

**AGENDA – MEETING
GREENE COUNTY BOARD OF COUNTY COMMISSIONERS
7:00 PM – THE WELLNESS CENTER MONDAY, JUNE 21, 2021**

A. CALL TO ORDER

Invocation/Pledge to the Flag

B. APPROVAL OF AGENDA

C. CONSENT AGENDA

1. June 7, 2021 Regular Meeting Minutes
2. Refunds
3. Budget Amendment; Transportation
4. Budget Amendment; DSS

D. PUBLIC HEARING

1. Amendment to Zoning Ordinance
2. Amendment to Subdivision Ordinance
3. Amendment to Building Code Ordinance
4. Amendment to Flood Prevention Ordinance

E. PUBLIC COMMENTS

F. PRESENTATIONS

1. HMPG 4285 Progress Report

G. COUNTY MANAGERS REPORT

1. Appointment: Board of Adjustments
2. Appointment; Planning Board
3. Appointment; DSS Board
4. Appointment; Senior Center Advisory Committee
5. Appointment; Regional Aging Advisory Committee

Information Only

Greene County May Financial Summary

H. COUNTY ATTORNEY COMMENTS

I. COMMISSIONER'S REPORT AND RECOMMENDATION

J. ADJOURN

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burruss



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Consent Agenda

Date: June 21, 2021

The Consent Agenda for the June 21, 2021 Regular meeting consists of the following items:

- 1.) June 7, 2021, Regular Meeting Minutes
- 2.) Refunds
- 3.) BA; Transportation
- 4.) BA; DSS

Action Recommended:

Motion to accept the Consent Agenda

Board Action is Needed

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www.greenecountync.gov

The mission of Greene County Government is to serve and improve the lives of all citizens by providing high-quality, cost-effective services in an open, professional and ethical environment

NORTH CAROLINA
COUNTY OF GREENE

The Greene County Board of Commissioners met in regular session on Monday, June 7, 2021 at 10:00 a.m. in the Wellness Center. Present for the meeting: Chairman Bennie Heath, Vice Chairman James T. Shackelford Jr, Commissioners Jerry Jones, Susan Blizzard, and Derek Burress, County Manager Kyle DeHaven, County Attorney Gay Stanley and Deputy Clerk Kathy Mooring.

A. Call to Order

Chairman Bennie Heath called the meeting to order, and asked Commissioner Jones to give the Invocation and lead the Pledge to the Flag.

B. Approval of Agenda

Chairman Heath asked if there were any changes to the agenda as presented. Commissioner Burress made a motion to remove G1 Proposed FY 21/22 Budget Ordinance until the next meeting as he has received complaints from the public that they were not given a chance to comment on the budget. Chairman Heath asked for a second to this motion, since there is no second to this motion it failed. Chairman Heath also noted that there have been budget workshops that are open to the public and we are having a Public Hearing today for this.

On motion by Commissioner Jones and seconded by Commissioner Shackelford, the Board voted 4 to 1 (Commissioner Burress voted nay) to approve the Agenda as presented.

C. Consent Agenda

Chairman Heath asked for any changes to the Consent Agenda. Commissioner Blizzard asked that item C4 (Budget Amendment for American Rescue Plan) be removed in order to discuss before voted on. Chairman Heath then called for a motion to vote on items C1, 2, 3, 5 and 6.

On motion by Commissioner Jones and seconded by Commissioner Shackelford the Board voted unanimously to approve items C1, 2, 3, 5 and 6 of the Consent Agenda.

Chairman Heath then called on Commissioner Blizzard to discuss item C4 (Budget Amendment for ARP). Commissioner Blizzard wanted to know the timeline to spend these funds and will they be held in the restricted fund balance. County Manager DeHaven said they have 6 years to spend these funds which are under very strict guidelines and he will be meeting with other County Managers to discuss how best to use these funds. He also stated that these funds will be held in the restricted fund balance.

On motion by Commissioner Jones and seconded by Commissioner Shackleford the Board voted unanimously to approve item C4.

- May 17, 2021 Regular Meeting Minutes
- Release/Refunds
- Monthly Collection Report
- Budget Amendment; ARP Funds
- Budget Amendment; Register of Deeds
- Budget Amendment; Recreation

Refunds: NCVTS Tax & Tag

Wayne County Tax Dept. for Michelle Renee Harris	\$136.63	Ana Rosa Ballesteros Mora	\$12.23	Steven Allen Bright	\$106.12
Vickie Whaley Bright	\$260.15	Steven Frederick Dail	\$79.17	Ann Coward Sherrill	\$84.17
Timmy Ray Barfield	\$19.70	Monet Elps Buck	\$23.43	Diane Michelle Bell- Ginn	\$123.41
Jeffrey Lynn Heath	\$6.11				

Refunds: Ad Valorem Tax

Charles & Barbara Sheppard for 2016 – 2020	\$4.35				
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D. PUBLIC HEARING – FY 21/22 Proposed Budget Ordinance

Chairman Heath opened the Public Hearing to receive Public Comment. No one had any comments. Chairman Heath closed the Public Hearing.

E. PUBLIC COMMENTS

None

F. PRESENTATIONS

1. Becky Sutton; County Owned Foreclosed Property. Ms. Sutton stated that this was brought to the Board as the county had received a bid for Parcel 0406509 on Mewborn Church Rd from Cub Lands, LLC in the amount of \$2500.00. Ms. Sutton recommended accepting the bid and the Board voted unanimously to consider the offer. A 5% deposit was received and as prescribed by law, the offer was published in The Standard on April 15, 2021 and gave notice that the bid may

be raised within 10 days of the notice. The first upset bid was received April 16, 2021 from Calvin Watson Properties for \$2750.00, this bid was advertised on May 6, 2021 and on May 3, 2021 the second upset bid was received from Cub Lands, LLC for \$3,025.00 and on May 5th, 2021 the last bid of \$3,327.50 from Calvin Watson Properties was received and was advertised in the Standard on May 13, 2021. No more upset bids have been received, last day to upset bid was May 24, 2021. Ms. Sutton recommended that the Board accept the latest upset Bid and offer as presented in the amount of \$3,327.50 from Calvin Watson Properties and proceed with the sale of this property.

On motion by Commissioner Jones and seconded by Commissioner Shackelford the Board voted unanimously to accept the finale bid and proceed with sale of this property.

G. COUNTY MANAGER REPORT

1. Mr. DeHaven first presented the FY 21/22 Budget Ordinance for approval. Mr. DeHaven stated he had first presented the recommended budget to the Board of Commissioners at the May 17, 2021 meeting and requested two budget workshops be scheduled. The budget workshops were set for May 25, 2021 at 10 a.m. and June 1, 2021 at 6 p.m. at the Wellness Center. During the workshops the budget was discussed by department by fund. All comments and questions were addressed. He stated if there were no further questions or comments he is asking for approval of the proposed budget as presented. Commissioner Blizzard asked that the rate per \$100 valuation read the same throughout the document. Mr. DeHaven agreed to make that change.

On motion by Commissioner Jones and seconded by Commissioner Shackelford, the Board voted unanimously to approve the FY 21/22 Budget.

2. Mr. DeHaven next presented a request to designate a voting delegate for the 114th Annual Conference of the NCACC. He noted that the voting delegate is traditionally the Chairman of the Board of Commissioners and should he not be able to attend he will appoint another Commissioner to attend in his absence.

On motion by Commissioner Jones and seconded by Commissioner Shackelford the Board voted unanimously to designate the Chairman, Mr. Bennie Heath as the voting delegate from Greene County.

3. Mr. DeHaven next presented a Resolution declaring June as Elder Abuse Awareness Month. Mr. DeHaven also announced there will be a small event at the Senior Center on June 15th at 11 a.m. recognizing Elder Abuse Awareness Day.

On motion by Commissioner Blizzard and seconded by Commissioner Jones the Board voted unanimously to approve the Resolution.

4. Mr. DeHaven next presented a request for Sponsorship of the LCC Foundation Tennis & Golf Classic. Mr. DeHaven stated we have sponsored this event in the past in the amount of \$1,500. Commissioner Blizzard noted that this was approved in this current year budget and this should be informational only. Mr. DeHaven agreed.

5. Mr. DeHaven next presented a request for acceptance of the 2021 ESFRLP Program. The NCHFA has awarded Greene County funds for the 2021 ESFRLP cycle. This program targets home's with needed repair that have household income at or below 80% LMI. Commissioner Blizzard noted that this program is also for special need homes as well. She asked about the same program for 2017 and 2018, do they have the same time line limit as this one does of 3 years and are they still within those time limits. Mr. DeHaven stated he is of the belief that we are still within the time frame and Commissioner Blizzard asked for those time frames and Mr. DeHaven stated he did not have that information with him but that he would provide her with that information.

On motion by Commissioner Shackleford and seconded by Commissioner Jones the Board voted 4 – 1 (Commissioner Blizzard voted nay) to approve the acceptance of the 2021 ESFRLP Program.

6. Mr. DeHaven presented a Blood Drive Incentive Program. Mr. DeHaven stated he was recently approached by representatives of the American Red Cross to host a blood drive. This blood drive will take place at the Wellness Center on June 30th. In an attempt to promote County Employee participation, Mr. DeHaven stated he is requesting the Greene County Commissioners agree to incentivize employees who participate. Ms. Stevens of the American Red Cross had mentioned compensatory time for staff has become a popular incentive. Mr. DeHaven is asking for the Board approval. Commissioner Blizzard said if we do not charge leave time to donate during work hours that should be incentive enough. Commissioner Shackleford stated that he feels with the blood shortage at this time we should do all we can to encourage blood donations. Commissioner Jones stated that he gives every chance he gets to and it normally take one to one and half hours to donate and he feels that is enough incentive for employees. There was no motion.

H. County Attorney Report

Nothing at this time.

I. Commissioner's Report and Recommendations

Commissioner Burress congratulated all Greene County Graduates and he thanked all teachers and staff for their resilience. He also congratulated the ECU Baseball team and the Louisburg College softball for their accomplishments this season. ECU Baseball team advanced to the Super Regionals and Louisburg College softball team had a 48 – 8 season this year, which earned them a trip to the NJCAA Division II National Tournament. He also congratulated the Greene Central Lady Rams Tennis team for winning their 27th consecutive conference championship this past week. Commissioner Burress also wanted to remind our citizens to drive carefully especially with the amount of rain we have been getting which makes the roads very slippery when wet. Commissioner Burress thanked Ms. Suzanne Gray for her leadership as interim Director for the Department of Social Services and he also congratulated Ms. Amanda Smith on her promotion as the new Director of DSS. He thanked the County Manager and staff for their work on this next year's budget. He reminded all that changes can be made to the approved budget by making budget amendments throughout the year if needed. He challenged the Board to start thinking of ways to expand our economic base so that we can lower our property tax rate. He stated that out of 100 counties in North Carolina, Greene County is ranked 23rd as having the highest property tax rate in the state.

Commissioner Blizzard stated that the Greene County Department of Public Health is working with Vidant Health and they asking all citizens to participate in their current survey that the Dept. Public Health has posted this survey online at the county website. She stated that she, Mr. DeHaven and Commissioner Burress recently met with the State HMPG Division to receive first-hand information on these projects and the rest of the Commissioners would like to hear this information also. She asked Mr. DeHaven to invite Mr. McGugan to our next BOC Meeting on the 21st of June and also invite Mr. Barnett to that meeting as well. She also asked about the removal of the Public Comment rules from the agenda packet. Mr. DeHaven said that it would need to be at the request of the entire board. Commissioner Jones said to go ahead and remove it from the agenda packets and make sure it is posted on the county website and make it available to the public when they sign up to speak during a meeting. Commissioner Blizzard also brought up texting during Commissioner meetings, she said it is disrespectful and should not be done during any meeting. She next brought up the appointment to the board of health at the last meeting for the public member seat. She stated that the board needs to be consistent on their appointments and reappointments. She stated that nowhere did it state that Mr. Jody Tyson seat was one of the seats open for reappointment. She stated that personal agendas should not be tolerated by this board and all need to follow the rules as written. Chairman Heath pointed out to Commissioner Blizzard that on the second page of the reappointment request of the last agenda, the Board of Health recommendation to reappoint Mr. Jody Tyson to public member seat was in that packet. Chairman Heath also stated that the Boards can always make recommendations but

it is the Board of Commissioners decision that is final. Chairman Heath also noted that we had a United States flag that was donated to the Board of Commissioners from an anonymous county citizen and he is recommending that we go with the US flag and State flag on poles up on the stage that can be moved when needed. The Board agreed.

J. ADJOURN

On motion by Commissioner Jones and second by Commissioner Blizzard to adjourn the meeting, the Board voted unanimously to adjourn.

Bennie Heath, Chairman

Attest:

Kyle J. DeHaven, Clerk to the Board

Refunds	NCVTS	"TAX & TAG"																	
DATE:	6/21/2021																		
Taxpayer	Tax-year	Date paid to	Tag	Assessed	Assessed	Fire District	Sticker Fee	Refund	Refund	Refund	Refund	Refund	Refund	Refund	Refund	Total	Reason		
Kriston Micah Brown, 6449 Elmer Hill Rd, Rome, NY 13440	rate year	DMV		value	value to be refunded		amount G01	amount Fire District	amount Sticker fee	Interest						Refund			
James Ervin May, Jr., 1808 Titus Mewborn Rd, LaGrange, NC 28550	2020	2/22/2021	TCX6671	\$48,713.00		F01	\$ 223.35	\$ 30.69								\$ 254.04	Vehicle sold 3/11/2021; tag surr. 6/7/2021. Refund 7 mths. SCW		
Michael Allen Chapdelaine, 761 Burrellfield Rd, Snow Hill, NC 28580	2019	7/22/2020	NZC3078	\$1,450.00		F09	\$ 1.90	\$ 0.19								\$ 2.09	Vehicle totaled 12/20/2020; tag surr. 5/6/2021. Refund 2 mths. SCW		
Bobby Ray Avery, Jr., 1147 Lewis Store Rd, Farmville, NC 27828	2020	2/8/2021	CL93876	\$9,131.00		F05	\$ 59.81	\$ 6.85								\$ 66.66	Tag surr. 4/30/2021; vehicle sold 5/21/2021. Refund 10 mths. SCW		
Gas Appliance Service, LLC, 1468 Stocks McLawhorn Rd, Hookerton, NC 28538	2019	6/29/2020	CB84230	\$1,083.00		F11	\$ 1.42	\$ 0.13								\$ 1.55	Vehicle sold 5/14/2021; tag surr. 6/3/2021. Refund 2 mths. SCW		
Angela Faye Combs, 1310 Hwy 58 S, Snow Hill, NC 28580	2020	12/18/2020	JF1078	\$41,200.00		F06	\$ 215.89	\$ 26.09								\$ 241.98	Vehicle totaled 3/22/2021; tag surr. 5/19/2021. Refund 8 mths. SCW		
Gerardo Abrego Tinoco, 24 Deer Pointe Dr, Snow Hill, NC 28580	2020	6/7/2021	JDC5498	\$10,300.00		F07	\$ 74.21	\$ 7.75								\$ 81.96	Vehicle sold & tag surr. 6/9/2021. Refund 11 mths. SCW		
	2020	5/28/2021	DDJ1523	\$17,279.00		F09	\$ 124.49	\$ 12.67								\$ 137.16	Vehicle sold 5/31/2021; tag surr. 6/7/2021; Refund 11 mths. SCW		

GREENE COUNTY
LINE ITEM TRANSFER/BUDGET AMENDMENT

6/7/21

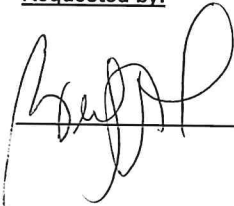
TRANSPORTATION

LINE ITEM TRANSFER					
<u>FROM</u>			<u>TO</u>		
<u>Account Name</u>	<u>Acct #</u>	<u>Amount</u>	<u>Account Name</u>	<u>Acct #</u>	<u>Amount</u>
Total		\$ -	Total		\$ -

BUDGET AMENDMENT					
<u>REVENUES</u>			<u>EXPENDITURES</u>		
<u>Account Name</u>	<u>Acct #</u>	<u>Amount</u>	<u>Account Name</u>	<u>Acct #</u>	<u>Amount</u>
COVID19 VACCINE TRIP FARES	65132-434799	\$ (8,967.00)	CARES ACT EXPENSES-TRANSPORTA	41531-581126	\$ 8,967.00
COVID19 VACCINE TRIP FARES	41132-434502	\$ 8,967.00	CARES ACT REIMBURSEMENT	65531-581126	\$ (8,967.00)
Total		\$ -	Total		\$ -

Explanation: COVID19 Vaccine Trips funding from NC Department of Transportation/NC Department of Health & Human Services; Correction to BA 2/15/21-to keep CARES funding in fund 41 per auditors.

Requested by:



Approved by:

DSS

Approved by:

Suzanne Kay



**FUNDING AUTHORIZATION
DIVISION OF SOCIAL SERVICES**

FUNDING SOURCE: Duke Energy Progress-Energy Neighbor Fund

EFFECTIVE DATE: 07/01/2020

AUTHORIZATION NUMBER: 12

RECEIVED
JUN - 4 2021

ALLOCATION PERIOD

FROM JUNE 2020 THRU MAY 2021 SERVICE MONTHS

FROM JULY 2020 THRU JUNE 2021 PAYMENT MONTHS

RECEIVED
JUN - 4 2021

Co. No.	COUNTY	Initial (or Previous) Allocation Funding Authorization		Additional Allocation		Grand Total Allocation	
		State	Total	State	Total	State	Total
01	ALAMANCE	0.00	0.00	0.00	0.00	0.00	0.00
02	ALEXANDER	0.00	0.00	0.00	0.00	0.00	0.00
03	ALLEGHANY	0.00	0.00	0.00	0.00	0.00	0.00
04	ANSON	6,783.22	6,783.22	227.84	227.84	7,011.06	7,011.06
05	ASHE	0.00	0.00	0.00	0.00	0.00	0.00
06	AVERY	170.72	170.72	14.00	14.00	184.72	184.72
07	BEAUFORT	12,091.14	12,091.14	438.00	438.00	12,529.14	12,529.14
08	BERTIE	0.00	0.00	0.00	0.00	0.00	0.00
09	BLADEN	9,657.33	9,657.33	434.00	434.00	10,091.33	10,091.33
10	BRUNSWICK	20,025.19	20,025.19	1,187.00	1,187.00	21,212.19	21,212.19
11	BUNCOMBE	41,457.50	41,457.50	3,082.42	3,082.42	44,539.92	44,539.92
12	BURKE	0.00	0.00	0.00	0.00	0.00	0.00
13	CABARRUS	0.00	0.00	0.00	0.00	0.00	0.00
14	CALDWELL	0.00	0.00	0.00	0.00	0.00	0.00
15	CAMDEN	0.00	0.00	0.00	0.00	0.00	0.00
16	CARTERET	11,530.26	11,530.26	759.30	759.30	12,289.56	12,289.56
17	CASWELL	8,417.72	8,417.72	450.00	450.00	8,867.72	8,867.72
18	CATAWBA	0.00	0.00	0.00	0.00	0.00	0.00
19	CHATHAM	15,068.09	15,068.09	1,063.72	1,063.72	16,131.81	16,131.81
20	CHEROKEE	0.00	0.00	0.00	0.00	0.00	0.00
21	CHOWAN	0.00	0.00	0.00	0.00	0.00	0.00
22	CLAY	0.00	0.00	0.00	0.00	0.00	0.00
23	CLEVELAND	0.00	0.00	0.00	0.00	0.00	0.00
24	COLUMBUS	11,737.21	11,737.21	256.16	256.16	11,993.37	11,993.37
25	CRAVEN	7,048.36	7,048.36	230.02	230.02	7,278.38	7,278.38
26	CUMBERLAND	11,659.08	11,659.08	797.00	797.00	12,456.08	12,456.08
27	CURRITUCK	0.00	0.00	0.00	0.00	0.00	0.00
28	DARE	0.00	0.00	0.00	0.00	0.00	0.00
29	DAVIDSON	0.00	0.00	0.00	0.00	0.00	0.00
30	DAVIE	0.00	0.00	0.00	0.00	0.00	0.00
31	DUPLIN	6,393.20	6,393.20	264.00	264.00	6,657.20	6,657.20
32	DURHAM	3,262.79	3,262.79	66.00	66.00	3,328.79	3,328.79
33	EDGECOMBE	7,141.11	7,141.11	328.00	328.00	7,469.11	7,469.11
34	FORSYTH	63.36	63.36	0.00	0.00	63.36	63.36
35	FRANKLIN	9,389.62	9,389.62	488.00	488.00	9,877.62	9,877.62
36	GASTON	0.00	0.00	0.00	0.00	0.00	0.00
37	GATES	0.00	0.00	0.00	0.00	0.00	0.00
38	GRAHAM	0.00	0.00	0.00	0.00	0.00	0.00
39	GRANVILLE	7,641.90	7,641.90	374.00	374.00	8,015.90	8,015.90
40	GREENE	4,176.00	4,176.00	180.00	180.00	4,356.00	4,356.00
41	GUILFORD	0.00	0.00	0.00	0.00	0.00	0.00
42	HALIFAX	4,509.00	4,509.00	226.00	226.00	4,735.00	4,735.00
43	HARNETT	7,405.04	7,405.04	323.32	323.32	7,728.36	7,728.36
44	HAYWOOD	8,842.95	8,842.95	592.56	592.56	9,435.51	9,435.51
45	HENDERSON	5,899.66	5,899.66	280.00	280.00	6,179.66	6,179.66
46	HERTFORD	0.00	0.00	0.00	0.00	0.00	0.00
47	HOKE	4,588.86	4,588.86	224.00	224.00	4,812.86	4,812.86

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Public Hearing; Proposed Zoning Ordinance Amendment

Date: June 21, 2021

A Public Hearing to receive Public Comment is scheduled for the proposed Zoning Ordinance Amendment. This amendment brings us into compliance with new legislation in N.C.G.S. Chapter 160D.

Mr. Chairman Open the public hearing to receive Public Comment

Mr. Chairman may close the public hearing when all public comment is received.

Action Recommended:

Motion to adopt the proposed Zoning Ordinance Amendment

Board Action Needed

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www.greencountync.gov

The mission of Greene County Government is to serve and improve the lives of all citizens by providing high-quality, cost-effective services in an open, professional and ethical environment

Greene County, North Carolina



Zoning Ordinance

JUNE 5, 2017, REVISED _____

**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 160D of the North Carolina General Statutes (N.C.G.S.).

Section 1.3 PURPOSE

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

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

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

Section 1.4 APPLICABILITY AND JURISDICTION

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

- (A) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- (B) The excavation, grading, filling, clearing, or alteration of land.

- (C) The subdivision of land as defined in N.C.G.S. §160D-802.
- (D) The initiation or substantial change in the use of land or the intensity of use of land.

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

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

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

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

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

Section 1.5 SEVERABILITY

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

Section 1.6 **GENERAL RULES OF INTERPRETATION**

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

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

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

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

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

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

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

The word “may” is permissive.

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

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

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

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

The word "regulation" also means statutes and laws.

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

Section 1.7 **CONFLICTING PROVISIONS**

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

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

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

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

Section 1.8 **OFFICIAL ZONING MAP**

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

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

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

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

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

Section 1.9 **GREENE COUNTY COMPREHENSIVE PLAN**

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

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

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

Section 1.10 **EFFECTIVE DATE**

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

Article 2: Administration

Section 2.1 ZONING ADMINISTRATOR

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

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

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

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

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

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

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

- (A) Zoning Ordinance text amendments

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

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

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

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

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

Section 2.2 PLANNING BOARD

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

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

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

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

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

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

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

The minutes of the Planning Board shall be public record.

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

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

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

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

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

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

Section 2.3 **BOARD OF ADJUSTMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2.4 BOARD OF COMMISSIONERS

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

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

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

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

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

Section 2.5 QUASI JUDICIAL PROCEDURES

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

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

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

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

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

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

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

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

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

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

Section 2.6 CONFLICTS OF INTEREST

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

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

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

2.6.3 Administrative Staff. No staff member shall make a final decision on an administrative decision regarding a development regulation under this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this Section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

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

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

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

2.6.6 Resolution of Objection. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

2.6.7 Familial Relationship. For purposes of this Section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Article 3: Review and Approval Procedures

Section 3.1 SUMMARY OF REVIEW AUTHORITY

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

Table 3.1 Summary of Review Authority

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

Section 3.2 COMMON REVIEW PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

Table 3.2 Public Notice Requirements

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

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

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

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

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

Table 3.3 Evidentiary Hearing and Legislative Hearing Summary

	Board of Adjustment	Board of Commissioners
Special Use Permit	*	
Variance	*	
Text Amendment		✓
Zoning Map Amendment (Rezoning)		✓
Administrative Appeal	*	
*Hearing is not legislative, but evidentiary in nature and must follow quasi-judicial procedures. ☑ hearing is legislative.		

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

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

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

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

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

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

Section 3.3 ZONING PERMIT

3.3.1 Applicability. No person shall commence or proceed with development without first securing approval from the County as herein provided. As defined in N.C.G.S. §160D-102(12), “development” means any of the following:

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

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

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

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

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

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

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

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

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

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

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

Section 3.4 SPECIAL USE PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3.5 VARIANCES

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

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

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

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

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

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

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

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

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

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

No change in permitted uses may be authorized by Variance.

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

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

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

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

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

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

Section 3.6 **TEXT AMENDMENT**

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

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

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

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

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

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

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

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

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

3.6.6 Action by the Planning Board.

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

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

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

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

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

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

Board of Commissioners Statement

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

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

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

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

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

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

Section 3.7 ZONING MAP AMENDMENT (REZONING)

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

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

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

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

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

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

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

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

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

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

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

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

3.7.5 Notice of Hearing on Proposed Zoning Map Amendments.

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

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

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

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

3.7.7 Action by the Planning Board.

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

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

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

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

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

Board of Commissioners' Statement.

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

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

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

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

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

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

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

Section 3.8 **APPEAL OF ADMINISTRATIVE DECISIONS**

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

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

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

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

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

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

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

Section 3.9 **PERMIT CHOICE AND VESTED RIGHTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3.10 Conditional Zoning (CZ)

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

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

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

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

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

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

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

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

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

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

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

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

Article 4: Nonconformities

Section 4.1 GENERAL INFORMATION

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

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

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

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

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

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

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

Section 4.2 **NONCONFORMING USES**

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

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

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

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

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

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

- (A) **Reestablishment after Casualty Damage. Destruction or Damage Beyond Sixty Percent (60%) of Value.** If a structure housing a nonconforming use is destroyed or damaged, by any means, to an extent greater than sixty percent (60%) of its current assessed tax value, the nonconforming use may not be reestablished following reconstruction.
- (B) **Damage of Sixty Percent (60%) of Value or Less.** If the amount of damage is sixty percent (60%) or less of the current assessed tax value, the nonconforming use may be reestablished if a Building Permit is obtained within 180 days following the casualty damage and the restoration of the structure housing the nonconforming use is completed within one (1) year of obtaining the Building Permit.

Section 4.3 **NONCONFORMING STRUCTURES**

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

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

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

4.3.4 Reconstruction After Casualty Damage.

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

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

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

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

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

Section 4.4 **NONCONFORMING LOTS**

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

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

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

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

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

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

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

Article 5: Zoning Districts

Section 5.1 GENERAL PROVISIONS

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

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

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

Section 5.2 ZONING DISTRICTS

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

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

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

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

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

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

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

Article 6: Table of Uses

Section 6.1 EXPLANATION OF THE STRUCTURE OF THE TABLE OF USES

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

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

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

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

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

Section 6.2 USES NOT LISTED

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

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

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

Section 6.3 **TABLE OF USES**
Table 6.1 Table of Uses

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

Truck and Utility Trailer Rental and Leasing	S		P	P	
Truck Washing	S		P	P	
Veterinarian Offices/Animal Hospitals	S		S	P	
Wedding/Event/Reception Facility	S		P	P	
Welding Shop	P		P	P	
TRANSPORTATION, WAREHOUSING, & UTILITIES USES	AR	R	C	I	Specific Use Standards
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	See Greene County Solar Energy Facility Ordinance
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				
TRANSPORTATION, WAREHOUSING, & UTILITIES USES (<i>continued</i>)	AR	R	C	I	Specific Use Standards
Wireless Communications Tower Over 60 ft in Height	S		S	S	
MANUFACTURING & INDUSTRIAL USES	AR	R	C	I	Specific Use Standards
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	
MANUFACTURING & INDUSTRIAL USES (continued)	AR	R	C	I	Specific Use Standards
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	
RETAIL TRADE USES	AR	R	C	I	Specific Use Standards
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 (<i>except Adult Books</i>), Periodical & Music Stores			P		
Building Material Supply			P	P	
RETAIL TRADE USES (<i>continued</i>)	AR	R	C	I	Specific Use Standards
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		
RETAIL TRADE USES (continued)	AR	R	C	I	Specific Use Standards
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 (<i>no drive through</i>)	S		P		
Restaurant (<i>with drive-through</i>)	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		
WHOLESALE TRADE USES	AR	R	C	I	Specific Use Standards
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	
WHOLESALE TRADE USES (continued)	AR	R	C	I	Specific Use Standards
Machinery, Construction and Mining				P	
Machinery, Equipment and Supplies				P	
Machinery, Farm and Garden	P		P	P	
Market Showroom (<i>furniture, apparel, etc.</i>)	S		P	P	
Metals				P	
Minerals	P			P	
Miscellaneous Wholesale Not Elsewhere Classified				P	
Motor Vehicles			P	P	
Motor Vehicles, Parts and Supplies			P	P	
Motor Vehicles, Tires and Tubes			P	P	
Music & Musical Instrument Supply			P	P	
Paints and Varnishes			P	P	
Paper and Paper Products			P	P	
Petroleum and Petroleum Products			S	P	
Pharmaceutical and Drug Supply			P	P	
Plastic Materials			S	P	
Plumbing and Heating Equipment			S	P	
Professional and Commercial Equipment and Supplies			P	P	
Resins			S	P	
Scrap and Waste Materials			S	P	
Sporting and Recreational Goods and Supplies			P	P	
Tobacco and Tobacco Products	S		P	S	
Toys and Hobby Goods and Supplies			P	P	
Wallpaper and Paint Brushes			P	P	
ACCESSORY USES	AR	R	C	I	Specific Use Standards
Accessory Dwelling Unit	P	P	S	S	
Accessory Dwelling Unit (<i>Manufactured Home</i>)	P	P	S	S	
Accessory Structures and Buildings (<i>Noncontiguous</i>)	P	P	P	P	

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

Article 7: General Development Standards

Section 7.1 GENERAL LOT REQUIREMENTS

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

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

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

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

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

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

Section 7.2 DIMENSIONAL STANDARDS

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

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

Table 7.1 Dimensional Standards for Principal Structures

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

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

Table 7.2 Dimensional Standards for Accessory Structures

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

Article 8: Specific Use Standards

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

Section 8.1 AIRSTRIP, PRIVATE

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

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

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

Section 8.2 BILLBOARDS

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

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

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

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

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

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

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

Section 8.3 HAZARDOUS, TOXIC CHEMICAL, AND RADIOACTIVE WASTE

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

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

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

All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, 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. §160D-404 and N.C.G.S. §153A-123.

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

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

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

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

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

Section 9.3 VIOLATIONS AND VIOLATORS

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

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

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

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

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

A violation may be charged against more than one violator.

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

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

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

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

Section 9.4 **ENFORCEMENT ACTION AND REMEDIES**

A violation of this Ordinance may be enforced as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 10: Definitions

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

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

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

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

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

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

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

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

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

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

APPLICANT. The party applying for permits.

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

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

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

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

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

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

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

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

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

BUILDING, ACCESSORY. See Accessory Structure.

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT. Any of the following:

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

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

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

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

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

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

or walls.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTERNET CAFÉ. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined sweepstakes, electronic gaming operations or cyber cafés, who have a finite pool of winners. This does not include any lottery approved by the state.

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

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

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

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

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

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

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

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

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

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

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Greene County prior to the adoption of this chapter; or, a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

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

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

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

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

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

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

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

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

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

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

Mining does not include:

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

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

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

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

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

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

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

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

provisions of this Ordinance.

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

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

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

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

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

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

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

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

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

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving Variances, Special Use Permits, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

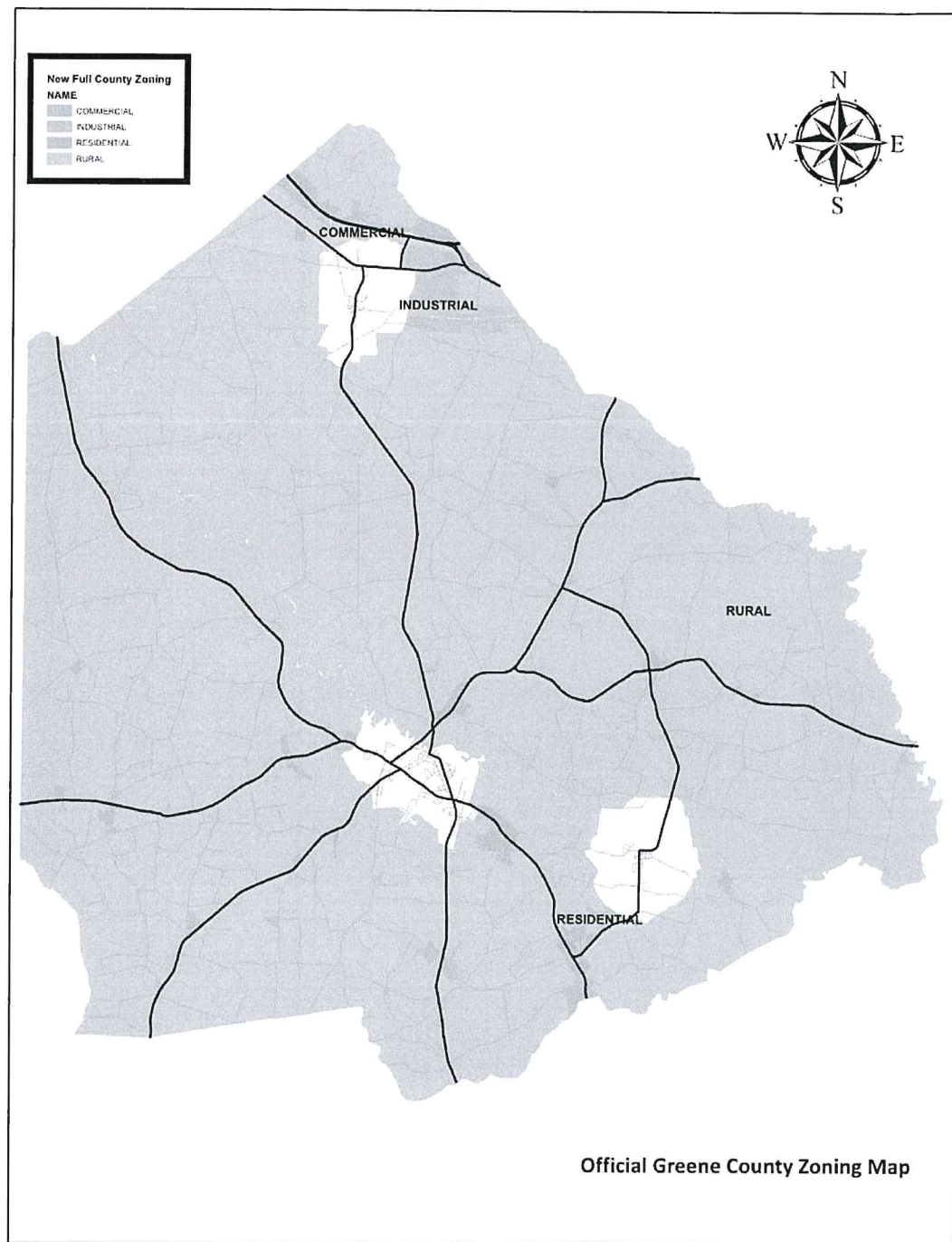
ZONING ADMINISTRATOR. The official charged with the enforcement of the Zoning Ordinance.

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

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

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

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



GREENE COUNTY ZONING MAP – ADOPTED JUNE 5, 2016, AMENDED _____.
 (ALSO AVAILABLE AT www.greenecountygis.com)

Commissioners
Bennie Heath - Chairman
James T. Shackelford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burruss



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Public Hearing; Proposed Subdivision Ordinance Amendment

Date: June 21, 2021

A Public Hearing to receive Public Comment is scheduled for the proposed Subdivision Ordinance Amendment. This amendment brings us into compliance with new legislation in N.C.G.S. Chapter 160D.

Mr. Chairman Open the public hearing to receive Public Comment

Mr. Chairman may close the public hearing when all public comment is received.

Action Recommended:

Motion to adopt the proposed Subdivision Ordinance Amendment

Board Action Needed

229 Kingold Blvd., Suite D • Snow Hill, NC 28580 • (252) 747-3446 • FAX (252) 747-3884
www.greenecountync.gov

The mission of Greene County Government is to serve and improve the lives of all citizens by providing high-quality, cost-effective services in an open, professional and ethical environment

Greene County, North Carolina



Subdivision Ordinance

_____, 2021

**Greene County
Subdivision Ordinance
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GREENE COUNTY ORDINANCE
REGULATING THE SUBDIVISION OF LAND WITHIN COUNTY JURISDICTION

PREAMBLE

THIS ORDINANCE ESTABLISHES ADMINISTRATION, ENFORCEMENT AND AMENDMENT RULES, REGULATIONS AND STANDARDS OF LAND SUBDIVISION FOR THE COUNTY OF GREENE, NORTH CAROLINA IN ACCORDANCE WITH THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTE CHAPTER 160D.

WHEREAS, the Greene County Board of Commissioners is of the opinion that it is necessary to promote development in Greene County in an orderly fashion essential to public health and safety in order to protect and maintain the integrity of the County as it pertains to streets, both existing and planned; public facilities and services; dedication and/or reservations of right-of-ways or easements for the use of public utilities; and for safe and orderly access by the population with regards to traffic to avoid congestion and overcrowding all for the general welfare of Greene County;

WHEREAS, the Greene County Board of Commissioners has heretofore adopted this Ordinance Regulating the Subdivision of Land within the jurisdiction of the County;

WHEREAS, Chapter 160D of the North Carolina General Statutes, effective on July 1, 2021, restructures and amends the manner in which local governments, including Greene County, may regulate land uses in general and subdivisions in particular;

WHEREAS, the Greene County Board of Commissioners amends and restates the County's Subdivision Ordinance for the purpose of updating same to comply with the requirements of Chapter 160D of the North Carolina General Statutes.

NOW THEREFORE BE IT ORDAINED ON ____ DAY OF ____ OF THE YEAR 2021, THAT THE GREENE COUNTY BOARD OF COMMISSIONERS HAS ADOPTED AN AMENDED ORDINANCE OF LAND SUBDIVISION AS HEREAFTER SET FORTH.

Article 1: General Provisions

Section 1.0 AUTHORITY

This Ordinance is adopted under the authority of Chapter 160D of the North Carolina General Statutes.

Section 1.1 JURISDICTION

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

Section 1.2 TITLE

This Ordinance shall be known and may be cited as the Greene County Subdivision Ordinance, and may be referred to as the Subdivision Ordinance.

Section 1.3 APPROVAL REQUIRED PRIOR TO SUBDIVISION

No subdivision within the County's planning and development regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the County as herein provided, and until this approval shall have been entered on the face of the plat in writing by an authorized representative of the County. No person shall commence or proceed with a subdivision of land without first securing approval under this Ordinance from the County.

The review officer, pursuant to G.S. 47-30.2, shall not certify a subdivision plat that has not been approved in accordance with this Ordinance nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this Ordinance.

A plat shall be prepared, approved and recorded pursuant to this Ordinance whenever a subdivision of land takes place.

No street shall be recommended for acceptance for maintenance by the state nor shall any building permit be issued for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been met.

Proposed subdivisions must comply in all respects with the requirements of any other ordinances of the County.

Section 1.4 **PURPOSE**

The purpose of this Ordinance is to support and guide the proper subdivision of land within the jurisdiction of the County in order to promote the public health, safety and general welfare of the citizens. The Ordinance is designed to promote the orderly development of the County, the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways with other public facilities, the dedication or reservation of right-of-way or easements for street and utility purposes, and the distribution of population and traffic, in a manner that will avoid congestion and overcrowding and which will create conditions essential to public health, safety, and general welfare. This Ordinance is designed to facilitate adequate provision of water, sewage, parks, schools, and playgrounds, and to facilitate the further resubdivision of large tracts into smaller parcels of land.

Section 1.5 **CONFORMANCE WITH OFFICIAL PLANS**

All subdivisions shall comply with the principles, regulations and objectives of the Greene County Code of Ordinances, as amended from time to time, the Greene County Comprehensive Plan and all other officially adopted plans and policies of the County. Proposed subdivisions must also comply with the Land Usage regulations of the County. It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits, previously adopted or issued pursuant to law. Wherever the provisions of any other law, ordinance, or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulation shall govern. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 1.6 **SUBDIVISION ADMINISTRATOR**

The holder of the Office of County Manager, or the County Manager's designee, is hereby appointed to serve as Subdivision Administrator. When used in this Ordinance, the term "Subdivision Administrator" shall include his or her designees.

Article 2: Definitions

Section 2.0 DEFINITIONS

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

AUTHORIZED AGENT. One who is acting as representative for, or by the authority of the subdivider.

BLOCK. A piece of land bounded on one or more sides by streets or roads.

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

BUFFER STRIP. An area of land that shall not be developed, required to separate land uses deemed incompatible. Front yard setbacks and side yards are examples of buffers. In some cases, additional screening, landscaped or otherwise, may be required.

BUILDING SETBACK LINE. A line parallel to the property line which establishes the minimum allowable distance between nearest portions of any buildings, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

COLLECTOR STREET. A Street which serves the connecting street system between local residential streets and the thoroughfare system.

CORNER LOT. 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 the front when requesting a building permit.

CUL-DE-SAC. A short street having one end open to traffic and the other end being permanently terminated and a vehicular turn around provided.

DEDICATION. A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, DEDICATION must be made by written instrument.

DISCLOSURE STATEMENT. A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

DOUBLE FRONTAGE LOT. A continuous (through) lot which is accessible from both streets upon which it fronts.

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

FLAG LOT. A type of lot that is shaped like a flag, with a narrow strip (flagpole) providing access from the larger buildable area (the flag) to the lot's frontage.

INTERIOR LOT. A lot other than a corner lot with only one frontage on a street.

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

OFFICIAL MAPS OR PLAN (LAND DEVELOPMENT PLAN OR COMPREHENSIVE PLAN). Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County. Such terms shall be construed to include any plans adopted pursuant to G.S. 160D-501

OPEN SPACE. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

ORDINANCE. This Subdivision Ordinance.

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 established pursuant to G.S. 160D-301.

PLAT. A map or plan delineating a tract or parcel of land to be subdivided, 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.

PLAT, FINAL. A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.

PLAT, PRELIMINARY. A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this Ordinance.

PRIVATE DRIVEWAY. A roadway serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving two or more dwelling units and approved by the Greene County Health Department and the North Carolina Department of Environment, Health, and Natural Resources or its successor.

RECREATION AREA or PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

RESERVATION. A reservation of land not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

REVERSED FRONTAGE LOT. A lot on which the frontage is at right angles or approximately right angles (interior angles less than 135°) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

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

- (A) **FREEWAY, EXPRESSWAY, or PARKWAY.** Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A **FREEWAY** provides for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An **EXPRESSWAY** is a divided highway with full or partial control of access and generally with grade separations at major intersections. A **PARKWAY** is a highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.
- (B) **FRONTAGE ROAD.** A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.
- (C) **PRIVATE STREET.** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.
- (D) **MAJOR THOROUGHFARES.** Consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas. **LOCAL STREET.** Any link not part of a higher order urban system and which serves primarily to provide direct access to abutting land and access to higher systems.

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.

SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this Ordinance.

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

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
- (B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (D) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County, as shown in this Ordinance.
- (E) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

For types of Subdivisions, see Article 4: Types of Subdivision.

THROUGH LOT or DOUBLE FRONTAGE LOT. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Section 2.1 **TENSE AND NUMBER**

2.1.1 The present tense includes future and present tense and vice versa.

2.1.2 The singular number includes the plural and vice versa.

Section 2.2 **WORD INTERPRETATION**

2.2.1 The word "MAY" is permissive.

2.2.2 The words "SHALL" and "WILL" are mandatory.

2.2.3 The word "BUILDING" includes the word "STRUCTURE"

2.2.4 The word "COUNTY" shall mean the "COUNTY OF GREENE"

2.2.5 The word "BOARD OF COMMISSIONERS" or "COUNTY COMMISSIONERS" shall mean the "GREENE COUNTY BOARD OF COUNTY COMMISSIONERS".

2.2.6 The words "REGISTER OF DEEDS" shall mean the "REGISTER OF DEEDS FOR GREENE COUNTY, NORTH CAROLINA".

2.2.7 The word "STREET" includes the words "ROADS" and "HIGHWAY".

2.2.8 Chapter 160D is applicable to this Ordinance. In the event of any conflict between this Chapter and Chapter 160D, the provisions of Chapter 160D shall control.

2.2.9 The words "written" or "in writing" are deemed to include electronic documentation.

2.2.10 Unless specified otherwise, in the absence of evidence to the contrary, delivery by first-class mail shall be deemed received on the third business day following deposit of the item for mailing with the United States Postal Service, and delivery by electronic mail shall be deemed received on the date sent.

Section 2.3 **MINIMUM REQUIREMENTS**

In interpreting and applying the provisions of this Ordinance, all subdivisions shall be held to the minimum requirements set forth, for the promotion of the public safety, health and general welfare of Greene County and shall neither limit nor repeal any other powers granted under state statutes.

Section 2.4 **ROUNDING NUMBERS**

All calculations that result in a fraction or part of a whole number shall be rounded up to the next highest whole number except when calculating density. For density calculations, any fraction shall rounded down to the nearest whole number.

Article 3: Legal Provisions

Section 3.0 EFFECT OF PLAT APPROVAL ON DEDICATIONS

The approval of a plat shall not be deemed to constitute the acceptance by the County or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within the County's planning and development regulation jurisdiction.

Section 3.1 ENFORCEMENT OF ORDINANCE

3.1.1 Notices of Violation. When the Subdivision Administrator determines work or activity has been undertaken in violation of this Ordinance or any approval issued hereunder, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the approval and to the landowner of the property involved, if the landowner is not the holder of the approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the County that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. A notice of violation may be appealed to the Planning Board, and the Planning Board shall follow quasi-judicial processes as set forth in Section 3.7 herein.

3.1.2 Stop Work Orders. Whenever any work or activity subject to regulation pursuant to this Ordinance is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, the Subdivision Administrator may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the subdivision approval and to the owner of the property involved (if that person is not the holder of the subdivision approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the County that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud. A stop work order may be appealed to the Planning Board, and the Planning Board shall follow quasi-judicial processes as set forth in Section 3.7 herein. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

3.1.3 Remedies.

This Ordinance may be enforced by any remedy provided by G.S. 153A-123. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Ordinance, the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.

In addition to the foregoing, any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the County, thereafter subdivides the land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Greene County Register of Deeds, is guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty.

The County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

3.1.4 Revocation of Subdivision Approvals. Subdivision approvals given under this Ordinance may be revoked by the County by notifying the holder in writing stating the reason for the revocation. The County shall follow the same Subdivision review and approval process required for issuance of the Subdivision approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Subdivision approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the County for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a Subdivision approval by the Subdivision Administrator may be appealed pursuant to Section 3.8 herein

3.1.5 Continuing violations. Each day's continuing violation of this Ordinance shall be considered a separate and distinct offense.

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

Section 3.2 **PROCEDURE FOR VARIANCES AND EXCEPTIONS**

When unnecessary hardships would result from carrying out the strict letter of a requirement of this Ordinance, the Planning Board and the Board of Commissioners shall vary the requirement of this Ordinance upon a showing of all of the following:

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

In considering a variance, the Planning Board and the Board of Commissioners shall follow quasi-judicial processes as set forth in Section 3.7 below. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Section 3.3 **SEVERABILITY**

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3.4 **PLANNING BOARD AND DISCRETIONARY AUTHORITY**

Unless otherwise prohibited by federal, state, local law or ordinance, the Planning Board has discretionary authority upon written request of the subdivider to exceed size, length, or height requirements stated in this Subdivision Ordinance by ten percent (10%). The Board of Commissioners has discretionary authority for exceptions greater than ten percent (10%). When deciding whether to exercise its discretionary authority, the Planning Board should be guided by the principles stated in Section 3.2. The discretionary authority granted in this Section may only be exercised utilizing the quasi-judicial process set forth in Section 3.7 below.

Section 3.5 **AMENDMENTS**

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

but the day of the hearing shall be included. If the proposed adoption or modification would affect the permitted uses of land located 5 miles or less from the perimeter of a military base, the County shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date scheduled for the hearing. The Board of County Commissioners shall take any comments or analysis provided by the commander regarding the compatibility of the proposed regulation or amendment with military operations at the base into account before making a final decision.

No amendment to this Ordinance shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendations. The Planning Board shall have forty (40) days within which to submit a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment. The Board of County Commissioners shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the Planning Board or until the forty (40) days has elapsed without the Planning Board providing comment.

Section 3.6 PLANNING BOARD ORGANIZATION

The Planning Board is established pursuant to N.C.G.S. §160D-301. The Planning Board shall consist of nine (9) members. All appointments to the Planning Board shall be made by the Board of County Commissioners. The Board of County Commissioners may establish reasonable procedures to solicit, review, and make appointments.

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

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

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

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

The minutes of the Planning Board shall be public record.

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

Section 3.7 **QUASI-JUDICIAL PROCEDURE**

3.7.1 Process Required. The Planning Board and the Board of Commissioners shall follow quasi-judicial procedures as directed in this Ordinance, and in any event in determining appeals of administrative decisions and variances. As used in this section “board” shall be construed to mean either the Planning Board or the Board of Commissioners, as the context and procedural posture of the matter may require.

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

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

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

3.7.5 Objections. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board.

These rulings are also subject to judicial review pursuant to N.C.G.S. §160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

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

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

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

3.7.9 Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this Subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under Section 3.9 herein shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

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

request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the County that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

Section 3.8 APPEALS OF ADMINISTRATIVE DECISIONS

(A) Appeals.

Appeals of decisions made by staff under this Ordinance shall be made to the Planning Board. Appeals of decisions made by the Planning Board under this Ordinance shall be made to the Board of Commissioners. Appeals shall be heard by the relevant board using the quasi-judicial processes set forth below.

(B) Standing.

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

(C) Time to Appeal.

The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

(D) Record of Decision.

The official who made the decision shall transmit to the relevant board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(E) Stays.

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

these situations, the appellant or County may request and the relevant board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

Section 3.9 CONFLICTS OF INTEREST

3.9.1 Board of County Commissioners. A County Commissioner shall not vote on any legislative decision regarding a development regulation under this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Commissioner.

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

3.9.3 Administrative Staff. No staff member shall make a final decision on an administrative decision regarding a development regulation under this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this Section, the decision shall be assigned to the supervisor of the staff person or to such other staff person as may be designated by the Subdivision Administrator.

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

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

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

3.9.6 Resolution of Objection. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

3.9.7 Familial Relationship. For purposes of this Section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Article 4: Types of Subdivisions

Section 4.0 MAJOR SUBDIVISION

Any division of land meeting the improvement and design requirements where street improvements and/or right-of-way dedication is required to furnish public or private street frontage to each lot unless qualified as an exemption as defined in Section 4.2

Section 4.1 MINOR SUBDIVISION

Any division of land meeting the improvement and design requirements where each lot will have street frontage along an existing public or private street, where no new street improvements and/or right-of-way dedication is required unless qualified as an exemption as defined in Section 4.2. If a single owner creates a cumulative total of three lots out of a single parcel using the minor subdivision provisions of this ordinance, any subsequent division shall be treated as a Major Subdivision and will be required to follow the Major Subdivision approval process.

Section 4.2 EXEMPTION

The following exemptions shall not be included within any of the above definitions nor be subject to any regulations enacted pursuant to this ordinance, however, all lots created under these exemptions must meet the wastewater, area, and setback standards of this ordinance and the county zoning ordinance:

- a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
- b. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- d. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County, as shown in this Ordinance.
- e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- f. Family Subdivision Exemption applies to any subdivision of land being conveyed for the purpose of family ownership to the members of the owner's immediate family, including spouses, brothers, sisters, sons and daughters, parents, grandparents and grandchildren. Family Exemptions must meet the following requirements:
 - a. A plat prepared by a registered North Carolina Professional Land Surveyor or Engineer listing the family members and corresponding lots being conveyed.
 - b. A statement declaring that this subdivision is being created for the purpose of family ownership.
 - c. All maintenance of the access and utility easements shall be the responsibility of the lot owners and shall be noted on the plat.

4.2.1 Plat with Exemptions. Any map of an exemption shall be presented with the Exemption Certification with the noted exemption type for the Subdivision Administrator to sign-off prior to recordation. If the Subdivision Administrator determines that the intent to make use of any of these exemptions is to circumvent the provisions of the Subdivision Ordinance, then the use of this exemption may be denied. The applicant may then appeal the subdivision administrator's decision to the Planning Board.

4.2.2 Notices. The approvals and disapprovals set forth in this Section shall be communicated by the officer making the determination who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the County tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

Section 4.3 **160D-802(c) SUBDIVISION**

Only a plat for recordation may be required for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (A) The tract or parcel to be divided is not exempted under the definition of "subdivision" contained in Section 2.0.
- (B) No part of the tract or parcel to be divided has been divided under this Subsection in the 10 years prior to division.
- (C) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (D) After division, no more than three lots result from the division.
- (E) After division, all resultant lots comply with all of the following:
 - 1. All lot dimension size requirements of the applicable land-use regulations, if any.
 - 2. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - 3. A permanent means of ingress and egress is recorded for each lot.

Article 5: Subdivision Procedure of Review

Section 5.0 IN GENERAL

Pursuant to North Carolina General Statute Chapter 160D, a final plat shall be prepared, approved, and recorded according to the provisions of this Ordinance whenever any subdivision of land takes place. The subdivider may qualify for an exemption to filing a subdivision plat if conditions in Section 4.2 are met. All subdivision plats for land within the subdivision jurisdiction of Greene County shall be drawn by a Professional Land Surveyor or Professional Engineer and follow the procedures of this Ordinance.

5.0.1 Review Officer Certificate. All plats to be recorded in the Greene County Registry must be reviewed by the Greene County Review Officer and include the Review Officer Certificate. The signature of the Greene County Review Officer and approval date shall be required prior to the recoding of any plat.

5.0.2 Plat Size Requirements. All plats that subdivide or create a new parcel or tract of land, not limited to those defined as a subdivision, exemption, or minor subdivision, shall follow the size and mapping requirements as stated in North Carolina GS 47-30.

5.0.3 Resubdivision and Recombination. For any replatting or resubdivision of land, or combinations and recombinations, the same procedures, rules and regulations shall apply as prescribed in this Ordinance for an original subdivision including a recordable plat.

Section 5.1 MAJOR SUBDIVISION SKETCH PLAN

If the land to be subdivided does not qualify as a minor subdivision, as defined in section 4.1, the subdivider must submit a sketch plan prior to submitting a preliminary plan. A registered surveyor, licensed engineer or a landscape architect can prepare the sketch plan. Smaller subdivisions may be submitted in sketch plan form if the subdivider wishes. If the subdivider wishes to submit one, it must be submitted to the Subdivision Administrator. The subdivider or his or her representative should explain the plan, answer questions, and advise the Subdivision Administrator of how the sketch relates to the subdivision ordinance. The subdivider shall submit two copies of the sketch plan containing the following information adhering to the standards of Article 7 of this Ordinance for review by the Greene County Subdivision Administrator.

5.1.1 Sketch Plan Requirements.

(A) Subdivision data block, including:

1. Proposed name and location
2. Acreage in tract.
3. Acreage to be subdivided.
4. Number of lots proposed.
5. Scale of map and north arrow.
6. Zoning Designation

(B) Existing conditions:

1. Boundaries of tract to be subdivided.
2. Existing use of land on tract to be subdivided and adjoining land.
3. Names of adjoining property owners and subdivisions.
4. Natural features affecting the site.
5. Aerial photographs of the site.
6. A statement as to the existence (or not) of a swine farm within 750 feet of any portion of the property being subdivided.

(C) Proposed conditions:

1. Proposed use of property.
2. Proposed lot layout and size of lots.
3. A statement from the Greene County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are used in this subdivision.

5.1.2 Sketch Plan Review Procedure.

The Subdivision Administrator shall review the sketch design plan for general compliance with the requirements of this Ordinance. The Subdivision Administrator shall advise the subdivider or his or her authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or Greene County Board of Commissioners as required by this Ordinance. A copy shall be retained by the Subdivision Administrator, and the other copy shall be returned to the subdivider or his or her authorized agent.

Section 5.2 MAJOR SUBDIVISION PRELIMINARY PLAT

Before approval for recordation of any subdivision plat may be given, the subdivider shall submit ten copies of the preliminary plat and any supplementary material to the Subdivision Administrator at least 20 days prior to the regularly scheduled Planning Board meeting at which the subdivider wishes the plat to be considered by the Planning Board. Upon submission of the preliminary plat for processing by the Planning Board, the subdivider shall pay a processing fee to the Subdivision Administrator. The Subdivision Administrator shall review the preliminary plat for completeness and for compliance with this Ordinance, and shall then transmit the preliminary plat to the Planning Board with his or her recommendations.

5.2.1 Preliminary Plat Requirements.

- (A) The preliminary plat shall be at a scale of 100 feet to one inch or larger, and shall be drawn on an appropriate medium, of appropriate size. It is recommended that the preliminary plat comply with final plat size and media requirements. The Greene County Register of Deeds requires a map size of at least 18" x 24". The surveyor should leave a space of 4½" x 2½" for the Register of Deeds stamp. At least ten copies shall be submitted to the Subdivision Administrator for Preliminary Plat Review.

- (B) The preliminary plat shall be prepared by a registered surveyor, and shall comply with standards of practice.
- (C) The preliminary plat shall be accompanied by any other supplemental certificates, comments, or other material required in this Ordinance.
- (D) The submitted preliminary plat shall be clearly labeled: "Preliminary Plat - Not for Recordation, Conveyances, or Sale."
- (E) Environmental impact statement. An environmental impact statement, as provided for in G.S. §§ 113A-8 through 113A-10, shall be necessary only when required by a state or federal agency or agencies.
- (F) General Information:
 - 1. Name of owner and/or subdivider.
 - 2. Location (including township, county, and state).
 - 3. Date or dates survey was conducted and plat prepared.
 - 4. A scale of drawing in feet-per-inch listed in words or figures.
 - 5. A bar graph.
 - 6. Name, address, registration number, and seal of registered Professional Land Surveyor.
 - 7. A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area.
 - 8. Corporate limits, township boundaries, and county lines, if on the subdivision tract.
 - 9. The names, addresses, and telephone numbers of all owners, registered land surveyors, and professional engineers responsible for the subdivision.
 - 10. The registration numbers and seals of the professional engineers.
 - 11. North arrow and orientation.
 - 12. The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown.
 - 13. The names of owners of adjoining properties.
 - 14. The names of any adjoining subdivisions of record or proposed and under review.
 - 15. Minimum building setback lines.
 - 16. Existing property lines on the tract to be subdivided and on adjoining properties.
 - 17. Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, on the land to be subdivided.
 - 18. Proposed lot lines, lot and block numbers, and approximate dimensions.
 - 19. Wooded areas, marshes, wetlands, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site.
 - 20. The location of the 100- year flood plain contour from the current county FEMA maps.
 - 21. A statement as to the existence (or not) of a swine farm within 750 feet of any portion of the property being subdivided.
- (G) The following data concerning streets:
 - 1. Proposed streets.
 - 2. Existing and platted streets on adjoining properties and in the proposed subdivision.
 - 3. Rights-of-way, location and dimensions.
 - 4. Pavement widths.

5. Approximate grades.
6. Design engineering data for all corners and curves.
7. Typical street cross sections.
8. Proposed street names.
9. All other information required by the Department of Transportation prior to issuing its certificate of approval, including relationship to adopted thoroughfare plan.
10. Type of street dedication; all streets must be dedicated either "public" or "private."
11. If any street is proposed to intersect with a state- maintained road, the subdivider shall apply for driveway approval as required by the NCDOT, Division of Highways, and Manual on Driveway Regulations. Evidence must be presented that the subdivider has obtained approval.

(H) The location and dimensions of all:

1. Utility and other easements.
2. Riding trails.
3. Natural buffers and buffer strips.
4. Pedestrian or bicycle paths.
5. Parks and recreation areas with specific type indicated.
6. School sites.
7. Areas to be dedicated or reserved for public use.
8. Areas to be used for purposes other than residential with the purpose of each stated.
9. The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivision ownership of recreation and open space lands).

(I) The plans for utility layouts (or actual location of utilities as installed) if required including:

1. Sanitary sewers.
2. Storm sewers.
3. Other drainage facilities, if any.
4. Water distribution lines including connections to existing systems showing line size, the location of fire hydrants, blow offs, manholes, force mains, and gate valves.
5. Location and type of fire hydrants.
6. Natural gas lines.
7. Telephone lines.
8. Electric lines.
9. Plans for individual water supply and sewage disposal systems, if any.
10. Profiles based on mean sea level datum for sanitary sewers and storm sewers.

(J) Site calculations including:

1. Acreage in total tract to be subdivided.
2. Acreage in parks and recreation areas and other non- residential uses.
3. Total number of parcels created.
4. Acreage in the smallest lot in the subdivision.
5. Linear feet in streets.
6. The name and location of any property or buildings within the proposed subdivision or within any adjoining property that is located on the U.S. Department of Interior's National Register of Historic Places.

7. All comments and recommendations required in comments from other agencies per Section 5.2.2.
8. Any other information considered by either the subdivider, Planning Board or Board of Commissioners to be pertinent to the review of the plat.

5.2.2 Review by Other Agencies. Upon submission of the preliminary plat to the Subdivision Administrator, the Subdivision Administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development, including but not limited to those listed in divisions (A) through (E) of this section. Comments from these reviewing agencies must be made available to the Planning Board by the subdivider before a preliminary plat may be approved, unless this requirement is specifically waived by the Planning Board.

(A) The District Highway Engineer, as to:

1. Proposed State streets, State highways, and related drainage systems.
2. Driveway approval, where any street is proposed to intersect with a state-maintained road.

(B) The County Health Director as to proposed water and sewer systems or satisfactory site evaluation results to allow septic tank use.

(C) The County School Superintendent as to proposed school sites.

(D) The County Soil Conservation Service, for comments on soil suitability and the proximity of the proposed subdivision to swine operations.

(E) Such other agencies and officials as the Planning Board and/or Board of Commissioners may deem necessary or desirable. These may include:

1. The Department of Cultural Resources, Division of Archives and History, where archeological sites or historic sites may exist in the proposed subdivision.
2. The Department of Crime Control and Public Safety, Division of Emergency Management, as to floodplain elevations and setbacks.
3. The Division of Environmental Management, Groundwater Section, where underground storage tanks holding petroleum or hazardous chemicals may be installed or removed.

5.2.3 Planning Board Review. The Planning Board shall review the preliminary plat for compliance with this Ordinance within 45 days of receipt by the Subdivision Administrator, unless the agencies listed in Section 5.2.2 have not completed their reviews.

(A) **Approval.** If the Planning Board approves the preliminary plat, such approval shall be entered on the face of the plat in writing by an authorized representative of the County. The subdivider shall receive the original signed plat and one copy. The Planning Board shall retain one copy for its records.

- (B) **Disapproval.** If the Planning Board disapproves the preliminary plat, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the preliminary plat does not comply. One copy of the written reasons for disapproval and two copies of the plat shall be returned to the subdivider. One copy of the plat and written reasons shall be kept by the Planning Board for its records.
1. Upon disapproval of a preliminary plat, the Planning Board may allow resubmission of the preliminary plat upon modification of the reasons that resulted in the initial disapproval. In that event, the Planning Board may require that the plat be treated as if it were an initial submission or it may allow deletion of some steps in the preliminary plat review process. The Planning Board's determination of the proper procedure for each resubmission shall be made at the time of disapproval.

Section 5.3 MAJOR SUBDIVISION FINAL PLAT

Upon completion of the installation of the improvements shown in the approved preliminary plat, the applicant may submit a final plat for approval. All improvements must adhere to the standards and specifications outlined in Article 6. If a final plat of a subdivision is not submitted within one year of the date of the preliminary plat approval, the preliminary plat approval shall expire if the work authorized by the preliminary plat approval has not been substantially commenced. However, the Planning Board may grant in writing an extension of that time limit for all or any part of the subdivision if requested to do so prior to the expiration of the one-year period. On application for final plat processing, the subdivider shall pay the subdivision processing fee to the Subdivision Administrator. The subdivider shall submit eight copies of the final plat to the Subdivision Administrator, who shall review the plat for compliance with the preliminary plat and this ordinance. The Subdivision Administrator shall then transmit the final plat to the Planning Board with his or her recommendations.

5.3.1 Final Plat Requirements.

- (A) Before the submission of a final plat, the subdivider shall apply to and receive the results from the Greene County Health Department for individual lot evaluation for the entire subdivision or a phase of the subdivision, if necessary, to allow utilization of on-site sewage disposal systems unless a public sewer system is being used.
- (B) The final plat shall include and adhere to the Sketch Plan and Preliminary Plat requirements, outlined in Section 5.1.1 and Section 5.2.1, as approved by the Subdivision Administrator and Greene County Planning Board.
- (C) In addition to the above stated requirements, the Final Plat shall contain the following information:
 1. The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands.
 2. The boundaries of the lots and the lots numbered consecutively throughout the subdivision.

3. The 100-year flood plain and the location of the flood elevation.
4. Where the streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 7.5 of this Ordinance.
5. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of the curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
6. The accurate locations and descriptions of all monuments, markers, and control points.
7. A copy of any proposed deed restrictions or similar covenants regarding street maintenance, maintenance of private recreation areas, and the like.
8. A statement as to the existence (or not) of a swine farm within 750 feet of any portion of the property being subdivided.

5.3.2 Final Plat Review. The Planning Board shall review the final plat for compliance with the preliminary plat and that all improvements meet the standards and specifications of Article 6 of this Ordinance. The Planning Board may appoint an engineer or Registered Land Surveyor to check the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider if the plat is found to be in error. The Planning Board shall approve, approve conditionally upon modifications to bring the plat into compliance, or disapprove of the final plat within 60 days of the receipt of the Final plat by the Subdivision Administrator. If no recommendation is made by the Planning Board within 60 days, the subdivider may apply directly to the Board of Commissioners for approval.

- (A) **Approval.** If the Planning Board approves of the final plat, such approval shall be entered on the face of the plat in writing by an authorized representative of the County. The Planning Board shall retain one copy of the proposed plat and one copy of its approval for recording in its minutes.
- (B) **Approval with conditions.** If the Planning Board approves of the final plat on the condition that modifications be made prior to the final plat approval, such approval shall be entered on the face of the plat in writing by an authorized representative of the County. The Planning Board shall retain one copy of the plat for its minutes, return to the subdivider one copy of the plat and its written recommendation.
- (C) **Disapproval.** If the Planning Board disapproves of the final plat, it shall return to the subdivider one copy of the plat and its written reasons for disapproval and shall retain one copy of each for its minutes. It shall also instruct the subdivider concerning resubmission of a revised plat. The subdivider may then make such changes as will bring the plat into compliance, re-submit the revised plat for reconsideration by the Planning Board, or the subdivider may appeal the decision to the Board of Commissioners. If the subdivider decides to re-submit the final plat with changes that revised plat shall be treated as an original final plat submission. If the subdivider

decides to appeal the decision to the Board of Commissioners, the subdivider shall follow, and the appeal shall be governed by, the provisions of Section 3.8 herein.

- (D) If the subdivider appeals a recommendation of disapproval, the Board of Commissioners shall consider the application for final plat approval at its next regular meeting more than 14 days after the Planning Board's recommendation. In its consideration of such appeal, the Board of Commissioners shall use quasi-judicial procedures as set forth in Section 3.7 herein.
1. **Approval.** If the Board of Commissioners approves the final plat, such approval shall be entered on the face of the plat in writing by an authorized representative of the County as provided in Appendix 1(1.10.2) at the end of this Ordinance. The subdivider shall receive the original signed plat and one copy. The Board of Commissioners shall retain one copy for its records and one copy shall be remitted to the Planning Board for its records.
 2. **Disapproval.** If the Board of Commissioners disapproves the final plat, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One copy of the written reasons for disapproval and two copies of the plat shall be returned to subdivider. One copy of the plat and written reasons shall be kept by the Board of Commissioners for its records and one copy of the plat and reasons shall be remitted to the Planning Board for its records. A appeal of a disapproval made by the Board of Commissioners hereunder may be appealed pursuant to G.S. 160D-1403.
 3. **Resubmission.** Upon disapproval of a final plat, the Board of Commissioners may allow resubmission of the final plat upon correction of errors resulting in the initial disapproval. In that event, the Board of Commissioners may require that the plat be treated as if it were an initial submission, or it may allow deletion of some steps in the final plat review process. The Board's determination of the proper procedure for each resubmission shall be made at the time of disapproval.

Section 5.4 MINOR SUBDIVISION

A minor subdivision is defined as any division of land where each lot will have street frontage along an existing public or private street, where no new street improvements and/or right-of-way dedication is required. Minor subdivisions are reviewed and approved or disapproved by the Greene County Subdivision Administrator. The Subdivision Administrator will approve or disapprove the minor subdivision and notify the applicant of its decision within five (5) business days of receiving the plat, completed application, and review fee.

The subdivider shall submit one (1) original print (18x24 inches) and 3 additional copies of the minor subdivision plat with a completed application and review fee. The minor subdivision plat shall comply and adhere to the North Carolina General Statutes and with the policies of Greene County with regards to mapping. Plats shall be prepared by a North Carolina Licensed Professional Surveyor and/or Engineer and be drawn to a scale of at minimum sixty (60) feet to one (1) inch.

5.4.1 Plat Requirements.

The Minor Subdivision Plat contain the following information:

(A) General Information:

1. Name of subdivision.
2. Name of subdivider (and owners, if different).
3. Acreage in tract.
4. Acreage to be subdivided.
5. Number of lots proposed.
6. Scale of map and north arrow.
7. Zoning Designation
8. Statement of the number of lots created while owned by the current owner.

(B) Existing conditions:

1. Boundaries of tract to be subdivided, showing accurate distances and bearings.
2. Sketch vicinity map showing relationship to surrounding areas in general, and as relates to a thoroughfare plan and 100-year flood plain contour.
3. Existing street and right-of-way layout.
4. Existing buildings or other structures, railroads, bridges, culverts, or storm drains on tract to be subdivided, and on adjoining land if that condition might affect proposed subdivision.
5. Location and dimensions of existing utility, drainage and other easements and locations of utilities in place.
6. Existing use of land on tract to be subdivided and adjoining land.
7. Names of adjoining property owners and subdivisions.
9. Natural features affecting the site, including but not limited to bodies of water, swamps, streambeds, wooded areas, and wetlands.
10. The 100-year flood plain and the location of the flood elevation.
11. A statement as to the existence (or not) of a swine farm within 750 feet of any portion of the property being subdivided.

(C) Proposed conditions:

1. Proposed use of property.
2. Location and boundaries of areas for use of subdivision residents or general public, such as open space, recreation areas, schools or churches.
3. Proposed lot layout and size of lots.
4. Proposed street right-of-way widths, streets to be improved and degree and size of improvement planned, and connections to existing streets on tract and on adjoining property.
5. Proposed location of utilities improvements.
6. Any proposed variations from the subdivision ordinance.
7. A statement from the Greene County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks, or other on-site water or wastewater systems are to be used in the subdivision.
8. The 100-year flood plain and the location of the flood elevation.

5.4.2 **Review** by the Greene County Subdivision Administrator, upon receipt of a Minor Subdivision Plat, completed application and review fee, shall review the plat for consistency with Section 5.4 of the Subdivision Ordinance. The Subdivision Administrator has five (5) business days to provide written approval, approval with conditions or denial to the subdivider. Upon approval, such approval shall be entered on the face of the plat in writing by the Subdivision Administrator utilizing the applicable Greene County certification as final approval for recordation.

5.4.3 **Form of Notice.** The approvals and disapprovals set forth in this Section shall be communicated by the officer making the determination who shall in turn give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the County tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

Section 5.5 **VACATING OF ANY SUBDIVISION PRIOR TO CONVEYANCE**

- (A) Any plat or any part of any plat recorded in the office of the Register of Deeds may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- (B) Such an instrument may be approved by the Board of Commissioners, upon recommendation of the Planning Board. The Board of Commissioners may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- (C) Such an instrument shall be executed, acknowledged or approved by the Board of Commissioners, and recorded and filed in the office of the Register of Deeds, and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) When lots have been sold, the plat may be vacated in the manner provided in subsections (A) through (C) of this division by all owners of the lots in such plat joining in the execution of such writing.

Article 6: Recordation

Section 6.0 IN GENERAL

No certification for recordation shall be entered on a final plat until such time as all requirements of this Ordinance have been met, including but not limited to the following:

- (A) All improvements have been installed.
- (B) All procedural requirements for final plat approval as provided in this Ordinance have been met.
- (C) All comments or certifications from other agencies as requested by the Planning Board or Board of Commissioners have been provided.
- (D) All fees have been paid.

Section 6.1 FILING

The subdivider shall file the approved final plat with the Register of Deeds of Greene County within 30 days of the approval and certification of the Planning Board and/or Subdivision Administrator per the requirements of this Ordinance; otherwise, such approval shall be null and void.

Article 7: Improvements and Standards

Section 7.0 IN GENERAL

Approval of the final plat is subject to the subdivider having installed the improvements required in this Ordinance. Each subdivision shall contain the improvements in this subchapter, unless otherwise approved by the majority of the Board of Commissioners through the variance procedures in Section 3.2 or otherwise stated in this Ordinance.

Section 7.1 FLOODING, IRREGULAR DRAINAGE, EXCESSIVE EROSION, AND TOPOGRAPHY

Land subject to periodic flooding, irregular drainage conditions, excessive erosion, or topographical and other reasons unsuitable for residential use as determined by the appropriate board or agency shall not be platted for commercial or residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected. If land located in a flood plain is subdivided, each proposed lot must have the minimum lot size required by this Ordinance on land existing outside of the 100-year flood plain.

Section 7.2 EDUCATIONAL SITES

If the Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Planning Board shall immediately notify the Board of Education when a sketch plan or plat is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education must act to obtain the site within 18 months, as required by Chapter 160D, or the subdivider may treat the land as freed of the reservation.

Section 7.3 WASTE SITES

Areas that have been used for the disposal of solid waste or liquid waste shall not be subdivided into residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste, and other waste materials.

Section 7.4 GUARANTEES OF IMPROVEMENTS

7.4.1 Final plats of a subdivision shall be approved by the Planning Board after the subdivider has installed all required improvements in accordance with the requirements of this Ordinance or provided a performance guarantee in accordance with 7.4.2 below.

7.4.2 **Performance Guarantees.** Final plats of a subdivision shall be approved by the Planning Department upon posting of a performance guarantee to assure successful completion of required improvements.

For purposes of this Section, all of the following apply with respect to performance guarantees:

- (A) **Type.** The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:
1. Surety bond issued by any company authorized to do business in this State.
 2. Letter of credit issued by any financial institution licensed to do business in this State.
 3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- (B) **Duration.** The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
- (C) **Extension.** A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the County, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (E) of this Subsection and shall include the total cost of all incomplete improvements.
- (D) **Release.** The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the County that the improvements for which the performance guarantee is being required are complete. The County shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to County acceptance. When required improvements that are secured by a bond are completed to the specifications of the County, or are accepted by the County, if subject to its acceptance, upon request by the developer, the County shall timely provide written acknowledgement that the required improvements have been completed.
- (E) **Amount.** The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The County may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation

and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

- (F) **Timing.** A performance guarantee required under this Section shall be posted at the time the plat is recorded.
- (G) **Coverage.** The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
- (H) **Legal responsibilities.** No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this Subsection or in the proceeds of any such performance guarantee other than the following:
 - 1. The County.
 - 2. The developer at whose request or for whose benefit the performance guarantee is given.
 - 3. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.
- (I) **Multiple guarantees.** The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (A) of this Section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.
- (J) Performance guarantees associated with erosion control and storm water control measures are not subject to the provision of this Section.

7.4.3 Certificate of dedication and maintenance. The certificate of dedication and maintenance shall be submitted with the final plat and forwarded to the Register of Deeds to be recorded with the approved final plat; it shall stipulate the following:

- (A) That all property and improvements are owned by the subdivider and free of any encumbrance or lien except as enumerated.
- (B) That the subdivider has freely dedicated or reserved all required right-of-way easements, streets, utilities, open spaces, or other improvements to public or private use as required by the approved preliminary plat and has established minimum building setback lines.
- (C) That the subdivider shall be responsible for the maintenance of all improvements until the improvements are taken over by the appropriate public agency, home/property

owner's association, or arrangements satisfactory to the Planning Board have been made for maintenance of such improvements.

Section 7.5 **STREET REQUIREMENTS**

Street requirements. Except as listed below, all streets must be constructed in accordance with the North Carolina Department of Transportation requirements for public streets.

7.5.1 Cul-de-sacs. Every permanent dead-end street shall be developed as a cul-de-sac and shall not exceed 1,500 feet in length, except where the shape of the tract of land being developed makes this requirement impractical. The length of the cul-de-sac shall be measured from the centerline of the nearest intersecting through street to the center of the turnaround. All North Carolina Department of Transportation design options for cul-de-sacs are allowed within subdivisions.

7.5.2 Temporary turnarounds. In cases where streets are proposed to be extended, the Planning Board may permit a temporary turnaround for a period not to exceed two years. Such turnarounds must be designed as a cul-de-sac bulb and constructed to North Carolina Department of Transportation base standards, but not necessarily paved.

7.5.3 Street offsets. Whenever possible, proposed intersections on one side of a street, or road, or highway shall coincide with existing or proposed intersections on the opposite side of such street, road, or highway. In any event, however, street offsets, as measured between the center lines of intersecting streets, shall meet the following requirements:

- (A) Street offsets within developments shall be at least 125 feet apart.
- (B) Street offsets created by streets intersecting with primary highways or secondary roads shall be at least 250 feet apart.

7.5.4 Homeowners association. When a homeowner's association is established to provide for the maintenance of private subdivision streets, it shall be incorporated in accordance with Chapter 55 of the North Carolina General Statutes. As required, appropriate bylaws shall be prepared, and proposed covenants or deed restrictions which address maintenance, apportionment of financial responsibility, and enforcement shall be provided. The County Attorney shall approve the adequacy of these materials prior to final plat review. These materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the Greene County Register of Deeds Office.

7.5.5 Subdivision street disclosure statement. The streets shown on the preliminary and final plats shall be designated in accordance with G.S. § 136-102.6 and designation as public on the final plat shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

- (A) Pursuant to Section 3.0 herein, the approval of a plat does not constitute or effect the acceptance by the County, any other governmental entity or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat, and shall not be construed to do so. If dedication to the County, the

public or any other governmental entity is intended, the subdivider must include a statement identifying the party responsible for maintaining the required streets, grounds, utilities, or facilities until such time as the offer of dedication is accepted by the appropriate public entity.

7.5.6 Restrictive covenants. Restrictive covenants shall be recorded along with the deed of each lot fronting on a subdivision road. The covenants shall embody the restrictions in this Ordinance in reference to roads serving subdivisions. The restrictive covenants dealing with the road shall be approved by the Planning Board and the County Attorney and shall be a condition upon which approval of a final plat will be based.

7.5.7 Street names and street signs. Street names for all subdivision plats shall be subject to approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible. It shall be the responsibility of the developer to install street signs at the intersection of streets within his or her development. All signs shall be in accordance with the specifications as provided by the Greene County Board of Commissioners and NCDOT if state maintained.

7.5.8 Access roads. Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to create a ten-foot buffer strip parallel and adjacent to the right-of-way of the highway as a part of those lots whose rear yards are adjacent to the highway. The buffer strip shall be conveyed in the deeds to the affected lots and shall be restricted to the planting of trees or shrubs for screening purposes by the lot owners. This buffer strip shall be in addition to all other setbacks or easements required by this article.

Section 7.6 LOTS, BUILDING SETBACKS, BLOCKS, AND BUFFER STRIPS.

7.6.1 Lots. Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Board of Commissioners to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

(A) **Public or Private Lot Frontage.** Each lot with sanitary sewer must have a minimum road or street frontage of 80 feet and a minimum width of 60 feet at the building setback line. Each lot with septic tank sewer must have a minimum road or street frontage of 120 feet and a minimum width of 100 feet at the building setback line. Additional frontage or width may be required pursuant to the County's zoning ordinance. Road frontage requirements may be waived by the Planning Board if the proposed lots are accessed by permanent private easements. See (H) Easements below.

(B) Lot sizes in subdivisions shall comply with the requirements of the Greene County Health Department.

- (C) Corner lots for residential use shall have an extra width of 15 feet to permit adequate building setback from side streets.
- (D) Double frontage and reverse frontage lots shall be avoided, except where required to separate residential development from through traffic.
- (E) Side lot lines shall be substantially at right angles or radial to street lines except at the end of cul de sacs.
- (F) **Access.** Except as provided in (H) below, each lot shall have access to a public or private street. No lot shall be created that blocks access to any other lot. This applies to both platted and functional access (i.e., the lot has platted road access but uses an easement instead of the platted access).
- (G) **Lot Size and width.** Except in the case of a Major Subdivision, pending approval of the Greene County Board Planning Board and Board of Commissioners, each lot shall meet the minimum area and lot width requirements outlined in the table below. Notwithstanding these standards, the subdivider shall provide sufficient area on each lot to ensure that all other requirements of this section or other applicable development regulations can be met. Lot width shall be measured at the property line. Flag lots shall provide sufficient width at the right-of-way line so that driveways can be at least ten feet from any lot boundary line, but in no case be less than 40 feet in width. Lot width for lots on the bulb of a cul-de-sac may be reduced to 50 feet, as measured along the right-of-way.
- (H) **Permanent Private Easements.** The Planning Board may allow the subdivision of lots whose only means of access to a public or private street is a permanent private easement subject to the following limitations:
 - 1. They shall in no case be less than 30 feet in width.
 - 2. Any permanent private easement that serves more than one lot shall be at least 50 feet in width.
 - 3. Multiple permanent private easements may not run side by side.
 - 4. Easements shall only be considered in subdivisions containing four or fewer residential lots, provided that one of the four lots must have access to a public or private road and must use said access rather than the easement
 - 5. No commercial or industrial use may be accessed solely by a permanent private easement.

	ZONING DISTRICTS			
	AR	R	C	I
LOT SIZE REQUIREMENTS (with sanitary sewer and public water)				
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.)	-	-	-	-
LOT SIZE REQUIREMENTS*** (with septic tank, public water, or well)				
Minimum Lot Size* (sq. ft.)	30,000	30,000	30,000	30,000
Minimum Road or Street Frontage (ft.)	100	100	100	100
Minimum Road or Street Frontage in a curve, if lines are radial (ft.)	80	80	80	80
Minimum Road or Street Frontage in a cul-de-sac (ft.)	50	50	50	50
Minimum Lot Width at Building Setback Line (ft.)	80	80	80	80
Minimum Lot Width at Building Setback Line on Corner Lot	80	80	80	80
Minimum Lot Depth (ft.)	-	-	-	-

* The lot area of flag shaped lots shall be computed, excluding area provided for access or "panhandle."

** Measured at the property line.

*** In the Case of Major subdivisions only and pending approval of the Greene County Planning Board, a subdivision may be approved with a minimum lot of 20,000 Sq. Ft.

(I) Building setback lines.

1. The minimum building setback from the property lines shall be as follows:

	ZONING DISTRICTS			
	AR	R	C	I
REQUIRED YARD SETBACKS				
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

2. Federal and state regulations concerning setbacks from water and in flood areas shall be strictly adhered to and shown on the sketch plan and preliminary and final plats.

(J) Accessory structure setback lines.

1. The minimum accessory structure setback from the property lines shall be as follows:

	ZONING DISTRICTS			
	AR	R	C	I
REQUIRED YARD SETBACKS				
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

7.6.2 BLOCKS.

- (A) Blocks shall be laid out with special attention given to the type of use contemplated.
- (B) Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.
- (C) Blocks shall not be less than 400 feet or more than 1,800 feet.
- (D) Where deemed necessary by the Planning Board and the Board of Commissioners, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient

public access to public areas such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.

(E) Block numbers shall conform to the county road numbering system, if applicable.

7.6.3 Buffer strips. In residential districts a buffer strip at least 25 feet in depth in addition to the normal lot size and depth required shall be provided adjacent to all railroads and controlled access highways, commercial and/or industrial developments, multi-family housing and mobile home parks, and any other land use that the Planning Board and Board of Commissioners deems necessary and where there may be potential conflict. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip shall be reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

Section 7.7 UTILITIES

7.7.1 The following are the requirements for design and construction of utilities in subdivisions.

7.7.2 Compliance. All utility installations shall comply with applicable building and health codes of Greene County and the State of North Carolina, and with the North Carolina Utilities Commission requirements.

7.7.3 Water Supply and Sewage Disposal.

- (A) All subdivisions are required to be connected to an existing public water supply, if available, and, when practicable, a public or community sewage system. If an existing public water supply is not available and/or public community sewage is impracticable, the subdivision may be served by on-site wells or private sewer if so specified and approved by the Greene County Health Department and any other authorizing agencies.
- (B) Public water system supply lines must abut each lot within the subdivision or be otherwise constructed so that no individual water service line crosses another.
- (C) Individual wells shall be located as allowed by the Greene County Health Department in accordance with state, local, and federal regulations.
- (D) Upon submittal of a preliminary plat, plans and specifications shall be provided by the subdivider showing necessary sanitary sewer lines, water mains, and items accessory to each that lie wholly within the rights-of-way in the subdivision.
- (E) During final site plan review, the agency or entity which owns and operates such a system shall certify that the new development is accepted for addition to the system.
- (F) If a new sewer system (e.g., package sewage treatment plant, and the like) is proposed to serve the development, certification that the site has been approved for the proposed system from the appropriate agency which has jurisdiction over the system is required as part of the final site plan submittal.

- (G) If an addition to an existing public water supply system is proposed, the proposal shall be submitted to the public water supply system as required in its rules and regulations and in accordance with state and federal laws. No installation shall begin until approval of applicable governing bodies and/or agencies has been obtained.
- (H) Cost. The total costs of any sanitary sewer and water distribution improvements and accessories is to be borne by the subdivider.

Section 7.8 DRAINAGE AND SEDIMENTATION CONTROL

7.8.1 Easements. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose of managing storm water runoff in a manner following the natural contours of the watercourse that will safeguard the health and property of the citizens of the County. Maintenance responsibility for drainage shall be included in the covenants of the subdivision and enforced by the Homeowners Association.

7.8.2 Sedimentation and Erosion Control. Persons engaged in land disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities. When any land disturbing activity is to be undertaken on a tract where more than one acre is to be uncovered, a sedimentation and erosion control plan is required. Vegetated buffer strips of at least 15 feet, where practicable, shall be retained in their natural state along the banks of all watercourses, bodies of water or wetlands. Subdividers shall comply with state regulations.

Section 7.9 PERMANENT REFERENCE POINTS

7.9.1 Establishment. Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the requirements set forth in this section.

7.9.2 Placement of monuments. Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, North Carolina Administrative Code, Title 21, Chapter 56, Section 1600, shall apply when conducting surveys for subdivision, to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties, and to determine other standards and procedures governing the practice of land surveying for subdivision.

7.9.3 Flood elevation monuments. Where a subdivision contains more than five lots or more than five acres, there shall be located in the subdivision at least one flood elevation marker established by a registered land surveyor, if existing vertical control is within 1,500 feet of the site.

Section 7.10 FIRE HYDRANTS

7.10.1 When a subdivision is to be served by a central water system, fire hydrants are to be installed every 1,000 feet apart, or no further than 500 feet from the furthest point of any lot within the subdivision, where water line size will permit. In areas where line size of six inches or more is not available, then hydrants are not required. If the subdivider is installing six-inch lines, or

better, then hydrants are to be installed every 1,000 feet apart, or no more than 500 feet from the furthest point of any lot within the subdivision.

7.10.2 If a publicly owned water line, six inches or greater in size, is proposed to intersect with a water line serving the proposed subdivision, then the developer shall install a fire hydrant at, or near, the point of intersection.

7.10.3 All fire hydrants shall be located so as to be easily accessible to fire trucks on a public street.

7.10.4 Where there is no central water system but there is a water source available, dry hydrant shall be installed as determined by the Fire Chief in charge of serving the subdivision.

Section 7.11 **STREET LIGHTS**

All subdivisions and streets therein shall be sufficiently illuminated to ensure the security of property and the safety of persons using the streets. The distance between streetlights shall not exceed 400 feet as measured along street rights-of-way. If other provisions cannot be made for the payment of the streetlights, a homeowner's association shall be established to operate the streetlights.

Article 8: Planned Unit Development (PUD)

Section 8.0 IN GENERAL

The maximum allowable density shall meet the following requirements. Density increases greater than those permitted in the Subdivision Regulations will be permitted only when a community or public sanitary water and sewer disposal system is provided and they must meet the following requirements. Any other such increase will be allowed only with the approval of the Greene County Health Department and they must also meet the following requirements.

Where a Planned Unit Development qualifies for the design standards set forth in this Section, all other requirements of Article 7 Improvement and Design Standards must be complied with unless specifically waived.

Section 8.1 RESIDENTIAL USE DIMENSIONAL STANDARDS

8.1.1 Lot Area. The lot area for each detached single-family dwelling shall be no less than 5,000 square feet.

8.1.2 Lot Width. Lot width for each detached single-family dwelling shall be no less than fifty (50) feet. Lot width for each attached dwelling unit shall be no less than thirty (30) feet. For purposes of this section, "lot width" shall include individual unit width.

8.1.3 Lot Frontage. Lots should have frontage of no less than fifty (50) feet, except for attached dwelling units and detached dwelling units on the radius of a cul-de-sac where such distance may be reduced to thirty (30) feet.

8.1.4 Setbacks. Except as further provided, no principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement. Detached single-family dwellings shall be setback not less than fifteen (15) feet from a public street right-of-way or private street easement or as further provided herein.

(A) **Minimum Side Yard.** The side yard area required for detached single-family and two-family attached dwellings should be no less than ten (10) feet.

(B) **Minimum Rear Yard.** The rear yard area required for detached or attached dwelling units shall be no less than ten (10) feet.

(C) **Periphery Boundary Setback.** No portion of a Planned Unit Development including accessory structures, parking areas, or required yard shall be located less than 30 feet from the peripheral boundaries of the Planned Unit Development.

(D) **Additional Attached Dwelling Transition Setback.** The following scale shall be utilized in the calculation of the minimum building setback, in addition to the periphery boundary setback as specified above, between proposed attached dwelling units including their accessory structures and existing or proposed single-family development districts or other predominantly single-family development as defined herein that border the Planned Unit Development. For purposes of this section, OTHER PREDOMINANTLY

SINGLE-FAMILY DEVELOPMENT shall be that area within 100 feet of the external boundary of the Planned Unit Development District in which 50% or more of the conforming land uses are single-family residential.

Number of Units Per Building	Additional Setback (Feet)
2	20
3 - 5	40
6 - 10	60
11 or over	80

- (E) **Recreation Area Setback.** No portion of an active recreation area shall be located within twenty-five (25) feet of the external boundary of the Planned Unit Development.
- (F) **Transition Area Setback.** Where a Planned Unit Development adjoins, or borders an existing or proposed single-family development sharing common frontage on the same or opposite side of a public or private street, the minimum right-of-way and/or easement setback requirement of the single-family development shall be utilized for the entire opposite frontage and 200 feet from

8.1.5 Building Separation. Building separation within group developments containing two or more principal structures on one lot of record. No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at 90 degrees at the closest point. Such common border. For purposes of this section, OTHER PREDOMINANTLY SINGLE-FAMILY DEVELOPMENT shall be that area within 100 feet of the external boundary of the Planned Unit Development District in which 50% or more of the conforming land uses are single-family residential.

8.1.6 Architectural Extensions. Architectural extensions including, but not limited to, bay windows, chimneys, open porches and decks, roof overhangs, and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.

8.1.7 Building length. No continuous unit or series of attached units shall exceed a combined length of two hundred (200) feet.

- (A) No two units or structures shall be considered attached unless such units or structures share a five-foot common party wall.
- (B) Common party walls of attached units shall be constructed in accordance with the North Carolina State Building Code, G.S. Ch. 47C (North Carolina Condominium Act) and other applicable requirements.
- (C) The numbers of units per acre shall be based on the following formula: 1,500 square feet of land for each 1 BR unit 2,000 square feet of land for each 2 BR unit 2,500 square feet of land for each 3 BR unit 3,000 square feet of land for each 4 BR unit

8.1.8 Accessory Structure Requirements:

- (A) Shall not be within any front yard setback.
- (B) Shall not be located within ten feet of any other principal structure or within five feet of any other accessory structure, except as further provided.
- (C) Shall not cover more than 20% of any side or rear yard.
- (D) The side or rear yard requirement for attached and detached accessory structures shall be no less than five feet.
- (E) For purposes of this section, any accessory structure attached to a principal structure shall be subject to the setback requirements of the principal structure.

8.1.9 Trash/Garbage Container Requirements

If solid waste collection is accomplished using dumpsters instead of collection at each dwelling:

- (A) No container pad shall be located closer than twenty (20) feet to any dwelling structure.
- (B) Each container pad required to service the development shall be located within 200 feet of the dwelling units such container is intended to serve.
- (C) Container pads shall be enclosed on three sides by a complete visual screen consisting of a fence, vegetation, or combination thereof.

Section 8.2 NON-RESIDENTIAL USE DIMENSIONAL STANDARDS

8.2.1 Lot Area. The lot area for each non-residential unit shall be no less than 5,000 square feet.

8.2.2 Lot Width. Lot width for each non-residential unit shall be no less than fifty (50) feet. For purposes of this section, "lot width" shall include an individual non-residential unit width.

8.2.3 Setback. No principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement.

(A) **Minimum Side Yard.** Fifteen (15) feet.

(B) **Minimum Rear Yard.** Twenty (20) feet.

Section 8.3 PARKING SPACE REQUIREMENTS

8.3.1 Number of Required Spaces

- (A) **Residential Parking.** Planned Unit Developments shall provide a minimum of two 10 by 20 feet paved parking spaces located within 500 feet of the use that it is intended to

serve, so designed not to allow parked vehicles to encroach within any public right-of-way or private street easement, for each dwelling unit.

- (B) **Non-Residential Parking.** Planned Unit Developments shall provide a minimum of one parking space for every two hundred (200) square feet of non-residential unit area.
- (C) **Recreational Building.** One parking space shall be required per 200 square feet of floor area in each recreation building.
- (D) **Accessory Parking.** One accessory parking space shall be provided for every ten residential units.

Section 8.4 OPEN SPACE REQUIREMENTS

8.4.1 Planned Unit Developments shall reserve not less than twenty-five percent (25%) of the gross acreage as common open space.

8.4.2 If developed in sections, the common open space requirements set forth herein shall be coordinated with the construction of dwelling units and other facilities to ensure that each development section shall receive benefit of the total common open space.

8.4.3 Streets, private drives, off-street parking areas, and structures or buildings shall not be utilized in calculating or counting towards the minimum common open space requirement; however, lands occupied by recreational buildings and/or structures, bike paths, and similar common facilities may be counted as required open space provided such impervious surfaces constitute no more than five percent (5%) of the total required common open space.

8.4.4 **Surface Material.** All parking areas shall be constructed with a hard-surfaced all-weather material such as asphalt, concrete, brick, CABC, or any other approved materials.

8.4.5 In the designation of common open space, consideration shall be given to the suitability of location, shape, character, and accessibility of such space.

8.4.6 **Recreation.** A minimum of twenty-five percent (25%) of the required gross common open space in a Planned Unit Development shall be developed for recreational purposes. For purposes of this section, RECREATION shall include, but not be limited to, tennis courts, swimming pools, ball fields, fitness courses, multipurpose trails, and the like.

Section 8.5 SITE PLAN DESIGN STANDARDS

8.5.1 **Site Planning.** Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design, and arrangement in the evaluation of the development and its relationship with the surrounding areas.

8.5.2 **Service and Emergency Access.** Access and circulation shall be adequately provided for EMS, firefighting equipment, service deliveries, and refuse collection.

8.5.3 Underground Utilities. Planned Unit Developments shall be required to have underground utilities. Such proposed utilities shall be adequate to serve the proposed development and such utilities or streets.

8.5.4 Pedestrian Circulation. A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe, and convenient system of access to all dwelling units, project facilities, and principal off-site pedestrian destinations and meet ADA requirements. Walkways to be used by substantial numbers of children as routes to schools, play areas, or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed, and constructed may be combined with other easements and used by emergency or service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such development.

Section 8.6 STREET DESIGN STANDARDS

8.6.1 For the purposes of the Planned Unit Development District, three types of streets shall be utilized to provide internal access to the development. The three types of streets are defined as:

- (A) **Minor Street.** Those streets within the Planned Unit Development, which provide linkage with major streets outside the Planned Unit Development District.
- (B) **Marginal Access Street.** Those streets, which connect with minor streets to provide access to individual buildings within the Planned Unit Development District.
- (C) **Private Street.** Those streets that provide access to individual buildings within the Planned Unit Development District.

8.6.2 The street design of all Planned Unit Developments shall be in conformance with NCDOT standards or Local Residential Roads as outlined in the minimum construction standards of the Division of Highways.

8.6.3 Upon approval of the Planning Board, interior roads may be allowed to be constructed as private streets, subject to the requirements above. Where such private streets are allowed, the homeowners' association or other designated responsible party shall perpetually maintain such private streets in suitable conditions and state of repair for Greene County to provide normal delivery of services, including, but not limited to, emergency services.

Section 8.7 HOMEOWNERS' ASSOCIATION

8.7.1 No final plat of a Planned Unit Development shall be approved until all required legal instruments have been reviewed and approved by the County attorney as to legal form and effect.

8.7.2 If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions, and restrictions that will control such open space. The provisions of such declaration of covenants, conditions, and restrictions shall include, but not be limited to, the following:

- (A) The homeowners' association must be set up before any property is sold in the development.
- (B) Membership must be mandatory and automatic when property is purchased in the development.
- (C) The open space restrictions must be permanent, not just for a period of years
- (D) The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities, including private streets
- (E) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- (F) The association must be able to adjust the assessment to meet changed needs.
- (G) Covenants for maintenance assessments shall run with the land.
- (H) Provision ensuring that control of such open space will gradually be vested in the homeowners' association.
- (I) All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.

Appendix 1: Certificates

1.0 The certificates herein shall appear on final plats, if applicable.

1.1 Certificate of Ownership, Dedication, and Jurisdiction

1.1.1 MAJOR SUBDIVISIONS

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority, or until a home/property owners association is formed and takes such responsibility. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Board of County Commissioners of Greene County in the public interest. Further, I certify that the land as shown hereon is located within the subdivision jurisdiction of Greene County.

Date

Signature of Owner

1.1.2 MINOR SUBDIVISIONS

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of Greene County, and that I (we) freely adopt this plan of subdivision.

Date

Signature of Owner

1.1.3 CERTIFICATE OF OWNERSHIP AND INTENT (For Preliminary Plats)

I (we) hereby certify that I (we) am the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Greene County, and that I (we) hereby adopt this plan of subdivision with my (our) free consent and establish my (our) intent to install and construct all improvements in this subdivision as to the County's minimum design requirements, as noted.

Date

Signature of Owner

1.2 Certificate of Accuracy and Mapping

I, _____ certify that this plat was drawn under my supervision from an actual survey made under my supervision, description recorded in Book____, Page____; that the error of closure as calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book____, Page____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this _____ day of A.D., 20____

Seal

Surveyor, registration number

1.3 Certificate of Proposed Subdivision Road Construction Standards

Department of Transportation

Division of Highways

Proposed Subdivision Road

Construction Standards Certification approved _____

District Engineer

Date_____

1.4 Certificate of Disclosure - Greene County Flood Plain Management

I hereby certify that prior to entering into any agreement or any conveyance with a prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the Greene County Flood Plain Management Regulations prior to the issuance of construction permits.

Date

Signature of Owner

1.5 Certificate of Disclosure for Private Developments

I acknowledge that neither the State nor the County shall be responsible for maintenance of any streets, drainage, open space or other areas which are designated for private use. I acknowledge that prior to contracting with a prospective buyer, I shall give the buyer a written statement which discloses the existence and location of such private areas and specifies the maintenance responsibilities for same. When applicable, the statement shall disclose that the street(s) will not be constructed to minimum standards sufficient to allow their inclusion on the State highway system for maintenance.

Date

Signature of Owner

1.6 Certificate of Disclosure for Homeowner's Association Covenants, Conditions, and Restrictions.

North Carolina

Greene County

Home Owner's Association Covenants, Conditions and Restrictions filed for registration on the _____ day of _____ at _____ (a.m. / p.m.) and duly recorded in Deed Book _____, at Page _____.

Register of Deeds

1.7 Environmental Health Septic Tank Suitability Certificate

The following statement shall be placed on all subdivision plats that include building lots that do not have public sewer service available to them:

Applications for Improvement Permits for septic tank wastewater systems for lots _____ in this subdivision were received by Greene County Environmental Health (GCHD) on _____ and prepared by _____. GCHD conducted soil evaluations and issued Improvement Permits pursuant to N.C. General Statutes 130A-336 and 15A NCAC 18A.1900 et seq. An Improvement Permit may be revoked in some circumstances. Issuance of an improvement permit for a lot does not guarantee issuance of a construction authorization and/or operations permit for the lot. Results of the evaluation are _____.

Environmental Health Officer

Date

1.8 Certificate of Review Officer

North Carolina Greene County

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

Review Officer

1.9 Certificate of Registration by Register of Deeds

North Carolina Greene County

Filed for Registration on the _____ day of _____ (a.m. / p.m.) and duly recorded in Plat Cabinet _____, Page _____

Register of Deeds

1.10 Certificate of Approval

1.10.1 Certificate of Plat Approval for Construction of Improvements (For Preliminary Plats)

I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the requirements of the Subdivision Ordinance of Greene County, North Carolina and that this plat has been approved by the Development Review Board of Greene County to authorize the construction of the required improvements as noted.

Subdivision Administrator

Date

1.10.2 Major Subdivision

I hereby certify that the Major Subdivision shown on this plat is in all respects in compliance with the Subdivision Ordinance of Greene County, and that therefore this plat has been approved by the Greene County Development Review Board, subject to its being recorded in the Greene County Registry within ninety days of the date below.

Subdivision Administrator

Date

1.10.3 Minor Subdivision

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in Compliance with the Subdivision Ordinance of Greene County, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Greene County Registry within ninety days of the date below.

Subdivision Administrator

Date

1.10.4 Exemption Approval Statement

This property is exempt from the Greene County Subdivision Ordinance per Section 4.2 (*) thereof.

Subdivision Administrator

Date

The subdivider shall include the number of the exemption used as stated in **SECTION 4.2 EXEMPTIONS; Subsections 1-6.*

1.11 Flood Statement

This property is located in zone_____, and is/is not within a Special Flood Hazard Areas,
as determined by NIFP Rate Map Dated_____, _____: Community
Panel Number_____

1.12 Swine Farm Statement

This property is/is not located within 750 feet of a swine farm.

Date

Surveyor

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Public Hearing; Proposed Building Code Ordinance Amendment

Date: June 21, 2021

A Public Hearing to receive Public Comment is scheduled for the proposed Building Code Ordinance Amendment. This amendment brings us into compliance with new legislation in N.C.G.S. Chapter 160D.

Mr. Chairman Open the public hearing to receive Public Comment

Mr. Chairman may close the public hearing when all public comment is received.

Action Recommended:

Motion to adopt the proposed Building Code Ordinance Amendment

Board Action Needed

229 Kingold Blvd., Suite D • Snow Hill, NC 28580 • (252) 747-3446 • FAX (252) 747-3884
www.greencountync.gov

The mission of Greene County Government is to serve and improve the lives of all citizens by providing high-quality, cost-effective services in an open, professional and ethical environment

GREENE COUNTY BUILDING ENFORCEMENT ORDINANCE

Section 1. Title

Greene County Building Codes Enforcement Ordinance.

Section 2. Purpose

The purpose of this ordinance is for the enforcement of the North Carolina State Building Code (hereinafter referred to as the Code) in order to protect the health, safety, and general welfare of the residents of Greene County and all contracted municipalities.

Section 3. Scope

The provisions of this article and the regulatory codes adopted by this article shall apply to the:

- A. Location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to such building or structure;
- B. Installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all appurtenances thereof;
- C. Installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, air conditioning, ventilating, and refrigeration systems, fuel burning equipment, and appurtenances thereof;
- D. Installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof;
- E. Installation, erection, alteration, repair, use and maintenance of piping and tubing for gas and fuel burning systems.

Section 4. Authority

North Carolina General Statutes §§ 153A- 121; 160D-101 and 1101-1130.

Section 5. Adoption of Code

The current edition of the North Carolina State Building Code is adopted as the Building Code of Greene County. Any future revisions, amendments, or additions to the State Code shall be incorporated into this ordinance. For the purposes of this ordinance, the North Carolina State Building Code includes, but is not limited to, the following:

- Building Code
- Law and Administrative Code
- Residential Code
- Plumbing Code
- Electrical Code
- Mechanical Code
- Fuel and Gas Code
- National Electrical Code
- Energy Code
- Regulations for Mobile Homes and Modular Housing
- Accessibility Code
- Rehabilitation Code

Section 6. Jurisdiction

- A. The jurisdiction for codes listed in Section 5 shall be the entire planning jurisdiction of Greene County.
- B. The County shall also have jurisdiction to enforce the code in any municipality which requests, and receives approval by the Greene County Board of Commissioners, for the County's enforcement of this ordinance within its planning jurisdiction. The municipality must also adopt this ordinance.

Section 7. Amendments to Codes

Amendments to the regulatory codes adopted by reference in this division, which are from time to time adopted and published by the agencies or organizations referred to in this division, shall be effective in the county at the time such amendments are deemed effective by the North Carolina State Building Code Council.

Section 8. Compliance with Codes

- A. All buildings or structures that are constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved after the effective date of this ordinance, shall conform to the requirements, minimum standards, and other provisions of the North Carolina State Building Code.

- B. Every building or structure intended for human habitation, occupancy, or use shall have plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in conformance with the minimum standards, requirements and other provisions of the North Carolina State Plumbing Code. All plumbing systems shall be connected to a sanitary sewer system or other disposal system that has been approved by the county health department.
- C. All mechanical systems consisting of heating, air conditioning, ventilating, gas, refrigeration systems, fuel-burning equipment, and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina State Mechanical and Gas Codes.
- D. All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum requirements and other provisions of the North Carolina State Electrical Code.

Section 9. Exemptions

The following activities are exempt from the provisions of this ordinance:

- A. The provisions of this ordinance shall not apply to farm use buildings located on a bona fide farm; however, all trade permits (electrical, mechanical, plumbing, etc.) are still required. When questions arise as to whether or not use of certain lands constitute bona fide farming, the Chief Code Enforcement Officer shall consult with County Extension Services and the USDA-Farm Services Administration.
- B. Equipment for storing, handling, transporting and utilizing liquefied petroleum gases for fuel purposes.
- C. Equipment or facilities, other than buildings, of a public utility, as defined in N.C.G.S. § 62-3, or of an, electrical or telephone membership corporation, including poles, towers and other structures supporting electric or communication lines.
- D. Residential buildings with any dimensions that do not exceed 12 feet.
- E. Nonstructural residential repairs or alterations costing fifteen thousand dollars (\$15,000) or less in any single-family residence or farm building unless the work involves any of the following:
 - 1. The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks.

2. The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
 3. The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.
 4. The use of materials not permitted by the North Carolina Residential Code for One- and Two-Family Dwellings.
 5. The addition (excluding replacement) of roofing.
- F. Any other structures that may be exempted by the North Carolina General Statutes.

Section 10. Severability

If any section, specific provision, or standard of this ordinance is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, or standard of this ordinance except the provision in question. The other portions of this ordinance not affected by the decision of the court shall remain in full force and effect.

Section 11. Creation of Inspections Department

A Greene County Inspections Department is created which consists of one or more inspectors who may be given the titles of building inspector, electrical inspector, plumbing inspector, mechanical inspector, fire prevention inspector, deputy or assistant inspector, or any other title that is generally descriptive of the duties assigned. The Department may be headed by a Chief Code Enforcement Officer.

Section 12. Duties of Inspections Department

- A. General. The Inspections Department shall receive applications for permits, issue or deny permits, conduct necessary inspections, issue or deny certificates of occupancy, issue orders to correct violations, revoke permits, perform inspections for possible structure condemnation, bring judicial actions against actual or threatened violations, keep adequate records, and take any other actions that may be required in order to enforce the Code.
- B. Records and Reports.
 1. The Inspections Department shall keep complete, accurate records in convenient form of all applications received, permits issued, inspections

and re-inspections made, defects and violations found, certificates of occupancy granted, and other actions of the Department, pursuant to the North Carolina Department of Cultural Resources Records Retention and Disposition Schedule.

2. Periodic reports shall be submitted to the Greene County Board of Commissioners and to the Commissioner of Insurance, as required.
- C. Registration of Contractors. Prior to performing work in Greene County's jurisdiction, every person carrying on the business of building contractor, plumbing contractor, mechanical contractor, or electrical contractor within the County shall register at the office of the inspections Department, giving name, place of business and address, and state contractor's license number.

Section 13. Inspectors

- A. Qualifications of Inspectors. Greene County shall employ only those inspectors to enforce the State Building Code who have one of the following types of certificates issued by the North Carolina Code Officials NC General Statutes - Chapter 160D Article 11 2 Qualification Board attesting to the inspector's qualifications to hold such position: (1) a probationary certificate, (2) a standard certificate, or (3) a limited certificate which shall be valid only as an authorization to continue in the position held on the date specified in N.C.G.S. § 143-151.13(c) and which shall become invalid if the inspector does not successfully complete in-service training specified by the Qualification Board within the period specified in N.C.G.S. § 143-151.13(c). An inspector holding one of the above certificates can be promoted to a position requiring a higher level certificate only upon issuance by the Board of a standard certificate or probationary certificate appropriate for such new position.
- B. Conflict of Interest. In accordance with N.C.G.S. § 1108, Greene County inspectors responsible for building inspections shall comply with N.C.G.S. § 160D-109(c). No member of an inspection department shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within Greene County's planning and development regulation jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No member of the Inspection Department conducting building inspections shall engage in any work that is inconsistent with his or her duties or with the interest of Greene County.

Section 14. Permits Required

Unless specifically exempted in section 9 of this ordinance and Chapter 160D-1110, the following work requires permits:

- A. The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
- B. The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if:
 - 1. The work is performed by a person licensed under N.C.G.S. § 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and
 - 2. The energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.
- C. The installation, extension, alteration, or general repair of any heating or cooling equipment system.
- D. The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:
 - 1. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
 - 2. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
 - 3. The work is performed by a person licensed under N.C.G.S. § 87-43.
 - 4. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code. However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in N.C.G.S. § 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an

electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to N.C.G.S. § 62-133.8 or N.C.G.S. § 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subsection applies to all existing installations.

- E. Mobile Homes. A permit is required for setting up and installation of mobile homes.
- F. Signs and Marquees. A permit is required to install signs, marquees, awnings, etc. when required in accordance with the North Carolina State Building Code.
- G. Change of Use. An inspection is required whenever the use of an existing building is changed. If the building must be altered or repaired, a permit will need to be obtained so the building may be altered or repaired in order to meet the requirements of the North Carolina State Building Codes with respect to the new use.

Section 15. Fees for Permits and Inspections

Permit fees shall be the schedule of fees adopted by the Greene County Board of Commissioners.

Section 16. Application for Building Permits

- A. Each permit application shall be filed, in writing, with the Inspections Department. All applications shall include materials listed below. Failure to submit all required materials will result in denial of the applicable permit(s).
 - 1. Name and address of the owner and, if applicable, the name and address of the authorized agent.
 - 2. Signed statement of ownership of property.
 - 3. If applicable, signed statement from owner authorizing agent to obtain requested permit(s).
 - 4. General description of the proposed work.
 - 5. Scaled drawing of work site, if required per section G below.

6. Survey of property or deed to property, if needed.
 7. Tax parcel number.
 8. If applicable, lien agent form.
 9. Any other information deemed necessary by the Inspections Department to allow for proper plan review and field inspection.
- B. Each application shall indicate the proposed use or occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building, and shall contain other pertinent information as may be required by the Inspections Department.
- C. When required by the Inspections Department, two or more copies of specifications and of drawings, drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany each application. The Inspections Department may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations, and they shall bear the signature of the person responsible for the design. Plans for all buildings shall indicate how required structural and fire-resistive integrity will be maintained where a penetration of a required fire-resistive wall, floor, or partition will be made for electrical, mechanical, plumbing, and communication conduits, pipes, and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire-resistive floors intersect the exterior walls.
- D. No permit shall be issued unless the plans and specifications are identified by the name and address of the author thereof.
- E. Where North Carolina law requires that plans for certain types of construction be prepared only by a registered architect or a registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or registered engineer.
- F. Where North Carolina law requires a licensed contractor for certain types of construction, no permit shall be issued for such construction except in compliance with the law.
- G. Where necessary to determine compliance with code standards, the Inspections Department may require tests or test reports. Such tests must be made by an approved testing laboratory or other approved agency, at the expense of the applicant. Copies of test reports or the results of tests shall be kept on file in the Inspections Department.
- H. No permit shall be issued unless the Inspections Department determine that the proposed site conforms to the Subdivision Regulations of Greene County, the Zoning Ordinance of Greene County, the Manufactured Home Park Ordinance of Greene County, the Flood Damage Prevention Ordinance of Greene County, the

Greene County Soil Erosion and Sediment Control Ordinance and all other applicable Federal, State and Local laws and regulations. No permit shall be issued on a lot in a proposed subdivision until the subdivision has received final approval by the Greene County Planning Board and the subdivision map has been duly recorded in the office of the Green County Registrar of Deeds. Substandard lots of record shall be exempt from this provision provided the applicant can prove to the Inspections Department that the particular lot for which an application for permit is made was clearly defined and a deed has been duly recorded in the office of the Greene County Registrar of Deeds prior to the adoption of the amendment to the provisions of this Section by the Green County Board of Commissioners.

Section 17. Issuance of Permits

- A. If the Inspections Department is satisfied that the work described in an application for a permit and the drawings and specifications filed conform to the requirements of this Code and all other applicable State and local laws, it shall issue a permit to the applicant.
- B. The permit shall be in writing and shall contain a provision that the work to be done shall comply with the State Building Code and all other applicable State and local laws.
- C. A permit issued for the work under this Code shall expire six months after the date of issuance if the work authorized has not been commenced. If after commencement, the work is discontinued for a period of twelve months, the permit shall immediately expire. No work authorized by any permit that has expired shall be performed until a new permit has been issued.
- D. After a permit has been issued, no changes or deviations from the terms of the applications, plans and specifications, or the permit (except changes or deviations clearly permissible under the Code) shall be made until specific written approval of proposed changes or deviations has been obtained from the Inspections Department.
- E. When the Inspections Department issues a permit, it shall indicate approval in writing, on all sets of plans which have been submitted. One set of plans so approved shall be retained by the Inspections Department, and the other set or sets shall be returned to the applicant; one set of which shall be kept at the site of the work and shall be open to inspection by any authorized member of the Inspections Department. Approval of the plans shall not relieve the contractor or owner from the responsibility to correct Code violations found at any time by the Inspector. The building permit card issued by the Inspections Department shall be posted on the construction site and accessible to Building inspectors at all times until project completion.

- F. Any person may be permitted to perform building construction, electrical, plumbing, and mechanical work upon his own property, if the owner occupies the structure for at least 12 months after the work is completed, provided he first makes application for and obtains a permit from the Inspector to do the specific work contemplated, and provided the applicant satisfies the Inspector that he is competent to perform the work for which the permit is requested in a manner which will meet all statutory and ordinance requirements. If the cost of the project is thirty thousand (\$30,000.00) or more, the person must execute a verified affidavit in compliance with N.C.G.S. § 87-14(a)(1). If so satisfied, the Inspector shall issue a permit the applicant personally to perform the particular work for which the permit is granted. Such permit shall extend to the applicant only and shall not authorize the applicant to employ the services of any other person to assist him unless such other person is a qualified contractor. All work done under such permit shall be subject to regular inspection requirements and fees. No permit, except a personal permit as outlined above, shall be issued to any person, firm, or corporation unless such person, firm, or corporation is the holder of a contractor's license issued by the appropriate licensing board.

Section 18. Inspections Authorized; Right of Entry

- A. As work covered by the permit progresses, Greene County Inspectors shall make as many inspections as necessary to satisfy them that the work is being done in accordance with this Code, any other applicable State and local laws, and the terms of the permit.
- B. Authorized personnel of the Inspections Department shall have a right, to the extent provided by North Carolina law, to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a building permit has been obtained by an owner exempt from licensure under N.C.G.S. § 87-1(b)(2), no inspection shall be conducted without the owner being present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

Section 19. Inspections Required

When required, the Inspections Department shall make at least, but not limited to, the following inspections of all work being performed under the permit and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the law. It shall be the responsibility of the permit holder or his agent to give timely notice to the Inspections Department when the work for these inspections is ready and to schedule the applicable inspection or re-inspection.

- A. Footing Inspection. To be made after the trenches are excavated, all grade stakes are installed, all reinforcing steel supports are in place, and appropriately tied, all necessary forms are in place and braced and before any concrete is placed.
- B. Pre Under slab Inspection. To be made after all forms have been placed, all electrical, plumbing and/or heating and air conditioning facilities, all crushed stone, a vapor barrier, all reinforcing steel with supports and tied and/or welded wire fabric is installed when required but before any concrete is placed.
- C. Foundation and Pre Sub-Floor Inspection. To be made after all foundation supports and floor joist are installed.
- D. Frame Inspection and Rough In. To be made after the roof, all framing, fire-blocking, and bracing is in place and all pipes, chimneys, vents, electrical panel, electrical wire, receptacle boxes, fixture boxes, plumbing pipes, heat and air conditioning vents and all other items in place which will be covered by insulation or interior finishes.
- E. Insulation Inspection. To be made after rough-ins are complete with insulation being installed and prior to finish being applied.
- F. Final Inspection. To be made after the building or structure is completed and ready for occupancy.

Section 20. Work Not to Proceed Without Approval

Work shall not proceed on any part of the a building or structure beyond the point indicated for each inspection until written approval has been received from the Inspections Department by an inspector signing off on the relevant section of the building card posted on the job site.

Section 21. Certificate of Occupancy

Building Occupancy: A new building shall not be occupied, or a change made in the occupancy, nature, or use of a building or part of a building, until after the Inspection Department has issued a certificate of occupancy. The certificate of occupancy shall not be issued until all required service systems have been inspected for compliance with technical codes and other applicable laws and ordinances and approval by the Inspection Department.

A temporary certificate of occupancy may be issued permitting occupancy for a stated period of time for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.

Section 22. Occupancy without a Certificate

Occupying a building or structure in violation of this ordinance will constitute a misdemeanor and shall be grounds for the inspector to have utility service disconnected in accordance with the North Carolina Electrical Code.

Section 23. Utility Service

No person shall make connections from a utility, source of energy, fuel, or power to any building or system that is regulated by the technical codes until approved by the Inspection Department and a certificate of occupancy is issued per section 21. The inspector has the authority to have any unlawful utility connection disconnected in accordance with the North Carolina Electrical Code.

The inspector may authorize temporary power service to a building if, in the inspector's judgment, such service is warranted and can be provided in a safe manner. Temporary power service may be ordered to be terminated by the Inspections Department in accordance with the North Carolina Electrical Code.

Section 24. Liability for Damages

This section shall be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for damages to person or property caused by any defect therein, nor shall Greene County be held as assuming any such liability by reason of the inspection authorized herein or the certificate of approval issued as herein provided.

Section 25. Stop Work Orders

Whenever any building or structure or part thereof is being constructed, reconstructed, altered, repaired, or demolished in a hazardous manner, or in substantial violation of this Code or any other applicable State or local building laws, or in a manner that endangers life or property, the inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped.

- A. The Stop Work Order shall be in writing, directed to the person doing the work, with a copy to the owner of the property, and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed.
- B. An owner or builder may appeal a Stop Work Order. Any appeals of Stop Work Orders shall be done in accordance with N.C.G.S. § 160D-1114.
- C. Violation of a Stop Work Order shall constitute a misdemeanor.

Section 26. Revocation of Permits

In accordance with N.C.G.S. § 160D-1115, the inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

Section 27. Enforcement

In any violation of this ordinance which is a misdemeanor, the County, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building involved.

Section 28. Unsafe Building Condemned

- A. In accordance with N.C.G.S. § 160D-1119, the inspector shall condemn as unsafe each building that appears to him to be especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes; and he shall affix a notice of the dangerous character of the building to a conspicuous place on its exterior wall.
- B. Residential and Nonresidential Buildings or Structures. In addition to the authority granted in subsection (A) of this Section, an inspector may declare a building or structure within a community development target area to be unsafe if it meets both of the following conditions:
 - 1. It appears to the inspector to be vacant or abandoned.
 - 2. It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire, or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.
- C. If an inspector declares a building or structure to be unsafe under subsection (B) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purpose of this section, the term "community development target area" means an area that has characteristics of an urban progress zone under N.C.G.S. § 143b-437.09, a "nonresidential redevelopment area" under N.C.G.S. § 160A-503(10), or special need of revitalization for the benefit and welfare of its citizens.

Section 29. Procedure in the Event of Failure to Take Corrective Action

In accordance with N.C.G.S. § 160D-1121, if the owner of a building that has been condemned as unsafe pursuant to N.C.G.S. § 160D-1119 fails to take prompt corrective action, the Greene County inspector shall by certified or registered mail to their last known address or by personal service give written notice:

- A. That the building or structure is in a condition that appears to meet one or more of the following conditions:
 - 1. Constitutes a fire or safety hazard.
 - 2. Is dangerous to life, health, or other property.
 - 3. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
 - 4. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.
- B. That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- C. That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the Greene County area of jurisdiction at least once not later than one week prior to the hearing.

Section 30. Enforcement

- A. In accordance with N.C.G.S. § 160D-1125, whenever any violation is denominated a misdemeanor under the provisions of this Article, Greene County, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.
- B. **Removal of Building.** In the case of a building or structure declared unsafe under N.C.G.S. § 160D-1119 or an ordinance adopted pursuant to N.C.G.S. § 160D-1119, Greene County may, in lieu of taking action under subsection (A) of this section,

cause the building or structure to be removed or demolished. The amounts incurred by Greene County in connection with the removal or demolition are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by Greene County, Greene County shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. Greene County shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

- C. **Additional Lien.** The amounts incurred by Greene County in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within Greene County's planning and development regulation jurisdiction, and for cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (B) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.
- D. **Nonexclusive Remedy.** Nothing in this section shall be construed to impair or limit the power of Greene County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Public Hearing; Proposed Flood Prevention Ordinance Amendment

Date: June 21, 2021

A Public Hearing to receive Public Comment is scheduled for the proposed Flood Prevention Ordinance Amendment. This amendment brings us into compliance with new legislation in N.C.G.S. Chapter 160D.

Mr. Chairman Open the public hearing to receive Public Comment

Mr. Chairman may close the public hearing when all public comment is received.

Action Recommended:

Motion to adopt the proposed Flood Prevention Ordinance Amendment

Board Action Needed

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§ 153.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.

(A) *Statutory authorization.*

~~—(1) *Municipal.* The Legislature of the State of North Carolina has in G.S. Ch. 143, Art. 21, Part 6; G.S. Ch. 160A, Art. 19, Parts 3, 5, and 8; and G.S. Ch. 160A, Art. 8, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.~~

~~—(2) *County.* The Legislature of the State of North Carolina has in G.S. Ch. 143, Art. 21, Part 6; G.S. Ch. 153A, Art. 18, Parts 3 and 4; and G.S. Ch. 153A, Art. 6, Part 121, of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.~~

~~—(3) *Ordain as follows.* Therefore, the Board of Commissioners of Greene County, North Carolina, does ordain as follows:~~

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of Greene County, North Carolina, does ordain as follows:

§ 153.04 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

(A) The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) dated April 16, 2013 for Greene County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto, its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Greene County dated January 2, 2004, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this chapter.

(B) The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- (1) Generated as a requirement of § 153.27(K) and (L);
- (2) Preliminary FIRMs where more stringent than the effective FIRM; or
- (3) Post-disaster Flood Recovery Maps.

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: HMGP 4285 Progress Report

Date: June 21, 2021

Mr. Steve McGugan, of NC DEM is present to give an update of the state's perspective of the HMGP progress for the acquisitions and elevations. He will be available for questions and comments from the board at this time.

Action Recommended:

Informational

No Board Action is Needed

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www.greenecountync.gov

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Commissioners
Bennie Heath - Chairman
James T. Shackelford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Appointment; Planning Board

Date: June 21, 2021

An appointment to the Planning board is needed as a term is expiring. Mr. Salvador Tinoco has reapplied to serve another term. The Planning Director recommends the reappointment of Mr. Tinoco to this position.

Action Recommended:

Motion to appoint a member to the board as needed

Board Action is Needed

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www.greencountync.gov

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De-Appointment

APPLICATION FOR APPOINTMENT
to
GREENE COUNTY ADVISORY BOARDS AND COMMISSIONS

The Greene County Board of Commissioners believes that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the County's advisory boards. If you want to be considered for appointment to an advisory board, please complete the Application below and mail it to the Greene County Clerk to the Board, 229 Kingold Blvd., Suite D, Snow Hill, NC 28580, or fax to 252-747-3884.

Advisory Board/Committee/Commission interested in:

PLANNING BOARD

(I understand that this application will be kept on the active file for two years only, and I hereby authorize Greene County to verify all information included in this application.)

Name: Salvador N. Tinoco

Address: 111 South East 2nd Street / 209 SE 2nd St.

City/State/Zip: Snow Hill, NC 28580

Telephone: (Home): (252) 253-9778 (Work): (252) 747-4333

Email: Sal.tinococonstruction@gmail.com

Occupation: Restaurateur - Business Owner

Business Address: 111 SE 2nd St. 208 SE 3rd St office

Current volunteer activities / other Board & Commissions:

Snow Hill Planning Board

Why do you want to serve on this Board? To serve my community by helping make strategic and smart decisions for the growth, the well being and the prosperity of Greene County, its citizens and its businesses at whole.

CERTIFICATION

I certify that I understand the 75% attendance requirement established in the Greene County Board Appointment Policy. I further certify, that I am aware, if my attendance drops below the 75% attendance requirements that I will be automatically removed from said Board appointment.

Salvador N. Tinoco
Signature of Applicant

April 12, 2021
Date

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burrese



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Appointment; Board of Adjustments

Date: June 21, 2021

Appointments to the Board of Adjustments are needed for two members and reappointment for one member. Advertisement for the two available positions have been posted in the standard. The Board of Adjustments recommends the reappointment of Mr. Henry Lanier, and the appointment of Jessica Lynn Byrd and Shanita Edwards.

Action Recommended:

Motion to approve candidates to fill Board needs

Board Action is Needed

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www.greenecountync.gov

The mission of Greene County Government is to serve and improve the lives of all citizens by providing high-quality, cost-effective services in an open, professional and ethical environment

Commissioners
Bennie Heath - Chairman
James T. Shackleford – Vice Chairman
Jerry Jones
Susan Blizzard
Derek Burress

County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud



June 3, 2021

To: Mr. Kyle DeHaven
Greene County Board Commissioners

Per direction of the Board of Commissioners, we advertised two separate notices in The Standard to accept new applications for positions on the Board of Adjustment and the Planning Board.

The positions were open for applications for several weeks and we actually ran it an additional time because lack of responses.

At this time on the Board of Adjustment (BOA), we have had two members resign. Latesha Haddock was up for reappointment but has chosen not to do so and Glen Dail has delivered his resignation letter. Both will be missed and were assets for the County for several years as members of the first BOA. I personally enjoyed working with them and appreciate their service. Also, Henry Lanier's term has come to an end and he is asking to be reappointed.

The Planning Board (PB) also has a member whose first term is coming to an end. Salvador Abrego has served three years with the Planning Board and is asking to be reappointed for a second term.

It is my recommendation at this time for the BOA, that Henry Lanier be reappointed. As of the date of this letter, the BOA was created in 2017 and has met only 7 times in those years. Mr. Lanier serves as Vice Chair and has been a valuable asset to this Board. I also recommend that Jessica Lynn Byrd and Shanita Edwards be appointed to the BOA. Both of these individuals currently serve as alternates to the BOA. There have been no other applications received at this time. We will continue to advertise to try and feel the alternate positions left vacated from this recommendation.

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www.greenecountync.gov

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"Greene County is an equal opportunity provider, employer and lender."
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Ave., SW, Washington, DC 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TDD)

Commissioners
Bennie Heath - Chairman
James T. Shackleford - Vice Chairman
Jerry Jones
Susan Blizzard
Derek Burruss



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

For the Planning Board, it is my recommendation, the BOC reappoint Salvador Abrego. There have been no other applications received at this time. We will continue to advertise to fill the vacant alternate positions.

Each of the terms will be for three years per Greene County Ordinances. I am attaching the applications for reappointment from Henry Lanier and Salvador Abrego. Also attached are the original applications from Jessica Lynn Byrd and Shanita Edwards.

Your consideration of this request would be greatly appreciated.

Respectfully,



Brandon Sutton
Planning Director

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www.greencountync.gov

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Re-Appointment

APPLICATION FOR APPOINTMENT
to
GREENE COUNTY ADVISORY BOARDS AND COMMISSIONS

The Greene County Board of Commissioners believes that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the County's advisory boards. If you want to be considered for appointment to an advisory board, please complete the Application below and mail it to the Greene County Clerk to the Board, 229 Kingold Blvd., Suite D, Snow Hill, NC 28580, or fax to 252-747-3884.

Advisory Board/Committee/Commission interested in:

Board of Adjustments

(I understand that this application will be kept on the active file for two years only, and I hereby authorize Greene County to verify all information included in this application.)

Name: Henry Lanier

Address: 2010 Fred Harrison Rd

City/State/Zip: Snow Hill NC 28580

Telephone: (Home): 252-286-6734 (Work): 252-747-8124

Email: Henry@LanierConstruction.com

Occupation: President - Lanier Construction Co. Inc

Business Address: 1505 Browntown Rd Snow Hill NC 28580

Current volunteer activities / other Board & Commissions: Planning Board Greene County

N.C. General Contractors Licenses Board

Why do you want to serve on this Board? A desire to serve the public

CERTIFICATION

I certify that I understand the 75% attendance requirement established in the Greene County Board Appointment Policy. I further certify, that I am aware, if my attendance drops below the 75% attendance requirements that I will be automatically removed from said Board appointment.

Henry Lanier
Signature of Applicant

2-2-21
Date

APPLICATION FOR APPOINTMENT
to
GREENE COUNTY ADVISORY BOARDS AND COMMISSIONS

The Greene County Board of Commissioners believes that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the County's advisory boards. If you want to be considered for appointment to an advisory board, please complete the Application below and mail it to the Greene County Clerk to the Board, 229 Kingold Blvd., Suite D, Snow Hill, NC 28580, or fax to 252-747-3884.

Advisory Board/Committee/Commission interested in:

Board of Adjustments.

(I understand that this application will be kept on the active file for two years only, and I hereby authorize Greene County to verify all information included in this application.)

Name: Jessica Lynn Byrd

Address: 210 S.E. 4th St.

City/State/Zip: Snow Hill, NC 28580

Telephone: (Home): 919-632-8675 (Work): _____

Email: police.mother@aol.com

Occupation: Full time mom + volunteer

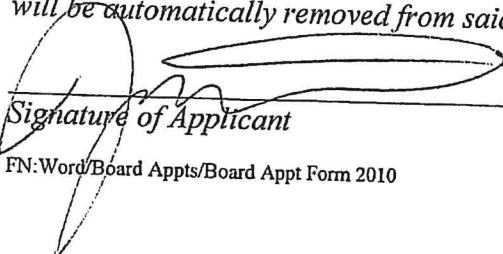
Business Address: _____

Current volunteer activities / other Board & Commissions: Vol. Fire Fighter with Stokes (Carolina Township) FD, Guardian ad Litem with District 8 court, ran Project Sunshine and other small events.

Why do you want to serve on this Board? I want to serve on the board of adjustments because I want to give back to my community. I believe I can be impartial and fair.

CERTIFICATION

I certify that I understand the 75% attendance requirement established in the Greene County Board Appointment Policy. I further certify, that I am aware, if my attendance drops below the 75% attendance requirements that I will be automatically removed from said Board appointment.


Signature of Applicant

12/10/20
Date

APPLICATION FOR APPOINTMENT
to
GREENE COUNTY ADVISORY BOARDS AND COMMISSIONS

The Greene County Board of Commissioners believes that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the County's advisory boards. If you want to be considered for appointment to an advisory board, please complete the Application below and mail it to the Greene County Clerk to the Board, 229 Kingold Blvd., Suite D, Snow Hill, NC 28580, or fax to 252-747-3884.

Advisory Board/Committee/Commission interested in:

Board of Adjustments

(I understand that this application will be kept on the active file for two years only, and I hereby authorize Greene County to verify all information included in this application.)

Name: Shanita Edwards

Address: 84 Murray Rd

City/State/Zip: Snow Hill, NC 28580

Telephone: (Home): (678) 358-5450 (Work): _____

Email: shanita1977@gmail.com

Occupation: Self-Employed; Recent separation from UPS (voluntary)

Business Address: SAME

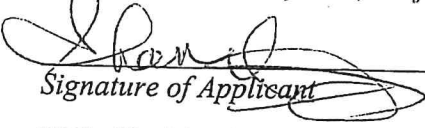
Current volunteer activities / other Board & Commissions: Recently relocated to Snow Hill from Atlanta. Eager to get engaged and give back to Greene County from which it originated.

Why do you want to serve on this Board? I'd like to help by serving in a capacity that will contribute to the growth and development of Greene County.

I am a 1995 graduate of GCHS and a 1999 graduate of ECU. It's good to be home!

CERTIFICATION

I certify that I understand the 75% attendance requirement established in the Greene County Board Appointment Policy. I further certify, that I am aware, if my attendance drops below the 75% attendance requirements that I will be automatically removed from said Board appointment.


Signature of Applicant

1/22/2021
Date

Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Appointment; DSS Board

Date: June 21, 2021

An appointment is needed for the DSS board as a member had been removed for lack of attendance. An applicant has been received, Mr. Trey Cash.

Action Recommended:

Motion to approve applicant to the DSS Board

Board Action is Needed

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www.greencountync.gov

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Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:

Board /
Committee

DSS Board

2

About You

Joshua Trey Cash

(252) 717-3291

Name (above)

Phone Number (above)

501 Hollywood Terrace, Snow Hill, NC 28580

Address (above)

j.trey.cash@gmail.com

Greene County Board of Elections

Email Address (above)

Occupation (above)

If necessary, please use the back of this form to answer the following questions:

Maury Vol. Fire & Rescue & Greene County Community Foundation

Current volunteer activities/other Board & Commissions (above)

I believe my past experiences, resume, and education will be a great addition to the DSS Board and help serve the citizens of Greene County.

Why are you interested in serving on this Board? (above)

3

Policy

- All Boards/Committees shall have an appropriate membership regarding race, gender, and geographical location, when applicable and possible.
- Boards/Committees Vacancies shall be advertised in the local newspaper, on the County Website, on County Social Media, and at Commissioner's meetings at least one month before appointments are needed
- Citizens interested in serving on a board/committee shall complete an application available from the Clerk to the Board or online at Greenecountync.gov before being considered for nomination.
- The Board of Commissioners will be provided, by the Chairperson of the board/committee, an annual list of Board/Committee members whose terms are set to expire that calendar year. The Board shall make every effort to make appointments during the month for which they are due. In the event of an expired term, members shall continue to serve until a new member is appointed. The Board of Commissioners shall make appointments to fill unexpired terms, created by resignation, removal, or other causes, as expeditiously as possible.
- The Greene County Board of Commissioners shall make all appointments, by giving due consideration to the needs of Greene County, and in conjunction with available applications for appointment. Requested reappointments to the board/committee will be given preference as requested by the board to which the reappointment is being made.
- New board appointees shall be oriented by the Agency Director or Chairperson of the Committee. Appointee shall follow the rules and procedures of their respective Regional and State Board/Committee to such extent as their bylaws superseded the County's policy. Failure to meet the qualifications as deemed appropriate by the respective board/committee may result in the removal of the board.
- The Greene County Board of Commissioners requests that each Board/Committee to which they make appointments adopt a 75% per year attendance policy applies to all appointees and enforce such policy through written notification to the Board of Commissioners. When the Board of Commissioners has been notified, that appointees failed to maintain the required 75%-year attendance, the appointee will be replaced. The appointee will be notified by letter from the Chairperson, with a copy of the Board Appointment Policy attached, that they have been replaced due to their failure to attend the required percentage of meetings.
- The Greene County Board of Commissioners requests that all Boards/Committees to which they make appointments communicate and provide written minutes if requested by the Board.
- In order to allow more individuals an opportunity to serve on Greene County Boards/Committees, the County Commissioners establish a limit of time an individual can serve, unless specified by a State or Regional Board or requested reappointments. The term limit shall be three full terms with 3 years per term. Filling an unexpired term or probationary term does not count toward the term limits.

4

Signature

I understand the responsibilities/policy of serving as a board member and affirm that the information in this application is true and correct.

X

Trey Cash

5/18/2021

Signature (above)

Date (above)

Commissioners
Bennie Heath - Chairman
James T. Shackelford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Appointment, Sr. Center Advisory Committee

Date: June 21, 2021

Appointments are needed for the Sr. Center Advisory Committee. Applications have been received for the positions and are attached. The 6 applicants are detailed in the brief sent from Ms. Harrison.

Action Recommended:

Motion to approve applicants for the Sr. Center Advisory Committee

Board Action is Needed

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www.greenecountync.gov

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Kathy Mooring

From: Sharon Harrison
Sent: Tuesday, June 15, 2021 5:10 PM
To: Kyle DeHaven
Cc: Kathy Mooring
Subject: Senior Center Advisory Committee Appointments
Attachments: Senior Center Advisory Committee Appointment Requests effective July 1st 2021. .pdf
Importance: High

Kyle,

Please see attachment in regards to the Senior Center Advisory Committee. Original applications are on file at the Senior Center. I have 6 slots for either new or an additional term for appointment. I received 6 applications. Chris Miller has chosen to rotate off the Board at this time. Applications for consideration are:

Ada Ashburn-reappointment

Elaine Morgan-reappointment

David Freeman-reappointment

Sheila Brann-reappointment

Melinda Waters-New-was on the board 2 years ago and rotated off-wants to get back on

Mary Bass-recommended by Sheila Brann-loves helping seniors and working with the community.

Alice Barfield will begin her second year of service on this board July 1st.

Elliotte Ashburn and Bennie Heath are permanent members based on their positions.

The Senior Center Advisory Committee has approved these applications.

Ad was requesting applications through May 28th, 2021.

Also included an Ad Published in the local newspaper, on our County Face Book Page, and the Senior Center Facebook Page-(669 Views).

Let me know if you need additional information.

Sharon J. Harrison

DIRECTOR GREENE COUNTY SENIOR CENTER & SERVICES

PO Box 36

104 GREENRIDGE ROAD

SNOW HILL, NC 28580

TEL: (252) 747-5436

(252) 747-7518

FAX: (252) 747-8402

sharon.harrison@greencountync.gov

Our Mission: To promote the Health, Well-Being, and Quality of Life for all Senior Citizens!

“A CENTER OF EXCELLENCE SINCE APRIL 1, 2010”

Sharon J. Harrison

DIRECTOR GREENE COUNTY SENIOR CENTER & SERVICES

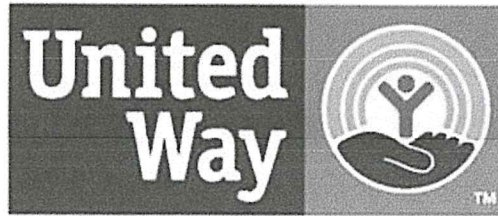
PO Box 36

104 GREENRIDGE ROAD
SNOW HILL, NC 28580
TEL: (252) 747-5436
(252) 747-7518
FAX: (252) 747-8402

sharon.harrison@greenecountync.gov

Our Mission: To promote the Health, Well-Being, and Quality of Life for all Senior Citizens!

"A CENTER OF EXCELLENCE SINCE APRIL 1, 2010"



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Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:

Board /
Committee

Senior Center Advisory Committee

2

About You

Name (above)

Ada G. Ashburn

Phone Number (above)

Address (above)

Glenfield Rd. Snow Hill N.C. 28580

Email Address (above)

na@aol.com

Occupation (above)

Retired

If necessary, please use the back of this form to answer the following questions:

Greene Co. Advisory Board, Chita, kingo, Gingo Sise, Jearloy.
Current volunteer activities/other Board & Commissions (above)

I would like to see Greene Co. prosper and advance in all ways
Why are you interested in serving on this Board? (above)

3

Policy

- All Boards/Committees shall have an appropriate membership regarding race, gender, and geographical location, when applicable and possible.
- Boards/Committees Vacancies shall be advertised in the local newspaper, on the County Website, on County Social Media, and at Commissioner's meetings at least one month before appointments are needed
- Citizens interested in serving on a board/committee shall complete an application available from the Clerk to the Board or online at GreeneCountyNC.gov before being considered for nomination.
- The Board of Commissioners will be provided, by the Chairperson of the board/committee, an annual list of Board/Committee members whose terms are set to expire that calendar year. The Board shall make every effort to make appointments during the month for which they are due. In the event of an expired term, members shall continue to serve until a new member is appointed. The Board of Commissioners shall make appointments to fill unexpired terms, created by resignation, removal, or other causes, as expeditiously as possible.
- The Greene County Board of Commissioners shall make all appointments, by giving due consideration to the needs of Greene County, and in conjunction with available applications for appointment. Requested reappointments to the board/committee will be given preference as requested by the board to which the reappointment is being made.
- New board appointees shall be oriented by the Agency Director or Chairperson of the Committee. Appointee shall follow the rules and procedures of their respective Regional and State Board/Committee to such extent as their bylaws superseded the County's policy. Failure to meet the qualifications as deemed appropriate by the respective board/committee may result in the removal of the board.
- The Greene County Board of Commissioners requests that each Board/Committee to which they make appointments adopt a 75% per year attendance policy applies to all appointees and enforce such policy through written notification to the Board of Commissioners. When the Board of Commissioners has been notified, that appointees failed to maintain the required 75%-year attendance, the appointee will be replaced. The appointee will be notified by letter from the Chairperson, with a copy of the Board Appointment Policy attached, that they have been replaced due to their failure to attend the required percentage of meetings.
- The Greene County Board of Commissioners requests that all Boards/Committees to which they make appointments communicate and provide written minutes if requested by the Board.
- In order to allow more individuals an opportunity to serve on Greene County Boards/Committees, the County Commissioners establish a limit of time an individual can serve, unless specified by a State or Regional Board or requested reappointments. The term limit shall be three full terms with 3 years per term. Filling an unexpired term or probationary term does not count toward the term limits.

4

Signature

I understand the responsibilities/policy of serving as a board member and affirm that the information in this application is true and correct.

X

Ada G. Ashburn

Signature (above)

5-19-2021

Date (above)



Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:

Board /
Committee

Senior Center Advisory Committee

2
About You

Name (above) Mary Anne Bass

252-777-2783

Phone Number (above)

Address (above) 1000 E. Stantonburg Rd 27883

Email Address (above)

maryannebass@gmail.com

Sub-teach

Occupation (above)

If necessary, please use the back of this form to answer the following questions:

Volunteer with my church

Current volunteer activities/other Board & Commissions (above)

Helping Seniors and Community interaction

Why are you interested in serving on this Board? (above)

(Helping Seniors & Sheila Brane)

3

Policy

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4

Signature

I understand the responsibilities/policy of serving as a board member and affirm that the information in this application is true and correct.

X Mary Anne Bass

Signature (above)

May 20, 2021

Date (above)



GREENE COUNTY

Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:
Board / Committee Senior Center Advisory Board

2 About You Name (above) Sheila Brann Phone Number (above) 246-245-1111
Address (above) Edgemont Dr. Snow Hill
Email Address (above) @yahoo.com Occupation (above) Retired - Part-time teacher

If necessary, please use the back of this form to answer the following questions:

Senior Center Advisory Board
Current volunteer activities/other Board & Commissions (above)

to do the best for senior in the comm.
Why are you interested in serving on this Board? (above)

3 Policy

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X Sheila Brann
Signature (above)

5/19/21
Date (above)



Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:

Board /
Committee

Senior Center Advisory Committee

2

About You

Name (above)

DAVID GREENMAN

Phone Number (above)

Address (above)

CREEKSIDE DR. Hooker

Email Address (above)

28538

Occupation (above)

If necessary, please use the back of this form to answer the following questions:

Senior Center Advisory

Current volunteer activities/other Board & Commissions (above)

To help the Senior Center

Why are you interested in serving on this Board? (above)

3

Policy

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X

Signature (above)

Date (above)

5-19-21



Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:

Board /
Committee

Senior Center Advisory Committee

2 Melinda Waters

About You

Name (above)

Phone Number (above)

Address (above)

melinda.waters

Email Address (above)

Retired

Occupation (above)

If necessary, please use the back of this form to answer the following questions:

Current volunteer activities/other Board & Commissions (above)

Volunteers at church services, help with the seniors at the center, give input on some of the activities that are being done at the senior center. Help plan trips for the center and overnight and day.

Why are you interested in serving on this Board? (above) To make decision concerning the Senior Center.

3

Policy

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4

Signature

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Melinda Waters

Signature (above)

June 04-2021

Date (above)

Volunteers for Senior Services Committees: Application required. Please call 252-747-5436 for an application or email sharon.harrison@greencountync.gov. An application with a list of volunteer job descriptions is also available online at www.greencountync.gov click on Departments then Senior Services. Return completed applications by **Friday May 28th, 2021** to Sharon Harrison-Greene County Senior Center- PO Box 36 Snow Hill NC 28580- or drop off at the Senior Center located at 104 Greenridge Road in Snow Hill. Applications must be signed and completely filled out to be considered.

Greene County Senior Center Advisory Committee: Greene County Senior Citizens-(age 60 & Older) serve on this board with the purpose of advising the Senior Director on the development, implementation, and administration of Senior Services programs in Greene County, promoting the well-being of the Senior Population, and advocacy on behalf of Greene County Senior Citizens. Advises and provides input to the Senior Center Director for consideration on policies, procedures, events, activities, and requests for adoption by the Greene County Board of Commissioners. Meets on the third Wed. of Jan., March, May, July, Sept., and Nov. at 3:30pm at the Greene County Senior Center. Terms of appointment, which are Three years, **begin in July**. Training on items Specific to the Senior Center Advisory Committee will be **provided within 2 months** of beginning service to include Senior Center Policies, Advisory Board By-Laws, HIPPA Laws, and Volunteer Handbook. **1 Position**

Community Advisory Committee for Long Term Care & Family Care Home Facilities:

Committee Members will make **quarterly visits** with the Regional Ombudsman to Long Term Care and Assisted Living Facilities in Greene County. **Annual Visits** will be made to Greene County Family Care Homes. Volunteer must have their own transportation to and from Facilities for visits. Member will serve as an ambassador for residents of Long Term Care & Family Care Homes to resolve complaints. Volunteer must be willing to complete the required State training for members through the Regional Ombudsman's Office before being considered for this committee. **Ineligibility:** 1) an employee or owner/operative of a facility served by the Committee. 2) Relative of an employee or owner/operator of a facility served by this committee. Appointment for 1 year, then 3 year term. **1 Position**

Senior Tar Heel Legislature Alternate: **Greene County resident at least 60** and is will to serve as an alternate for Greene County, to provide information and education to Senior Citizens on the Legislative Process, promote citizen involvement and Advocacy concerning aging issues before the State General Assembly. Delegates & Alternates are selected by the Area Agency on Aging, which is responsible for planning & selection. Must have good oratorical skills. Alternates will attend meetings and perform the duties of the Delegate in their absence including casting votes. Delegate Meetings are held 2X year in Raleigh, and Regional Delegate Meetings 4X a Year at the Area Agency on Aging in New Bern unless otherwise noted. Delegate shall receive Orientation for their position through Eastern Carolina Council Area Agency on Aging. **1 Position**

Regional Aging Advisory Board: Greene County resident at least age 60 to serve on the formal advisory committee to Region P of the Area Agency on Aging, and the Eastern Carolina Council Board of Directors. Terms are for 3 years. Meetings are held four times a year, in Jan, April, July, Oct. on the first Mon. of the month at 10:00am. Meetings are held in New Bern at the Area Agency on Aging unless otherwise noted. Member Advocates on behalf of the Senior Population in Region P, and particularly, the county in which they reside in relation to laws, policies, actions and programs that affect older adults.

Training for this board is provided at the Area Agency on Aging in New Bern. Training includes By-Laws, and the purpose of the Area Agency of Aging in relation to the needs of Older Adults. **1 Position**



Application for Appointment to Greene County Advisory Boards and Commissions

1 Application for Appointment to:

Board /
Committee

Senior Center Advisory Committee

2

About You

Elaine Morgan

Name (above)

25

Phone Number (above)

Address (above)

5 Kingold Blvd SNOW HILL NC

Email Address (above)

emorgan@yahoo.com

Occupation (above)

Retired RN, FNP

If necessary, please use the back of this form to answer the following questions:

SECU Advisory Bd, Senior Center Advisory Bd

Current volunteer activities/other Board & Commissions (above)

Current Member - Active at Center

Why are you interested in serving on this Board? (above)

3

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Signature

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X Elaine A Morgan

Signature (above)

6/8/21

Date (above)

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Commissioners
Bennie Heath - Chairman
James T. Shackleford-Vice Chair
Jerry Jones
Susan Blizzard
Derek Burress



County Manager
Kyle J. DeHaven

Finance Officer
Beverly T. Stroud

County Attorney
Gay Stanley

From: Kyle J. DeHaven, County Manager

Re: Appointment: Regional Aging Advisory Committee

Date: June 21, 2021

Appointments are needed for the Regional Aging Advisory Committee. Two members confirmed their desire to be reappointed, and an applicant expressed their desire to replace a member who did not want to remain.

Action Recommended:

Motion to appoint members to fill the needs of the Regional Committee

Board Action is Needed

229 Kingold Blvd., Suite D • Snow Hill, NC 28580 • (252) 747-3446 • FAX (252) 747-3884
www.greenecountync.gov

The mission of Greene County Government is to serve and improve the lives of all citizens by providing high-quality, cost-effective services in an open, professional and ethical environment

Kathy Mooring

From: Sharon Harrison
Sent: Tuesday, June 15, 2021 4:30 PM
To: Kyle DeHaven
Cc: Kathy Mooring
Subject: Request for Reappointment for RAAC from Eastern Carolina Council Area Agency on Aging
Attachments: June 2021 Greene RAAC Committee Appointment Requests .pdf
Importance: High

I was able to confirm with Faye Taylor and Jean Garner that they did wish to serve an additional 3 year term as requested by Eastern Carolina Council for the Regional Aging Advisory Committee. David Jones resigned this position as of Jan 2021. This vacant position was advertised through May 28th. Elliotte Ashburn was the only individual who submitted an application for this position.

I am requesting that Faye Taylor and Jean Garner be reappointed to this position, and Elliotte Ashburn to fill the empty slot on this Committee.

Attached is a letter from Eastern Carolina Council Requesting reappointment, and an Application from Elliotte Ashburn who will serve as our Greene County Delegate for the Senior Tar Heel Legislature. He will also serve as the 3rd Delegate needed on the RAAC if approved, replacing David Jones who resigned.

Also included an Ad Published in the local newspaper, on our County Face Book Page, and the Senior Center Facebook Page-(669 Views).

Sincerely,

Sharon T. Harrison

DIRECTOR GREENE COUNTY SENIOR CENTER & SERVICES
PO Box 36
104 GREENRIDGE ROAD
SNOW HILL, NC 28580
TEL: (252) 747-5436
(252) 747-7518
FAX: (252) 747-8402
sharon.harrison@greenecountync.gov

Our Mission: To promote the Health, Well-Being, and Quality of Life for all Senior Citizens!

"A CENTER OF EXCELLENCE SINCE APRIL 1, 2010"

GREENE COUNTY FINANCIAL SUMMARY

MAY 31, 2021



GENERAL FUND				
REVENUES	BUDGET	MAY	YTD	YTD%
AD VALOREM TAXES	(9,069,342)	(173,914)	(9,237,846)	101.86%
TAXES/LICENSES-OTHER	(4,274,705)	(439,790)	(3,710,032)	86.79%
SALES & SERVICES	(1,864,400)	(139,641)	(1,334,295)	71.57%
MISCELLANEOUS GENERAL REVENUE	(547,500)	(21,310)	(583,037)	106.49%
PROGRAM SPECIFIC REVENUE	(749,776)	(51,528)	(451,231)	60.18%
DEPT OF SOCIAL SERVICES REVENUE	(2,583,605)	(234,122)	(1,853,438)	71.74%
PUBLIC HEALTH REVENUE	(1,524,696)	(65,549)	(930,403)	61.02%
TRANSFERS IN	(4,800)	0	0	0.00%
FUND BALANCE APPROPRIATED	(2,107,631)	0	0	0.00%
TOTAL REVENUES	(22,726,455)	(1,125,853)	(18,100,282)	79.64%
EXPENSES	BUDGET	MAY	YTD	YTD%
GOVERNING BODY	130,592	3,772	109,076	83.52%
GENERAL GOVERNMENT	398,824	168,251	556,401	139.51%
ADMINISTRATION	731,208	53,673	667,874	91.34%
TAX	736,237	50,256	547,443	74.36%
COURT	25,210	977	15,334	60.82%
ELECTIONS	252,542	22,131	219,798	87.03%
REGISTER OF DEEDS	234,367	16,582	201,821	86.11%
BUILDING INSPECTIONS	183,278	14,738	172,806	94.29%
ANIMAL CONTROL	196,798	8,518	144,037	73.19%
SHERIFF	2,060,155	142,332	1,073,526	52.11%
JAIL	1,805,918	81,481	1,515,265	83.91%
EMERGENCY MANAGEMENT	270,876	13,478	243,030	89.72%
EMERGENCY MEDICAL SERVICES	1,633,769	114,509	1,534,476	93.92%
PUBLIC BUILDINGS	759,054	43,308	696,601	91.77%
FORESTRY	71,196	5,389	44,850	63.00%
ECONOMIC DEVELOPMENT	117,050	82	106,808	91.25%
JUVENILE RESTITUTION	54,283	4,202	42,978	79.17%
COOPERATIVE EXTENSION	262,711	18,939	215,622	82.08%
SOIL CONSERVATION	134,188	10,712	121,822	90.78%
SHIP	8,867	0	3,119	35.18%
VETERANS	28,814	2,185	24,504	85.04%
DJDP YOUTH PROGRAM	45,445	3,754	41,639	91.63%
SCHOOL	3,353,663	272,231	2,975,111	88.71%
COMMUNITY COLLEGE	240,000	20,000	220,000	91.67%
LIBRARY	139,500	11,625	127,875	91.67%
MENTAL HEALTH	66,018	5,502	60,517	91.67%
RECREATION	403,076	38,055	387,030	96.02%
FARMERS MARKET	6,275	713	5,642	89.91%
DEPT OF SOCIAL SERVICES	3,408,433	253,727	2,918,422	85.62%
PUBLIC HEALTH	2,553,770	174,723	1,607,838	62.96%
SENIOR SERVICES	313,382	23,232	224,609	71.67%
TRANSFERS OUT	2,100,956	512	5,428	0.26%
TOTAL EXPENSES	22,726,455	1,579,588	16,831,300	74.06%
REVENUES UNDER (OVER) EXPENSES	0	453,735	(1,268,982)	

UTILITY FUND				
REVENUES	BUDGET	MAY	YTD	YTD%
CHARGES FOR SERVICES-WATER	(2,385,800)	(245,593)	(2,204,560)	92.40%
CHARGES FOR SERVICES-SEWER	(651,000)	(72,237)	(620,516)	95.32%
ALTERNATIVE WATER FEES	(720,516)	(62,087)	(671,353)	93.18%
LATE FEES/SERVICE CHARGES	(138,000)	(9,790)	(108,759)	78.81%
INTEREST	(26,000)	2	(186)	0.72%
MISCELLANEOUS REVENUE	(18,000)	(10,848)	(18,140)	100.78%
FUND BALANCE APPROPRIATED	(236,584)	0	0	0.00%
TOTAL REVENUES	(4,175,900)	(400,553)	(3,623,514)	86.77%
EXPENSES	BUDGET	MAY	YTD	YTD%
SALARIES/FRINGES	667,128	50,226	610,255	91.47%
OPERATING	2,891,180	65,410	1,605,784	55.54%
DEBT PRINCIPAL/INTEREST	286,092	0	286,092	100.00%
CAPITAL	131,500	70,745	200,536	152.50%
TRANSFERS OUT	200,000	0	0	0.00%
TOTAL EXPENSES	4,175,900	186,381	2,702,667	64.72%
REVENUES UNDER (OVER) EXPENSES	0	(214,172)	(920,847)	

LANDFILL FUND				
REVENUES	BUDGET	MAY	YTD	YTD%
SOLID WASTE FEES	(580,678)	(5,846)	(574,388)	98.92%
SOLID WASTE/SCRAP TIRE/WHITE GOODS TAX	(46,000)	(15,944)	(43,609)	94.80%
MISCELLANEOUS REVENUE	(14,200)	(1,075)	(12,203)	85.94%
CHARGES FOR SERVICES	(95,000)	(8,070)	(109,717)	115.49%
TRANSFERS IN	(200,000)	0	0	0.00%
FUND BALANCE APPROPRIATED	(4,297)	0	0	0.00%
TOTAL REVENUES	(940,175)	(30,935)	(739,917)	78.70%
EXPENSES	BUDGET	MAY	YTD	YTD%
LANDFILL OPERATING	308,113	18,221	232,277	75.39%
COLLECTIONS OPERATING	411,500	42,074	407,580	99.05%
LANDFILL CLOSURE	47,362	0	0	0.00%
SCRAP TIRE	25,000	1,966	18,023	72.09%
WHITE GOODS	3,200	0	382	11.94%
CAPITAL	145,000	0	145,000	100.00%
TOTAL EXPENSES	940,175	62,261	803,262	85.44%
REVENUES UNDER (OVER) EXPENSES	0	31,326	63,345	

TRANSPORTATION FUND				
REVENUES	BUDGET	MAY	YTD	YTD%
CHARGES FOR SERVICES	(135,159)	(10,497)	(94,019)	69.56%
GRANTS	(345,459)	(21,352)	(317,429)	91.89%
MISCELLANEOUS REVENUE	(5,870)	2	(20,486)	348.99%
FUND BALANCE APPROPRIATED	(125,000)	0	0	0.00%
TOTAL REVENUES	(611,488)	(31,847)	(431,934)	70.64%
EXPENSES	BUDGET	MAY	YTD	YTD%
SALARIES/FRINGES	316,869	23,751	259,456	81.88%
OPERATING	169,619	5,748	102,992	60.72%
CAPITAL	0	0	0	0.00%
TRANSFERS OUT	125,000	0	0	0.00%
TOTAL EXPENSES	611,488	29,499	362,448	59.27%
REVENUES UNDER (OVER) EXPENSES	0	(2,348)	(69,486)	

FUND BALANCES		
	June 30, 2019	June 30, 2020
NONSPENDABLE: PREPAIDS	75,203	443,603
STABILIZATION BY STATE STATUTE	2,345,875	1,712,891
REGISTER OF DEEDS	71,341	34,880
HEALTH DEPARTMENT	1,168,338	1,459,968
SHERIFF DEPARTMENT	5,748	6,303
ECONOMIC DEVELOPMENT	127,647	100,104
USDA LOAN PAYMENTS	1,038,884	1,170,138
GREENE COUNTY ABC BOARD	38,117	69,754
TAX REVALUATION	159,133	79,604
SPECIAL REVENUE FUNDS	126,429	33,965
CAPITAL PROJECT FUNDS	505,888	0
SUBSEQUENT YEAR'S EXPENDITURES	131,121	243,650
UNASSIGNED FUND BALANCE	5,884,180	7,091,319
TOTAL FUND BALANCES	11,677,904	12,446,179