within one (1) year of obtaining the Building Permit.

#### Section 4.3 **NONCONFORMING STRUCTURES**

**4.3.1 Continuation.** Normal repair and maintenance may be performed to allow the continued use of nonconforming structures.

**4.3.2 Expansion and Enlargement.** A nonconforming structure shall not be enlarged or expanded in any way that increases the degree of nonconformity. Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

**4.3.3 Relocation.** A nonconforming structure shall not be moved, in whole or in part, to another location within the County's jurisdiction, on or off the parcel of land on which it is presently located, unless upon relocation it conforms to the requirements of this Ordinance.

**4.3.4 Reconstruction After Casualty Damage.**

(A) **Destruction or Damage Beyond 60 Percent (60%) of Value.** In the event a nonconforming structure is damaged or destroyed, by any means, to an extent more than sixty percent (60%) of its assessed tax value at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.

New construction shall be in accordance with the requirements of this Ordinance.

(B) **Damage of Sixty Percent (60%) of Value or Less.** In the event a nonconforming structure is damaged, by any means, to an extent of sixty percent (60%) or less



of its assessed tax value at the time of damage or destruction, it may be rebuilt to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is completed within one (1) year of obtaining the Building Permit.

In no event shall the repair or restoration increase the degree of nonconformity.

#### Section 4.4 **NONCONFORMING LOTS**

**4.4.1 General.** No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this Section.

**4.4.2 Status of Nonconforming Lots.** Conforming structures legally established on nonconforming lots of record prior to the effective date of this Ordinance may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.

Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, or redeveloped only in accordance with the standards in Section 4.3 (Nonconforming Structures).

**4.4.3 Development of Unimproved Lots.** When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the zoning district where located, but such lot was approved and of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the zoning district where located, provided that the setback dimensions and other requirements, except area or width, are in compliance with this Ordinance.

**4.4.4 Redevelopment of Improved Lots in Residential Districts after Casualty.** If a legally established single-family detached dwelling is destroyed by casualty on a nonconforming lot in the Agriculture/Rural (AR) or Residential (R) zoning districts that was part of a subdivision or division of land evidenced by plat or deed, or both, recorded prior to June 5, 2017, an identical replacement structure may be reconstructed within the same footprint as the dwelling destroyed by casualty even though the lot does not meet the minimum lot area or lot width requirements.

**4.4.5 Yard Requirements Modifications.** For any lot in any zoning district which was recorded with the Greene County Register of Deeds Office prior to the effective date of zoning by Greene County that has a width or depth less than that required in the zoning district in which it is located, the Zoning Administrator shall be authorized to reduce the yard and setback requirements for such lot of record by not more than thirty percent (30%).

Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment in accordance with Section 3.5 (Variances).

## Article 5: Zoning Districts

### Section 5.1 GENERAL PROVISIONS

**5.1.1 Zoning Districts Established.** For the purposes of this Ordinance, the County of Greene is hereby dividing the County zoning jurisdiction into the following zoning districts (N.C.G.S. §160D-703):

AR	Agriculture/Rural
R	Residential
C	Commercial
I	Industrial
GTP	Global TransPark Overlay

**5.1.2 Compliance with District Standards.** No land within the County's zoning jurisdiction shall be developed except in accordance with the standards set forth in this Section, and all other applicable regulations contained in this Ordinance.

### Section 5.2 ZONING DISTRICTS

**5.2.1 Purpose and Intent.** The purpose of the districts set forth in this Section is to ensure the health, safety and general welfare of the citizens of Greene County. More specifically, it is the intent of the Board of Commissioners in establishing these districts to:

- (A) Preserve the County's rural and agricultural character while accommodating new development consistent with the County's land use goals and objectives;
- (B) Ensure that new development does not impair the ability of existing agricultural uses to continue operation;
- (C) Protect and preserve the natural environment within the County;
- (D) Provide for residential housing choice and nonresidential services as may be compatible with such development;
- (E) Minimize any negative impacts of nonresidential development on residential uses;
- (F) Create suitable environments for various types of commercial and industrial uses, and protect them from the adverse effects of incompatible uses.

**5.2.2 Agriculture/Rural (AR) District.** The Agriculture/Rural (AR) District is intended to accommodate low density residential and agricultural-related uses, as well as public, institutional, and low intensity commercial uses. The purpose of this district is to preserve and encourage the continued use of land for agricultural and open space purposes. This district is established to preserve and protect rural agricultural area of the County from dense residential development and intensive commercial development that is inconsistent with the character of these rural areas.

**5.2.3 Residential (R) District.** The Residential (R) District is established as a district in which the principal use of land is for residential uses. The specific intent of this district is to encourage the construction of and the continued use of the land for residential purposes by prohibiting commercial and industrial use of land and other uses which would substantially interfere with the development of residential dwellings in these districts.

**5.2.4 Commercial (C) District.** The Commercial (C) District is established as a district in which the principal use of land is for professional office, institutional, retail, and wholesale uses that serve the residential districts and rural areas of the County, as well as travelers and the region surrounding the County.

**5.2.5 Industrial (I) District.** The Industrial (I) District is established as a district in which the principal use of land is for industrial, manufacturing, warehousing, wholesale, and related commercial and service uses that have access to major thoroughfares. This district is specifically designed to accommodate those uses which, by their nature, are wholly incompatible with residential land uses and require separation from those areas to ensure that the operations taking place do not interfere with the use of adjoining or nearby properties. It is also the intention of this district to allow uses that will not generate health and safety hazards to County residents.

**5.2.6 Global TransPark (GTP) Overlay District.** The Global TransPark (GTP) Overlay District is established as a district where commercial, storage, warehousing, and industrial uses which support the presence and growth of the NC Global TransPark will be promoted. The NC Global TransPark is an industrial park and airport in Lenoir County which supports the manufacturing, logistics, and research and development needs of the aerospace, defense, emergency response and disaster relief industries. Where lands are classified within the GTP Overlay District in addition to a general zoning district, the regulations governing development in the GTP Overlay District shall apply in addition to the regulations governing in the underlying base zoning district.



## Article 6: Table of Uses

### Section 6.1 EXPLANATION OF THE STRUCTURE OF THE TABLE OF USES

The Table of Uses is subject to the explanation as set forth below:

A “P” indicates that a use is permitted by right in the respective zoning district, subject to compliance with any specific use standards in Section 8 (Specific Use Standards) of this Ordinance. Such uses are also subject to all other applicable requirements of this Ordinance.

A “S” indicates that a use is allowed in the respective zoning district only upon the issuance of a Special Use Permit by the Board of Adjustment in accordance with Section 3.4 (Special Use Permit). Special uses are subject to all other applicable requirements of this Ordinance, including the specific use standards contained in Section 8 (Specific Use Standards).

The “Use Standard” column on the table is a cross-reference to any specific use standard listed in Section 8 (Specific Use Standards) of this Ordinance. Where no cross-reference is shown, no additional use standard shall apply.

A blank cell in the use table indicates that a use is not permitted in the respective zoning district.

### Section 6.2 USES NOT LISTED

When a particular use is not specifically listed in the Table of Uses, the Zoning Administrator may permit the use upon finding that the proposed use has an impact that is similar in nature, function, and duration to other existing, listed, uses that are permitted in the specific zoning district. In making such a finding, the Zoning Administrator shall also take into account the purpose and intent of this Ordinance and the purpose and intent of the zoning district in which the unlisted use is to be established, along with any relevant definitions that exist in Section 10 (Definitions) of this Ordinance.

If the Zoning Administrator believes that requests for such a use will become common, or that adding the use to the Table of Uses is beneficial, he/she shall initiate a Text Amendment to insert the use into the Table of Uses.

If the Zoning Administrator denies a Zoning Permit for the establishment of an unlisted use, the decision may be appealed to the Board of Adjustment as an appeal of the Zoning Administrator’s decision pursuant to Section 3.8 herein.



Section 6.3 TABLE OF USES

Table 6.1 Table of Uses

<b>AGRICULTURE USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Agricultural Chemicals, Pesticides or Fertilizers	P		P	P	
Agricultural Commodity Grading Station	P		P	P	
Agricultural Equipment & Supply Sales and Service	P		P	P	
Agricultural Production ( <i>crops</i> )	P		P	P	
Agricultural Production ( <i>livestock and poultry</i> ), except Swine Farms	P		P	P	
Agricultural Support Services	P		P	P	
Agricultural Warehousing and Shipping	P		P	P	
Animal Aquaculture	P		P	P	
Animal Livestock Services	P		P	P	
Cotton Gin	S		S	S	
Farmer's Market	P		P	P	
Forestry	P		P	P	
Hatchery, Fish	P		P	P	
Horse Farms	P	S	P	P	
Livestock Sales and Auctioning	P		P	P	
Produce Stands	P		P	P	
Slaughterhouse	P		P	P	
Swine Farm	P		P	P	
Veterinary Service, Livestock	P		P	P	
<b>RESIDENTIAL USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Boarding/Room House	P	P	S		
Dwelling, Caretaker	P	P	S		
Dwelling, Duplex	P	P	S		
Dwelling, Manufactured Home	P	P	P	P	
Dwelling, Multi-Family ( <i>3 or more units</i> )	P	P	S		
Dwelling, Single Family	P	P	P	P	
Dwelling, Townhouse and Condominiums	P	P			
Family Care Home	P	P	S	S	
Group Care Facility	P	S	S	S	<i>See Chapter 115: Service Homes</i>
Halfway House	S		S	S	<i>See Chapter 115: Service Homes</i>
Homeless Shelter	P		S	S	

Manufactured Home Park	P	P	S	S	<i>See Chapter 152: Manufacture Home Parks</i>
<b>RESIDENTIAL USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Migrant Labor Housing	P		P	P	
Modular Home	P	P	P	P	
Nursing and Convalescent Home	P		S	S	<i>See Chapter 115: Service Homes</i>
Orphanage	P		S	S	
Planned Unit Development	P	S	S	S	
Safe House	S		S		
Subdivision	P	P	P	P	<i>See Chapter 151: Subdivision Regulations</i>
<b>RECREATIONAL USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Airstrip, Private	S		S	S	Section 8.1
Amusement Arcade ( <i>indoor only</i> )			P		
Amusement or Water Park	S		S	S	
Athletic Field	P	P	P	P	
ATV/Motor Cross Park	S				
Auditorium, Coliseum or Stadium	S		P	P	
Batting Cages	P		P		
Bingo Games	P		P		
Bowling Alley	S		P		
Campground/RV Park	S		S		
Civic, Social, and Fraternal Associations	S	S	P		
Clubs, Lodges and Community Centers	S	S	P		
Country Club with Golf Course	S	S			
Country Club without Golf Course	S	S			
Dance School, Music Instruction	S	S	P		
Fortune Tellers, Astrologers	S		P		
Go-Cart Raceway	S		P		
Golf Course	S	S			
Golf Course, Miniature	S		P		
Golf Driving Range	S		S	S	
Health, Welfare and Physical Fitness Centers	P		P		
Hunting Club	P		S	S	
Motion Picture Theaters	S		P		
Pool or Billiard Hall	S		P		
Private Club or Recreation Facility, Other	S	S	P	S	
Public Park or Recreational Facility, Other	P	P	P	P	



Race Tracks/Drag Strips	S				
Riding Academy	P	S			
Shooting Range, Indoor	S		S	S	
<b>RECREATIONAL USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Shooting Range, Outdoor	S			S	Section 8.4
Skating Rink			P	P	
Sports and Recreation Club, Indoor	P		P		
Sports and Recreation Instruction	P		P		
Swim and Tennis Club	P	S	P	P	
Swimming Pool, Private	P	P	P	P	
Swimming Pool, Public	P	S	P	P	
Theater ( <i>indoor</i> ), except Adult Theater			P	P	
Theater ( <i>outdoor</i> ), except Adult Theater	P		P	P	
Zoos	P		S		
<b>EDUCATIONAL &amp; INSTITUTIONAL USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Ambulance/EMS Station	P	S	P	P	
Cemetery or Mausoleum	P	S	P		
Church or Other Place of Worship	P	P	P		
Correctional Institution/Prison	S			S	
Day Care Center, Adult	S	S	P		
Day Care Center, Child	S	S	P		
Emergency Service Facilities	P	S	P	P	
Fire Station	P	S	P	P	
Government Offices /Facilities	S	S	P	P	
Hospital	S		P		
Human Services Facility	S		P		
Law Enforcement Station	P	S	P	P	
Library	P		P		
Museum or Art Gallery	S		P		
National Guard /Military Reserve Center	P		P	P	
Performing Arts Companies and Artists	S		P	P	
Post Office	P		P	S	
Psychiatric Hospital	S		P		
Public Facilities and Buildings	S	S	P	P	
Retreat/Conference Center	S		P	P	
School Administration Facility	S		P	P	
School, Elementary	P	P	P	S	
School, High	P	S	P	S	
School, Middle	P	S	P	S	

School, Technical and Trade	S		P	P	
School, Truck Driving	S		S	S	
School, University or College	S		P		
Social Assistance Providers	S		P		
<b>EDUCATIONAL &amp; INSTITUTIONAL USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Tutoring/Mentoring Center	S		P		
<b>PROFESSIONAL OFFICE/BUSINESS SERVICE USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Accounting & Tax Services	P		P		
Administrative or Management Services	P		P		
Advertising & Related Services	P		P		
Animal Shelter	S			P	
Automobile Parking ( <i>commercial</i> )			P		
Automobile Repair and Service	S		P	P	
Automobile Towing Services	S		P	P	
Banks, Finance and Insurance Offices			P		
Barber Shop	P		P		
Beauty Shop	P		P		
Blacksmith	P		P	P	
Boat Repair	S		P	P	
Broadcasting & Telecommunications	S		P	P	
Building Maintenance Services	S		P	P	
Car Wash	S		P		
Carpenter/Woodworking	P		P	P	
Catering Services	P		P		
Cleaning Services	S		P	P	
Clothing Alterations/Repair	P		P		
Collection Agencies			P		
Computer Services, Maintenance, and Repair	S		P		
Data Processing and News Services			P		
Day Spa	S		P		
Delivery/Courier Service, Local	S		P	P	
Dry Cleaning and Laundry Services	S		P		
Electronic and Appliance Repair	S		P	P	
Employment/Personnel Agencies	S		P	P	
Engineering, Architect or Survey Service	S		P		
Environmental Consulting Services	S		P		
Equipment Rental and Leasing	S		P		
Equipment Repair, Heavy	S		P	P	
Equipment Repair, Light	S		P	P	



Funeral Home & Services	S		P	P	
Furniture Refinishing	S		P	P	
Furniture Repair Shop	S		P	P	
Graphic Design Services			P	P	
Hair, Nail & Skin Care Services	P		P		
<b>PROFESSIONAL OFFICE/BUSINESS SERVICE USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Insurance Agency	S		P		
Interior Design Services	S		P		
Investigation & Security Services	S		P		
Janitorial Services	S		P	P	
Landscape and Horticultural Services	P		P	P	
Laundromat	S		P		
Laundry or Dry Cleaning Plant			P	P	
Legal Services	S		P		
Locksmith/Gunsmith	S		P		
Medical or Dental Laboratory	S		P		
Medical/Health Care/Dental Offices	S		P		
Mini-Warehouse/Self-Storage	S		P	P	
Motion Picture Production & Sound Recording	S		P	P	
Moving Companies			P	P	
Offices, Professional ( <i>not listed</i> )	S		P		
Other Business Support Services	S		P		
Personal and Household Goods Repair	S		P		
Pest Control Services	S		P		
Pet Boarding Service ( <i>Kennel</i> )	S		S	P	
Pet Care Services ( <i>no Kennels or Vet.</i> )	S		P		
Pet Cemetery/Crematorium	S		P		
Pet Grooming	P		P		
Photocopy, Printing, and Publishing Services			P	P	
Photofinishing Laboratory			P	P	
Photography, Commercial Studio	S		P	P	
Real Estate & Leasing Offices	S		P		
Refrigerator or Large Appliance Repair	S		P	P	
Research, Development or Testing Services	S		P	P	
Sewer/Septic Cleaning Services	S		P	P	
Shoe Repair or Shoeshine Shop	S		P		
Taxidermist	S		P		
Telemarketing/Call Centers			P		
Television, Radio or Electronics Repair	S		P		
Travel Agents	S		P		

Truck and Utility Trailer Rental and Leasing	S		P	P	
Truck Washing	S		P	P	
Veterinarian Offices/Animal Hospitals	S		S	P	
Wedding/Event/Reception Facility	S		P	P	
Welding Shop	P		P	P	
<b>TRANSPORTATION, WAREHOUSING, &amp; UTILITIES USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Airport or Air Transportation Facility	S		S	S	
Bulk Mail and Packaging			P	P	
Bus Terminal	S		P	P	
Charter Bus Services			P	P	
Courier Service			P	P	
Electric Power Generation, Major			S	S	
Electric Power Generation, Minor			S	P	
Electric Power Transmission	P	P	P	P	
Farm Product Warehousing and Storage	P			P	
Hazardous, Toxic Chemical, and Radioactive Waste ( <i>transportation, storage and disposal</i> )				S	Section 8.3
Heliport	S			S	
Marina	P		P		
Moving and Storage Service			P	P	
Outside Bulk Storage	S			P	
Petroleum and Natural Gas Bulk Storage	S			P	
Petroleum and Natural Gas Pipelines	P	P	P	P	
Public Utility Substations	P	P	P	P	
Rail Transportation Support Facilities	P			P	
Railroad Terminal or Yard	S		P	P	
Refrigerated Warehousing	P			P	
Refuse and Raw Material Hauling				S	
Solar Farms/Solar Collector Facility	S		S	S	<i>See Greene County Solar Energy Facility Ordinance</i>
Solid Waste Convenience Center	S			S	
Solid Waste Disposal ( <i>non-hazardous</i> )	S			S	
Solid Waste Transfer Station	S			S	
Taxi Service			P	S	
Taxi Terminal			S	S	
Transportation and Freight Terminals	S		P	S	
Utility Company Office	S		P	P	
Utility Equipment and Storage Yards	S		P	P	
Utility Lines	P	P	P	P	
Utility Related Appurtenances	P	P	P	P	



Utility Service Facility	S		P	P	
Warehousing and Storage ( <i>general</i> )	S		P	P	
Wastewater/Sewage Treatment Plants	S		S	P	
Water Towers and Storage Tanks	S	S	S	P	
Water Treatment Facility	S		S	P	
Wind Energy Facility/Wind Turbines	S				
<b>TRANSPORTATION, WAREHOUSING, &amp; UTILITIES USES (<i>continued</i>)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Wireless Communications Tower Over 60 ft in Height	S		S	S	
<b>MANUFACTURING &amp; INDUSTRIAL USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Bottling Plants	S			P	
Brewery	S		P	P	
Contractor's Office	S		P	P	
Distilleries	S		P	P	
Feed Processing	S			P	
Food Processing and Packaging			S	P	
Fuels Bulk Storage				S	
Industrial Launderers				P	
Landfill, Construction and Demolition	S			S	
Landfill, Land Clearing and Inert Debris	S			S	
Landfill, Municipal Solid Waste	S			S	
Manufacturing, Automobile/Parts			S	P	
Manufacturing, Beverage			S	P	
Manufacturing, Chemical				P	
Manufacturing, Clay and Brick Product	S			P	
Manufacturing, Computers, Electronics and Appliances				P	
Manufacturing, Concrete Products	S			P	
Manufacturing, Fertilizer ( <i>includes storage</i> )				P	
Manufacturing, Furniture and Related Products	S			P	
Manufacturing, Glass/Glass Product				P	
Manufacturing, Heavy Equipment			S	P	
Manufacturing, Ice			S	P	
Manufacturing, Jewelry & Silverware	S		S	P	
Manufacturing, Machinery	S		S	P	
Manufacturing, Metal				P	
Manufacturing, Miscellaneous ( <i>not listed elsewhere</i> )	S		S	P	
Manufacturing, Musical Instrument	S		S	P	
Manufacturing, Nonmetallic Mineral				P	

Manufacturing, Office Supply	S		S	P	
Manufacturing, Paper/ Paper Product				P	
Manufacturing, Petroleum and Asphalt Products				P	
Manufacturing, Pharmaceuticals			S	P	
Manufacturing, Plastics and Rubber Products			S	P	
Manufacturing, Pottery and Ceramics			P	P	
<b>MANUFACTURING &amp; INDUSTRIAL USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Manufacturing, Prefabricated Metal Product	S		S	P	
Manufacturing, Sign	S		S	P	
Manufacturing, Sporting Goods	S		S	P	
Manufacturing, Stone Product	S		S	P	
Manufacturing, Textile Mills and Apparel	S		S	P	
Manufacturing, Textile Products	S		S	P	
Manufacturing, Tobacco	S		S	P	
Manufacturing, Toy, Doll and Game			S	P	
Manufacturing, Transportation Equipment (vehicle & vehicle parts)			S	P	
Manufacturing, Wood Product	S		S	P	
Mining, Quarrying, and Extractive Industries	S		S	S	
Mulching Business	S			P	
Primary Metal Processing			S	P	
Recycling / Material Recovery Center	S			P	
Research and Development Facility	S			P	
Salvage Yards	S			S	
Welding	S			P	
Wineries	S			P	
<b>RETAIL TRADE USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Adult/Sexually-Oriented Businesses				S	<i>See Chapter 111: Adult Businesses</i>
Antique Store/Flea Market	S		P		
Appliance Store			P		
Art Dealers			P		
Art Supply Stores			P		
Auction House (General Merchandise)	S		P	P	
Automobile and Motorcycle Sales, New & Used	S		P	P	
Automobile Rental & Leasing	S		P	P	
Baked Goods/Snack Shops	S		P		
Bars and Nightclubs	S		S		
Bed & Breakfast Inns	S	S	P		



Beer, Wine or Liquor Sales	S		S		
Bicycle Shop	S		P		
Billboards	P		P	P	Section 8.2
Boat & RV Dealers	S		P		
Boat Sales	S		P	P	
Book (except Adult Books), Periodical & Music Stores			P		
Building Material Supply			P	P	
<b>RETAIL TRADE USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Cemetery Monument Dealers	S		P		
Clothing & Clothing Accessories	S		P		
Computer Sales	S		P		
Consignment/Used Merchandise Stores	S		P		
Convenience Store, no gasoline sales	S		P	P	
Convenience Store, with gasoline sales	S		P	P	
Department, Variety or General Merchandise	S		P		
Electronics & Appliance Rental			P		
Electronics, Camera & Appliance Stores			P		
Equestrian Facilities, Commercial	S		P		
Fabric or Piece Goods Store			P		
Feed and Farm Product/Grain Sales	P		P	P	
Floor Covering, Drapery or Upholstery			P	P	
Florist	P		P	P	
Formal Wear Rental	S		P		
Furniture & Home Furnishings	S		P		
Gas Station	S		P	P	
General Merchandise Stores	S		P		
Gift, Novelty & Souvenir Stores	S		P		
Grocery/Food Stores	S		P		
Gun and Ammunition Sales	S		P		
Hardware Store	S		P		
Hobby, Toy & Game Stores			P	S	
Home Furnishings, Miscellaneous	S		P		
Hotels and Motels	S		S		
Ice Machine, Self-Serve	S		P	P	
Internet Café/Sweepstakes			S		
Jewelry, Luggage and Leather Goods	S		P		
Lawn & Garden Supply	P		P		
LP Gas & Heating Oil Dealers	S		P	P	
Manufactured Home Sales	S		P	P	

Miscellaneous Retail Sales			P		
Motor Vehicles, Parts and Supplies	S		P	P	
Motor Vehicles, Tires and Tubes	S		P	P	
Movie / Electronic Game Rentals and Sales	S		P		
Musical Instrument & Supplies	S		P		
Nurseries & Greenhouses	P		P		
Office Machine Sales	S		P		
Office Supplies & Stationery Stores	S		P		
<b>RETAIL TRADE USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Optical Goods Sales			P		
Paint and Wallpaper Sales	S		P		
Pawnshop or Used Merchandise Store	S		P		
Pet & Pet Supply Stores	S		P		
Pharmacies	S		P		
Photography Studios	S		P		
Record and Tape Store	S		P		
Recreational Vehicle Sales	S		P		
Restaurant (no drive through)	S		P		
Restaurant (with drive-through)	S		P	P	
Sewing & Needlework Stores			P		
Shoe Stores			P		
Sign Printing and Lettering			P		
Sporting Goods Stores			P		
Swimming Pool & Hot Tub Supplies	S		P		
Tanning Salons	S		P		
Tattoo Parlors, Body Piercing	S		P		
Tobacco Stores	S		P		
Trophy Shops			P		
<b>WHOLESALE TRADE USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Animals and Animal Products, Other	P			P	
Audio/Video Sales			P	P	
Beer, Wine or Liquor Beverages	S		P	P	
Books, Periodicals and Newspapers			P	P	
Chemicals and Allied Products				P	
Clothing, Piece Goods & Shoe Supply			P	P	
Commercial Equipment Supply			P	P	
Durable Goods, Other			P	P	
Electrical Goods			P	P	
Flowers, Nursery Stock and Florist Supplies	P		P	P	



Forest Products	P			P	
Furniture and Home Furnishings			P	P	
Grain and Field Beans	P		P	P	
Groceries and Related Products			P	P	
Gun and Ammunition			P	P	
Hardware			P	P	
Jewelry, Watches, Precious Stones and Metals			P	P	
Lumber and Other Construction Materials	P		P	P	
<b>WHOLESALE TRADE USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Machinery, Construction and Mining				P	
Machinery, Equipment and Supplies				P	
Machinery, Farm and Garden	P		P	P	
Market Showroom ( <i>furniture, apparel, etc.</i> )	S		P	P	
Metals				P	
Minerals	P			P	
Miscellaneous Wholesale Not Elsewhere Classified				P	
Motor Vehicles			P	P	
Motor Vehicles, Parts and Supplies			P	P	
Motor Vehicles, Tires and Tubes			P	P	
Music & Musical Instrument Supply			P	P	
Paints and Varnishes			P	P	
Paper and Paper Products			P	P	
Petroleum and Petroleum Products			S	P	
Pharmaceutical and Drug Supply			P	P	
Plastic Materials			S	P	
Plumbing and Heating Equipment			S	P	
Professional and Commercial Equipment and Supplies			P	P	
Resins			S	P	
Scrap and Waste Materials			S	P	
Sporting and Recreational Goods and Supplies			P	P	
Tobacco and Tobacco Products	S		P	S	
Toys and Hobby Goods and Supplies			P	P	
Wallpaper and Paint Brushes			P	P	
<b>ACCESSORY USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Accessory Dwelling Unit	P	P	S	S	
Accessory Dwelling Unit ( <i>Manufactured Home</i> )	P	P	S	S	
Accessory Structures and Buildings ( <i>Noncontiguous</i> )	P	P	P	P	

Accessory Uses	P	P	P	P	
Caretaker Dwelling	P	P	P	P	
Emergency Shelter	P	P	P	P	
Home Occupation	P	P	P	P	
Intensive Home Business	S	S	S	S	
Satellite Dish Antenna	P	P	P	P	
Solar Collector, Accessory	P	P	P	P	
Swimming Pool, Accessory	P	P	P	P	
Wind Energy Facility, Accessory	P	P	P	P	
<b>ACCESSORY USES (continued)</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Wireless Communications Tower Below 60 ft in Height	P		P	P	
<b>TEMPORARY USES</b>	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>	<b>Specific Use Standards</b>
Carnivals and Fairs	P		P	P	
Christmas Tree Sales	P	P	P	P	
Construction Office, Temporary	P	P	P	P	
Manufactured Home or Recreational Vehicle, Temporary Use	P	P			
Manufactured Office as a Temporary Use	P		P	P	
Parking Lot, Temporary	P	P	P	P	
Secondary Temporary Dwelling ( <i>for hardship circumstances, usually family</i> )	P				
Special Event	P	P	P	P	
Temporary Construction Building	P	P	P		
Temporary Shelter	P	P	P		
Traveling Merchant			P	P	



## Article 7: General Development Standards

### Section 7.1 GENERAL LOT REQUIREMENTS

**7.1.1 Compliance with this Ordinance Required.** No person shall commence or proceed with development without first securing approval from the County as herein provided. An approval made pursuant to this Ordinance attaches to and runs with the land.

**7.1.2 Preexisting Lots.** Lots established prior to June 5, 2017 shall only be required to meet the minimum setback provisions for the zoning district in which they are located, and shall be exempt from the other minimum lot size or lot width requirements.

**7.1.3 Reduction Prohibited.** Except as required through the establishment of new public rights-of-way (such as roadway widening) or approved as a Variance, no yard or lot existing on June 5, 2017 shall be reduced in size or area below the minimum requirements of the zoning district in which it is located.

**7.1.4 Setback Determination on Irregular Lots.** The location of required front, side, and rear yard setbacks on irregularly shaped lots shall be determined by the Zoning Administrator. Such determination shall be based on the spirit and intent of this Ordinance in order to achieve an appropriate spacing and location of buildings and structures on individual lots.

**7.1.5 Allowable Yard Encroachments.** Architectural extensions including, but not limited to, bay windows, chimneys, open porches and decks, roof overhangs, and balconies may encroach into required yard setbacks not more than three (3) feet. First floor encroachments shall not extend into the right-of-way. Side yard encroachments shall not be closer than five (5) feet to a lot line.

The yard setback requirements of this Ordinance shall not apply to fences and walls.

### Section 7.2 DIMENSIONAL STANDARDS

**7.2.1 Purpose.** The purpose of this Section is to present the dimensional standards for all principal and accessory structures and uses allowed in this Ordinance. Additional standards for specific uses may be found in Section 8 (Specific Use Standards).

**7.2.2 Principal Structures.** Unless otherwise specified, all principal structures in the zoning districts are subject to the dimensional standards set forth in the following table.

**Table 7.1 Dimensional Standards for Principal Structures**

	ZONING DISTRICTS			
	AR	R	C	I
<b>LOT SIZE REQUIREMENTS (with sanitary sewer and public water)</b>				
Minimum Lot Size (sq.ft.)	15,000	15,000	15,000	15,000
Minimum Road or Street Frontage (ft.)	80	80	80	80
Minimum Road or Street Frontage in a curve, if lines are radial (ft.)	80	80	80	80
Minimum Road or Street Frontage in a cul de sac (ft.)	50	50	50	50
Minimum Lot Width at Building Setback Line (ft.)	60	60	60	60
Minimum Lot Width at Building Setback Line on Corner Lot	60	60	60	60
Minimum Lot Depth (ft.)	-	-	-	-
<b>LOT SIZE REQUIREMENTS (with septic tank, public water, or well)</b>				
Minimum Lot Size (sq. ft.)	30,000	30,000	30,000	30,000
Minimum Road or Street Frontage (ft.)	100	100	100	100
Minimum Road or Street Frontage in a curve, if lines are radial (ft.)	80	80	80	80
Minimum Road or Street Frontage in a cul de sac (ft.)	50	50	50	50
Minimum Lot Width at Building Setback Line (ft.)	80	80	80	80
Minimum Lot Width at Building Setback Line on Corner Lot	80	80	80	80
Minimum Lot Depth (ft.)	-	-	-	-
<b>REQUIRED YARD SETBACKS</b>				
Front (ft.)	30	30	30	30
Front (on Major Thoroughfare) (ft.)	40	40	40	40
Side (ft.)	10	10	10	10
Side (on Corner Lot) (ft.)	25	25	25	25
Rear (ft.)	10	10	10	10
<b>OTHER REQUIREMENTS</b>				
Maximum Lot Coverage (%)	-	-	-	-
Maximum Building Height (ft)	-	-	-	-
*See Greene County, NC Code of Ordinances §151.68(A) and (B)				

(A) **Accessory Structures.** Unless otherwise specified, all accessory structures in the zoning districts are subject to the dimensional standards set forth in the following table.

Table 7.2 Dimensional Standards for Accessory Structures

	ZONING DISTRICTS			
	AR	R	C	I
<b>REQUIRED YARD SETBACKS</b>				
Front (ft.)	30	30	30	30
Front (on Major Thoroughfare) (ft.)	40	40	40	40
Side (ft.)	10	10	10	10
Side (on Corner Lot) (ft.)	25	25	25	25
Rear (ft.)	10	10	10	10



## Article 8: Specific Use Standards

Specific use standards are the requirements applied to individual uses regardless of the zoning district where they are located, or the review procedure under which they are approved.

### Section 8.1 AIRSTRIP, PRIVATE

8.1.1 **Design.** The size and layout shall conform to applicable Federal Aviation Administration requirements.

8.1.2 **Setback.** There shall be a minimum distance of 200 feet between the airstrip and the nearest residence or residentially zoned lot.

8.1.3 **Site Plan.** Required Site Plan shall include scaled drawings of location and size of landing strips and the location of landing lights (if applicable).

### Section 8.2 BILLBOARDS

8.2.1 **Setback.** No part of any sign shall be located on or extended into a public right-of-way. All parts of each billboard shall be set back no less than 15 feet from any right-of-way or property line.

8.2.2 **Spacing.** No billboard shall be located within a 500 feet of any other billboard.

8.2.3 **Total Area.** The maximum area for the face of any billboard shall be 400 square feet. The area shall be calculated by using the smallest rectangle which will encompass the entire sign face. Any extensions to the sign or any advertising message or copy on the sign structure, including the name of the outdoor advertising company on the border or trim, shall be included as part of the sign's total area.

8.2.4 **Height.** The maximum height of an outdoor advertising sign shall be 35 feet and shall be measured as the vertical distance from the ground below the sign to the highest part of the sign.

8.2.5 **Size.** The maximum vertical height of the billboard sign face shall be 10 feet. The maximum horizontal length of the billboard sign face shall be 40 feet.

8.2.6 **Separation from other uses.** No billboard shall be located within 500 feet of any lot upon which an existing residence, church or other place of worship, school, park, or public institution is located.

8.2.7 The County may require the removal of any non-conforming, lawfully erected off-premises outdoor advertising sign only in accordance with the provisions of N.C.G.S. §160D-912.

### Section 8.3 HAZARDOUS, TOXIC CHEMICAL, AND RADIOACTIVE WASTE

8.3.1 **Setback.** The boundary of the property shall be a minimum of 200 feet from any residential use or residential zoning district or any hospital, nursing or convalescent home, retirement home, life care community, school, or church. However, the Planning Board shall be authorized to increase this set back if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.

All structures (except fences or walls), buildings, storage areas, and accessory structures used in the operation shall be a minimum of 150 feet from all property lines or street rights-of-way.

8.3.2 **Design.** Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.

All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.

The use shall be totally enclosed by a security fence or wall at least eight (8) feet high or enclosed within a locked fireproof building.

A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within 400 feet of property used or zoned for residential purposes.

All plans shall be reviewed by the County Fire Marshal for approval in order to determine that existing services provide adequate protection.

8.3.3 **Application Requirements.** Documentation regarding the specific materials to be manufactured or stored and the potential hazard which may be encountered in an emergency due to these materials must be provided with the required application.

### Section 8.4 SHOOTING RANGE, OUTDOOR

8.4.1 **Design.** Shooting ranges shall be designed and constructed under the supervision of a registered engineer or certified National Rifle Association Range Safety Officer following construction and before the range is used.

8.4.2 **Setback.** All shooting stations shall be located a minimum of 300 feet from any property line. All shooting stations shall be located at least one-fourth (1/4) mile from an existing, occupied dwelling.

8.4.3 **Warning Signs.** Warning signs meeting National Rifle Association guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.

8.4.4 **Fencing.** Security fencing shall be provided to prevent an individual from crossing the property downrange.

8.4.5 **Backstops.** The design of the backstop downrange shall be as approved by the National Rifle Association.

8.4.6 **Access.** Access shall be controlled to prevent unregulated entrance to the firing area.

8.4.7 **Site Plan.** A Site Plan prepared by a professional engineer and/or registered land surveyor for the entire range facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:

- (A) Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date and ownership information for the site;
- (B) Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary;
- (C) Existing and proposed structures; occupied dwellings within ¼ mile; roads, streets, or other access areas; buffer areas; and parking areas for the range facility; and
- (D) Any other appropriate information related to the specific type of range being proposed.



## Article 9: Enforcement

### Section 9.1 PURPOSE

This Section establishes the procedures through which the County seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Section are intended to encourage the voluntary correction of violations, where possible.

### Section 9.2 ENFORCEMENT OF PENALTIES

**9.2.1 Enforcement Authority.** This Ordinance shall be enforceable in accordance with provisions available in the N.C.G.S. §160D-404 and N.C.G.S. §153A-123.

**9.2.2 Enforcement of Provisions.** The Zoning Administrator shall be charged with the enforcement of the provisions of this Ordinance.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, in accordance with the provisions of 9.3 herein.

The Zoning Administrator shall also take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The owner of the property on which the violation occurs may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation.

On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

### Section 9.3 VIOLATIONS AND VIOLATORS

**9.3.1 Violation.** No person shall commence or proceed with development without first securing approval for the County under this Ordinance. It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy or maintain any use, land development activity, or structure, including but not limited to buildings, that violates or is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

Approvals and authorizations include, but are not limited to, Special Use Permits, Zoning Permits, Variances, Site Plans and conditions of such permits, certificates, variances and plans.

It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance.

When a use constituting a violation of this Ordinance is in existence prior to adoption of the Ordinance creating the violation, and that the use is grandfathered and subsequently terminated for any reason, the County shall bring an enforcement action pursuant to Section 9.4 herein and/or N.C.G.S. §153A-123.

**9.3.2 Violators.** Violators include any person who owns, leases, occupies, manages, designs or builds any structure or land development activity in violation of this Ordinance and any person who owns, leases, or occupies a use in violation of this Ordinance.

A violation may be charged against more than one violator.

**9.3.3 Complaints Regarding Violations.** When a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint with the Zoning Administrator. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his authorized agent. An investigation should be made within ten (10) days. Actions as provided in these regulations shall be in accordance with Section 9.4 herein.

**9.3.4 Appeals.** An alleged violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request for an Administrative Appeal as described in Section 3.8 (Appeal of Administrative Decisions).

The Board of Adjustment shall hear the appeal and render its decision in accordance with the provisions of Section 3.8 herein.

If there is no appeal, the determination of the Zoning Administrator is final.

#### Section 9.4 **ENFORCEMENT ACTION AND REMEDIES**

A violation of this Ordinance may be enforced as follows:

**9.4.1 Notice of Violation.** When staff determines work or activity has been undertaken in violation of this Ordinance or any approval issued hereunder, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the approval and to the landowner of the property involved, if the landowner is not the holder of the approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the County that the notice was provided, and the certificate shall be deemed

conclusive in the absence of fraud. A notice of violation may be appealed to the Board of Adjustment, and the Board of Adjustment shall follow quasi-judicial processes as set forth in 2.5 herein.

**9.4.2 Stop Work Orders.** Whenever any work or activity subject to regulation pursuant to this Ordinance is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the subdivision approval and to the owner of the property involved (if that person is not the holder of the subdivision approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the County that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud. A stop work order may be appealed to the Board of Adjustment, and the Board of Adjustment shall follow quasi-judicial processes as set forth in Section 2.5 herein. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

**9.4.3 Remedies.** This Ordinance may be enforced by any remedy provided by N.C.G.S. §153A-123.

A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by N.C.G.S. §153A-123. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Ordinance, the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. The County may commence a civil action in the appropriate division of the General Court of Justice for enforcement in accordance with N.C.G.S. §153A-123.

**9.4.4 Revocation of Development Approvals.** Development approvals may be revoked by the County by notifying the holder in writing stating the reason for the revocation. The County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the County for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to Section 3.8 herein. If an appeal is filed regarding a development regulation adopted by the County pursuant to Chapter 160D, the provisions of Section 3.8 herein regarding stays apply.



**9.4.5 Criminal Penalties.** Any person, firm, or corporation violating any Section or provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$500.00 and/or imprisoned not more than 20 days for each violation (N.C.G.S. §153A-123).

Each day such violation continues, however, shall be a separate and distinct offense, punishable as herein before provided.

The Zoning Administrator may refer a violation to the proper authority for possible criminal prosecution.

**9.4.6 Civil Penalties.** Violation of this Ordinance subjects the violator to a civil penalty in the amount of \$100 for each violation (N.C.G.S. §153A-123(c)).

The Zoning Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested. The Zoning Administrator shall have the discretion to stay the accrual of civil penalties pending reasonable efforts by the violator to correct the violation.

The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the County Finance office within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Zoning Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the written citation shall constitute a separate violation that subjects the violator to additional civil penalty.

## Article 10: Definitions

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in Chapter 160D shall have the meanings herein set forth when used in this Ordinance. If a word or phrase used in this Ordinance is not defined by this Article or elsewhere in this Ordinance, to the extent such word or phrase is defined in Chapter 160D, that definition shall control.

**ABANDON.** To cease from actively using land, or any premises for its intended use for a time period greater than specified.

**ACCESS.** A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

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

**ADULT/SECUALLY-ORIENTED BUSINESS.** Any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. These businesses shall include, but not limited to, adult arcades, adult bookstores, adult motion picture theaters, adult theaters, and massage parlors, as defined by the Adult Business Regulations.

**ALLEY.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

**ALTER.** To make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

**ALTERATIONS.** The word "alteration" shall include any of the following: Any addition to the height or depth of a building; Any change in the location of any of the exterior walls of a building; or Any increase in the interior accommodations of a building.

**ANIMAL SHELTER.** A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit or government organization devoted to the welfare, protection and humane treatment of animals.

**APPEAL.** A request for a review of the Zoning Administrator's or Planning Board's interpretation of any provision of this Ordinance.

**APPLICANT.** The party applying for permits.

**APPLICATION.** The completed form or forms and all accompanying documents and fees required of an applicant.

**BED AND BREAKFAST INNS.** A business in a private home of not more than eight guest rooms that

offers bed and breakfast accommodations for a period of less than one week and that meets all the following: does not serve food or drink to the general public for pay; serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these meals, only to overnight guests of the home; includes the price of any meals served in the room rate; and is the permanent residence of the owner or the manager of the business.

**BILLBOARD.** A sign, whether freestanding or painted on or attached to a building, which directs attention to a business, product, accommodation, service, event, or other activity which is conducted, sold, offered, or provided at a location other than the premises where the sign is located. Such signs are also known as outdoor advertising signs or off-premises signs. On-premises business identification signs, temporary political signs, directional signs twenty (20) square feet or less in size, official signs, or highway and historic markers shall not be considered billboards.

**BOARD OF ADJUSTMENT.** A quasi-judicial body, established pursuant to N.C.G.S. §160D-302, appointed by the Board of Commissioners, that is given certain powers under this Ordinance, including hearing appeals from decisions of the Zoning Administrator and considering requests for variances from the terms of the Zoning Ordinance.

**BOARD OF COMMISSIONERS.** The Board of County Commissioners or County Board of Commissioners is the governing body of the County of Greene, North Carolina.

**BOARDING/ROOM HOUSE.** A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

**BONA FIDE FARM.** The use of property as set forth in N.C.G.S. §160D-903.

**BUILDING.** Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or property.

**BUILDING, ACCESSORY.** See Accessory Structure.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the plot on which it is situated.

**BUILDING FOOTPRINT.** The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

**BUILDING LOT COVERAGE.** The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

**BUILDING SETBACKS.** The minimum distance from all property lines and/or right-of-way lines and/or easement lines to the closest projection of the exterior face of buildings, walls, or other form of



construction (i.e. decks, landings, terraces, porches, and patios on grade).

**BUILDING SETBACK LINE.** A line parallel to the front, side, or rear property line in front of which no structure shall be erected.

**CHANGE OF USE.** Any alteration in the primary use of a lot.

**CLUB OR LODGE (PRIVATE, NONPROFIT, CIVIC OR FRATERNAL).** A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

**DAY CARE CENTER, CHILD.** An arrangement where, at any one time, there are three or more preschool-age children (ages 3-5) or nine or more school-age children (ages 5-18) receiving child care regardless of the time of day, wherever operated, and whether or not operated for profit.

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

**DEVELOPMENT.** Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in N.C.G.S. §160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

**DISTRICT, OVERLAY.** An area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales. Where lands are classified as an overlay district in addition to a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing in the underlying base zoning district.

**DISTRICT, ZONING.** An area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

**DRIVEWAY.** A private roadway located on a parcel or lot used for vehicle access.

**DWELLING.** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**DWELLING, ATTACHED.** A dwelling that is joined to another dwelling at one or more sides by a party wall

or walls.

**DWELLING, CARETAKER.** An accessory dwelling used as a residence by an on-site caretaker to provide security for a business or industrial principal use.

**DWELLING, CONDOMINIUM.** Residential and commercial development where portions of buildings are separately owned and where land and other improvements are held in undivided interest.

**DWELLING, DETACHED.** A dwelling that is entirely surrounded by open space on the same lot.

**DWELLING, DUPLEX.** A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

**DWELLING, MULTI-FAMILY.** A building containing three (3) or more dwelling units, except where permitted as an accessory use.

**DWELLING, SINGLE FAMILY.** A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household.

**DWELLING UNIT.** One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit”.

**DWELLING UNIT, ACCESSORY.** A dwelling, either detached or attached, located on the same lot as the principal single family dwelling unit, and is secondary and incidental to the use of the property as single-family residential.

**EASEMENT.** A grant by the property owner for use by the public or others of a strip of land for specified purposes.

**ERECT.** The acts of building, constructing, altering, reconstructing, moving a structure upon, or any physical operations on the premises which are required for construction.

**FAMILY.** Any number of persons related by blood, adoption or marriage, or not to exceed four persons not so related, occupying a single dwelling unit as a single housekeeping entity.

**FAMILY CARE HOME.** A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. For purposes of this definition, “persons with disabilities” means persons with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in N.C.G.S. §122C-3(11)b.

**FENCE.** An enclosure or barrier, such as wooden posts, wire, iron, or other materials, used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

**FLOOD STATEMENT.** A statement on site plans that indicates the floodway or floodplain designation that any or all of the property falls within.

**FRONTAGE.** All of the real property abutting a street line measured along the street right-of-way.

**GREENE COUNTY COMPREHENSIVE PLAN.** A comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the County. This Plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction of the County based on an analysis of present and future needs. Such planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. This Plan addresses many of the factors set forth in GS 160D – 501(b), and future updates to such Plan may address any or all of the factors therein described. Amendments to the Comprehensive Plan shall follow the process mandated for the adoption of zoning text amendments set forth in Section 3.6 herein. All zoning regulations shall be made in accordance with the Comprehensive Plan.

**GROUP CARE FACILITY.** A facility, other than a family care home, that is licensed by the State of North Carolina, that has support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment to persons with disabilities, unwed mothers and battered spouses with their children.

**HOME OCCUPATION.** Home Occupations are comprised of uses that are deemed less intensive due to the specific use as well as the size of that use. The operator of the home occupation must reside on the same lot as the operation. A home occupation may be conducted as only an accessory use to a principal site built single family dwelling. The home occupation must be clearly incidental, subordinate and secondary to the residential use of the dwelling and shall not change the residential character of the dwelling or character of surrounding properties. Standard Home Occupations shall be limited to a maximum of 25 percent of the gross floor area of the principal structure, the entirety of an accessory structure or a combination thereof. Such accessory structures shall be less than or equal to the gross floor area of the principal structure. Only one (1) person not a resident of the dwelling may be employed in connection with the home occupation.

**HOTEL.** A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

**INCOMPATIBLE USE.** A use or service that is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

**INTENSIVE HOME BUSINESS.** Intensive Home Businesses are home occupations that are of a more intensive nature due to the types of uses operated from single family dwelling units. The operator of the Intensive Home Business must reside on the same lot as the operation. Intensive Home



Businesses shall be limited to a maximum of 50 percent of the gross floor area of the principal structure, the entirety of an accessory structure or a combination thereof. Such accessory structures shall be less than or equal to the gross floor area of the principal structure. More than one individual, not a resident of the dwelling may be employed.

INTERNET CAFÉ. 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 sweepstakes, electronic gaming operations or cyber cafés, who have a finite pool of winners. This does not include any lottery approved by the state.

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in accordance with N.C.G.S. Chapter 130A Section 9. For the purpose of this Section this term does not include composting facilities.

LANDFILL, CONSTRUCTION AND DEMOLITION, LAND CLEARING AND INERT DEBRIS. A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

LANDFILL, SANITARY. A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word LOT includes the word PARCEL or PLOT.

LOT, CORNER. A lot which occupies the interior angle at the intersection of two street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case, the owner shall be required to specify which is the front when requesting a building permit.

LOT, DEPTH. The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

LOT, FLAG. A lot that in its shape resembles a flag on a pole, where the "flag" part is the main body of the lot and the "pole" part is the narrow portion of the lot that provides access from the road/street to the main body of the lot.

LOT, WIDTH. The straight line distance between the points where the building setback line intersects the two side lot lines.

LOT LINE, FRONT. The boundary line of a lot running along a road right-of-way. If a lot has two property lines which are also road right-of-way lines abutting different roads, then the shorter of those two lines shall constitute the front lot line; if both lines are equal, the front lot line shall be determined by the property owner if the front property line has not been designated on a final plat (minimum building lines are construed to designate the front lot line).

**LOT LINES.** The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

**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 of Greene County prior to the adoption of this chapter; or, a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

**MAJOR THOROUGHFARE.** A street designated as an Interstate, US route, or NC route.

**MANUFACTURED HOME.** A structure as defined in N.C.G.S. §143-145(7) as which is transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this Subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

The placement of such a structure on a permanent foundation, or the addition of conventionally constructed sections, in no way changes its status as a manufactured home.

**MANUFACTURED HOME PARK.** The placing, erection or installation of more than one (1) manufactured home on a parcel, plot or lot of land for the purpose of rental of a manufactured home or the rental of a portion of the parcel, plot or lot for a manufactured home shall constitute a manufactured home park for purposes of this Ordinance.

**MANUFACTURED OFFICE.** A structure identical to a manufactured home except that it has been converted to, or originally designed and constructed for, commercial or office use.

**MIRGRANT LABOR HOUSING.** An agricultural use where single and multi-family dwellings or manufactured homes are used as temporary living quarters for migrant farm laborers.

**MINING, QUARRYING, AND EXTRACTIVE INDUSTRIES.** The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.

Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.

The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

- Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
- Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
- Mining operations where the affected land does not exceed one (1) acre in area.
- Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
- Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

**MIXED-USE DEVELOPMENT.** A proposed development that includes residential and non-residential uses on the same development and or lot.

**MOBILE HOME.** The term used for manufactured homes produced prior to June 15, 1976 when the HUD Code went into effect; prefabricated or factory-assembled residential units constructed prior to that date.

**MODULAR HOME.** A structure as defined in N.C.G.S. §105-164.3(143) as a factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to N.C.G.S. §143-139.1.

**MODULAR STRUCTURE.** A manufactured structure designed for year-round commercial use, with major components or modules preassembled and transported to a site for final assembly and utility connection, but which is not designed to be transported on its own chassis. Such structures must meet all requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

**MOTEL.** A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

**NONCONFORMING LOT.** A legal lot of record created by deed or recorded plat that was in compliance with the land use regulations in effect at the time of lot creation but not at the time of this ordinance.

**NONCONFORMING STRUCTURE.** Any legally existing structure which fails to comply with the current



provisions of this Ordinance.

**NONCONFORMING USE.** The use of a building, mobile home, or land which does not conform to the use regulation of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated.

**OFFICIAL MAPS OR PLANS.** Any maps or plans officially adopted by the Board of County Commissioners as a guide for the development of Greene County.

**OVERLAY ZONING DISTRICT.** A zoning district which overlaps one or more general and/or conditional zoning districts. Overlay zoning districts impose additional regulations on property located within general and/or conditional use districts.

**PERSONS WITH DISABILITES.** 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 but not including mentally ill persons who are dangerous to others as defined in N.C.G.S. §122C-3(11).

**PET AND PET SUPPLY STORES.** A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds and reptiles, excluding exotic animals and farm animals. The use also includes the sale of pet supplies such as food and accessories. The outdoor storage of animals is not permitted.

**PET BOARDING SERVICE (KENNEL).** An establishment where private domesticated animals that are not owned by the owner or occupant of the premises are temporarily boarded for pay, trade, barter, commission, remuneration or kept as captured stray animals for any amount of time. Such Commercial Kennels may include medical areas for the treatment of animals, outdoor recreation areas for the animals, commonly accepted obedience and / or behavioral training as well as offices for the management and supervision of the establishment.

**PLANNED UNIT DEVELOPMENT.** A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and usable open spaces, and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

**PLANNING BOARD.** A quasi-judicial body established pursuant to N.C.G.S. §160D-301, appointed by the County Board of Commissioners, that is given certain powers under this Ordinance.

**PLAT.** A map or plan delineating a tract or parcel of land existing, to be subdivided, to be recombined, land to be dedicated for public use, or right-of-way for street or utility purposes. The word PLAT shall include the terms MAP, PLAT, and PLAN.

**POLL OR BILLIARD HALL.** A business establishment containing more than two pool or billiard tables for the use of patrons. Such operations may serve alcoholic beverages.

**PRELIMINARY PLAN.** Plan depicting a more detailed configuration of uses for a particular phase of

development. This plan will define the land uses, layout and densities to be built on that portion of the site. The plan must be consistent with the approved Development Conditions and Land Development Plan.

**PREMISES.** A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

**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, 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.

**RECREATIONAL VEHICLE (ALSO KNOWN AS RV).** A vehicle, which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling, but as temporary living
- 5) quarters for recreational, camping, travel, or seasonal use.

This definition includes vehicles such as travel trailers, motor homes, and campers.

**REGISTER OF DEEDS.** The Register of Deeds for Greene County, North Carolina.

**RESEARCH AND DEVELOPMENT FACILITY.** A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multimedia and video technology, biotechnology and pharmaceuticals. Development and construction of prototypes may be associated with this use. Research requiring the use of animal husbandry, heavy equipment (such as construction equipment) or the generation of dust, smoke, fumes, odors, noise or unusual vibrations, shall not be allowed by this definition.

**RIGHT-OF-WAY.** An area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

**SAFE HOUSE.** A facility, other than a family care home or group care facility, that provides temporary housing and residential care for individuals (unrelated to the care givers) because of unsafe home situations, the threat of domestic violence, or protection as a victim or witness of a crime.

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



**SCREEN.** Screen Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

**SETBACK.** The required minimum distance between every structure from all property lines and/or right-of-way lines and/or easement lines of the lot on which it is located.

**SIGN.** Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

**SITE PLAN.** A plan, to scale, showing uses and structures existing and proposed for a parcel of land as required by the regulations involved. All site plans must include the information listed in Section 3.2.2 (Site Plan Requirements) of this Ordinance.

**SOLAR COLLECTOR.** Any ground or roof mounted solar device that absorbs and accumulates solar radiation for use as an alternative source of energy.

**SOLAR FARM/SOLAR COLLECTOR.** Facility A commercial/industrial development which requires construction of specialized equipment, either a ground-mounted or roof-mounted system, in areas which optimize the collection of solar energy. These facilities are typically used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption and also referred to as a Solar Farm or Photovoltaic Energy Facility.

**SPECIAL EVENT.** A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, or non-routine activity, within the community that will bring together a large number of people. Special Events cannot be held longer than seven (7) consecutive days once every six (6) months.

**SPECIAL USE PERMIT.** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

**STREET.** A right-of-way dedicated to the public for vehicular traffic.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.

**STRUCTURE OR BUILDING, ACCESSORY.** A structure or building located on the same parcel of property as the principal structure or building and the use of which is incidental to the use of the principal structure or building. Garages, carports and storage sheds are common accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and rural areas.



**STRUCTURE OR BUILDING, PRINCIPAL.** A structure in which is conducted the principal or main use of the property.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

**SUBDIVIDER.** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined in the Subdivision Regulations.

**SUBDIVISION.** Any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

(A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.

(B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

(C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

(D) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County, as shown in this Ordinance.

(E) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

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,

Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SWINE FARM.** Any tract or contiguous tract of land in Greene County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 600,000 steady state live weight or greater regardless of the actual number of swine on the farm.

**TEMPORARY.** Anything temporary is to exist less than six (6) months.

**UNDEVELOPED PARCEL.** The parcel in a parcel pair that is not developed.

**USE.** Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

USE, ACCESSORY. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

USE, NEW. Any purpose which has not before existed on said land or premises.

USE, PRINCIPAL. The primary or predominant use of any lot, building, or structure.

USE, TEMPORARY. A use established for a fixed period of time not to exceed 6 months with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

VARIANCE. A modification of the requirements of this Ordinance as described in Section 3.5 herein.

VESTED RIGHT. The right to undertake and complete the development and use of property pursuant to N.C.G.S. §160D-108.1.

VIOLATION. The failure of a structure or other development to be fully compliant with the regulations contained in this Ordinance.

WHOLESALE TRADE. An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Merchandise may be stored outside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk for redistribution in smaller lots are conducted in such a way as to have a minimal impact on surrounding properties.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT. A yard across the full width of the lot extending from the front line of the building.

YARD, SIDE. An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot.

YARD, REAR. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

ZONING. A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts – a text and a map.

ZONING ADMINISTRATOR. The official charged with the enforcement of the Zoning Ordinance.

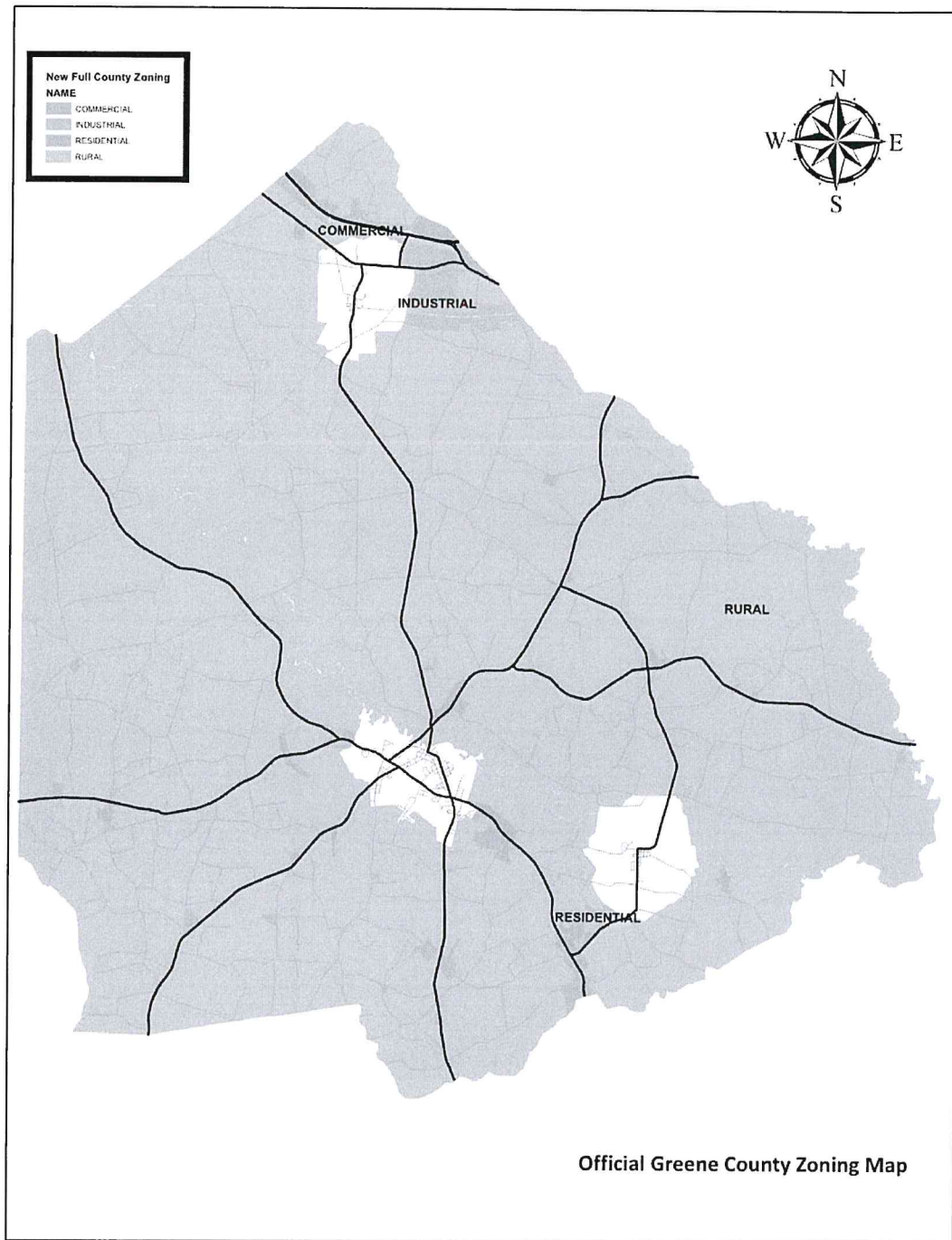
ZONING MAP AMENDMENT OR REZONING. An amendment to a zoning regulation for the purpose of

changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

**ZONING APPROVAL.** The issuance of a permit or authorization by the zoning official indicating that a proposed building, structure, or use of land meets all of the standards, criteria, procedures, and requirements contained in this Ordinance.

**ZONING MAP.** The Official Zoning Map of Greene County, North Carolina, dated [ADOPTION DATE] with all amendments subsequently adopted and filed in the office of the Greene County Planning Department.





GREENE COUNTY ZONING MAP – ADOPTED JUNE 5, 2016, AMENDED \_\_\_\_\_.  
 (ALSO AVAILABLE AT [www.greencountygis.com](http://www.greencountygis.com))