

# Greene County, North Carolina

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## Zoning Ordinance

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JUNE 5, 2017

**Greene County  
Zoning Ordinance  
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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 153A, Section 18 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 building shall be erected or structurally altered nor shall any land development activity take place, unless it conforms to the provisions of this Ordinance. Uses of property shall be limited by the provisions of this Ordinance.

1.4.2 **BONA FIDE FARM EXEMPTION.** The provisions of this Ordinance shall not apply to bona fide farms, as defined by N.C.G.S. §153A-340(b) or its subsequent modification. This

Ordinance does not impose nor exercise any controls over any tract of land where the land is used for the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, forestry, and all other forms of agriculture as defined in N.C.G.S. §106-581.1. Nor does it exercise control over any grain warehouses and warehouse operations that receive, load out, weigh, dry, and store grain. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purpose:

- (A) A farm sales tax exemption certificate issued by the Department of Revenue;
- (B) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to N.C.G.S. §105-277.3;
- (C) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return, which shall remain a confidential document;
- (D) A forest management plan; or
- (E) A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

The provisions of this Ordinance shall apply to nonfarm use of farm properties and swine farms served by animal waste management systems having a design capacity of 600,000 pounds steady state live weight (SSLW).

## 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.

**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 a firm, association, organization, partnership, corporation, trust, and company as well as an individual.

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.

## Section 1.7 **CONFLICTING PROVISIONS**

**1.7.1 Conflict with State or Federal Regulations.** 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. The Official Zoning Map shall be kept on file with the County Planning Department and the Clerk to the Board of Commissioners. 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.

**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".

**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 **PRIOR TO EFFECTIVE DATE**

**1.9.1 Projects Under Construction Prior to Effective Date.** Any building or development for which a permit was issued before the effective date of this Ordinance may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building or development does not fully comply with provisions of this Ordinance.

Nothing in this Ordinance shall require a change to a phasing plan approved prior to the effective date of this Ordinance, provided construction is consistent with the terms and conditions of the phasing plan and proceeds to completion in a timely manner. The Applicant shall ensure that a period of no more than two (2) years without an active Building Permit occurs in order to continue a project under a previous phasing plan.

If construction is not completed according to the applicable permit terms, the Board of Commissioners may, for good cause shown, grant an extension of up to one (1) year for such construction. If the building is not completed within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in compliance with this Ordinance.

**1.9.2 Applications Submitted Prior to Effective Date.** Any complete application submitted before the effective date of this Ordinance may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with provisions of this Ordinance.

If construction is not commenced or completed according to the applicable terms of the application, the Board of Commissioners may, for good cause shown, grant an extension of up to one (1) year for such construction. If the building is not completed within the time allowed under the original application or any extension granted, then the building may be constructed, completed or occupied only in compliance with this Ordinance.

#### Section 1.10 **EFFECTIVE DATE**

This Zoning Ordinance was adopted on June 5, 2017 becoming effective June 5, 2017.

## 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.

This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his/her duties.

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.

Appeal from his/her decision shall be made to the Board of Adjustment.

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. The Zoning Administrator, or his/her duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him/her by this Section.

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
- (E) Establishment of Vested Rights

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.

## Section 2.2 **PLANNING BOARD**

2.2.1 **Establishment.** The Planning Board is established pursuant to N.C.G.S. §153A-321.

2.2.2 **Membership and Vacancies.** See the Greene County, NC Code of Ordinances §33.04 (A).

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

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. §153A-321.
- (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)

## Section 2.3 **BOARD OF ADJUSTMENT**

2.3.1 **Establishment.** The Board of Adjustment is established pursuant to N.C.G.S. §153A-345.1.

2.3.2 **Membership and Vacancies.** The Board of Adjustment shall consist of five (5) or more members and two (2) alternates. Members of the Board of Adjustment shall be appointed by the Board of Commissioners for designated terms.

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.

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

**2.3.3 Meetings and Hearings.** 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 procedures set forth in these regulations and rules of procedure adopted by the Board of Adjustment.

The Chair of the Board or any member acting as Chair, and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under N.C.G.S. §160A-393(d) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he/she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment.

No final action shall be taken on any issue unless a quorum of three-fifths of the appointed members is present.

**2.3.4 Quasi-Judicial Decisions.** The Board of Adjustment shall determine contested facts and make its decision within a reasonable time and shall be based upon competent, material, and substantial evidence in the record.

Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards, which must be signed by the Chair or other duly authorized member of the Board.

A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board of Commissioners or such other office or official as this Ordinance specifies and shall be delivered by personal delivery, electronic mail, or by first-class mail to the Applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.3.5 **Minutes.** The Board of Adjustment shall keep permanent minutes of all meetings. 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. §153A-345.1.

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)
- (C) Establishment of Vested Rights

## 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
<sup>1</sup> Public hearing is required.					
<sup>2</sup> Quasi-judicial hearing 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 as required in Section 3.2.5 (Public Notice).

**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 public hearings of applications for approval as shown in Table 3.2.

**Table 3.2 Public Notice Requirements**

	<b>Published (Newspaper)</b>	<b>Mailed (Certified)</b>	<b>Posted (Sign)</b>
Special Use Permit	✓	✓	✓
Variance	✓	✓	✓
Text Amendment	✓		
Zoning Map Amendment (Rezoning)	✓	✓	✓

Where published notice is required, 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 public hearing.

Where mailed notice is required, the County shall notify by certified mail return receipt requested (at the last addresses listed for such owners in the County tax records) the Applicant and all adjacent property owners of the property(s) in question. The notice shall be mailed at least ten (10) but not more than 25 days prior to the date of the public hearing.

Where posted notice is required, a sign shall be posted by the County not less than ten (10) days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public road.

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

If the adoption or modification of any amendment of the Zoning Ordinance will result in changes to the following (zoning map, changes that affect the permitted uses of land, changes related to telecommunications towers or windmills, changes to proposed new major subdivision preliminary plats, or an increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area, including developed and undeveloped land), which are located within five (5) miles or less from the perimeter boundary of a military base, the Board of Commissioners or Planning Board shall provide written notice of the proposed changes by certified mail, or by any other written means reasonably designed to provide actual notice to the commander of the military base or the commander's designee not less than 10 days or more than 25 days before the date fixed for the public hearing.

Prior to the date of public hearing, the military may provide comments or analysis to the Board, regarding the compatibility of the proposed changes with military operations at the base. If the Board does not receive a response within 30 days of the notice, the military is deemed to waive the comment period (N.C.G.S. §153A-323(b)).

**3.2.6 Public Hearings.** A public hearing shall be required for development review as shown in Table 3.3.

**Table 3.3 Quasi-Judicial and Public 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 evidentiary in nature and must follow quasi-judicial procedures.		

**3.2.7 Notice of Decision.** Within 14 days after a decision is made, a copy of the decision shall be sent to the Applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

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.

An Applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Zoning Administrator may withdraw the application.

### Section 3.3 **ZONING PERMIT**

3.3.1 **Applicability.** It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Zoning Administrator has issued a Zoning Permit.

It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued a Zoning Permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this Ordinance.

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.

**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.

**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.** Once a Zoning Permit has been issued, all activities pursuant to such permit shall be commenced within six (6) months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a Zoning Permit, is discontinued for a period of one (1) year or more, the Zoning Permit shall lapse and be of no further force and effect.

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

#### Section 3.4 **SPECIAL USE PERMIT**

**3.4.1 Applicability.** 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 by the Planning Board and approval by the Board of Adjustment.

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 Section 3.2 (Common Review 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 Public Hearings.** The County shall hold all required public hearings and give notice in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public 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 a quasi-judicial hearing in accordance with 3.2.5 Public Notice and 3.2.6 Public Hearings of this Ordinance, the Board of Adjustment shall conduct a quasi-judicial hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant supporting materials, the Site Plan and all other competent and relevant evidence presented at the hearing. Following the close of the hearing, the Board of Adjustment shall, by simple majority vote, approve, approve with conditions, or deny the application based on the standards in Section 3.5.7 (Findings of Fact). All decisions by the Board of Adjustment regarding Special Use Permits shall be in writing.

**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. §153A-340(c1).

All additional conditions imposed must be accepted by the Applicant.

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 approved Special Use Permit shall be amended 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 Commissioners, 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.** The Board of Adjustment may prescribe a time limit within which development activity shall begin or be completed under the Special Use Permit, or both. Failure to begin or complete such development activity within the time limit specified shall void the Special Use Permit. Unless specified otherwise by the Board of Adjustment, a Special Use Permit shall automatically expire one (1) year from the date of its issuance if:

- (A) The development authorized by the permit has not commenced, and no substantial construction, alteration, demolition, excavation or other similar work required by the permit is completed; or
- (B) Less than ten percent (10%) of the total amount of development approved as part of the permit is completed, when construction, alteration, demolition, excavation or other similar work is required; or
- (C) The development approved by the Special Use Permit is discontinued and not resumed for a period of one (1) year.

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 permit shall be revoked by the Zoning Administrator and become void and of no effect.

Before revoking a permit or other authorization, 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.

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 owners of adjoining property shall be notified that the Special Use Permit is no longer in effect.

The Zoning Administrator may reinstate a revoked Special Use Permit or modification of a Special Use Permit within 60 days of being revoked if the Zoning Administrator determines that the violations that were the cause of the revocation have been corrected.

## 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 demonstrate that, owing to special circumstances or conditions beyond the landowner's control (such as exception 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 Public Hearings.** The County shall hold all required evidentiary hearings and give notice in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public Hearings).

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 a quasi-judicial hearing in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public Hearings), the Board of Adjustment shall conduct a quasi-judicial hearing on the application. At the hearing, the Board of Adjustment shall consider the application, the relevant supporting materials and the sworn testimony given at the public hearing. Within 31 days following the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 3.5.7 (Findings of Fact). In accordance with the standards set forth in N.C.G.S. §160A-388(e), granting approval or conditional approval of a Variance shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote. All decisions by the Board of Adjustment shall be in writing. Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.

**3.5.7 Findings of Fact.** No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

- (A) That unnecessary hardship would result from the strict application of the Ordinance and it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (B) That 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;
- (C) That the hardship did not result from actions taken by the Applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
- (D) That the requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

**3.5.8 Conditions.** In approving the variance, the Board of Adjustment may impose appropriate conditions 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.** Variance is not a personal right, but runs perpetually with the land for which the Variance has been granted. As such, the provisions of an approved Variance shall continue with the transfer of ownership of the land.

## 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.

**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 heard.

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 Public Hearings.** The County shall hold all required public hearings and give notice in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public Hearings) of this 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.** The Planning Board shall make a recommendation on the text amendment application to the Board of Commissioners. During the meeting, the Planning Board shall consider the application, relevant supporting materials, the Zoning Administrator's report and recommendation (if given) and any comments received by the public on the matter. The Planning Board's recommendation shall include a written statement to the Board of Commissioners describing whether its recommendation is consistent with the adopted plans and policies of the County.

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 proceed in its consideration of the amendment without the Planning Board recommendation.

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 Action by the Board of Commissioners.** Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall conduct a public hearing, in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public 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 given during the hearing. Following the close of the public 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.

Concurrently with the final decision that is made on the application, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the County and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.

**3.6.8 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. §153A-341.

**3.6.9 The Board of Commissioners may act without any of the above requirements except the public hearing requirement in Section 3.6.4**

**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 public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

**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 and Public Hearings.** The County shall hold all required public hearings and give notice in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public Hearings).

If the application will result in changes to the zoning map for 50 parcels or more and owned by more than 50 different property owners the mailed notice may be replaced by a published notice in accordance with N.C.G.S. §153A-323. The published advertisement shall not be less than one-half (1/2) of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the address listed in the County Tax Office for the affected property, shall be notified according to the provisions of Section 3.2.5 (Public Notice).

**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.** The Planning Board shall make a recommendation on the rezoning request to the Board of Commissioners. During the meeting, the Planning Board shall consider the application, relevant supporting materials, the Zoning Administrator's report and recommendation (if given) and any comments received by the public on the matter. The Planning Board's recommendation shall include a written statement to the Board of Commissioners describing whether its recommendation is consistent with the adopted plans and policies of the County.

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 proceed in its consideration of the

amendment without the Planning Board recommendation. The Board of Commissioners may waive the requirement for this report.

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 Action by the Board of Commissioners.** Following the receipt of a recommendation from the Planning Board, the Board of Commissioners shall conduct a public hearing, in accordance with Section 3.2.5 (Public Notice) and Section 3.2.6 (Public 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). Following the close of the public 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.

Concurrently with the final decision that is made on the application, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the County explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.

**3.7.9 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.

3.7.10 **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.

3.7.11 **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 **ADMINISTRATIVE APPEAL**

3.8.1 **Applicability.** An appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator, or his/her deputy, of this Ordinance in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

3.8.2 **Initiation.** An appeal taken in accordance with this Section may be initiated by filing a written Notice of Appeal within 30 days of the date of the decision or interpretation to the Clerk to the Board of Commissioners.

3.8.3 **Contents of Appeal.** The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all supporting materials related to the decision.

3.8.4 **Record.** Upon receipt of the written Notice of Appeal, the Clerk to the Board of Commissioners shall transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the Board of Adjustment. These materials shall constitute the record of the appeal.

3.8.5 **Schedule of Notice and Hearing.** Upon receipt of a Notice of Appeal, the Clerk to the Board of Commissioners shall schedule a quasi-judicial hearing, and provide public notification in accordance with the standards in Section 3.2.5 (Public Notice) and Section 3.2.6 (Public Hearings).

The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting, based upon established scheduling policy, or as soon as is reasonably possible.

3.8.6 **Hearing and Decision by Board of Adjustment.** At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The Zoning Administrator shall be given an opportunity to respond, as well as any other County staff or other person the Board of Adjustment deems necessary. In making its determination, the Board

of Adjustment shall consider the application, the relevant support materials and the testimony given at the public hearing. Within 30 days following the close of the public hearing, the Board of Adjustment shall affirm, partly affirm, modify, or reverse the decision or interpretation, based on the record, and the requirements and standards of this Ordinance. Modifying or reversing the decision being appealed shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote as set forth in N.C.G.S. §160A-388(e). All decisions by the Board of Adjustment shall be in writing, and shall be filed by the County Clerk within 30 days from the date the decision is made.

**3.8.7 Effect of Appeal.** A pending appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Adjustment after the Notice of Appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of competent jurisdiction, on notice to the Zoning Administrator and the applicant and on due cause shown.

**3.8.8 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 no later than 30 days after the date the decision of the Board of Adjustment is filed with the Clerk to the Board of Commissioners, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

## Section 3.9 ESTABLISHMENT OF VESTED RIGHTS

**3.9.1 Applicability.** The purpose of this Section is to implement the provisions of N.C.G.S. §153A-344.1 pursuant to which a statutory zoning vested right is established upon the approval of a Site-Specific Development Plan. A vested right is the right to undertake and complete the development and use of property under the terms and conditions of an approved Site-Specific Development Plan. For the purposes of this Section, a Site-Specific Development Plan shall include the following:

- (A) Development subject to an approved Special Use Permit
- (B) Development subject to a Site-Specific Development Plan

Following approval or conditional approval of a Site-Specific Development Plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval; provided that such reviews and approvals are not inconsistent with the original approval.

Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this Ordinance.

**3.9.2 Establishment.** A vested right shall be deemed established upon the valid approval, or conditional approval, of a Special Use Permit or development subject to a Site-Specific Development Plan. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the Special Use Permit.

A right that has been vested as provided for in this Section shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications unless expressly provided by the County. The County may, but is not required to, extend the vested term to a maximum total of five (5) years.

**3.9.3 Procedure.** At the time that the landowner submits an application for a Special Use Permit the landowner must declare he/she is seeking to acquire a vested right pursuant to N.C.G.S. §153A-344.1 and this Ordinance by completing the appropriate form.

For proposed developments that do not require a Special Use Permit, the landowner may seek to establish a vested right by following procedures for application for a Special Use Permit.

A variance shall not constitute a Site-Specific Development Plan and approval of a Site-Specific Development Plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

**3.9.4 Termination.** A vested right, once established as provided for in this Section, precludes any zoning action by the County which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved Site-Specific Development Plan, except that the right will be terminated in the following circumstances:

- (A) With written consent of the affected landowner;
- (B) Upon finding by the Zoning Administrator after notice that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety, and welfare if the project were to proceed as contemplated in the Site-Specific Development Plan;
- (C) Upon finding by the Zoning Administrator after notice that the landowner, or his representative, intentionally supplied inaccurate information or made material misrepresentations that made a difference in the plan approval by the County;
- (D) Upon the enactment of a State or federal law or regulation that precludes development as contemplated in the Site-Specific Development Plan; or,
- (E) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

## 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 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. §153A-342):

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.

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	See Chapter 152: Manufacture Home Parks
<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	See Chapter 115: Service Homes
Orphanage	P		S	S	
Planned Unit Development	P	S	S	S	
Safe House	S		S		
Subdivision	P	P	P	P	See Chapter 151: Subdivision Regulations
<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 (not listed)	S		P		
Other Business Support Services	S		P		
Personal and Household Goods Repair	S		P		
Pest Control Services	S		P		
Pet Boarding Service (Kennel)	S		S	P	
Pet Care Services (no Kennels or Vet.)	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 (furniture, apparel, etc.)	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 (Manufactured Home)	P	P	S	S	
Accessory Structures and Buildings (Noncontiguous)	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 structure or portion of a structure shall be erected, used, moved, or altered except in conformity with the standards in this Ordinance.

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.)	100	100	100	100
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

	<b>ZONING DISTRICTS</b>			
	<b>AR</b>	<b>R</b>	<b>C</b>	<b>I</b>
<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.

### 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, NEPA 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. §153A-324.

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, indicating the nature of violation and ordering the actions necessary to correct it.

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 Zoning Administrator shall have the discretion to stay the accrual of civil penalties pending reasonable efforts by the violator to correct the violation.

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.** 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.

Each day of a violation is a separate and distinct violation.

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 within ten (10) years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety (N.C.G.S. §153A-348).

**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 taken.

When a violation is discovered, and is not remedied through informal means, a written notice of violation shall be given. This notice shall be delivered by hand delivery or certified mail to the violator's last known address, or hand delivery to or posting the notice at the property in violation.

The notice shall include a description of the violation and its location, the measures necessary to correct it, the possibility of civil penalties and judicial enforcement action and notice of right to appeal. The notice shall also state the time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation and knowledge of the violator. This notice is an administrative determination subject to appeal as provided below.

**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 (Administrative Appeal).

Citations that follow the original notice of violation may not be appealed to the Board of Adjustment.

The Board of Adjustment shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation.

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

**9.3.5 Failure to Comply with Notice or Board of Adjustment Decision.** If the violator does not comply with a notice of violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action as prescribed by State law or by this Ordinance.

## Section 9.4 ENFORCEMENT ACTION AND REMEDIES

**9.4.1 Injunctive Relief.** 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.

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.

It shall not be a defense to the County's application for equitable relief that there is an adequate remedy at law.

**9.4.2 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.

**9.4.3 Civil Penalties.** Violation of this Ordinance subjects the violator to a civil penalty in the amount of \$100 (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 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 specifically defined below, words used in this Ordinance shall be given their common meaning.

**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 local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider 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.** Any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture. In addition, this Ordinance does not impose nor exercise any controls over croplands, timber lands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

**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.** Any company, firm, or individual that subdivides and/or builds upon property that is subject to the regulation contained within this Ordinance.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

**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.** A building or portion thereof designed, arranged, or used for permanent residence. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

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 that provides 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. A person with a disability is defined as a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others.

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.

**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 that:

- 1) Consists of a single unit completely assembled at the factory or of multiple principal

- components totally assembled at the factory and joined together at the site; and
- 2) Is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; and
  - 3) Is over thirty-two (32) feet long and over ten (10) feet wide; and
  - 4) Is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.

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 manufactured structure designed for year-round residential, 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.

**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 DISABILITIES.** A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments 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.** The Planning Board of Greene County.

**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.

**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 quasi-judicial permit issued by the Board of Adjustment that authorizes the property owner to make use of their property in accordance with the requirements of this Ordinance as well as any reasonable requirements imposed by the Board of Adjustment.

**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.** A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or change in existing streets; however, the following is not included within this definition and is not subject to the regulations prescribed by the Subdivision Regulations:

- 1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as required in the Subdivision Regulations.
- 2) The division of land into parcels greater than ten acres if no street right-of-way dedication is involved.
- 3) The public acquisition by purchase of strips of land for widening or opening streets.
- 4) The division of a tract in single ownership, the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards contained in the Subdivision Regulations.

**SUBSTANTIAL CONSTRUCTION.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or

exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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 grant of relief from the requirements of this Ordinance.

VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

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 AMENDMENT.** An amendment to the official zoning map.

**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  
 (ALSO AVAILABLE AT [www.greencountygis.com](http://www.greencountygis.com))

