ORDINANCE NO. 93

Zoning Ordinance

Perquimans County

Adopted by the
Perquimans County Board of Commissioners on
July 1, 2002

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PERQUIMANS COUNTY ZONING ORDINANCE

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ARTICLE I. LEGAL PROVISIONS

Section 101. Title

This Ordinance shall be known as the Zoning Ordinance of Perquimans County, North Carolina.

Section 102. General Purposes

This Ordinance is designed to (i) establish zoning regulations in Perquimans County, North Carolina; (ii) provide for the administration, amendment, and enforcement of this Ordinance; (iii) provide for and define the duties and powers of a Board of Adjustment in accordance with the provisions of Article 18, Chapter 153A-345.1(a) and (b) and Article 19, Chapter 160A-388, of the North Carolina General Statutes as amended.

The purpose of this Ordinance is to provide for the public health, safety, and general welfare, encourage orderly development, protect the quality of the environment, and regulate the location and use of structures and land for commerce, industry, and residences in accordance with the 1998 Land Use Plan, as amended.

Section 103. Enactment and Authority

The Board of Commissioners of Perquimans County, North Carolina, pursuant to the authority granted by Chapter 153A-345.1 and Chapter 160A-388, of the North Carolina General Statutes, as amended, does hereby ordain and enact into law the following Articles and Sections.

Section 104. Jurisdiction

The provisions of this Ordinance shall apply within the areas designated as zoning districts on the official zoning atlas(es) by the Board of Commissioners of Perquimans County. The official zoning atlas(es) will be on file in the Planning and Zoning Office.

Section 105. Bona Fide Farms Exempt

This Ordinance shall in no way regulate, restrict, or prohibit bona fide farms and their related uses, but any use of such property for non-farm purposes shall be subject to regulations.

Section 106. Interpretation and Conflict

Whenever they are interpreted and applied, the provisions of this Ordinance shall be held to be minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, where this ordinance imposes a greater restriction upon the use of buildings or

premises or upon the height of buildings, or requires larger open space than is imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

Section 107. Severability

If any Article, Section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of County Commissioners hereby declares that it has passed this Ordinance and each Article, Section, sentence, clause, and phrase thereof, irrespective of the fact that any one (1) or more Articles, Sections, sentences, clauses, or phrases be declared invalid by the courts.

Section 108. Relationship to Adopted Plans

The land use plan adopted by the Board of Commissioners of the County of Perquimans indicates desired development at various levels of intensity. This document should be used as a guide for the application of this Ordinance to land within the areas covered.

Section 109. Effective Date

This Ordinance shall be in force from and after its passage and adoption.

Passed and adopted this 17th day of November, 2014.

ATTEST:

Clerk to the Board	Chair, Perquimans County Board of Commissioners

ARTICLE II. ADMINISTRATIVE MECHANISMS

Part I. Planning Board

Section 201. Appointment and Terms of Planning Board Members

(a) The Board of County Commissioners shall appoint a Planning Board consisting of five (5) members.
(b) The members of the Planning Board shall be residents of the County.
(c) Members of the Planning Board serving upon the effective date of this Ordinance shall serve the balance of the term to which he or she was appointed.
(d) New members of the Planning Board shall be appointed for a maximum of three years.
(e) Members may be appointed up to three successive terms. If special circumstances warrant, the Board of County Commissioners may appoint a member to serve one additional term.
(f) The Board of County Commissioners may remove members at any time for failure to attend or any other good cause related to the performance of duties. Any member who has three consecutive absences or has missed one-third of the meetings in a given year shall cause the Board of Commissioners to review the member's attendance record and vote to: (1) dismiss the member; or (2) allow the member to continue to serve. The Zoning Administrator shall keep the Board of Commissioners apprised as to attendance of Planning Board meetings.

Section 202. Meetings of the Planning Board

Meetings of the Planning Board shall be held at the call of the Chairman and at such other times the Planning Board may determine. Since the Planning Board only has advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set for the Board of Adjustment and Board of County Commissioners. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
(a) Minutes shall be kept of all Planning Board meetings.
(b) All meetings of the Planning Board shall be open to the public.

Section 203. Quorum and Voting

(a) A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
(b) All actions of the Planning Board shall be taken by majority vote, a quorum being present.

Section 204. Planning Board Officers

(a) At its first meeting in June of each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman

and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year.

(b) The chairman and vice-chairman shall take part in all deliberations and vote on all issues.

Section 205. Powers and Duties of Planning Board

(a) The Planning Board shall:
   (1) Make recommendations to the Board of County Commissioners concerning proposed zoning atlas changes and proposed textual Ordinance changes.
   (2) Make recommendations to the Board of County Commissioners concerning proposed Conditional Use Permits.

(b) The Planning Board may:
   (1) Make studies and recommend to the Board of County Commissioners plans, goals, and objectives related to the growth, development, and redevelopment of the County.
   (2) Develop and recommend to the Board of County Commissioners policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

(c) The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

Part II. Board of Adjustment

Section 206. Appointment and Terms of Board of Adjustment

(a) The Board of County Commissioners shall appoint a Board of Adjustment consisting of five (5) members and two (2) alternates.

(b) The members of the Board of Adjustment shall be residents of Perquimans County.

(c) New members of the Board of Adjustment shall be appointed for a maximum of three (3) years, but may be appointed for less in order to stagger terms. In the filling of vacancies caused by expired or unexpired terms of existing Board of Adjustment members, certain members may be appointed for less than three years so that the terms of all members shall not expire at the same time.

(d) The terms of the Board of Adjustment members may be staggered as follows: the terms of two (2) members and one (1) alternate may expire in one year, the terms of two (2) more members may expire the next year, and the terms of the last member and one (1) alternate may expire the following year.

(e) Members and alternates may be appointed up to three successive terms. If special circumstances warrant, the Board of County Commissioners may appoint a member to serve one additional term.

(f) The Board of County Commissioners may remove members at any time for failure to attend or any other good cause related to the performance of duties. Any member who has three consecutive absences or has missed one-third of the meetings in a given year shall cause the Board of Commissioners to review the member's attendance record and vote to: (1) dismiss the member; or (2) allow the member to continue to

serve. The Zoning Administrator shall keep the Board of Commissioners apprised as to attendance of Board of Adjustment meetings.

Section 207. Board of Adjustment Officers

(a) At its first regular meeting in June, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
(b) The chairman and vice-chairman of the Board of Adjustment may take part in all deliberations and may vote on all issues.

Section 208. Meetings of the Board of Adjustment

(a) The Board of Adjustment shall be held at the call of the Chairman and other such times as the Board may determine.
(b) The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Article XIX "Hearing Procedures" and Article XVI "Appeals and Variances."
(c) All meetings of the Board shall be open to the public.

Section 209. Quorum

(a) A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take final action.
(b) A member who has withdrawn from the meeting without being excused shall be counted as present for purposes of determining whether a quorum is present.

Section 210. Powers and Duties of the Board of Adjustment

(a) It is the intent of this Ordinance that all questions of interpretation and enforcement shall be presented first to the Zoning Administrator or his authorized agent. It is further intended that the duties of the County Commissioners shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement of this Ordinance.
(b) The Board of Adjustment shall hear and decide all matters upon which it is required to act under any statute or County ordinance that regulates land use or development, including:
    (1) Applications for special or conditional use permits as provided for in Articles VIII and IX or elsewhere in this Zoning Ordinance or in any other ordinance that regulates land use or development as authorized by the Board of County Commissioners, unless the Planning Board or Board of County Commissioners are designated by such regulations to hear and decide such requests.

(2) Applications for Appeals of decisions of administrative officials charged with enforcement of this Zoning Ordinance, including any final and binding order, requirement, determination, decision, or interpretation made by the Zoning Administrator.
(3) Applications for variances to Zoning Ordinance requirements.
(4) Any other matter the Board is required to act upon according to any other County Ordinance.

(c) The Board of Adjustment may create and designate specialized boards to hear technical appeals.

(d) Voting
(1) The concurring vote of four-fifths or eighty percent (80%) 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 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) An alternate member, while attending any regular or special meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member. An alternate member shall vote on cases before the Board only when filling in for an absent regular member.

(e) Decisions of the Board of Adjustment: The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have powers of the Zoning Administrator from whom appeal is taken. Appeals shall be in conformance with Article XVI "Appeals and Variances."

Part III. Board of County Commissioners

Section 211. Conditional Use Permits, Amendments to the Zoning Text, Amendments to the Zoning Atlas

Unless otherwise specifically provided in this Ordinance, in acting upon conditional use permit requests or in considering amendments to this Ordinance or the Zoning Atlas, the Board of County Commissioners shall follow the regular, voting, and other requirements as set forth in other provisions of general law.

Part IV. Planning and Zoning Administrator

Section 212. The Planning and Zoning Administrator

(a) Primary responsibility for administering and enforcing this Ordinance may be assigned to one (1) or more individuals by the County Manager. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "Zoning

Administrator." The term "Planning Staff" shall be used interchangeably with the term "Zoning Administrator."

(b) Any function or responsibility assigned by this Ordinance to the Zoning Administrator may be delegated by such person to another employee or agent acting under the Administrator's control or at his direction, unless the County Manager prohibits such delegation.

ARTICLE III. ADMINISTRATION

Section 301. Zoning Enforcement Officer

The Planning and Zoning Administrator (Zoning Administrator), and authorized agents, are hereby authorized, and it shall be their duty, to enforce the provisions of this Ordinance. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out their duties. It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from the decision of the Zoning Administrator shall be made to the Board of Adjustment.

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 office and shall be available for inspection at reasonable time 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.

Section 302. Zoning Permits

(a) Zoning Permit Required: A valid Zoning Permit shall be presented with any application for a Building Permit. No Building Permit shall be issued for any activity in a zoned area until such Zoning Permit is presented.

(b) It shall be unlawful to commence the excavation for, or the construction of, any building or other structure including accessory structures; or to commence the moving alteration or repair of any structures; or the use of any land or building, including accessory structures, until the Zoning Administrator has issued a Zoning Permit for such work or use including a statement of the plans, specifications, and intended use of such land, or structures, in all respects conforms with the provisions of this Ordinance. Application for a Zoning Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Zoning Permits shall be void after six (6) months from the date of issue unless substantial progress on the project has been made by that time.

(c) Approval of Plans: It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Permit for any purpose regulated by this Ordinance until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Administrator shall require that every application for a Zoning Permit be

accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable him to ascertain whether the proposed activity is in conformance with this Ordinance.

(1) The actual shape, location, and dimensions of the lot.
(2) The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot.
(3) The existing and intended use of all such buildings or other structures.
(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

(d) Issuance of Zoning Permits: If the proposed activity as set forth in the application is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit. If any application for a Zoning Permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this or any other ordinance or regulation.

Section 303. Certificates of Occupancy

No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector, having received a copy of the issued Zoning Permit from the applicant, has issued a Certificate of Occupancy. The change of occupancy provision shall not apply to rooms intended for transit rental. A Temporary Certificate of Occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

The owner or his agent may make application for a Certificate of Occupancy at the same time as submitting an application for a Building Permit, if needed, or for a Zoning Permit. The Certificate shall be issued automatically by the Building Inspector after all final inspections have been made.

In the case of existing buildings or other uses not requiring a Building Permit, after supplying the information and data necessary to determine compliance with this Ordinance and appropriate regulatory codes of Perquimans County for the occupancy intended, the Zoning Administrator shall issue a Certificate of Occupancy when, after examination and inspection, it is found that the building or use in all respects conforms to the provisions of this Ordinance and appropriate regulatory codes of Perquimans County for the occupancy intended.

Section 304. Other Permits

The Zoning Administrator shall be authorized to issue other permits as required by this Ordinance or the Board of County Commissioners.

Section 305. Public Hearing Procedures

See Article XXIII "Hearing Procedures for Appeals and Applications."

Section 306. Appeals

Legislative Appeals: Appeals may be taken to the Board of County Commissioners by any person, firm, or corporation aggrieved, or by any officer, department, or board of the county affected by a decision of the Planning Board. Such appeals should be filed with the Board of County Commissioners by written notice specifying the grounds for appeal. Appeal shall be filed within ninety (90) days from the date of the action being appealed. Appeals shall be effective upon receipt.

Appeals in the Nature of Certiorari: The Board of Adjustment shall hear and decide appeals of decisions of administrative officials charged with enforcement of this ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, as authorized by the Board of County Commissioners and pursuant to all of the following:

(a) Any person who has standing under N.C.G.S 160A-393(d) or the County or the Board of County Commissioners may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the County Clerk. The notice of appeal shall state the grounds for the appeal.
(b) Appeal by the owner of the property or their authorized agent who sought the decision shall be filed within thirty (30) days from receipt of written notice as required by North Carolina General Statutes, 160A-388(b1). Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

Further appeals from decisions made by the Board of Adjustment or from any action of the Board of County Commissioners shall be taken directly to the courts as provided by law.

Section 307. Fees

Each applicant shall pay a nonrefundable fee, according to the fee schedule set by the Board of Commissioners and available in the Planning and Zoning Office, to Perquimans County to cover the costs of advertisement and administration of applications for Conditional Use Permits, rezonings, textual changes to the Ordinance, variances, and appeals to the Board of Adjustment. A receipt for this fee shall be issued by the County. However, this fee shall not apply to requests originating with any Perquimans County department, board, or agency.

Section 308. County May Appeal

In all cases the Board of County Commissioners reserves the right to appeal any decision of the Zoning Administrator to the Board of Adjustment and any decision of the Board of Adjustment to the courts.

Section 309. Vested Rights

(a) Purpose
The purpose of this section is to implement provisions G.S. 153A-344.1 that establishes a statutory vested right upon the approval of a site-specific development plan.

(b) Procedure
(1) At the time that the landowner submits an application for a subdivision plat or Conditional Use Permit the landowner must declare he is seeking to acquire a vested right pursuant to G.S. 153A-344.1 and the Perquimans County Zoning Ordinance by completing the appropriate form.
(2) For subdivision plats, where a vested right will be sought, the Zoning Administrator will advertise and schedule a public hearing following the same procedure used for Conditional Use Permits (the scheduling of public hearings is automatic for Conditional Use Permits).
(3) For proposed developments that do not require subdivision plat approval or a Conditional Use Permit, the landowner may seek to establish a vested right be following procedures for a Conditional Use Permit.
(4) A variance shall not constitute a site-specific development plan. Furthermore, the approval of a site-specific development plan with the condition that a variance is obtained shall not confer a vested right unless and until the necessary variance is obtained.

(c) Establishment of Vested Right
(1) A vested right shall be deemed established upon the valid approval, or conditional approval, of the above mentioned subdivision plat or Conditional Use Permit. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the subdivision plat or Conditional Use Permit.
(2) A right that has been vested as provided for in this section shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications unless expressly provided by the County. The county may, but is not required to, extend the vested term to a maximum total of five (5) years.

(d) Termination
A vested right, once established as provided for in this section, precludes any zoning action by the county which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific development plan, except that the right will be terminated in the following circumstances:
(1) With written consent of the affected landowner;
(2) Upon finding that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety, and

welfare if the project were to proceed as contemplated in the site-specific development plan;

(3) To the extent that the affected landowner receives compensation for all costs and losses;

(4) Upon finding that the landowner, or his representative, intentionally supplied inaccurate information or made material misrepresentations that made a difference in the plan approval by the county;

(5) Upon the enactment of a State or federal law or regulation that precluded development as contemplated in the site-specific development plan; or,

(6) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

ARTICLE IV. ENFORCEMENT AND PENALTIES

Section 401. Enforcement Authority

This Ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Article 18, Chapter 153A.

Section 402. Violation

It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy, or maintain any use, land development activity, or structure, including but not limited to signs and 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, conditional use permits, building permits, zoning permits, certificates of occupancy, variances, development plans, planting plans, site plans, sign plans, and conditions of such permits, certificates, variances, and plans. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance.

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

Section 403. Persons Liable

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

Section 404. 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. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his authorized agent. An investigation shall be made within ten (10) days. Actions as provided in these regulations shall be taken.

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

The notice shall include a description of the violation and its location, the measures necessary to correct it, the possibility of civil penalties and judicial enforcement action and notice of right to appeal. The notice shall also state the time period allowed, if any, to correct the violation; said time may vary depending on the nature of the violation and the

knowledge of the violator. This notice is an administrative determination subject to appeal as provided below.

Section 405. Appeal to Board of Adjustment

A violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by filing a written request in the Perquimans County Planning and Zoning Office and paying the appropriate fee within thirty (30) days of receipt of the notice of violation. See Article XVI "Appeals and Variances" for procedure. Citations that follow the original notice of violation may not be appealed to the Board. The Board shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is not appeal, the determination of the Zoning Administrator is final.

Section 406. Failure to Comply with Notice or Board of Adjustment Decision

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

Section 407. Criminal Penalties

Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall render the violator, upon conviction, guilty of a misdemeanor and subject him to be fined not more than fifty dollars ($50) or imprisoned not more than thirty (30) days for each violation. Each day such violation continues, however, shall be a separate and distinct offense, punishable as provided by G.S. 14-4.

Section 408. Civil Penalties

Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances, or conditional use permits, shall also subject the offender to a civil penalty of not more than fifty dollars ($50) for each day the violation continues. If the offender fails to pay this penalty within ten (10) days after being cited for the violation, the penalty may be recovered by the County in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article III "Administration" Section 306 and did not take an appeal to the Board of Adjustment within the prescribed time.

In addition to the injunction, the court may enter an order of abatement as part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to

bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement.

Section 409. Equitable Relief

Perquimans County may apply to the District Court, Civil Division, or any other court of competent jurisdiction for an appropriate equitable remedy. In all such cases, the County's remedy at law shall be deemed inadequate.

Section 410. Combination of Remedies

The County may choose to enforce this Ordinance by any one, all, or combination of the above procedures.

Section 411. Revocation of Zoning Permits, Conditional Use Permits, and Variances

(a) A granting Board may reverse any decision without a public hearing upon finding:
   (1) That the approval was obtained by fraud;
   (2) That the use for which such approval was granted is not being executed;
   (3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
   (4) That the permit granted is being, or recently has been, exercised contrary to the terms for conditions of such approval;
   (5) That the permit granted is in violation of an ordinance or statute;
   (6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

   When the permit is revoked, the granting Board shall provide to the permittee a written statement of the decision and reasons therefore.

(b) Before a zoning permit may be revoked, the Administrator shall give the permit recipient a ten (10) day notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

(c) No person shall continue to make use of land or buildings in the manner authorized by any zoning or conditional use permit after such permit has been revoked in accordance with this section.

Section 412. Judicial Review

(a) Every decision of the Board of Commissioners granting or denying a conditional use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Perquimans County by proceedings in the nature of Certiorari.

(b) The petition for the Writ of Certiorari must be filed with the Perquimans County Clerk of Court within thirty (30) days after the latter of the following circumstances:
   (1) A written copy of the Board's decision has been filed in the office of the Administrator; and,
   (2) A written copy of the Board's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
   (3) A copy of the petition for Writ of Certiorari shall be served upon Perquimans County.

ARTICLE V. GENERAL PROVISIONS

Section 501. Zoning Affects All Land and Every Building and Use

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except in conformity with the uses and dimensional regulations of this Ordinance, or amendments thereto, for the zoning district in which it is located.

Section 502. Applicability to Extraterritorial Areas

The provisions of the Ordinance may be applicable in newly incorporated areas until the Board of Commissioners transfers zoning jurisdiction to the proper municipal authority.

Section 503. Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space which has access to a street used in common with other lots.

Section 504. Required Yards Not to be used by Building

The minimum yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard and open space requirements or the intensity of use provisions for any other building.

Section 505. Relationship of Building to Lot

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specifically designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, provided, however, that a second single-family detached dwelling on a lot is permitted in all districts pursuant to the Permitted Uses Table provide that the following criteria are met:

A. The lot must have double the minimum road frontage on a State maintained road or on an approved, improved subdivision road and contain a minimum area of ten (10) acres.
B. Structures and dwellings must be located on the property in such a manner as to allow the lot to be divided into two lots with adequate square footage, frontage and setbacks as specified for the zone in which it is located; and
C. Dwelling must be provided with independent well and septic systems, or independently connected to central water and sewer, as available.

Section 506. Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein at Section 702.B, except for street widening. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 507. Business Uses of Manufactured Homes and Trailers

No manufactured home or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a manufactured home sales lot, or for temporary use approved by the Zoning Administrator.

Section 508. Zero Lot Lines

Where individual dwelling units in a duplex or multi-family building are to be sold and it is desired to deed the land under the unit to the purchasers, such as in the case of town houses or patio homes, zero lot lines may be used, as long as the required yards are maintained around the building. In such case, the individual lots are not required to meet the above stated dimensional requirements, but the development becomes a subdivision and must be approved as such under the Subdivision Regulations as well as the Zoning Ordinance.

Section 509. Site Plan Required

All new development, with the exception of single family residential, will be subject to Site Plan Review by the Perquimans County Planning Department prior to the issuance of a Zoning Permit or Building Permit. The Site Plan Submittal Package shall consist of a completed Zoning Permit Application and four (4) sets* of Site Plans drawn to scale, two (2) of which shall be returned to the applicant upon approval. The Site Plan shall contain the following:

A. The shape and dimensions of the lot on which the proposed building is to be erected;
B. The location of said lot with respect to adjacent rights-of-way;
C. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
D. The nature of the proposed use of the building or land, including the extent and location of the use;
E. The location and dimensions of off-street parking, loading space, and means of ingress and egress;
F. The location and dimensions of all required buffers;
G. Required Driveway Permits from the Department of Transportation;
H. A landscape plan that meets requirements of the Highway Corridor Overlay District;
I. A Sedimentation and Erosion Control Plan, if applicable, as submitted to the Land Quality Section, Department of Environment and Natural Resources.
J. Any other information which the Planning Department Staff may deem necessary for consideration in enforcing all provisions of this Ordinance; prior to approval of the

site plan, Planning Staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance and thereby requiring additional sets* of the Site Plan to be submitted by the Applicant for review.

No Zoning Permit will be issued until all the above items are provided and the site plan is deemed complete by the Planning and Zoning Administrator. No Certificate of Zoning Compliance will be issued until all required site improvements have been completed and an appropriately licensed person submits an "as built" plan, where deemed necessary. No Final Building Inspection will be conducted and no Certificate of Occupancy will be issued until a Certificate of Zoning Compliance has been issued.

Section 510. Manufactured Home Skirting Required

A. Manufactured Home, Classes A and B:
The perimeter of the manufactured home shall, upon installation, have a continuous, permanent masonry curtain wall unpierced except for required ventilation and access.
The masonry curtain wall shall be installed prior to receiving a Certificate of Occupancy.

B. Manufactured Home, Class C:
The perimeter of the manufactured home shall, upon installation, have either (i) a continuous, permanent masonry curtain wall unpierced except for required ventilation and access; or (ii) a continuous and opaque manufactured foundation skirting specifically designed for manufactured homes which is ventilated, prepackaged, and installed according to written instructions from the manufacturer (not to include wood or corrosive materials, i.e. aluminum, steel). The following installation requirements for manufactured home skirting must be met in addition to the supplier's manufactured
home skirting instructions:

(1) A minimum of two-inch by two-inch by twelve-inch (2" X 2" X 12") stakes shall be driven into the ground abutting the rear side of the channel, flush with the top of the channel, no more than twelve inches (12") from each corner. Additional minimal two-inch by two-inch by twelve-inch (2" X 2" X 12") stakes shall be located at a minimum of four feet (4') on center the entire length of the channel. Minimum two-inch (2") self-tapping screws shall be driven through the front of the channel, through the skirting panel and into the wooden stake at each stake location.
(2) Fasten each skirting panel (top and bottom) with a number 8, one-inch (1") self-tapping screw.
(3) If the finished floor is forty inches (40") or higher than the existing grade, an additional support consisting of either two-inch by two-inch (2" X 2") salt treated lumber or extra channel shall be installed to prevent bowing. Each skirting panel shall be attached to the support by a self-tapping screw.

The perimeter skirting shall be installed prior to receiving a Certificate of Occupancy.

ARTICLE VI. ESTABLISHMENT AND INTENT OF ZONING DISTRICTS AND BOUNDARIES

Section 601. Zoning Districts Established

For the purposes of this Ordinance, the County of Perquimans is hereby dividing the county zoning jurisdiction into zoning districts with the designations listed below:

RA	Rural Agriculture Districts
RA(CUD)	Rural Agriculture Conditional Use Districts
HA	Historic Agriculture Districts
HA(CUD)	Historic Agriculture Conditional Use Districts
RA-43	Residential and Agricultural Districts
RA-43(CUD)	Residential and Agricultural Conditional Use Districts
RA-25	Residential and Agricultural Districts
RA-25(CUD)	Residential and Agricultural Conditional Use Districts
RA-15	Residential and Agricultural Districts
RA-15(CUD)	Residential and Agricultural Conditional Use Districts
CR	Rural Commercial Districts
CR(CUD)	Rural Commercial Conditional Use Districts
CN	Neighborhood Commercial Districts
CN(CUD)	Commercial Neighborhood Conditional Use Districts
CH	Highway Commercial Districts
CH(CUD)	Highway commercial Conditional Use Districts
IL	Light Industrial Districts
IL(CUD)	Light Industrial Conditional Use Districts
IH	Heavy Industrial Districts
IH(CUD)	Heavy Industrial Conditional Use Districts
PUD(CUD)	Planned Unit Development Conditional Use Districts
HCOD	Highway Corridor Overlay Districts
WTCD	Wireless Telecommunications Overlay Districts

Section 602. District Boundaries Shown on Zoning Atlas

The boundaries of the districts are shown and made a part of the atlas accompanying this Ordinance, entitled "Zoning Atlas of Perquimans County North Carolina." The Zoning Atlas and all the notations, references, and amendments thereto, and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the atlas were all fully described and set out herein. The Zoning Atlas, properly attested, is posted at the Perquimans County Planning Department in Hertford and is available for inspection by the public.

Section 603. Rules Governing Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning atlas, the following rules shall apply:

A. Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be such boundaries.
B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
C. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, or the rights-of-way of the same, such district

boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning atlas.

D. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole lot or tract, provided that such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.

E. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the atlas as to location of such boundaries.

Section 604. Intent of Zoning Districts

A. RA Rural Agriculture Zoning Districts: The Rural Agriculture District is designed to reflect the pattern of development in rural Perquimans County. The intent of this district is to preserve and protect current uses and way of life and also to protect property rights. Home occupations of all types, even those of a commercial or industrial nature may be permitted provided the home occupation use is clearly subordinate to the use of the principal residential structure for residential purposes and limitations are prescribed through the Conditional Use Permit process to prevent incompatible processes normally associated with commercial or industrial uses from adversely impacting adjacent or nearby residential uses or districts. A secondary temporary dwelling for family hardship circumstances may be requested as provided in Section 1002, and additional dwellings may be added for every ten (10) acres of land, pursuant to Section 505. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

B. RA Conditional Use Districts: Identical to the companion Rural Agriculture Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

C. HA Historic Agriculture Districts: The Historic Agriculture District is designed to reflect the historic patterns of development that have occurred in rural Perquimans County. The intent of this district is to preserve and protect historic properties and landscapes and also to protect property rights. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

D. HA Conditional Use Districts: Identical to the companion Historic Agriculture Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

E. RA-43 Residential and Agricultural Zoning District: This Residential and Agricultural District is established as a district in which principal use of the land is for low-density residential and agricultural purposes. In promoting the purposes of this Ordinance, the specific intent of this district is to:

(1) Insure that residential development not having access to public water supplies and dependent upon private means of sewage disposal, will occur at sufficiently low densities to insure a healthful environment;
(2) Prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of dwellings and agriculture;
(3) Discourage any use that would generate traffic on minor streets other than normal traffic to serve the residences and farms on those streets;

(See Articles V, VII and VIII for permitted uses and area and yard requirements.)

F. RA-43 Conditional Use Districts: Identical to the companion Residential and Agricultural Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

G. RA-25 and RA-15 Residential and Agricultural Districts: These districts are established as districts in which the principal use of the land is for single-family dwellings, duplexes, and agricultural uses. In promoting the purposes of this Ordinance, the specific intent of these districts is to:
(1) Encourage the construction of and the continued use of the land for single family;
(2) Prohibit commercial and industrial use of land and other uses which would substantially interfere with the development of single family dwellings in these districts;
(3) Discourage any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets;
(4) Discourage any use which, because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single family dwellings.

(See Articles V, VII and VIII for permitted uses and area and yard requirements.)

The RA-25 districts are established to allow a variety of low density single-family residential and agricultural land uses, which are interspersed with large, undeveloped open areas. For the purpose of this section, “low density” is defined as one dwelling unit per twenty-five thousand (25,000) square feet where public sewage disposal systems are available, and one dwelling unit per forty-three thousand (43,000) square feet where public sewage disposal systems are not available, as provided by Articles V and VII of this Ordinance and by Article IV of the Perquimans County Subdivision Regulations.

The RA-15 districts are established to allow principally single-family and two-family residences and other compatible uses permitted by conditional use permit on lots fifteen thousand 15,000 square feet where public sewage disposal systems are available, and one dwelling unit per forty-three thousand (43,000) square feet where public sewage disposal systems are not available, as provided by Articles V and VII of this Ordinance and by Article IV of the Perquimans County Subdivision Regulations.

H. RA-25 and RA-15 Conditional Use Districts: Identical to the companion Residential and Agricultural Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

I. CR Rural Commercial Districts: The District is established to reflect the wide array of businesses existing in rural areas of the County. The District permits virtually all traditional small business uses and Conditionally permits more intrusive uses. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

J. CR Conditional Use Districts: Identical to the companion CR Rural Commercial Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

K. CN Neighborhood Commercial Districts: This District is established as a district in which the principal use of land is for commercial and service uses to serve the nearby, predominantly residential districts. It is also the intent to reduce traffic and parking congestion to a minimum in order to preserve residential values and promote the general welfare of the surrounding residential districts.

This district is intended to encourage the construction of and continued use of the land for neighborhood commercial and service purposes and to discourage uses that would substantially interfere with the development or continuation of the business structures in the district. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

L. CN Conditional Use Districts: Identical to the companion CN Neighborhood Commercial Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

M. CH Highway Commercial Districts: This district is established as a district in which the principal use of the land is for the retailing of both perishable and durable goods, provision of commercial services to adjacent urban areas, and the provision of services to travelers. It is intended that this district will be located throughout the county at areas considered to be commercial nodes or commercial sectors. These nodes or sectors will occur where traffic and population densities are greatest and where highway business uses already exist. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

N. CH Conditional Use Districts: Identical to the companion CH Highway Commercial Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

O. IL Light Industrial Districts: This district is established as a district in which the principal use of land is for planned industrial development for light manufacturing operations, research and development firms, and similar operations that do not require water beyond the amount necessary for sanitation and health. This district is designed to accommodate industrial uses that will not create a nuisance or present a health or safety hazard to neighboring properties. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

P. IL Conditional Use Districts: Identical to the companion IL Light Industrial Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

Q. IH Heavy Industrial Districts: The IH Heavy Industrial District is established as a district in which the principal use of land is for warehousing and mixes of industrial uses which will not consume water in amounts beyond the capabilities of existing water resources in the County. It is also the intention of this district to allow use that will not generate health and safety hazards to county residents. In promoting the general purposes of this Ordinance, the specific intent of this district is to encourage the continued use of land for industrial purposes and discourage any other use that would substantially interfere with the continuance of permitted uses in this district. (See Articles V, VII and VIII for permitted uses and area and yard requirements.)

R. IH Conditional Use Districts: Identical to the companion IH Heavy Industrial Districts except that a Conditional Use Permit is required as a prerequisite to any use or development as provided in this Ordinance. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements.)

S. Planned Unit Development Conditional Use Districts: See Article XV for PUD Zoning District provisions, which allow, on a Conditional Use basis, multiple uses with controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking and any other conditions as established by the Perquimans County Board of County Commissioners. (See Articles V, VII, VIII and IX for permitted uses and area and yard requirements of the other standard zoning districts contained herein, which may be proposed as the basis for all or part of a standard or innovative land classification system proposed in a PUD development.)

T. HCOD Highway Corridor Overlay Districts: See Article XVII for HCOD provisions, which generally seek to protect the rural character and natural environment of the area and to provide attractive highway corridors and gateways to our communities. These overlay districts are intended to create the appearance that manmade development is situated within a forest or naturalized setting designed to improve corridor appearance, allow for the ecological benefits provided by plants, preserve where possible the pre-existing and/or natural landscape conditions and appearance along the highway corridor. Pursuant to the 1998 Perquimans County Land Use Plan Update, the HCOD provisions further designate the locations of:

(1) Rural Highway Corridor Overlay Districts shall minimize commercial, industrial and/or dense development patterns. These highway sections provide visual images of the natural character of the area as well as agriculture and rural land uses. Commercial and Industrial elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations; and
(2) Urban Transition Corridor Overlay Districts shall be developed with a balance of agricultural and commercial uses. These highway sections are best suited for showcasing naturalized and manmade conditions. The visual quality of these highway sections depends on quality site planning, landscaping and preservation of natural features.

U. WTOD Wireless Telecommunications Overlay Districts: See Articles XXI and XVII for WTOD provisions, which are intended to protect the rural character and natural environment of the County and to provide an attractive corridor and gateway to our communities on US Highway 17. These Wireless Telecommunications sections are best

suited for showcasing naturalized and manmade conditions through quality site planning, landscaping, and preservation of natural features.

ARTICLE VII. DIMENSIONAL REQUIREMENTS

Section 701. Exceptions to Lot Requirements

A. **Availability of Community Water and Sewer Service:** When individual sewage disposal systems are planned, the minimum lot sizes specified in Section 703 of this Ordinance shall be increased as required by the standards of the Albemarle Regional Health Services serving the County. Community water supply and sewage facilities shall comply with applicable laws and regulations as administered by the Albemarle Regional Health Services and the North Carolina Department of Environment and Natural Resources.

(1) Residential lots located in the RA-15, Residential and Agricultural Zone which are served by a community water system and by a community sewer system that have been approved by the North Carolina Department of Environment and Natural Resources and the Albemarle Regional Health Services may have a minimum lot size of 15,000 square feet with a minimum lot width of ninety (90) feet as established by Section 704, Area, Yard and Height Requirements Table.

(2) Residential lots located in the RA-25, Residential and Agricultural Zone which are served by a community water system and by a community sewer system that have been approved by the North Carolina Department of Environment and Natural Resources and the Albemarle Regional Health Services may have a minimum lot size of 25,000 square feet with a minimum lot width of one-hundred twenty-five (125) feet as established by Section 704, Area, Yard and Height Requirements Table.

(3) Residential lots located elsewhere (including the RA-15, RA-25, RA-43, RA, HA, and CH Zones) which are only served by a community water system, shall have a minimum lot size of 43,000 square feet in usable area or larger as required by the Albemarle Regional Health Services.

B. **Cul-de-sac Lots:** Lots fronting on the turnaround portion of a cul-de-sac (dead-end) road may have a reduced lot width of no less than fifty (50) feet as measured at the front property line/road right-of-way as long as the standard lot width is provided at the actual building line, as applicable to the zoning district, including ninety (90) feet in the RA-15 Zone, one hundred twenty-five (125) feet in the RA-25, RA-43 and RA Zones, etc.

C. **Flag Lots:** A flag lot shall comply with the Minimum Design Standards of the Perquimans County Subdivision Regulations, including the special standards, conditions and procedures governing the creation of a flag lot.

Section 702. Exceptions to Yard Requirements

A. **Conditional Use Requirements Take Precedence:** Area, yard and height requirements as specified in the issuance of a Conditional Use Permit shall take precedence over the area, yard and height requirements as set forth in Section 704, Table of Area, Yard and Height Requirements.

B. **Variance for Prior Lots of Record:** Notwithstanding provisions related to nonconforming situations and building setbacks/yard areas provided elsewhere in this Ordinance, a principal building or structure may be constructed and occupied by one family on any lot properly zoned and recorded before the adoption of this Ordinance and meeting all of the requirements of the Albemarle Regional Health Services standard and maintaining minimum yard areas as provided by Section 1203 (e) and (f) of this Ordinance, as follows:

Yard Area	**Lot Recorded:**	
	On or before May 7, 1973	**On or before October 2, 2002**
Primary Front Yard	25’	25’
Side Yard (interior)	10’	12’
Rear Yard	10’	25’
Secondary Front Yard (abutting side road)	25’	25’
From Major Thoroughfares (1)	40’	40’
From Normal Water Level (2)	40’	40’

Notes: (1)Where yard areas abut a major thoroughfare, a greater building setback will apply.
(2)Where yard areas abut a navigable waterway, a greater building setback will apply, unless an exemption is granted by the North Carolina Division of Coastal Management under the Coastal Shorelines regulations, Section 15A NCAC 07H.0209, as amended. In no case shall such yard areas be less than 25 feet.
(3)See additional exceptions and modifications at Articles XI and XII.
(4)See building setbacks contained in the Section 704 Table, especially for the RA-15 and CH Zones.

C. **Accessory Structures:** An accessory structure (detached garage, storage building, swimming pool, etc.) to residential uses may be constructed provided that:
(1) It shall be located at least ten (10) feet away from any interior Side or Rear Lot Line;
(2) On a Corner Lot it shall be located at least twenty (20) feet away from the Secondary Front property line (abutting the side road);
(3) It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Perquimans County; and

Section 703. Exception to Height Requirements: Unless otherwise regulated by standards contained elsewhere in this Ordinance and other codes and regulations, certain structures and necessary mechanical appurtenances may be erected to any height, including steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, monuments, cupolas, domes, antennas (except satellite dish antennas), observation towers, electrical transmission towers, communication towers, silos, and roof structures for housing stairways, heating and air conditioning equipment, ventilating fans or similar equipment may be erected without regard to the maximum height limitation. No portion of any structure intended for human occupancy may be constructed above the height limit herein specified.

Section 704. Table of Area, Yard and Height Requirements:

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 1 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See Exceptions at Note 2 and Section 702			See exception at Section 703
RA	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	35 feet
	Corner Lots Abutting Side Street:				25 feet		*See Note 3*
	Accessory Structures[1]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
HA	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	35 feet
	Corner Lots Abutting Side Street:				25 feet		*See Note 3*
	Accessory Structures[1]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	

[1] Not including fences and walls. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and meet all setbacks for the principal building.

[2] Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).

[3] The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 2 of 4)

DISTRICT	MINIMUM LOT SIZE SIZE	WIDTH	DEPTH	MINIMUM YARD SETBACKS PRIMARY FRONT	INTERIOR SIDE	REAR	MAXIMUM BUILDING HEIGHT
	See exceptions at Note 2 and Section 701			See Exceptions at Note 2 and Section 702			See exception at Section 703
R-43	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	*See Note 3*
	Corner Lots Abutting Side Street:				25 feet		
	Accessory Structures[1]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
R-25	25,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	*See Note 3*
	Corner Lots Abutting Side Street:				25 feet		
	Accessory Structures[1]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
R-15	15,000 sq. ft.	90 feet	120 feet	25 feet	12 feet	20 feet	*See Note 3*
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures[1]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	

[1] Not including fences and walls. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and meet all setbacks for the principal building.

[2] Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).

[3] The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 3 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See exceptions at Note 2 and Section 702			See exception at Section 703
CR	12,000 sq. ft.	100 feet	100 feet	30 feet	10 feet	20 feet	35 feet
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures [4]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
CN	12,000 sq. ft.	100 feet	100 feet	30 feet	10 feet	20 feet	35 feet
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures[4]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
CH	10,000 sq. ft.	75 feet	100 feet	50 feet[4]	10 feet	20 feet	35 feet[5]
	Corner Lots Abutting Side Street:				20 feet		*See Note 3*
	Accessory Structures[6]				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	

[2] Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).

[3] The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.

[4] Within the first ten (10) feet next to the street of this required yard there shall be no signs, parking, or any use other than landscaping.

[5] Unless the front yard and each side yard is increased one (1) foot for each one (1) foot or fraction thereof, of building height in excess of thirty-five (35) feet.

[6] Not including fences and walls. Must be located in the rear yard.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 4 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See exceptions at Note 2 and Section 702			See exception at Section 703
IL	1 acre	125 feet	150 feet	65 feet[7]	25 feet	30 feet	35 feet[8]
	Corner Lots Abutting Side Street:				50 feet		
	Abutting Property Zoned Residential:				35 feet	55 feet	
	Accessory Structures				20 feet	20 feet	
	From Street Right-of-way:				30 feet	30 feet	
IH	1 acre	125 feet	150 feet	65 feet[9]	25 feet	30 feet	56 feet
	Corner Lots Abutting Side Street:				50 feet		
	Abutting Property Zoned Residential:				35 feet	55 feet	
	Accessory Structures				20 feet	20 feet	
	Abutting Property Zoned Residential:				30 feet	30 feet	
	From Street Right-of-way:				30 feet	30 feet	

[2] Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).

[7] This yard shall not be used for any purpose other than the necessary drives, walks, and landscaping and shall not be used for off-street parking.

[8] Unless the front yard and each side yard is increased one (1) foot for each one (1) foot, or fraction thereof, of building height in excess of thirty-five (35) feet.

[9] This yard shall not be used for any purpose other than the necessary drives, walks, and landscaping and shall not be used for off-street parking.

ARTICLE VIII. TABLE OF PERMITTED & CONDITIONAL USES

Section 801. Table of Uses:

The letter "P" indicates those Zoning Districts in which particular uses or similar uses are permitted as a Use by Right with or without certain conditions as provided elsewhere in this Ordinance.

The letter "C" indicates those Zoning Districts in which particular uses or similar uses are permitted as a Conditional Use upon approval of the Board of County Commissioners. See also Article IX, Conditional Uses, for details of each Conditional Use.

A blank cell indicates those Zoning Districts in which particular uses or similar uses are prohibited.

Uses not indicated are prohibited.

Article VIII. Table of Uses (page 1 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
ABC Store								P		
Accessory Buildings or Uses	P	P	P	P	P	P	P	P	P	P
Accessory Buildings or Uses (unlimited number but limited to three on lots 20,000 square feet or less)	P									
Additional Dwelling (one for each 10 acres of land)	P									
Adult Entertainment										C
Agriculture	P	P	P	P	P	P	P	P	P	P
Airfields, General Aviation										C
Airstrips, Private (generally including only one plane for airstrip owner)						P			C	C
Ambulance Services						P		P	P	P
Animal Shelter, Kennel, and Veterinary Establishment	C		C			C				
Apartments/Multi-Family Structures with three or more units				C	C					
Arenas, Assembly, and Exhibition Halls			C			C		C	C	C
Athletic Fields, Recreation Buildings, Playgrounds			P	P	P			P	P	P
Auction House						C				
Automobile and other Junk, Wrecking or Salvage Yards	C					C		C	C	C
Automobile Parts Sales						P		P	P	P
Automobile Rental or Leasing						P		P	P	P
Automobile Sales and Service						C		C	C	C
Automobile Service (including, but not limited to, body shops, engine repair, garages, wrecker service, etc. Use does not include junk vehicle storage)						C		C	C	C
Automobile Service (including Junk Vehicle storage)						C		C	C	C
Bakery, commercial								P	P	P
Bakery, retail						P	P	P		
Bank (including drive-thru)						P	P	P	P	P
Bar, Night Club, Tavern								C		
Beauty and Barber Shops						P	P	P		
Bed and Breakfast Operations	C	C	C	C	C					
Blacksmith	P					P			P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Article VIII. Table of Uses (page 2 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Boat Sales and Service									P	P
Bottling Plants									P	P
Camp or Care Centers	C		C							
Campground, Public and Private			C			P			P	
Car or Truck Wash			C			C	C	C		
Carpentry	P								P	P
Cartage and Express Facilities									P	P
Cemetery or Mausoleum	P	P	P			P			P	
Churches and their customary uses including childcare on premises, fellowship halls, playgrounds, and on-site cemeteries	P	P	C	C	C	P	P	P		
Club (Civic, Social, Fraternal)	P	P	P			P	P	P		
Coin Operated Amusement (Video Arcade)								P		
Contractor/Construction Business (including, but not limited to, general contractors, subcontractors, grading, land-scaping, tree service, pool installation, etc.)	P					P		P		
Convenience Store, including self-service pumps						C	C	C		
Correctional Institution								C	C	C
Country Club with Golf Course	C		C							
Crematorium								C	C	C
Day Care Facilities for children or adults	C	C	C	C	C	C	C	C		
Department, Variety, or General Merchandise Store, <25,000 square feet								P		
Department, Variety, or General Merchandise Store, 25,000 square feet or more								C		
Drug Store and Gift Shops						P	P	P		
Dry Cleaning Establishments and Laundries								P	P	P
Dwellings, Duplexes			P	P	P					
Dwellings, Single Family	P	P	P	P	P					
Dwellings, Single Family, Resumed								C		
Entertainment, Not Otherwise Defined						C	C	C	C	C

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Article VIII. Table of Uses (page 3 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Extraction Operations										P
Fairgrounds			C						C	
Farm Equipment Sales and Services						P			P	P
Farrier Services			P			P		P		
Feed and Seed Sales	C					P			P	P
Feed Processing	C					P				
Fire Stations	P	P	P	P	P	P	P	P	P	P
Fish Hatchery	P	C	C	C	C	C	C	C	P	P
Food Processing and Packaging										P
Fuels Bulk Storage										C
Funeral Homes								C		
Go Cart and Motor Cross Tracks								C		
Golf Courses, excluding miniature golf	C		C							
Golf Courses, miniature golf	C							C		
Golf, Driving Range								C	C	
Greenhouse, Nursery Operations	P	P				P			P	P
Home Occupations (Standard) *Revised 4-5-10*	P	C	C	C	C					
Home Occupations of an Industrial or Commercial Nature *Revised 4-5-10*	C									
Horse Farms	P	C	C							
Hospitals								P		
Hotels, Motels								P		
Landfill, Demolition										C
Landfill, Sanitary										C
Laundromat, Coin-Operated							C	P		
Laundry or Dry-Cleaning Plant								C	P	
Libraries			P	P	P		P	P		
Lumber Yards						P		P	P	P
Manufactured Home, Class A (Modular Home)	P	P	P	P	P					
Manufactured Home, Class B	P	C	P	P	P					
Manufactured Home, Class C	P		P	P	P					
Manufactured Home, Class D										

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Article VIII. Table of Uses (page 4 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Manufactured Home, Class B and C, Temporary Residential Use for Adjacent Rehabilitation	C	C	C	C	C					
Manufactured Home, Class B and C, Temporary Use for Office						P	P	P	P	
Manufactured Home Parks				P						
Manufactured or Modular Home Sales Lots										P
Manufacturing (not listed elsewhere)										P
Manufacturing, processing, storage, or commercial uses determined by the BCC not to be noxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, or toxic or noxious matter, glare, heat						C			C	C
Marina (fuel supplies)							C			
Meteorological (MET) Tower (Temporary)	P									
Military Facilities	C									
Mini-Warehouse/Storage Facilities								C	P	P
Mining, Quarrying, Sand Pits, and Mineral Extraction	C									
Movie Theaters, including outdoor drive-in								P	P	P
Moving Companies									P	P
Museums and Art Galleries			C			P	C	P		
Nursing and Convalescent Homes	C		C	C	C					
Off-Premises Advertising Signs (Billboards)									C	C
Offices, Business						P	P	P	P	P
Offices, Professional and Medical						P	P	P	P	P
Other Vehicle and Equipment Rental, Leasing, Sales, and Services, including farm equipment, trucks, motorcycles, motor homes and campers, and boats						P		P	P	P
Pest or Termite Control Services								C		
Physical Fitness Center							C			
Pool Hall/Billiard Parlor						C	C	P		
Post Offices						P	P	P		

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Article VIII. Table of Uses (page 5 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Printing, Publishing, and Binding Establishments									P	P
Produce Stands	P					P	P	P	P	P
Produce Stands for sale of produce grown on premises only		P	P	P	P					
Public Facilities and Buildings, including outdoor storage, repair yards, or garages	C					C		P	P	P
Public Building, not including outdoor storage, repair yards, or garages			P			P	P	P		
Public Utility Substations. Transformer Stations and other Facilities	C	C	C	C	C	C	C	C	C	C
Radio and Television Studios								P	P	P
Recreation, Indoor (including, but not limited to bowling alleys and skating rinks)						P	P	P		
Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs, and community rodeos)	C					P	C	C		
Restaurants, without drive-thru	C	C				P	P	P	P	P
Restaurants, with drive-thru, and fast food						C	C	C		
Retail Sales and other Establishments not otherwise listed						P		P		
Schools, academic	C		C	C	C			C		
Schools, business or trade	C		C	C	C			C		
Sculpting, with outside storage						P				
Sculpting, without outside storage						P	C			
Secondary Temporary Dwelling (for hardship circumstances, usually family)	C		C	C	C					
Services (not elsewhere listed)								P		
Shooting Range, Indoor								C		
Solar Energy System, Large	C								P	P
Small Scale, Accessory Use Solar Energy System, *with conditions*	P	P	P	P	P	P	P	P	P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Article VIII. Table of Uses (page 6 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Small Scale Solar in front yard of single family residence on less than two acres within routine view of adjacent lots or road R/W	C	C	C	C	C			C		
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P		P	P	P			P		
Telecommunications Infrastructure	Zoning District Regulations governing Antennas, Permitted and Conditional Use Towers & Associated Equipment vary pursuant to Article XXII, Table 2205-B									
Temporary Construction Buildings (must be removed within 30 days of receipt of Certificate of Occupancy	P	P	P	P	P	P	P	P		
Textile Products Manufacturing									P	P
Toxic Chemicals Processing or Disposal										C
Transportation and Freight Terminals						P		P	P	P
Truck Driving School									C	
Vehicle Service Stations (including Car Washes)						P	P	P	P	P
Veterinary Clinics			C			P		C		
Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe								C		
Warehousing, Storage, and Distribution Facilities									P	P
Welding						P			P	P
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards								C	P	
Wind Energy Facilities, Small	P		C	C	C	C	C	C	C	C
Wind Energy Facilities, Medium	C					C	C	C	C	C
Wind Energy Facilities, Large	C									
Woodworking						P				
Woodworking and Wood Products						C			C	C

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes
It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by N.C.G.S. 153A-340 and 160A-388 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning and Zoning Office at least three weeks 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.

Applications shall include a Site Plan and the Application fee as set by the Board of County Commissioners and posted in the Planning and Zoning Office Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission of a completed Application to the Planning and Zoning Office. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the Planning Board and Board of County Commissioners shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Boards shall find:

(a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
(b) That the use meets all required conditions and specifications;

(c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
(d) That 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 and in general conformity with the Perquimans County Land Use Plan.

In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. ***In order to validate the Conditional Use Permit, the owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners***.
(This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional 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, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use**:** *A site plan for a conditional use must always be submitted with the application* **based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.**

Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.1 Adult Entertainment Establishment

A. Zoning District: IH

B. Objective and Purpose: It is recognized that there are some uses which, because of their nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas, or when the uses are proposed to be located in or near sensitive areas or land uses. It is recognized that special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized below:

C. Site Considerations:
   (a) No adult entertainment establishment shall be located within one thousand (1,000) feet of another adult entertainment establishment, which shall be measured from the exterior walls of the building(s) containing such regulated use.
   (b) No adult entertainment establishment shall be located within seven hundred and fifty (750) feet of any area zoned for residential use or from the property line of residential unit(s), churches, synagogues, temples, nursery schools, day care centers (child/adult) and public or private schools, in all zoning districts, which will be measured from the property line(s) containing such regulated use. Areas zoned for residential use shall be classified as any Rural Agricultural (RA, HA, RA-43, and RA-15) and Residential Manufactured Home District (RMH).

D. Screening: Screening is required around the entire perimeter of any adult entertainment establishment. This screening shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years. This screening shall be located in a fifteen (15) foot-wide buffer.

E. Required Plan (in addition to those listed at the top of this Section):
(1) Location of existing structures on property within one thousand (1,000) feet of exterior wall(s) of the regulated use.
(2) Zoning of properties within seven hundred fifty (750) feet of each property line of the regulated use.
(3) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.

F. Operational Considerations:
(1) If applicable, all viewing booths shall be open and be visible to manager(s) of the establishment.
(2) If applicable, there shall be a minimum separation between patrons and performers.
(3) Masseuses and servers of food and beverage shall at all times wear a shirt and pants.
(4) No nude or seminude service or entertainment of any kind shall be allowed outside the building of a regulated use.
(5) The adult entertainment establishment shall be limited to one wall sign per premise. The sign shall not be internally lighted. Maximum sign shall be 20 square feet.

907.2 General Aviation Airfield or Private Airstrip

A. Zoning District: IH (General); IL and IH (Private)

B. Site Considerations:
(1) More area is required for larger airports.
(2) Airport size and layout shall conform to current FAA design standards.
(3) There shall be a minimum of three hundred (300) feet between any runaway or taxiway and to the nearest property used or zoned for residential purposes, except that a residence may be located on the property of a small private airfield.

C. Screening and Fencing: When located within one hundred (100) feet of the property line or street right-of-way and abutting property used or zoned for residential uses, hangers, storage buildings, terminals, loading docks, and parking lots shall be screened with one of the options meeting the requirements of Article XII (Buffers and Screening) of this Ordinance.

D. Required Plan (in addition to those listed at the top of this Section):

(1) Scaled drawings of location and size of landing strips and the location of landing lights (if applicable).
(2) Map of all property within 500 feet of proposed airfield or airstrip property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings.
(3) A map depicting the location, type, and height of any structure, including towers, over two hundred (200) feet in height and within a five (5) mile radius.
(4) A copy of the current FAA design, approach, and airspace obstruction standards.
(5) Documentation showing FAA permits and design approval.

907.3 Animal Shelter, Kennel, and Veterinary Establishment

A. Zoning Districts: RA, RA-43, CR

B. Site Considerations:
(1) All buildings or other structures pertaining to the operation, including outdoor runs and pens but not including accessory storage buildings, shall maintain required setbacks from all property lines the same as required for the principal building in the district.
(2) No accessory building, outdoor run, or other animal holding or exercising facility shall be located in the front or side yard.

C. Screening and Fencing: All kennel buildings, runs, pens, or other facilities shall be screened from the view of all adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article XII (Buffers and Screening) of this Ordinance.

D. Required Plan (in addition to those listed at the top of this Section):
(1) The location and dimensions of all runs, pens, play yards, or similar outdoor holding or exercising facilities.
(2) The anticipated kinds and numbers of animals housing at one time.

E. Operational Considerations: All operations, including the provision of waste disposal and the removal of carcasses, shall comply with all federal, state, and local requirements.

907.4 Apartments and Other Multi-Family Structures With Three or More Units

A. Zoning Districts: RA-15 and R-25

B. Site Considerations:
(1) Side and rear yard minimum setbacks shall be increased to one and a half (1.5) times the minimum for the applicable zoning district.
(2) One or more parking lots shall be constructed to accommodate all required parking.

(3) Individual parking spaces shall not have direct access to the street. Any playground equipment must be located in the rear yard at least ten (10) feet from any property line.

907.5 Arenas, Assembly, Exhibition Hall, and Conference Center

A. Zoning Districts: RA-43, CR, CH, IL, and IH

B. Site Considerations:
(1) The intensity of the use shall not be detrimental to adjacent properties due to traffic, parking, noise, refuse, or other factors.
(2) All buildings, including accessory garages or storage buildings shall be set back from all property lines and street rights-of-way double (2 times) the minimum required for principal buildings in the applicable district.
(3) Additional setbacks and buffering may be required by the Planning Board in the case of facilities for outdoor functions, such as outdoor arenas, in order to protect adjacent properties from noise, light, and glare.

C. Parking: Parking shall not be located in the front yard, except where the lot is two (2) acres or more in size and the parking is not in the required front yard (i.e. the point where any parking is closest to the street right-of-way at least as far as the minimum setback for the principal building).

D. Screening and Fencing: Parking, loading, and outdoor activities, such as outdoor exhibition areas, picnic areas, amphitheaters, and outdoor stages and seating areas, must be screened from view from adjacent properties. These buffers must meet the requirements of Article XII (Buffers and Screening) of this Ordinance.

E. Lighting: Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

F. Required Plan (in addition to those listed at the top of this Section): The site plan shall indicate the style and location of all outdoor lighting.

G. Operational Considerations: There shall be no outdoor loudspeakers or public address system other than in an outdoor arena.

907.6 Auction House (as a principal use)

A. Zoning Districts: CR

B. Site Considerations:
(1) The site must be located on a major roadway that can handle the anticipated traffic volume before and after auctions.
(2) The use as an auction house shall not be detrimental to adjacent properties when considering traffic, safety, parking, noise, light, or glare.

C. Parking: Parking shall not be located in the required front yard (i.e. the point where any parking area is closest to the street must be set back from the street right-of-way at least as far as the minimum setback for the building.

D. Screening and Fencing: Parking and loading areas must be screened from view from adjacent properties. These buffers must meet the requirements of Article XII (Buffers and Screening) of this Ordinance.

E. Lighting: Outdoor lighting shall be shielded so as to prevent light form directly hitting adjacent property or any public right-of-way.

F. Required Plan (in addition to those listed at the top of this Section): The site plan shall indicate the style and location of all outdoor lighting.

G. Operational Considerations:
   (1) There shall be no outdoor auctions or display of items for sale.
   (2) There shall be no outdoor loudspeakers or public address system.

907.7 Automobile and Other Junk, Salvage, or Wrecking Yards

A. Zoning Districts: RA, CR, CH, IL, and IH

B. Preamble: The plans shall conform to Perquimans County Ordinance #22 "***An Ordinance to Regulate Junkyards and Junked or Abandoned Motor Vehicles***."

907.8 Automobile Sales and Service

A. Zoning Districts: CR, CH, IL, and IH

B. Site Considerations:
   (1) Minimum setback from any street right-of-way for auto sales areas, parking, and buildings shall be twenty (20) feet.
   (2) Minimum setback from any other property line for auto sales areas, automobile service areas, parking, and buildings shall be at least ten (10) feet.

C. Screening:
   (1) Screening is required which completely screens from view the automobile service area (not including the auto sales areas). Such screening shall be a durable wall or fence at least seven (7) feet high in addition to a minimum five (5) foot wide vegetative strip around the entire of any automobile service area (not including auto sales areas). This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
   (2) Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

D. Required Plan (in addition to those listed at this top of this Section):
   (1) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.
   (2) The applicant shall demonstrate that the stored materials will not pose a danger to surrounding properties, or residents, due to noise, light, runoff, animal or insect populations, or other factors.

907.9 Auto Service That Will Include Junk Vehicle Storage

A. Zoning Districts: CR, CH, IL, and IH

B. Site Considerations:
   (1) Minimum setback from any street right-of-way to any outdoor junk vehicle storage area shall be at least one hundred (100) feet.
   (2) Minimum setback from any other property line for any outdoor junk vehicle storage shall be at least fifty (50) feet.

C. Screening:
   (1) Screening is required which completely screens from view the outdoor junk vehicle storage area. Such screening shall be a durable wall or fence at least seven (7) feet high in addition to a minimum fifteen (15) foot wide vegetated strip around the entire perimeter of any outdoor junk vehicle storage area. This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
   (2) Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

D. Required Plan (in addition to those listed at the top of this Section):
   (1) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.
   (2) The applicant shall demonstrate that the stored materials will not pose a danger to surrounding properties, or residents, due to noise, light, runoff, animal or insect populations, or other factors.

907.10 Bar, Nightclub, Tavern

A. Zoning Districts: CH

B. Site Considerations:
   (1) The setback for any building and parking area shall be seventy-five (75) feet from any street right-of-way and any contiguous property line that is used or zoned for residential purposes.

(2) The setback for any building and parking area shall be thirty-five (35) feet from any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.

C. Lighting: Outdoor lighting shall be designed so as to minimize light form directly hitting adjacent property or any public right-of-way.

D. Screening:
(1) An adequate buffer must be provided which will screen adjoining residential uses from the effects of light and noise generated on the premises.
(2) This buffer shall meet the requirements of Article XII (Buffers and Screening) of this Ordinance, but may be modified by reducing the required width of the buffer strip and the number of plants if all buildings and parking lots are asset back one hundred (100) feet from all property lines and street rights-of-way.
(3) The Planning Board may require an attractive solid fence or wall up to seven (7) feet in height in addition to one of these options, if the conditions on the site and adjacent properties warrant it.

E. Operational Considerations:
(a) Food and alcohol sales shall be allowed for patrons of the businesses only.
(b) This use shall close at 12:00 midnight every day and may open after 3:00 p.m. each day.

907.11 Bed and Breakfast Inn

A. Zoning Districts: RA, HA, RA-43, RA-25, and RA-15

B. Site Considerations:
(1) The use must be located in a structure that was constructed as a single-family dwelling.
(2) The operation may consist of a maximum of nine (9) guestrooms.
(3) Each room must have access to a hall or exterior door.
(4) One (1) unlighted sign shall be permitted.
(5) There shall be no less than one (1) bathroom, consisting of a bath or shower, water closet, and lavatory for each two (2) guest rooms.
(6) Guestrooms shall not be equipped with cooking facilities.
(7) There shall be no other bed and breakfast in within four (400) feet of the property.

C. Parking: In addition to parking, as required in Article XIX “Parking and Loading” of this Ordinance, no parking shall be allowed in any front yard.

D. Required Plan (in addition to those listed at the top of this section):
(1) A floor plan of each dwelling must be provided, showing ingress and egress from each room, bathrooms, kitchen, dining areas, and other public areas available to guests, and private quarters of the owner and staff.

(2) A fire protection plan approved by the County Fire Marshal shall be submitted with the floor plan.
(3) The required site plan shall depict neighboring properties and buildings within 200 feet of the property line.

E. Operational Considerations:
(1) The owner must permanently reside on the site of the bed and breakfast inn. An owner is an individual with a twenty-five percent (25%) or greater interest in the business.
(2) Meals served on the premises to paying guests shall be limited to breakfast and no meals shall be served to the general public.
(3) All state requirements are met and all required state permits are acquired and maintained.

907.12 Camp or Care Center

A. Zoning Districts: RA, RA-43

B. Site Considerations:
(1) The intensity of the use shall not be detrimental to adjacent properties due to traffic, parking, noise, refuse, light, or other factors.
(2) Additional setbacks and buffering may be required by the Board of County Commissioners in the case of facilities for outdoor functions, such as recreational areas or amphitheaters, in order to protect adjacent properties from noise, light, and glare.

C. Screening and Fencing: Landscaping shall be provided or natural woods left intact in order to blend the facility into the neighborhood, screen its purely functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise.

D. Lighting: Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

E. Required Plan (in addition to those listed at the top of this Section): The site plan shall show the location and type of outdoor lighting and the location of all outdoor activity areas, including swimming pools, riding rings, ball fields, tennis courts, amphitheaters, and any other outdoor recreational or assembly areas.

907.13 Campground, Public and Private (including Recreational Vehicle Park)

A. Zoning Districts: RA-43, CR, and IL

B. Site Considerations:
(1) In areas with developed campsites, separate sanitary facilities for both sexes (including showers) shall be available within four hundred (400) feet of each

campsite and drinking water shall be available within one hundred (100) feet of each campsite.

(2) In areas with developed campsites, a camp store may be provided for the use of campground users only, which may sell supplies, e.g. food, ice personal supplies, etc.

(3) In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1,200) feet.

(4) No permanent camping shall be permitted. It is not intended that any structure, mobile, permanent, be used as a permanent residence except for the owner or operator.

(5) In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles.

(6) Adequate lighting shall be provided for all common areas, including interior lighting in any building open at night. All sanitary facilities and dumping areas, water faucets, parking areas (other than at each campsite), recreation areas, and other service buildings and general use sites shall be lit at night, either with a light mounted on the building or as a pole light. In developed camping areas, lights shall be installed along walkways to water and sanitary facilities and at roadway inter sections.

C. Screening:

(1) A buffer shall be planted along all side and rear property or campground boundaries. The width of this screen, or buffer, shall be included as part of the required yard (or setback) and shall consist of one or more of the following two options:

(a) A minimum of three (3) foot wide strip planted with dense evergreen vegetation, expected to grow to at least seven (7) feet in height within three (3) years; or

(b) A twenty (20) foot wide strip of vegetated buffer, either a natural wooded area or planted with evergreen and deciduous trees and shrubs designed to simulate natural growth, meeting the same requirements as to variety, number, and size of plants as given in Article XII (Buffers and Screening) of this Ordinance.

(2) Topographic or other natural features offering screening shall be acceptable in lieu of foliage.

D. Required Plan (in addition to those listed at the top of this Section):

(1) Topography of the site, at contour interval no greater than five (5) feet.

(2) Natural features such as streams, lakes, ponds, rocky outcrops, wooded areas, marshes, meadowland, or any other site of interest.

(3) Historic sites and cemeteries.

(4) Location and approximate size of all buildings and structures within 500 feet of property line.

(5) Proposed layout of the campground, both primitive and developed camping areas, including individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, comfort stations and other service buildings.

E. Operational Considerations:
(1) In developed camping areas, an attendant will be on the site twenty-four (24) hours a day while the campground is open for business.
(2) A public phone in working order shall be available.
(3) A fire extinguisher shall be available at each service building and at the office.
(4) Individual campsites and general use areas shall be kept clean and free from garbage, refuse, litter, and other conditions which can lead to the transmission of disease, breeding of rodents and insects, and which may present a fire hazard or contribute to the spread of fire.
(5) All sanitary, laundry, and drinking water facilities shall be maintained in a clean, sanitary condition and kept in good repair at all times.
(6) A camp store may be permitted, but no alcoholic beverages may be sold on the site.

907.14 Car Wash (including all vehicles)

A. Zoning Districts: RA-43, CR, CN, CH

B. Site Considerations: All buildings and other car wash areas shall be set back at least twenty (20) feet, or as set by the Board of County Commissioners, from any property line

not a street right-of-way when adjacent to any residential use or zoning district.

C. Screening:
(1) Drive-thru lanes and car wash facilities must be either screened or set back a minimum of twenty (20) feet from property used or zoned for residential purposes. This screen, or buffer, shall consist of either a minimum three (3) foot wide strip planted with the dense evergreen vegetation, expected to grow to at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of vegetated buffer, e.g. a natural wooded area or planted to simulate a wooded area.
(2) The Board of Commissioners may set additional buffers, as to size or planting.
(3) An attractive solid fence or wall, seven (7) feet high, may be required by the Board of County Commissioners, either in place of the vegetated buffer if space does not permit another screen or in addition to it, upon considering the conditions at the site and on the adjacent property. This fence or wall shall be installed along the property line, if used alone, or on the drive-thru side of the vegetated buffer, if used in addition to such a screen, separating drive-thru lanes and car wash facilities from adjacent property used or zoned for residential purposes.

907.15 Churches and their customary uses including childcare on premises, fellowship halls, play grounds, and on-site cemeteries

A. Zoning Districts: RA-43, RA-25 and RA-15

B. Site Considerations: All accessory buildings, picnic shelters, storage sheds or storage yards, and any intensive recreational use, including but not limited to, playgrounds, basketball courts, or tennis courts, shall be set back from all property lines and street rights-of-way a minimum of one and a half (1.5) times the required setbacks in the applicable zoning district, and shall not be located in the front yard.

C. Screening and Fencing:
   (1) Buildings, parking lots, and intensive recreational uses, such as those listed above, shall be screened from adjacent residential property with either the three (3) foot wide dense evergreen buffer or the twenty (20) foot wide natural wooded or planted buffer strip.
   (2) If childcare on premises is provided, playgrounds for child shall be enclosed by a chain link or solid fence or wall at least four (4) feet high.

D. Access: A maintained driveway, with ingress and egress directly onto a public or private street or easement, shall be constructed in such a manner as to provide entrance to and exit from the property without backing onto street rights-of-way or easements.

907.16 Convenience Stores (including self-service pumps)

A. Zoning Districts: CR, CN, and CH

B. Site Considerations:
   (1) A convenience store shall not be located within a residential subdivision, apartment complex, or manufactured home park.
   (2) A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
   (3) Fuel sales shall be located no less than a minimum distance of thirty (30) feet from any street right-of-way and forty (40) feet from any property line.

C. Screening: A buffer meeting the requirements of Article XII (Buffers and Screening) of this Ordinance shall be installed along any property line abutting property used or zoned for residential purposes. Car washes must also meet the requirements found in this article.

D. Required Plan (in addition to those listed at the top of this Section): The location of all fuel pumps, drive-thru lanes, and service windows, and car washes.

E. Operational Considerations:
   (1) The use shall be limited to providing convenience food sales and gasoline sales to the surrounding residential or agricultural area.

(2) Other vehicular services, such as tire sales and service, auto repair, sale of auto accessories and supplies, etc., shall not be permitted, though an automated car wash shall be permitted.
(3) No outside storage of materials shall be permitted with the exception of merchandise normally displayed or stored outside (e.g. ice, fire wood, bottled gas, Christmas trees, beverage and snack machines, newspaper stands and the like).

907.17 Day Care Facilities (for children or adults)

A. Zoning Districts: RA, HA, RA-43, RA-25, RA-15, CR, CN and CH

B. Site Considerations:
(1) Outdoor activity or play areas shall not be located in any front yard and shall be of a size equal to seventy-five (75) square feet per attendee, excluding children in cribs.
(2) As a principal use, an indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.

C. Screening and Fencing:
(1) Play space shall be enclosed by a chain link, solid fence, or wall at least four (4) feet high.
(2) Landscaping shall be provided in order to blend the facility into its neighborhood, screen its purely functional aspects from the street and neighboring yards, and absorb and/or deflect any excessive noise.

C. Access:
(1) A paved or otherwise improved driveway, with ingress and egress directly onto a public street, shall be constructed in such a manner as to provide entrance to and exit from the property without backing onto the street right-of-way.
(2) Access to the facility from nearby streets is adequate based on the projected attendance of the facility.

E. Required Plan (in addition to those listed at the top of this Section):
(1) Location and approximate size of all existing buildings and structures on adjacent lots.
(2) Location and extent of open play area.
(3) All required state licenses and permits must be obtained and submitted with the plan and application.

E. Operational Considerations: The construction and operation shall comply with the provisions of the North Carolina General Statutes and any other applicable federal, state, or local standards.

907.18 Fairground

A. Zoning Districts: RA-43, IL

B. Site Considerations:
(1) The site must be located on a major roadway that can handle the anticipated traffic volume when the fairground is in use.
(2) All buildings, arenas, stadiums, exhibit areas, barns, and similar activity areas, shall be set back from all property lines and street rights-of-way a minimum of one hundred (100) feet.

C. Screening and Fencing:
(1) A fence at least seven (7) feet in height shall enclose activity areas and buildings that will stay locked when the fairground is not in use.
(2) Additional set backs and buffering may be required by the Board of County Commissioners in the case of facilities for outdoor functions, such as outdoor arenas, in order to protect adjacent properties from noise, light, and glare.

C. Lighting: Outdoor lighting shall be shielded so as to prevent light form directly hitting adjacent property or any public right-of-way.

D. Parking: In addition to meeting the requirements of Article XIX "Parking and Loading" of this Ordinance, the fairground may place a parking lot anywhere on the property so long as it is set back from the property line or street right-of-way at least twenty (20) feet. One or more primary parking lots may be constructed to meet anticipated normal needs. Overflow parking may be provided for special events, but must be grassed.

E. Required Plan (in addition to those listed at the top of this Section):
(1) The location and dimensions of all buildings, outdoor activity and exhibition areas, and primary and overflow parking areas.
(2) The location and use of adjacent properties and any buildings within five hundred (500 feet) of the fairground property line.

907.19 Go Cart or Motor Cross Tracks

A. Zoning Districts: CH

B. Site Considerations:
(1) The intensity of the use shall not be detrimental to adjacent properties due to traffic, parking, noise, refuse, or other factors.
(2) All buildings, including accessory garages or storage bins, shall be set back from all property lines and street rights-of-way double (2 times) the minimum required for principal buildings in the applicable district.
(3) Additional set backs and buffering may be required by the Board of County Commissioners in the case of facilities for outdoor functions, such as outdoor arenas, in order to protect adjacent properties from noise, light, and glare.

C. Parking: All parking shall be contained within the property boundaries (no parking on road shoulders). Parking control shall be provided by the applicant.

D. Lighting: Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

E. Required Plan (in addition to those listed at the top of this Section): The site plan shall indicate the style and location of all outdoor lighting.

F. Operational Considerations: Emergency Medical Services shall be provided during events.

907.20 Golf Course, Excluding Miniature Golf

A. Zoning Districts: RA, RA-43

B. Site Considerations:
(1) No maintenance building or clubhouse shall be closer than one hundred (100) feet from any property line.
(2) There shall be no lights on the course.
(3) Any outdoor lighting shall be shielded so as to cast no direct light on adjacent properties or onto any street right-of-way and hide the actual light source.

C. Screening and Fencing: Fencing, trees, berms, or other control measures shall be provided around the perimeter of the golf course so as to prevent golf balls from leaving the property.

D. Required Plan (in addition to those listed at the top of this Section):
(1) The location and dimensions of all golf courses.
(2) The location and type of outdoor lighting.

907.21 Home Occupation of an Industrial or Commercial Nature

A. Zoning Districts: RA

B. Site Considerations:
(1) Unlike the Standard Home Occupation, larger accessory buildings or structures may be used in connection with the home occupation of an industrial or commercial nature provided the Home Occupation is clearly subordinate to the use of the principal residential structure for residential purposes and limitations are prescribed through the Conditional Use Permit process.
(2) The proposed use of any accessory structure for home occupation purposes must be documented and depicted on the Applicant's Site Plan and must clearly demonstrate how it will prevent incompatible processes normally associated with commercial or industrial uses from adversely impacting adjacent or nearby residential uses or districts.

(3) All businesses must be set back at least fifty (50) feet from any street right-of-way.
(4) Additional restrictions regarding fencing, buffers, outdoor lighting, storage, and other appearance criteria may be added, as deemed necessary by the Planning Board and Board of County Commissioners.

C. Operational Considerations:
(1) The owner of the business must reside on the property on which the business is located.
(2) The business use shall not create any noxious fumes, odors, traffic congestion, or other nuisance factors.
(3) Additional restrictions regarding traffic circulation, operational hours and other operational criteria may be added as deemed necessary by the Planning Board and Board of County Commissioners.

907.22 Home Occupation (Standard):

A. Zoning Districts: HA, RA-43, RA-25, RA-15

B. Site Considerations:
(1) The home occupation or profession is carried on entirely within a dwelling *or accessory building* on the same lot by one or more occupants thereof.
(2) The home occupation or profession is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the essential residential character or appearance of the dwelling or accessory building.
(3) No more than twenty-five percent (25%) of the total floor area of the dwelling is used for the home occupation or profession.
(4) The proposed use of any accessory structure for home occupation purposes must be documented and depicted on the Applicant's Site Plan and must clearly demonstrate how it will retain its essential residential character and function as an incidental structure or building to the principal residence.
(5) There is no outside or window display.
(6) No mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or
emergency treatment.

C. Operational Considerations:
(1) The owner of the business must reside on the property on which the business is located.
(2) The business use shall not create any noxious fumes, odors, traffic congestion, or other nuisance factors.
(3) To prevent incompatible processes normally associated with commercial or industrial uses from adversely impacting adjacent or nearby residential uses or districts, additional restrictions regarding traffic circulation, operational hours and other operational criteria may be added as deemed necessary by the Planning and Zoning Administrator for Standard Home Occupations located in the RA Zone

and by the Planning Board and Board of County Commissioners for Home Occupations located in the RA-15, RA-25 or RA-43 Residential and Agricultural Districts or the HA, Historic Agriculture Districts.

(4) The Planning and Zoning Administrator shall issue a Zoning Permit for a Standard Home Occupation in the RA Zone, without a Conditional Use Permit, provided that the Applicant agrees to certain limitations on notarized forms provided by the Planning and Zoning Administrator, as defined in Article XXIV.

907.23 Mini-Warehouse (self-storage)

A. Zoning Districts: CH

B. Site Considerations:
   (1) The total ground area covered by buildings shall not exceed fifty percent (50%) of the lot.
   (2) Maximum building height: twenty (20) feet.

C. Screening: Any features or activities which may impinge on residential property or uses, including but not limited to parking lots and loading areas shall be provided with a vegetative buffer, either planted or natural, meeting the requirements of Article XVIII "Buffers and Screening."

D. Lighting: Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

E. Operational Considerations:
   (1) No outside storage shall be permitted.
   (2) The storage of hazardous, toxic, or explosive substances shall be prohibited.
   (3) No business activity other than rental of storage units shall be conducted on the premises.

907.24 Off-Premises Advertising Sign (Billboard)

A. Zoning Districts: IH, IL

B. Sign Design Requirements: All billboards must meet the requirements of Article XX "Signs" of this Ordinance.

C. Required Plan (in addition to those listed at the top of this Section):
   (1) The required site plan must show the location of any other billboards along both sides of the street for fifteen hundred (1,500) feet of the proposed site.
   (2) The plan must show the location of buildings and types of activities on the property on which it is to stand, on adjacent properties, and across the street, for a distance of five hundred (500) feet in both directions from the sign.

D. Operational Considerations: The sign shall be kept in good repair and clear of overgrown vegetation.

907.25 Public Utility Substations, Transformer Stations, and Other Facilities

A. Zoning Districts: Conditional in all districts.

B. Site Considerations:
   (1) Public utility stations or structures shall maintain standard setbacks if applicable fin the zoning district from street rights-of-way and double (2 times) the standard setbacks from any other property line.
   (2) Any equipment producing noise or sound discernible at the property line shall be set back until it is no longer discernible or one hundred (100) feet, whichever comes first.

C. Screening and Fencing:
   (1) In residential districts or areas adjacent to them, utility facilities or structures shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with either a minimum three (3) foot wide strip planted with dense evergreen vegetation, expected to grow to at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. The vegetated buffer shall be located adjacent to the property line and between the property line and fence.
   (2) In other districts, these structures shall be enclosed with a fence meeting the same requirements.
   (3) Transmission line rights-of-way shall be exempt from buffer requirements.

D. Required Plan (in addition to those listed at the top of this Section): The site plan will show the location of any outside storage yards or areas along with the appropriate buffers.

E. Operational Considerations:
   (1) When the property is within a residential area, there shall be no outside storage on the lot.
   (2) When the property is not in a residential area nor is it adjacent to such an area, any outside storage shall be located:
      (a) In the rear yard;
      (b) Inside the security fence; and
      (c) Screened from view from the street and adjoining properties.
   (3) If the lot is adjacent to property used or zoned for residential purposes, the outside storage shall be located:
      (a) In the rear yard;
      (b) Inside the security fence;
      (c) Set back from any property line at least twenty (20) feet; and
      (d) Screened with vegetation in keeping with the neighborhood and meeting the requirements of the three (3) foot wide dense evergreen planting or the twenty

(20) foot wide natural wooded or planted strip, as described in Article XVIII "Buffers and Screening" of this Ordinance.

907.26 Resumed Single-Family Dwelling

A. Zoning Districts: CH

B. Preamble: It is recognized that the historical development of the County has included residential home sites which were later designated as non-residential zoning districts during the initial establishment of the County's Zoning Ordinance to provide for future redevelopment of commercial uses. It is recognized that the former site improvements previously installed or constructed to support such single-family home sites remain viable and resumption or reclamation of the residential footprint is acceptable under certain conditions to ensure compatibility with surrounding land uses which are otherwise permitted in the commercial zone, as follows:

C. Site Considerations: The use must be located in a site built home or a Manufactured Class A (Modular) or B (Doublewide) home on a lot that was previously developed and occupied as a single-family dwelling as evidenced by existing site improvements including but not limited to:
   (1) A site built or manufactured dwelling unit which was located on the site in accordance with prevailing requirements at the time of placement, but which has since been abandoned or vacated more than 180 days ago and therefore does not otherwise qualify for resumption or replacement under Article XII, Nonconforming Uses, or other evidence which clearly demonstrates the former presence of a residential structure such as footers, piers or foundation;
   (2) Individual septic tank system, with record on file with the Albemarle Regional Health Services or its precursor agency, which may require updating or enlarging to comply with new standards to serve the existing or proposed residence;
   (3) Water tap with record on file with County Water Department or private well with record on file with Albemarle Regional Health Services or is precursor agency, which may require an update or change to the system to meet current standards to serve the existing or proposed residence;
   (4) Driveway with pipe or grade-level access for passenger vehicles. It is important to note that no new driveway or access will be approved unless it replaces a driveway which previously served the residential site; and
   (5) Wire, cables, poles and other improvements which demonstrate the existence of previous utility services such as electricity, telephone, gas, cable, etc.

D. Required Plan:
   (1) The actual shape, location, and dimensions of the subject property;
   (2) The shape, size and location of all any existing building, footers, piers or building foundations already on the subject property;
   (3) The shape, size and location of all buildings or other structures to be erected, altered, or moved;

(4) The location of required yard areas or building setbacks, with the distance from each property line shown thereon, for all existing and proposed buildings;
(5) Zoning and land use of adjacent properties within three hundred (300) feet of each property line of the subject property; and
(6) Such other information concerning the subject property or adjoining lots as may be essential for determining compatibility with existing or proposed land uses which are otherwise permitted in the CH Zone.

E. Operational Considerations: The applicant shall be responsible for demonstrating that the resumed single-family dwelling will be compatible with existing land uses which are otherwise permitted in the CH Zone.

907.27 Wind Energy Facilities

A. Zoning Districts:

Small:	RA-43, RA-25, RA-15, CR, CN, CH, IL and IH;
Medium:	RA, CR, CN, CH, IL and IH; and
Large:	RA

B. Preamble: Wind Energy Facilities may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:

(1) A Permit Application for a Wind Energy Facility shall contain the following:
(a) A narrative describing the proposed Wind Energy Facility, including an overview of the project;

(b) The proposed total rated capacity of the Wind Energy Facility;

(c) The proposed number, representative types and height or range of heights of Wind Turbines to be constructed, including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities;

(d) Identification and location of the property or properties on which the proposed Wind Energy Facility will be located;

(e) A site plan showing the planned location of all Wind Turbines, property lines, setback lines, access roads, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all Occupied Buildings, Residences, and other features sufficient to demonstrate compliance with the setbacks required by this Article;

(f) Any Environmental Assessment required by state or Federal law;

(g) Decommissioning plans that describe the anticipated life of the Wind Energy Facility, the estimated decommissioning costs in current dollars, the salvage

value of the equipment, and the anticipated manner in which the Wind Energy Facility will be decommissioned and the site restored;

(h) Documentation of agreement between Participating Landowner(s) and the Applicant, Facility Owner, or Operator; and

(i) Signature of the Applicant; and

(j) The applicant shall establish an escrow account in the name of Perquimans County in the amount set forth by the Board of County Commissioners in separate Fee Schedules. Said Escrow Account shall be established at the time the Zoning Permit Application and detailed Site Plan(s) are submitted and shall be used by the County for all County expenses related to the project.

(2) Throughout the permit process, the Applicant shall promptly notify Perquimans County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.

(3) Changes to the approved application that do not materially alter the initial site plan may be administratively approved by the Zoning Administrator. Major modifications to the approved Conditional Use Permit will require a new Application and approval by the Planning Board and Board of County Commissioners in the same manner as the original Conditional Use Permit.

(4) Wind Turbine Height and Setback Multipliers and Minimum Lot Sizes: The Setbacks shall be calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the Wind Turbine base to the property line or the nearest point on a public road right-of-way or the nearest point on the foundation of a Residence or an Occupied Building.

Table 907.27: Lot Size, Setback and Height Requirements

Facility Type	Minimum Lot Size	Minimum Setback Requirements				Maximum Height
		Occupied Buildings	Residences	Property Line (Non-Participating Property)	Public Roads	
Small Facility	43,000 Sq. Ft.	1.5	1.5	1.1	1.5	120 feet
Medium Facility	5 Acres	2.0	2.0	1.5	1.5	250 feet
Large Facility	25 Acres	2.5	2.5	1.5	1.5	600 feet

Setback requirements may be waived by a property owner so long as such waiver is in writing and signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

(5) Sound and Shadow Flicker: This Section shall only apply to Large Wind Energy Facilities. Sound and Shadow Flicker issues for Small and Medium Wind Energy Facilities are addressed by setbacks.
   (a) Audible sound from a Large Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building or Residence on the property of a Non-Participating Landowner.
   (b) Shadow Flicker on any Occupied Building or Residence on a non-participating landowner's property caused by a Large Wind Energy Facility must not exceed thirty (30) hours per year.
   (c) Sound and/or Shadow Flicker provisions may be waived by a property owner so long as such waiver is in writing, signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

(6) Installation and Design:
   (a) The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
   (b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
   (c) The visual appearance of a Wind Turbine shall at a minimum:
      (1) Be a non-obtrusive color such as white, off-white or gray;
      (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
      (3) Not display advertising (including flags, streamers or decorative items), except for identification of the Wind Turbine manufacturer, Facility Owner and Operator.

(7) Decommissioning:
   (a) The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of the Wind Energy Facility if no electricity is generated for a continuous period of twelve (12) months. The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of any individual turbine if no electricity is generated for a continuous period of twelve months from any individual turbine. For purposes of this Section, the twelve (12) month periods referenced herein shall not include delay resulting from Force Majeure.
   (b) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.

(c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(d) Prior to the issuance of a building permit, the owner of a Medium or Large Wind Energy Facility shall provide a cash bond in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Facility. The bond shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

(8) Additional Reports for evaluation of Noise, Ice Drop and Ice Throw, Blade Drop and Blade Throw, and Shadow Flicker:

(a) Noise Evaluation Report. The applicant or petitioner shall submit a noise evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites in accordance with the noise control regulations established by the Perquimans County Zoning Regulations. The report shall include, but not be limited to, the following:

(1) A detailed description of the potential noise levels that would be generated by the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites, including, but not limited to, existing sound levels at the proposed site and any alternative sites, projected sound levels to be generated by the operation of the proposed wind turbines and any alternative wind turbines, the methodology used to monitor and evaluate sound levels, the wind turbine manufacturer's technical documentation of the noise emission characteristics of the proposed wind turbines and any alternative wind turbines, and an analysis of compliance with the noise control regulations established by Perquimans County.

(2) Calculations in accordance with the noise control regulations established by Perquimans County for the projected maximum cumulative sound levels generated when the proposed wind turbines and any alternative wind turbines are in operation at the proposed site and any alternative sites measured at nearest existing occupied building, projected maximum day-time and night-time sound levels generated when the proposed wind turbines and any alternative wind turbines are in operation measured at the nearest occupied building, and projected maximum levels of infrasonic sound, ultrasonic sound, impulsive noise and prominent discrete tones generated when the proposed wind turbines and any alternative wind turbines are in operation at the proposed site and any alternative sites measured at the nearest occupied building.

(3) A study area map for the proposed site and any alternative sites depicting the noise analysis study area radius, site boundaries, sound level monitoring locations and nearest occupied building.

(4) Identification of any potential mitigation measures to minimize sound levels at the nearest occupied building, including, but not limited to,

utilization of best practical noise control measures in accordance with the Perquimans County Zoning Regulations.

(b) Ice Drop and Ice Throw Evaluation Report. The applicant or petitioner shall submit an ice drop and ice throw evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:

(1) A detailed description of the conditions at the proposed site and any alternative sites that may cause ice to be dropped or ice to be thrown, or both, from the wind turbine blades of the proposed wind turbines and any alternative wind turbines, the methodology used to evaluate and assess the risk of ice drop or ice throw, or both, and the wind turbine manufacturer's technical documentation relating to recommended ice drop and ice throw setback distances and installed ice monitoring devices and sensors.

(2) Calculations in feet of the maximum distance that ice could be dropped from the wind turbine blades of each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and calculations in feet of the maximum distance that ice could be thrown from the wind turbine blades for each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are in operation.

(3) A study area map for the proposed site and any alternative sites depicting the ice throw study area radius, site boundaries and locations where ice could be dropped or locations where ice could be thrown from the wind turbine blades, or both, of each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and in operation.

(4) Identification of any potential mitigation measures to minimize the risk, occurrence and impact of ice drop or ice throw, or both, from the wind turbine blades of each of the proposed wind turbines and any alternative wind turbines, including, but not limited to automatic and remote manual shutdown of the wind turbines.

(c) Blade Drop and Blade Throw Evaluation Report. The applicant or petitioner shall submit a blade drop and blade throw evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:

(1) A detailed description of the conditions at the proposed site and any alternative sites that may cause a blade or any portion of a blade to be dropped or that may cause a blade or any portion of a blade to be thrown, or both, from each of the proposed wind turbines and any alternative wind turbines, the methodology used to evaluate and assess the risk of blade drop or blade throw, or both, and the manufacturer's technical documentation relating to recommended blade drop and blade throw setback distances and installed blade monitoring devices and sensors.

(2) Calculations in feet of the maximum distance that a blade or any portion of a blade could be dropped from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and calculations in feet of the maximum distance that a blade or any portion of a blade could be thrown from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are in operation.

(3) A study area map for the proposed site and any alternative sites depicting the blade throw study area radius, site boundaries and locations where a blade or any portion of a blade could be dropped or locations where a blade or any portion of a blade could be thrown, or both, from each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites when the wind turbines are stationary and when the wind turbines are in operation.

(4) Identification of any potential mitigation measures to minimize the risk, occurrence and impact of blade drop or blade throw, or both, from each of the proposed wind turbines and any alternative wind turbines, including but not limited to, automatic and remote manual shutdown of the wind turbines.

(d) Shadow Flicker Evaluation Report. The applicant or petitioner shall submit a shadow flicker evaluation report for each of the proposed wind turbine locations and any alternative wind turbine locations at the proposed site and any alternative sites that shall include, but not be limited to:

(1) A detailed description of the potential shadow-flicker producing features of each of the proposed wind turbines and any alternative wind turbines at the proposed site and any alternative sites, including, but not limited to, an analysis of conditions that may cause shadow flicker, the methodology used to evaluate shadow flicker and the manufacturer's technical documentation relating to shadow flicker, if available.

(2) Calculations from each proposed wind turbine and any alternative wind turbines at the proposed site and any alternative sites to each off-site occupied structure location within a one mile radius, including, but not limited to, the following:

(A) Distance in feet;

(B) Shadow length and intensity;

(C) Shadow flicker frequency;

(D) Specific times shadow flicker is predicted to occur; and

(E) Duration of shadow flicker measured in total annual hours.

(3) A study area map of the proposed site and any alternative sites depicting the shadow flicker analysis study area radius, site boundaries, locations of the proposed wind turbines and locations of any alternative wind turbines, locations of off-site occupied structures, and areas of shadow flicker occurrence identified according to total annual hours.

(4) Identification of potential mitigation measures to minimize the impact of shadow flicker, including, but not limited to, vegetation, screening and fence construction.

907.28 Solar Farm (Large scale, ground-mounted Solar Power Energy System)

A. Zoning Districts: RA (Conditional Use)
IL and IH (Permitted Use)

B. Preamble: A large scale Solar Farm containing ground-mounted solar power electric generation structures, may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:

(1) Site Considerations:
(a) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet) in height.
(b) Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet, whichever is strictest.
(c) The setback for any building or parking area proposed to serve the Solar Farm shall twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes or located within the Highway Corridor Overlay District .
(d) The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.

(2) Lighting: The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.

(3) Screening:

(a) General: Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.

(b) Highway Corridor Overlay Districts: When located adjacent to the Highway Corridor Overlay District, screening is required which completely screens from view the solar energy system panels and related equipment. Such screening shall be a durable wall or fence and access gate(s) at least seven (7) feet high in addition to a minimum fifteen (15) foot wide vegetated strip along any property line adjacent to or within five hundred (500) feet of the Highway

Corridor Overlay District. This vegetated strip shall consist of a naturally wooded area or planted with a mix of evergreens and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.

(4) Operational Considerations: Any access gate which affords views from an existing residence or from within the Highway Corridor Overlay District must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.

(5) Application Requirements:

(a) Submit Site Plan prepared in accordance with current Site Plan Requirements of Section 509 and denoting the dimensions of the subject property, proposed solar farm location, including the arrangement of solar panels, distance from the proposed site improvements to all property lines, and location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks or any buffer area.

(b) The Site Plan should also show the location of any required buffers as outlined in Sections 1803 and 1804.

(c) Submit horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.

(d) State and local stormwater permits may be required subject to Article V Site Plan and other requirements as applicable.

(e) If applicable, the applicant must apply to and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the proposed use prior to final project approval.

(6) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

(7) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.

(8) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.

907.29 Reserved for future use.

907.30 Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe

A. Zoning District: CH

B. Objective and Purpose: It is recognized that there are some uses which, because of their nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas, or when the uses are proposed to be located in or near sensitive areas or land uses. It is recognized that special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. It shall be unlawful for any person to operate a Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Café without a Conditional Use Permit issued by the Perquimans County Board of Commissioners, pursuant to the special regulations itemized below:

(1) Site Considerations: Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes may be permitted on parcels accessed by Ocean Highway (US Hwy 17 North and US Highway 17 South), either by direct access, frontage road or minor street, in the CH, Highway Commercial District, subject to requirements found elsewhere in the Zoning Ordinance and the following site considerations:

(a) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within thirteen-hundred twenty feet (1,320') of any building which is occupied by an existing sensitive use, including but not limited to occupied residential dwelling unit(s); churches, synagogues, temples, or other religious uses; nursery schools or day care centers (child or adult); public or private schools or other educational facilities; health care facilities; libraries; and recreational facilities, as measured from the exterior walls of the building(s) containing such regulated use(s). Abandoned or vacated residential home sites located in the CH, Highway Commercial Zone which may otherwise qualify for a "Resumed Single Family Dwelling" shall not be included or protected under this subsection.

(b) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within one thousand feet (1,000') of another Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café, as measured from the exterior walls of the building(s) containing such regulated use(s).

(c) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within five hundred feet (500') of an existing structure in which a restaurant is located, as measured from the exterior walls of the building(s) containing such regulated use(s).

(d) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within two hundred fifty feet (250') feet of any property zoned for residential use, which shall be measured from the exterior walls of the building(s) proposed for a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe to the boundaries of the residential zoning district. Areas zoned for residential use

include any RA, Rural Agricultural; HA, Historic Agricultural; and RA-43, RA-25 and RA-15, Residential and Agricultural Districts.

(e) Yard Areas, Screening and other Minimum Design Standards: All buildings, structures, parking lot areas and other site improvements shall be designed and installed in compliance with standards specified elsewhere in this Ordinance, including Dimensional Requirements, Conditional Uses, Highway Corridor Overlay Districts, Buffers and Screening, Parking and Loading, and Signs (currently Articles VII, IX, XVII, XVIII, XIX and XX).

(2) Required Plan: Application for a Conditional Use Permit shall be submitted to the Planning and Zoning Administrator with a site plan and other information as applicable to verify compliance with requirements listed elsewhere in this Ordinance and additional information, as follows:

(a) The locations of existing buildings and structures on property within one thousand three hundred twenty feet (1,320') of exterior wall(s) of the proposed Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.

(b) The zoning of properties within two hundred fifty feet (250') of each building proposed for a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.

(c) A map certified by a registered land surveyor in the State of North Carolina indicating sufficient information to verify that the proposed location for the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe meets minimum setbacks or distances listed elsewhere in this Arrticle.

(d) A site plan accurately drawn to a scale no larger than 1" = 100' for the proposed location of the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be submitted to verify location of the site as well as compliance with minimum building setbacks and parking requirements as defined elsewhere in this Ordinance.

(e) A scaled drawing of the sign that will be used for identifying the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café.

(f) A statement defining the type of games to be offered at the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe for which the Conditional Use Permit is requested. The statement shall include a description of the games to be provided.

(g) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.

(3) Operational Considerations:

(a) No person under the age of eighteen (18) years shall be permitted within a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café.

(b) There shall be no consumption of alcoholic beverages anywhere on the premises, including inside and outside of the building(s) nor anywhere within the boundaries of the property.

(c) The maximum number of player terminals is ten (10). No poker or slot style machines shall be allowed.
(d) The gaming operation shall be visible and open to the store front.
(e) Hours of Operation: Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafés shall be permitted to operated only between the hours of 10:00 AM through 10:00 PM Monday through Saturday.
(f) The Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café shall be limited to one wall sign per premise, depicting the name of the business and business hours only. The sign shall not be internally lighted and no flashing or obtrusive lights are permitted. Maximum sign area shall be 20 square feet.
(g) No gaming activities of any kind shall be allowed outside the building(s) of a proposed Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes cafe.
(h) All parking areas and exterior points of ingress and egress shall be fully illuminated with night-lighting to deter criminal activities. Lighting shall be shielded so as not to interfere with adjoining property owners or traffic traveling the public highways.
(i) Firearms shall be prohibited anywhere on the premises, including inside and outside of the building(s) and anywhere else within the boundaries of the property.

ARTICLE X. TEMPORARY USES

Section 1001. Mobile Offices

Mobile offices may be used on a temporary basis in districts where they are not listed as a permitted or conditional use for such purposes as construction offices, bloodmobiles, bookmobiles, and traveling museums. However, such uses must obtain a temporary occupancy permit from the Zoning Administrator if the use is to last more than forty-eight (48) hours at one site.

Mobile offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary occupancy permit must be obtained before the use of the mobile office is initiated. This occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.

Section 1002. Manufactured Home or Other Housing Type as a Secondary Temporary Dwelling Unit On a Single Residential Lot

A. Permitted Districts: A temporary additional dwelling unit on the same single lot as the principal dwelling may be permitted as a conditional use in all residential zoning districts, including a lot that does not conform to size in that district provided all other requirements of this Section are met.
B. Dimensional Requirements: A temporary additional dwelling unit on a residential lot shall be located to the rear of the principal structure. It shall be located so that the unit is not closer than fifteen (15) feet from any property line, and thirty (30) feet from the principal residence. On corner and through lots, the front yard setback requirements shall be met along all street rights-of-way lines. The lot shall have a minimum of twenty thousand (20,000) square feet of area.
C. Other Requirements:
   (1) This permit may be granted upon verification of a unique temporary personal and/or family hardship. The temporary unit shall be used to house members of the family (related by blood, marriage, or adoption) of the principal dwelling, and shall not be rented, leased, or otherwise assigned.
   (2) This permit shall only be granted to the owner of a traditional detached single family residence, either “stick built” or manufactured home, and not a town house, zero lot line, duplex, or multifamily structure.
   (3) The temporary permit shall take into account the adverse effect, if any, of this temporary use on the neighbors, public safety and welfare, the necessity of the use, and other relevant factors in the particular circumstances.
   (4) Complaint and Review: Upon complaint to the Planning Board from any adjacent property owner the Planning Board shall properly advertise and hold a public hearing to determine if the temporary use has been conducted in accordance with the provisions of this Section as well as any other conditions established by the Planning Board. The Planning Board, after holding the necessary public hearing, may uphold, modify, suspend, or revoke the conditional use permit for this temporary use.

Section 1003. Meteorological (MET) Tower:

A. Prior to the installation of a Meteorological (MET) Tower, a Zoning Permit must be issued to document compliance with the minimum set back which is a distance equal to one (1) linear foot for every one (1) foot of height as measured from each property line of the subject property, said height to be exempted from the 35-foot height limitation required by Article VII. The Zoning Permit is valid for a period of two (2) years and is renewable. The Applicant's failure to renew the Zoning Permit before the end of the 24-month permit period may/shall result in the County's removal of the Temporary MET Tower at the end of the 24-months at the Applicant's expense as provided by subsection D(2), without additional notification to the Applicant as acknowledged on the Zoning Permit by the Applicant.

B. Notwithstanding subsection A., the Zoning Administrator may issue a Zoning Permit authorizing a reduction in the required tower setback provided the authorized Applicant submits with the Zoning Permit Application the adjacent property owner's notarized consent for the specified waiver requested along with the express stipulation that no structures, occupied or otherwise, will be built within the 1:1 fall zone of the tower during the period in which the Temporary Zoning Permit is in effect.

C. Where such setback reduction is requested, the adjacent property owner's written setback waiver / no-buildable area stipulation shall acknowledge a 27-month time period which must be renewed within 24 months from the notarized date; otherwise the County shall commence removal of the Temporary MET Tower at the end of 24 months from the notarized date at the Applicant's expense as provided by subsection D(2), without additional notification to the Applicant as acknowledged on the Zoning Permit by the Applicant.

D. Applicant's Certifications

(1) Before an operating permit shall be issued or renewed, the Applicant must certify that the Applicant currently has liability insurance in force covering the temporary MET tower in an amount no less than $1,000,000 Combined Single Limit Bodily Injury and Property Damage Liability with $2,000,000 General Aggregate and $5,000,000 Umbrella/Excess Liability, or as deemed necessary by the County.

(2) The Applicant for a temporary meteorological tower shall be required to post a $10,000 cash bond or other security satisfactory to the County, to secure the costs of removing all aboveground portions of the facility, not including any part of the foundation, in the event the Applicant shall fail to do so within 90 days of the expiration of the temporary Zoning Permit. The Applicant shall be required to continue such bond or other security until such time as the temporary MET tower has been removed and all other requirements have been satisfied. If actual removal costs exceed the bond amount, the owner of the temporary MET tower shall be responsible for any excess amount.

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI "Appeals and Variances."

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII "Dimensional Requirements," whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard fur such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated. (*see also Section 703*)

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Section 1107. Solar Energy Facilities

A. Large Scale Solar Farms or Solar Energy Facilities: Additional yard setbacks and other design standards shall apply to Solar Farms, or Large Scale Solar Energy Facilities, as provided at Article IX, Conditional Uses for application in the RA (Rural Agriculture), IL (Light Industrial) and IH (Heavy Industrial) Zoning Districts.

B. Small Scale Solar Energy Facilities Accessory to Principal Residential or Non-Residential Uses:
   (1) Small scale, Accessory Use Solar Collector(s) shall be permitted to generate electrical energy for the sole purpose of on-site consumption in any zoning district, in accordance with minimum building setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan and attached to a Zoning Permit Application for compliance review by the Planning & Zoning Administrator; However, ground-mounted collector(s) proposed in front of a single-family residence on property containing less than two (2) acres and located within the routine view of adjacent properties and/or the road right-of-way, may be approved subject to a Conditional Use Permit and compliance with the Application Requirements and design standards herein stated below;

(2) Small scale solar energy collector(s) which generate(s) energy in excess of the amount needed to serve the single-family residential customer may be permitted as an Accessory Use in any residential zoning district as designated in the Table of Uses, subject to a minimum lot size of two (2) acres and subject to the Application Requirements and design standards herein stated below; and

(3) Small scale solar energy collector(s) which generate(s) energy in excess of the amount needed to serve the non-single-family residential customer may be permitted as an Accessory Use in an applicable non-residential zoning district as designated in the Table of Uses, and subject to the Application Requirements and design standards herein stated below.

C. Minimum Design Standards: Notwithstanding any other provision applicable to Small Scale Accessory Use Solar Energy Facilities, any system designed and installed to produce and sell energy to a third party user and/or distributor of electricity, must first obtain Conditional Use Permit review and approval from the Planning Board and Board of County Commissioners, pursuant to Article IX of the Zoning Ordinance. Otherwise, compliance with applicable design standards for all Small Scale Accessory Use Solar Energy Facilities shall be documented and shown on the Site Plan and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator, as follows:

(1) Glare: Solar Panels and related equipment shall be placed such that concentrated solar radiation or glare shall not be directed onto adjacent or nearly properties or roadways.

(2) Screening: Solar Panels and related equipment proposed for placement in the front yard shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture or Highway Commercial Zoning Districts using the County's Buffers and Screening standards.

(3) In order to be classified as an accessory use, the area of the system shall not exceed the footprint of the principal structure.

(4) Notwithstanding other standards noted herein, all solar energy collectors, whether ground mounted or mounted on an existing structure, shall meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located and shall be inspected by the Perquimans County Planning & Zoning Administrator.

(5) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

(6) Compliance with Building Code: All active solar energy facilities shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.

(7) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition, as amended.

D. Application Requirements: Any Small Scale Solar Collector and/or related equipment proposed for the purpose of selling and/or returning electric energy to an electric distributor shall be required to demonstrate to the County that said equipment is installed to meet all local, state and federal requirements through the following application process:

(1) Submit Site Plan prepared in accordance with current Site Plan Requirements of Section 509 and denoting the dimensions of the subject property, proposed solar panel location(s), including the arrangement and dimensions of solar panels and linear footage distance from the proposed site improvements to all property lines.

(2) The Site Plan shall also show the location of any required buffers.

(3) Submit horizontal and vertical (elevation) to-scale drawings with dimensions.

ARTICLE XII. NONCONFORMING SITUATIONS

Section 1201. Definitions of Nonconforming Situations

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Article.

(a) dimensional nonconformity: a nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located;

(b) effective date of this Ordinance: whenever this Article refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation;

(c) expenditure: a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position;

(d) nonconforming lot: a lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located, except that such a lot created pursuant to a provision of this or any prior Ordinance allowing the creation of lots smaller than normal minimums shall not constitute a nonconforming lot;

(e) nonconforming project: any structure, development, or undertaking that is incomplete on the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned;

(f) nonconforming sign: a sign (see Article XXIV "Definitions") that on the effective date of this Ordinance does not conform to one (1) or more of the regulations set forth in this Ordinance, particularly Article XX "Signs;"

(g) nonconforming situation: a situation that occurs when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, because signs do not meet the requirements of Article XX "Signs" of this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance;

(h) nonconforming structure: any structure which does not conform to the regulation of structures for 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 into this Ordinance, but was either conforming or not subject to regulation previously; and, (1) nonconforming use: a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Section 1202. Continuation of Nonconforming Situations and Completion of Nonconforming Projects

(a) Unless otherwise specifically provided in these regulations and subject to the restrictions and set forth in Article XII, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.
(b) Nonconforming projects may be completed only in accordance with the provisions of Article XII.

Section 1203. Nonconforming Lots

(a) This section applies only to undeveloped nonconforming lots, except where noted in subsection (f) of this section. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 906.
(b) When a nonconforming lot can be used in conformity with all of the regulations (other than the area and width requirements) applicable to the district in which the lot is located, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.
(c) When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements "Article VII "Dimension Requirements Table" cannot reasonably be complied with, then the entity authorized by this Ordinance to issue a permit for the proposed use (the Administrator, Board of Adjustment, or Board of Commissioners) may allow deviations from the applicable setback requirements if it finds that:
    (1) the property cannot reasonably be developed for the use proposed without such
    deviations;
    (2) these deviations are necessitated by the size or shape of the nonconforming lot; and

(3) the property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(d) For purposes of Subsection (c), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(e) Any subdivision or planned unit development having been given final plat approval from the Board of Commissioners prior to October 1, 2002 shall be subject to the Subdivision Ordinance design and lot dimensional standards in effect at the time the subdivision or planned unit development was given final approval by the Board of Commissioners.

(f) Any lot of record existing prior to May 7, 1973, may be developed for residential purposes provided that it can meet the following yard setbacks:

Front Yard	25 feet
Side Yard	10 feet
Side Yard abutting side street	20 feet
Rear Yard	10 feet

These setbacks will also apply for any enlargement or addition to any existing residential structure located on a lot of record existing prior to May 7, 1973. All other accessory building setbacks and land uses of the corresponding zoning district will be applied and enforced.

Section 1204. Extension or Enlargement of Nonconforming Situations

(a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

(1) an increase in the total amount of space devoted to a nonconforming use; or

(2) greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements, or other requirements such as parking requirements.

(c) Subject to Subsection (d), a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

(d) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

(e) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or

similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

(f) Notwithstanding Subsection (a):

(1) any structure used for single-family residential purposes (other than a class "B" or "C" manufactured home) may be enlarged or replaced with a similar structure so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements; and,

(2) a nonconforming class "B" or "C" manufactured home (located outside a manufactured home park) may be replaced with a site built home or class "A" or "B" manufactured home that was manufactured in the same year or later than the home being replaced and is as large or larger than the home being replaced, so long as (a) the power and water accounts, having been terminated for the replacement of the manufactured home, are reinstated within 180 days of termination, (b) all necessary permits have been issued by the county Health Department relating to the installation and operation of a satisfactory sewage treatment system, (c) underpinning of all-weather base material is placed around the manufactured home or, in the case of a class "A" manufactured home, a masonry curtain wall; and (d) all setbacks are met to the extent feasible.

(g) Notwithstanding Subsection (1), the Administrator may issue a zoning permit authorizing a permanent addition to a nonconforming manufactured home if all other requirements of this ordinance are met.

(h) Notwithstanding Subsection (1), whenever: (1) there exists a lot with one (1) or more structures on it; and, (2) a change in use that does not involve any enlargement of a structure is proposed for such lot; and, (3) the parking or loading requirements of Article XIX "Parking and Loading" that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section 1904 "Remote Parking Space" if: (1) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and, (2) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or special use or conditional use permit is granted, then the permit recipient shall be expected to provide satellite parking upon its availability. This requirement shall be a continuing condition of the permit.

(i) Notwithstanding any other provision of this Ordinance, additional right-of-way along an existing street may be condemned, and a property owned may at the request of the County or State dedicate or convey additional right-of-way even if

such condemnation, conveyance, or dedication results in the creation of a nonconforming situation.

(j) Improvements to water and sewage treatment systems in order to accommodate more manufactured homes in a manufactured home park shall be considered an enlargement of a nonconforming situation and shall not be permitted. However, improvements to a water and sewage treatment system serving a manufactured home park for the purpose of improving public health that will not result in an increase in the number of manufactured homes within the park shall be permitted.

Section 1205. Repair, Maintenance, and Reconstruction

(a) With respect to structures located on property where nonconforming situations exist:
   (1) repair and maintenance are encouraged;
   (2) subject to the remaining provisions of this section, renovation, restoration, or reconstruction work is permissible so long as such work seeks only to refurbish or replace what previously existed and no violation of Article 9 occurs. The fact that renovation, restoration, or reconstruction work may require a permit
   under Article III “Administration” shall not make such work impermissible so long as the work is otherwise consistent with this section;
   (3) renovation, restoration, or reconstruction shall be allowed if: (a) the work is estimated to not cost more than twenty five percent (25%) of the appraised value of the structure to be renovated, restored, or reconstructed; and, (b) the need for such work is not the result of damage to the structure intentionally caused by a person with an ownership interest in such structure; or,
   (4) renovation, restoration, or reconstruction work estimated to cost more than twenty five percent (25%) of the appraised value of the structure to be renovated, restored, or reconstructed shall only be permissible if the permittee or property owner complies to the extent reasonably possible with all provisions of this Ordinance applicable to the existing use (except that the right to continue a nonconforming use or maintain a nonconforming level of density shall not be lost).

(b) For purposes of Subsection (a):
   (1) the "cost" of renovation, restoration, or reconstruction shall mean the fair market value of the materials and services necessary to accomplish such renovation, restoration, or reconstruction;
   (2) the "cost" referred to above shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsections (1) or (2) above by doing such work incrementally;
   (3) the "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser; and,
   (4) compliance with a requirement of this Ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot

where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

(d) The limitations of this section shall not apply to structures used for single-family residential purposes, which structures may be reconstructed, renovated, restored, or replaced subject to the provisions of Section 1204 (e) and (f).

Section 1206. Change in Use of Property Where a Nonconforming Situation Exists

(a) A change in use of property as described in Article III "Administration" (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or conditional use permit in accordance with Article III may not be made except in accordance with subsections (b) through (e) below. However, this requirement shall not apply if only a sign permit is needed.

(b) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.

(c) If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this Ordinance to issue a permit for that particular use (the Administrator, Board of Adjustment, or Board of Commissioners) issues a permit authorizing the change. This permit may be issued if the permit issuing authority finds, in addition to any other findings that may be required by this Ordinance, that:

(1) The intended change will not result in a violation of Section 1202; and,

(2) All of the applicable requirements of this Ordinance that can reasonably be complied with will be complied with. Compliance with a requirement of this Ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this Subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

(3) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized by this Ordinance to issue a permit for that particular use (the Administrator, Board of Adjustment, or Board of Commissioners) issues a permit

authorizing the change. The permit issuing authority may issue the Permit if it finds, in addition to other findings that may be required by this Ordinance, that:

(a) the use requested is one that is permissible in some zoning district with either a zoning, special use, or conditional use permit;
(b) all of the conditions applicable to the permit authorized in subsection (3) of this section are satisfied; and,
(c) the proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.
(d) If a nonconforming use is changed to any use other than a conforming use without obtaining a permit pursuant to this section, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 1207.

Section 1207. Abandonment and Discontinuance of Nonconforming Situations

(a) When a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming purposes.
(b) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of one hundred eighty (180) days, then that property may thereafter be used only in conformity with all of the regulations applicable to the pre-existing use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.
(c) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. Similarly, the failure to rent one (1) mobile home space in a nonconforming mobile home park for one hundred eighty (180) days shall not result in a loss of the right to rent that space thereafter so long as the mobile home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use,

discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(d) When a structure or operation made nonconforming by this Ordinance is vacant or discontinued on the effective date of this Ordinance, the one hundred eighty (180) day period for purposes of this section begins to run on the effective date of this Ordinance. However, if the situation was nonconforming under the Ordinance previously in effect, then the one hundred eighty (180) day period shall begin to run from the actual date the property became vacant or the use was discontinued.

(e) For purposes of this section, the question of the property owner's or other person's intent is irrelevant, and discontinuance of the required period shall conclusively be presumed to constitute an abandonment of the right to continue the nonconforming situation. However, when a valid building or zoning permit has been issued within the one hundred eighty (180) day period, the use shall not be considered discontinued so long as such permit remains valid even though the particular use may not begin within the one hundred eighty (180) day period.

Section 1208. Completions of Nonconforming Projects

(a) When a building permit has been validly issued for construction of a nonconforming project, such project shall be permitted to develop in accordance with the terms of that permit provided the building permit remains unrevoked and unexpired.

Further, when approval is giving to develop a project and more than five (5) percent of the cost of that project is spent on reliance of that approval, such project shall be permitted to develop in accordance with the terms of that permit.

(b) Nothing in this section shall be deemed to conflict with vested rights provisions as found in Article III “Administration.”

ARTICLE XIII. AMENDMENTS

Section 1301. Initiation of Amendments

A. 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 or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of County Commissioners through, and reviewed by, the Planning Board, which shall consider its merit and make a recommendation to the Board of County Commissioners. In no case shall final action by the Board of County Commissioners be taken on amending, changing, supplementing, modifying, or repealing the regulations or district boundaries hereby established until the Board of County Commissioners has held a public hearing.

(1) Proposed changes or amendments to the Perquimans County Zoning Atlas may be initiated by the Board of County Commissioners, Planning Board, County Administration, or by the owner(s), or his agent, of property within the area proposed to be changed. In the event that the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner to the petition.
(2) Any interested party may initiate proposed amendments to the text of the Ordinance.
(3) No property will be accepted for a rezoning request within any zoning district unless and until an appropriate certification from the regional Health Department has been obtained and submitted along with the application for rezoning.

B. Application: An application for any amendment shall contain a description and/or 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. Such application shall be filed not later than three weeks prior to the next meeting of the Planning Board unless the participation of the Technical Review Committee is needed, in which case the applicant is advised to submit a completed application no less than three weeks prior to the next meeting of the Technical Review Committee.

C. Hearing Required; Notice: The process for public hearing outlined in Article XXIII "Hearing Procedures for Appeals and Applications" shall be followed.

D. Reapplication for Amendment: With the exception of requests originating with the Board of County Commissioners, Planning Board, or County Administration, an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period. The Board of Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

Section 1302. Action by the Planning Board

Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires. Pursuant to Article XXIII, Notice of the public meeting shall be mailed to adjoining property owners in the envelopes provided by the applicant and notice shall be made by posting the property concerned. The Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Planning Board.

A. The following policy guidelines shall be followed by the Planning Board and the Board of County Commissioners concerning zoning map amendments. No proposed zoning map amendment will receive favorable recommendation unless:

   (1) The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
   (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
   (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved).
   (4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
   (5) The proposed change is in accord with the Land Use Plan and sound planning principles.

B. In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

   (1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
   (2) 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;
   (3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
   (4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

The Planning Board shall render its recommendation on any properly filed petition within sixty (60) days after the introduction of such petition to the Planning Board and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of County Commissioners.

Section 1303. Action by the Board of County Commissioners

Following the Planning Board's recommendation pursuant to Section 1302, above, the Board of County Commissioners shall call a public hearing for the next available regular evening meeting date, allowing time for advertising. Notice shall also be made by posting the property involved for a period of at least one (1) week prior to the hearing, and in accordance with Article XXIII.

Before taking such lawful action as it may deem advisable, the Board of County Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. The proposed amendment shall be considered no earlier than (45) forty-five days after the completed petition has been filed. If no recommendation has been received from the Planning Board within sixty (60) days after the introduction of the completed petition to the Planning Board, the Board of County Commissioners shall deem the proposed amendment to have been positively recommended by the Planning Board.

The applicant, the Planning Board, and the Planning and Zoning Administrator shall be given written copies of the Board's decision and the reasons therefore.

Section 1304. Withdrawal of the Application

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time, but fees are nonrefundable.

ARTICLE XIV. CONDITIONAL USE DISTRICT REZONING

Section 1401. Purpose

There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance and the Land Use Development Plan. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a conditional use district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

Section 1402. Applicability

The conditional use district approval process is established to address those situations when a particular use may be acceptable but the zoning district that would allow that use would not be acceptable. It allows the Board of County Commissioners to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

Section 1403. Application

No conditional use district shall be established until after the person proposing the district has submitted a petition for the reclassification of the property and the Board of County Commissioners has approved such petition in accordance with the procedures delineated in Section 1301 "Initiation of Amendments." Every petition for the reclassification of property to a conditional use district shall be accompanied by a site plan containing the requisite information specified in Section 509 "Site Plan Required." In the course of evaluating the proposed use, the Board of County Commissioners may request additional information deemed appropriate to provide a complete analysis of the proposal.

Section 1404. Planning Board Review and Board of County Commissioners Action

The Board of County Commissioners may approve the reclassification of property to a conditional use district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional use district, the Planning Board may recommend and the Commissioners may attach reasonable and appropriate conditions to approval of the petition. Any such conditions should relate to the relationship of the proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, and sewer improvements, stormwater

drainage, the provision of open space, and other matters that the Board of County Commissioners may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication to the town of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

Section 1405. Compliance with District Regulations

If a petition is approved under this section, the district that is established, the approved petition, and all conditions that may have been attached to the approval are binding on the property as an amendment to these regulations and to the Zoning Atlas. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.

Section 1406. Zoning Atlas Designation

Following the approval of the petition for a conditional use district, the subject property shall be identified to the Zoning Atlas by the appropriate district designation. A conditional use district shall be identified by the same designation as the underlying general zoning district followed by the letters “CD” [for example, RA (CD)].

Section 1407. Amendments to Approved Conditional Use District Rezoning Requests

(a) Except as provided in section (b), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the zoning atlas and shall be processed in accordance with the procedures in this section.

(b) Minor changes in the detail of the approved petition or site plan that will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Zoning Administrator without going through the amendment process or a public hearing. The Zoning Administrator, at his discretion, may forward any application for changes in detail to the Board of County Commissioners for its consideration as an amendment to these regulations or the Zoning Atlas. The applicant may appeal the decision of the Zoning Administrator to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required.

Section 1408. Failure to Comply With Plans

(a) It is intended that property shall be reclassified to a conditional use district only in light of firm plans to develop the property. Therefore, from the date of approval of the petition, the administrator shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Zoning Administrator determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Zoning Administrator shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Board of County Commissioners recommending that the property be classified to another district.

(a) After a certificate of occupancy has been issued for the development approved as a conditional use district, the Zoning Administrator shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with these regulations, the approved petition, and any conditions attached by the Board of County Commissioners to the approval of the petition.

ARTICLE XV. PLANNED UNIT DEVELOPMENTS (PUDs)

A Planned Unit Development allows, on a Conditional Use basis, multiple uses provided that provisions are made with controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking, and any other conditions as established or modified by the Perquimans County Board of County Commissioners. *Because of the flexibility offered to the developer, the Board of County Commissioners sets forth the following minimum standards but reserves the right to modify any or all if deemed necessary.*

Section 1501. Minimum Area

10 acres

Section 1502. Application and Review

(a) Pre-application Meeting: It is recommended, for his own benefit, that the developer bring a sketch plan or some depiction of his concept to the County Planning Department and have a pre-application meeting with the County Planning Staff, and, when deemed appropriate, the Planning Board, to be sure the project will
meet all requirements.

(b) Application and Review Procedure: Applicants will follow procedures outlined in Article IX "Conditional Uses" and Article XXIII "Hearing Procedures for Appeals and Hearings" as well as all requirements of this Article.

When considering the Conditional Use Permit, the Board of County Commissioners shall find:

(1) That the PUD will not materially endanger the public health or safety if developed according to the plan submitted and recommended;
(2) That all uses approved meet the required conditions and specifications;
(3) That the PUD will not substantially injure the value of adjoining or abutting properties, or that the approved uses are public necessities; and
(4) That the location and character of the PUD if developed according to the plan will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

Should the Conditional Use Permit be denied, the applicant may elect to modify and resubmit the application to the Board of Commissioners without a positive recommendation from the Board of County Commissioners.

Section 1503. General Site Considerations

(a) PUDs shall abut and have access to a major highway or collector street.
(b) Existing access streets must be able to handle the anticipated increase in traffic volume, or the developer shall cover the costs of upgrading the streets; such as, but not limited to, the addition of a turning lane.
(c) Points of ingress and egress shall be approved by the Board of County Commissioners and minimize traffic hazards, inconvenience, and congestion.
(d) PUDs shall, at a minimum, meet setback and landscape requirements of the Highway Corridor Overlay District in which they are located.
(e) PUDS may contain any combination of uses, permitted and conditional, listed in the Table of Uses. All will be incorporated into the Conditional Use Permit.
(f) Parking areas shall have a parking surface meeting the standards of Article XIX "Parking and Loading" and all parking areas and traffic lanes shall be clearly marked.
(g) When a PUD abuts a residential district, there shall be a minimum of a twenty (20) foot permanent vegetated buffer along all exterior boundaries except the street frontage. This buffer shall be a minimum height of six (6) feet at planting and eventually grow to a height not less than twelve (12) feet and have the effect of providing a solid visual barrier between the PUD and residential districts. Regardless of the zoning district of adjoining properties, there shall be a vegetated buffer along all exterior PUD boundaries abutting public streets and at each entrance. This street frontage buffer shall be in keeping with the character of the neighborhood, will serve to protect adjacent land uses from any adverse impact of the PUD, and will provide attractive presentation and entrance for the PUD, as approved by the Board of County Commissioners. Existing vegetation and natural features may be substituted for a planted buffer, upon approval by the Board of County Commissioners.
(h) When PUDs include residential uses, at least ten (10) percent of the development as a whole shall be set aside as common area or open space. Of this ten (10) percent, a maximum of one-half (1/2) may be areas covered by water. In addition, a maximum of five (5) percent of the development as a whole may be covered by structured clearly ancillary to the recreation or common use area. Such structures may include tennis courts, pro shops, swimming pools, and the like. Common area/open space shall be designated on the development as common area/open space to be held in separate ownership for the use and benefit of the residents of the PUD.

Section 1504. Property Owners' Association (Homeowners' Association)

When PUDs include residential uses, the developer shall submit a draft of the Articles of Incorporation for the Property Owners' Association, or Homeowners' Association. These Articles shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned

areas (including common areas, areas for recreation, and private streets). The automatic membership rights and assessment obligations of all property owners within the PUD shall be so covered by covenants running with the land and other contractual provisions as to ensure the property maintenance of all commonly owned areas, and shall include provisions for liens against individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before granting the Conditional Use Permit, the Articles of Incorporation shall be approved by the County Attorney.

Section 1505. Master Plan Required

A Master Plan must be submitted for approval. This Master Plan shall be prepared by: a Registered Land Surveyor or Professional Engineer currently licensed and registered in the State of North Carolina by the state Board of Registration for Professional Engineers and Land Surveyors; or by a landscape architect currently licensed and registered by the North Carolina Board of Landscape Architects. The plan shall conform to the provisions for plats and mapping requirements set forth in G.S. 47-30 and the *Standards of Practice for Land Surveying in North Carolina*.

Section 1506. Master Plan Must Include

(a) Topography of the site, at contour intervals no greater than ten (10) feet.
(b) Dimensions of the property and adjacent lots and streets.
(c) Location and proposed use of all buildings with dimensions and ground area thereof.
(d) Streets, drives, traffic circulation, and parking areas with spaces.
(e) Service areas, off-street loading facilities, service drives and dimensions thereon.
(f) All pedestrian ways.
(g) A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.
(h) Proposed landscaping, with property buffers between other uses.
(i) Size and location of signs.
(j) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
(k) Proposed water and wastewater systems.
(l) The location and height of all fences, walls, and hedges.
(m) Proposed stormwater management.
(n) Sedimentation/Erosion control Plan as submitted to the Land Quality Section, Department of Environment and Natural Resources.
(o) Lighting plan, where applicable.

Section 1507. Phased Development

Planned Unit Developments may be developed in phases, however, as initial phases are developed, the developer shall impose restrictive covenants on the additional portion of the tract in the PUD. This will ensure that approved plans are completed.

When developed in phases, completion of all infrastructure improvements must be complete. Should the developer wish to secure building permits prior to installation of all improvements, the developer may deposit cash, an irrevocable letter of credit, or other instrument readily convertible to cash at face value in escrow with a financial institution designated as an official depository of Perquimans County. The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners.

At the time that cash or the bonding instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Board of County Commissioners an agreement between the financial institution and himself guaranteeing the following:

(a) That said escrow account shall be held in trust until released by the Board of County Commissioners and may not be used or pledged by the developer in any other manner during the term of the escrow; and,
(b) That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately pay to Perquimans County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County. If any funds are not spent in completing the improvements, the County shall retain, as a service charge, ten (10) percent of the cost of completing those improvements and return the balance to the developer.

Section 1508. Amendments to the Master Plan

Following approval of the PUD Master Plan by the Board of County Commissioners, amendments to the plan shall be subject to the following:

The Planning Director's approval is required for the following:

(a) Changes that result in decrease in density, either residential or nonresidential.
(b) Change in land use from multifamily to single-family or a change from any other use to open space/passive recreation.

(c) Changes in major infrastructure features (i.e. roads, access, sewer, water, storm drainage) of the master plan area that are clearly beneficial to the occupants of the PUD and surrounding properties. Where applicable, such changes must be approved by members of the Property Owners Association. In cases where there is no consensus by the Property Owners Association, or in cases where infrastructure changes are not deemed to be clearly beneficial to property owners, the Planning Director may refer amendments to the Planning Board for review and approval.

The Planning Board's approval is required for the following:

(a) Changes in major infrastructure features referred to the Board of County Commissioners by the Planning Director.
(b) Changes to the Master Plan that result in increased density.
(c) Significant changes in land use.

Section 1509. Time Limit

Once the PUD Master Plan is approved by the Board of County Commissioners, the Plan and all Conditions attached thereto, shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved Master Plan and conditions. Since the intent of the PUD is to allow flexibility and creativity by the developer, Master Plans should be designed with firm plans to develop. Therefore, the developer shall be required to provide the Planning Department with annual reports outlining progress to date along with circumstances that may result in days. If it is determined that active efforts to develop are not proceeding, the Board of County Commissioners may revoke the Conditional Use Permit.

ARTICLE XVI. APPEALS AND VARIANCES

Section 1601. Initiation of Appeals and Requests for Variance

An appeal to the Board of Adjustment or request of a Variance from the requirements of this Ordinance may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or agency affected by any decision of the Zoning Administrator, or his authorized agent, based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken within thirty (30) days after the decision being appealed is made, by filing it on a form provided by the Planning Department with the Zoning Administrator and with the Board a notice of appeal, specifying grounds thereof.

Every appeal and request for Variance shall be referred to the Board of Adjustment. The Board of Adjustment shall hold a public hearing. The Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Board of Adjustment.

Section 1602. Duty of the Zoning Administrator

Upon Notice of Appeal or the filing of a Variance Request, the Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken or regarding the variance request. Notice of the public hearing shall be mailed to adjoining property owners in the envelopes provided by the applicant. Notice shall be made by posting the property concerned. Notice of 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 and shall be made to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing.

Further appeals from the Board of Adjustment or from any action of the Board of County Commissioners shall be taken directly to the courts as provided by law.

Section 1603. Hearing Required; Notice

The process for public hearing outlined in Article XXIII “Hearing Procedures for Appeals and Applications” shall be followed.

Section 1604. Effect of an Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the Ordinance, in which case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.

Section 1605. Action by the Board of Adjustment

Every appeal and request for Variance shall be referred to the Board of Adjustment. The Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be mailed to adjoining property owners in the envelopes provided by the applicant. Notice shall be made by posting the property concerned. The Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Board of Adjustment.

The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, or his authorized agent, in the enforcement of this Ordinance.

(a) Appeals in the Nature of Certiorari

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

(1) Any person who has standing under N.C.G.S. 160A-393(d) or the County may appeal a decision of the Zoning Administrator or other Administrative Official to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the County Clerk. The notice of appeal shall state the grounds for the appeal.

(2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

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

(6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the

Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(7) Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

(8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based *on the record below* and the scope of review shall be as provided in G.S. 160A-393(k).

(10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(11) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 1607(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(b) <u>Zoning Variances</u>

(1) When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
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.
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 ordinance, such that public safety is secured, and substantial justice is achieved.

(2) No change in permitted uses may be authorized by variance.
(3) Appropriate conditions and safeguards may be imposed on any variance, provided that the conditions are reasonably related to the variance and otherwise in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article IV "Enforcement and Penalties" and the variance may be revoked.
(4) Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.
(5) The applicant, the Board of County Commissioners, and the Planning and Zoning Administrator shall be given written copies of the Board's decision and the reasons therefore.

(c) Decisions of the Board of Adjustment

The Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have powers of the Zoning Administrator from whom appeal was taken.

Section 1606. Voting

(a) 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 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.
(b) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate

affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 1607. Quasi-Judicial Decisions and Judicial Review

(a) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(b) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 1607(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Section 1608. Oaths

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

Section 1609. Subpoenas

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

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

Section 1610. Withdrawal of the Request for Variance

Any request for Variance submitted in accordance with the provisions of this Article may be withdrawn at any time, but fees are nonrefundable.

ARTICLE XVII. HIGHWAY CORRIDOR OVERLAY DISTRICTS

Section 1701. Objective and Purpose

In order to protect the rural character and natural environment of the area and to provide attractive highway corridors and gateways to our communities, Highway Corridor Overlay Districts are created. It is the goal of these districts to enhance the attractiveness of the area to visitors and residents alike. In all instances, coordination with the N.C. Department of Transportation will be encouraged and policies and recommendations of the NCDOT will be taken into consideration when applying this Article.

Section 1702. Highway Corridor Designation and Underlying Zoning

Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **US 17 Highway** (from the Winfall extraterritorial jurisdiction line north to the Pasquotank County line and from the Hertford extraterritorial jurisdiction line south to the Chowan County line). All uses with the exception of single family residential in Rural Highway Corridor Overlay Districts are subject to the standards as outlined in this Section.

The use and development of any land or structures within a designated Highway Corridor Overlay District shall comply with regulations applicable to the underlying zoning districts, as well as the requirements of this Section, if applicable. In cases where the use of property is changing, there may be impediments to compliance with this Article. In cases where the use of a building or land is changing, there may be impediments to compliance with this Article. The Planning Department staff shall determine the level of compliance that is practical in these cases. Development that results in a one-time building footprint expansion of 250 square feet or less, or exterior building remodeling, are exempted from the landscaping requirements of this article.

Section 1703. Designation of Districts

(a) Rural Highway Corridor Overlay District

Rural Highway Corridor Overlay Districts shall minimize commercial, industrial, and/or dense development patterns. These highways provide visual images of the natural character of the area as well as agriculture and rural land uses. Commercial and Industrial elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations.

(b) Urban Transition Corridor Overlay District

Urban Transition Highway Corridor Overlay Districts shall be developed with a balance of agricultural and commercial uses. These highway sections are best

suited for showcasing naturalized and manmade conditions. The visual quality of these highway sections depends on quality site planning, landscaping, and preservation of natural features.

The above Highway Corridor Overlay Districts shall be measured from the edge of the highway or other public right-of-way. The Rural Highway Corridor Overlay District shall be 500 feet from the edge of the right-of-way on each side of the highway and run parallel to the right-of-way. The Urban Transition Corridor Overlay District shall be 400 feet from the edge of the right-of-way on each side of the highway and run parallel to the right-of-way.

Section 1704. Development Standards

All uses and structures allowed in the corridor overlay districts shall meet the following development standards, except as otherwise provided by this Ordinance.

All parking and signage shall meet the requirements found in Article XIX "Parking and Loading" and Article XX "Signs" in this Ordinance.

Section 1705. Administration

(a) The Zoning Administrator shall take final approval action on all single-lot

development site plans within the Highway Corridor Overlay District with the exception of variations as stated in Section 1705(B). The Zoning Administrator shall follow the procedure outlined for Zoning Permits in Section 302.

(b) The Planning Board shall, in public meeting, take final approval action on any applications that involve (1) variations as defined in Section 1706(E); and (2) the development of up to four lots.

(c) Any application for the development of five or more lots in the Highway Corridor District Overlay shall be reviewed by the Planning Board, who shall submit a recommendation to the Board of County Commissioners. The Board of County Commissioners shall take final approval action after a public meeting.

HIGHWAY CORRIDOR OVERLAY DISTRICTS	
Lot Dimensional Requirements	
Lot Area Minimum	40,000 sq ft
Lot Width Minimum:	
Corner Lots	150 feet
Interior Lots	100 feet
Yard/Buffer Dimensions [1]	
Minimum Yards Adjacent Highways:	
Building Setback	75 feet
Parking Area Setback	50 feet
Landscape Buffer[2]	50 feet
Other Minimum Yards:	
From Residential Districts	50 feet
From Nonresidential Districts	25 feet
Height and Bulk Limitations[3]	
Maximum Building Height[4]	35 feet
Maximum Built-Upon Surface	70%
Maximum Building Footprint	40%
Access Driveways	
Maximum Driveway Width	36 feet
*Driveway width larger than 36 feet shall be allowed if approved by the North Carolina Department of Transportation[5]	

[1] Required yard spaces may be used to meet landscape buffer requirements. Highway yard setbacks and landscape buffer shall be measured from road right-of-way line.
[2] At the time of site plan approval, the Board of Adjustment ray reduce buffer widths and required planting by up to 50% if the site plan indicates berming, alternate landscaping, walls, opaque fence, or topographic features that will achieve the intent of this Section and are designed to complement adjacent properties (berms may not have a slope greater than two to one and must have a crown width of at least two feet).
[3] In feet or as percent of lot.
[4] For churches, steeples are exempt from height requirements.
[5] If driveway width approved by NCDOT is beyond 36 feet, the approval is an administrative variance.

HIGHWAY CORRIDOR OVERLAY DISTRICTS	
Maximum Driveways per Lot	1-3[6]
Minimum Distance from Intersections	100 feet
Common Driveways for Adjoining Lots	Recommended
Other Vehicular	
Front Yard Maximum Coverage by Parking Lot and Drives	40%
Deceleration Lanes	
**North Carolina Department of Transportation plans and driveway permits must be submitted with application for zoning permit.	

Section 1706. Screening and Landscaping Requirements

(a) Purpose
The standards of this section provide for the preservation of existing vegetation and for the installation and maintenance of installed vegetation (preservation of existing vegetation is desirable). The purpose of these standards is to improve corridor appearance, allow for the ecological benefits provided by plants, establish vegetation consistent with site conditions and surroundings and enhance the natural beauty and public safety along highway corridors. Additionally, the purpose of these landscaping standards is to create the appearance that manmade development is situated within a forest or naturalized setting. Land used for established buildings and support facilities for buildings should be developed in such a way as to maintain and enhance the pre-existing, and/or surrounding natural landscape conditions and appearance along the highway corridor. The landscaping standards of this Section shall apply to all proposed non-single family development, unless exempted by this Article.

(b) Buffer Areas
The intent of buffer areas is to provide a space to separate differing uses, reduce the visual impact of development, and provide for the retention or re-establishment of existing landscape conditions.

[6] With 500-foot street footage – 1 driveway
Between 500-1000-foot street footage – 2 driveways
More than 1000-foot street footage – 3 driveways
Corner lots are allowed 2 driveways

(1) Permitted Uses Within Buffer Area:

Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings. Selective thinning of vegetation and removal of dead vegetation shall be permitted as long as the intent of the buffer requirement is maintained and Planning Department staff approves site plan. Driveways or walkways shall cross a buffer at approximately a perpendicular angle, if practical. Grading in the designated buffer may be allowed with site plan approval, if the revegetation plan is determined to meet the intent of this Section. Signs, light posts, and flagpoles may be placed in front yard buffers.

(2) Location of Buffers:

Required buffers shall be provided along the perimeter of any lot or development unless alternate locations are approved. Buffers shall be designated and dimensioned on all site plans.

(3) Application

(a) These standards apply to all proposed uses located within the Highway Corridor Overlay Districts. When site plans are submitted buffers shall be provided near the perimeter of the property that is submitting the site plan.

(b) The required buffer width is dependent on the type of Highway Corridor Overlay District (See chart in Section 1105(B)).

(c) If the adjacent property is vacant at the time of the proposed development, the required buffer shall be installed just as if the adjacent property were developed.

(4) Planting Requirement for Buffer Areas

(a) Existing Vegetation

Buffers require provision of both physical separation and landscape elements

to meet the intent of this Ordinance. Existing vegetation shall be used to meet all or part of the requirements of this Section wherever possible, if it provides the same level of obscurity as the planted buffers required below. Vegetation to be saved shall be identified on site plans along with protection measures to be used during grading and construction.

(b) Planted Vegetation

Required plantings allow for a mix of larger shade trees, pine trees, understory trees/large shrubs, and smaller shrubs to provide a naturalized planting closely matched to the ecosystem conditions of the site or surroundings. Evergreens are added to buffers to provide a more opaque screen, as well as a more natural appearance to the buffer. The mix is designed to create a buffer that will give a satisfactory screen within three (3) years of planting, under normal maintenance, while allowing room for the various plants to mature naturally.

Planting requirements for buffering include both trees (shade, pine, and understory) and shrubs as described below. In calculating buffer planting requirements, areas of driveways and sight distance triangles are excluded.

(c) Tree and Shrub Standards

This requirement may be satisfied as follows: Recommended Landscape Materials for Perquimans County lists tree types which meet these requirements and should be hearty in the County. Other types of plant materials may also meet the intent of these regulations. Existing vegetation may count toward these landscaping requirements.

(1) Large trees (pines and/or hardwoods) with a minimum size of two-inch caliper, measured at breast height at planting, shall be planted at the following minimum rates per 100 linear feet of lot frontage along right-of-way lines and property lines.

Buffer Width	**Required Shade Trees Per 100 Linear Feet**	**Required Shrubs Per 100 Linear Feet**
5 feet or less	1 tree	15 shrubs
6-29 feet	3 trees	15 shrubs
30-50 feet	5 trees	19 shrubs
> 50 feet	6 trees	22 shrubs

(2) Understory trees may be substituted for shade trees at a rate of 2 understory to one shade tree for up to 50 percent of the required trees. Pine trees shall have a minimum caliper of 2 inches, measured at breast height at planting. Understory trees shall have a minimum height of 6 feet.

(3) Trees shall be distributed along the entire length and width of the buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes may be approved.

(4) Shrub Design Standards:

Shrubs shall be a minimum container size of three gallons or balled and burlapped, with minimum dimensions of 18-inch spread and 24-inch height within three years of planting. A minimum of sixty percent (60%) of required shrubs shall be evergreen. Shrubs shall not normally be planted closer than 6 feet to planted trees, nor within the drip line of existing, protected trees. Shrubs shall be distributed along the entire length of the buffer.

(d) Landscape Screen:

The intent of a screen is to use plants and/or other landscape architectural elements to obscure views from corridor or adjacent properties. Loading docks, mini warehouses, service courts and outside storage of material stocks or equipment, not for sale on the premises, such as motor vehicles, construction equipment, or other like equipment shall normally be screened from unobstructed off-site views.

Landscape Screen Standards:

Features and uses specified above and/or other required screens shall provide a visual obstruction from corridor and adjacent properties in conformance with the following standards:

(1) The screen may be composed of view-obscuring vegetation, wall fence, or berm.
(2) The items may be used individually or in combination.
(3) The result shall be a screen that reaches an 8-foot height within three (3) years.
(4) Plants shall be at least three (3) feet tall at the time of installation.
(5) Additionally, screen area shall be sufficient size to allow for the mature growth of plant material.

(c) Parking Area Landscaping

(1) Purpose
To reduce reflected sunlight and headlight glare from vehicles as well as to maintain separation between vehicles and other uses, and to reduce the effects on the environment of vehicle use areas, including loading areas and gas pump areas.

(2) Parking and vehicle use areas visible from Highway or adjacent property
Any new parking area, or expansion of twelve (12) or more parking spaces, or new vehicle use area, including loading areas and gas pumps, with visibility from the highway or adjacent property, shall provide landscaped areas meeting the requirements below.

(a) Parking Area Perimeter Planting Requirement:
(1) One (1) shade tree per forty (40) linear feet of right-of-way or property line less driveways and sight distance triangles;
(2) One (1) evergreen shrub per eight (8) linear feet of right-of-way or property line less driveways and sight distance triangles;
Two (2) understory trees or pine trees may be substituted for each shade tree.

(b) Requirements for vehicle sales lots:
(1) One (1) shade tree per sixty (60) linear feet of right-of-way or property line less driveways and sight distance triangles;
(2) One (1) evergreen shrub per eight (8) linear feet of right-of-way or property line less driveways and sight distance triangles;
(3) Two (2) understory trees or pine trees may be substituted for each shade tree.

(c) Options:
(1) A masonry wall or opaque fence at least 36 inches tall, of a material compatible with the building, may be substituted for the requirements of the shrubs. Tree planting requirements shall also apply.

(2) A berm may be installed in combination with planting to provide 36-inch height of screening by the shrubs within the perimeter planting area. Tree planting requirements shall also apply.

(d) Landscaping Requirements within Parking Areas (for uses requiring 25
or more off-street parking spaces):

(1) Trees shall be planted at the rate of one (1) shade tree or two (2) ornamental trees or two (2) evergreen trees per twelve (12) parking spaces or fraction thereof.

(2) Required trees shall be located within or adjacent to parking lots as tree islands or medians, and at the end of parking bays such that no parking space is more than sixty (60) feet from a parking lot tree.

(3) This landscape requirement is in addition to the parking area perimeter planting requirements.

(4) Minimum curb radii of five (5) feet are required on corners of all
tree islands with vehicular turning movements. Planting areas shall have raised edging or protective tire stops to protect the entire area from vehicles.

(d) Landscape Plan Submittal Requirements

Prior to land disturbance activity for any non-single family development for which there is a landscape requirement, a landscape plan shall be submitted to the Planning Department. Areas where plant material will be preserved shall be marked on-site prior to beginning land-disturbing activities.

(1) Plan requirements-Landscape Plan shall be drawn to scale and include:

(a) A North arrow, legend, and plat

(b) Zoning and existing land use of adjoining properties

(c) Locations, type, and size of existing plants to be preserved

(d) Proposed plants, size, location, and type

(e) Existing buildings and paved areas

(f) Proposed buildings, walks, and paved areas, drives, loading areas, dumpsters, walls, fences, berms, water features, parking areas,
vehicular use areas, lighting, signs

(g) Planting details

(h) Underground and above-ground utilities

(i) Proposed modification to the public street

(j) Wall and fence details as applicable

(2) Plant Material, Installation, and Maintenance

(a) The developer/owner shall provide and furnish all materials included on the landscape plan.

(b) Plant materials shall be from the Recommended plant Material List or approved at the time the landscape plan is reviewed.

(c) Size requirements

(1) Hardwood – two-inch (2”) caliper measured six inches (6”) above ground at time of planting.
(2) Pine - two-inch (2”) measured at six inches (6”) above ground at time of planting.
(3) Evergreen shrub – three (3) gallon container or eighteen-inch (18”) spread and twenty-four-inch (24”) height at time of planting, depending on species. Additionally, the evergreen shrub shall be a species and size expected to reach thirty-six-inch (36”)height and thirty-inch (30”) spread within two (2) years of planting. A larger shrub may be required to reach the desired size within two (2) years.
(4) Ornamental or understory tree – minimum six (6) foot height at maturity.

(d) Property owners shall ensure the survival and health of required plant materials. If a required plant dies or is in deteriorating condition, the property owner shall replace it within ninety (90) days or at the next appropriate planting season.

(e) The Owner may request an extension of compliance with landscaping requirements as described in Article XX Section 6, or, if the Zoning Administrator finds that one of the following conditions applies, an extension may be granted for ninety (90) days for a small landscaping job of less than $500:
(1) Weather conditions of extreme drought are present.
(2) Weather conditions are not suitable for digging ball and burlapped trees.
(3) Weather conditions render the ground frozen.
(4) The site is too wet to prepare planting area.

(e) Variations

The County Planning Board may modify buffer and landscape standards where:

(1) There are special considerations of site design, topography, and/or the type of landscape plantings.
(2) There is existing healthy vegetation that is sufficient to meet the requirements of this Section in part or in whole.
(3) Proposed street widening not provided by the developer will consume the area of landscaping.
(4) The plantings would conflict with utilities or easements, or encroach upon trees within the public right-of-way.

(f) Recommended Landscape Materials for Perquimans County
This list is composed of plants that thrive northeastern North Carolina, but it is not comprehensive. Other plant materials may meet the criteria of a Highway Corridor Overlay District.

Screening Shrubs
Shrubs 3 feet or less:

Abelia x grandiflora “Sherwoodie,” Dwarf Abelia
Aspidistra elotior Cast-iron Plant
Cotoneaster salicifolius “Autumn Fire,” Autumn Fire Cotoneaster
Euonymus japonica “Microphylla,” Box-leaf Euonymus
Ilex crenata “Helleri,” Heller Holly
Ilex crenata “Repandens,” Rapandens Holly
Ilex vometoria “Schilling's Dwarf,” Schilling’s Holly
Janiperus conferta Shore Juniper
Janiperius sargentii Sargent Juniper
Liriope muscari “Big Blue,” Big Blue Lilyturf
Nandina domestica “Nana” Dwarf Nandina
Nandina domestica “Harbour Dwarf,” Harbour Dwarf Nandina
Pittosporum tobira “Wheeler’s Dwarf,” Dwarf Pittosporum
Rhododendron “Gumpo,” Gumpo Azaleas
Spiraea x bumalda Bumald Spirea
Yucca filamentosa Beargrass

Shrubs 3”-5”:
Abelia x grandiflora Glossy Abelia
Clethra alnifolia Summersweet
Cytisus scoparius Scotch Broom
Diervilla sessilifolia Southern Bush honeysuckle
Hydrangea macrophylla Bigleaf Hydrangea
Hydrangea quercifolia Oakleaf Hydrangea
Ilex crenata “Burfordi Nana,” Dwarf Burford Holly
Ilex crenata “Compacta,” Compact Japanese Holly
Ilex cornuta “Carissa,” Holly
Ilex cornuta “Rotunda,” Dwarf Chinese Holly
Ilex glabra “Compacta,” Compact Inkberry
Ilex verticillata “Nana,” Dwarf Winterberry
Ilex vomitoria “nana,” Dwarf Yaupon
Kerria japonica Japanese Kerria
Ligustrum japonicum “Coriaceum,” Dwarf Japanese Privet or Curlyleaf Privet
Prunus laurocerasus “Otto Luyken,” Dwarf Cherry Laurel
Prunus laurocerasus “Schipkaensis,” Shipka Cherry Laurel
Raphiolepis indica India Hawthorn (eg. “Clara,” “Janis,” “Pinkie,” “Snow White”
Rhododendron Glenn Dale Hybrids (eg. “Fashion,” “Glacier”)
Rhododendron obtusum Kurum Azalea (eg. “Coral Bells” “Hino Crimson”)
Rhus aromatica Fragrant Sumac
Spiraea nipponica “Snowmound,” Snowmound Spirea
Weigela florida Weigela

Shrubs 5”-8”
Aucuba japonica Japanese Aucuba
Aucuba japonica “Variegata,” Gold Dust Plant
Buddleia davidii Butterfly Bush

Calycanthus floridus Carolina Allspice
Cortaderia Sellowana Pampas Grass
Forsythia intermedia Border Forsythia
Ilex verticillata Winterberry
Juniperus chinensis " Pfitzerana," Pfitzer Juniper
Nandina domestica Heavenly Bamboo
Pyracantha coccinea "Navaho," Navaho Firethorn
Rhododendron indica Indica Azalea (eg. "Formosa," "George Taber," "Mrs. G.G. Gerbing," "Pride of Mobile," "Southern Charm")
Spiraea vanhouttei Vanhoutte Spirea
Viburnum tinus Laurustinus
Yucca gloriosa Spanish Dagger
Yucca recurvifolia Soft-spined Yucca

Shrubs 8"-10"
Acanthopanax sieboldianus Five-leaf Aralia
Buxus sempervirens American Boxwood
Buxus microphylla var. japonicus, Japanese Boxwood
Camellia japonica Japanese Camellia
Cleyera japonica Japanese Cleyera
Cytisus x praecox Warminster Broom
Euonymus kiautschovicus "Manhattan," Spreading Euonymus
Hibiscus syriacus Rose of Sharon
Ilex crenata "Convexa," Blisterleaf Holly
Illicium parviflorum Anise-tree
Juniperus chinesus "Hetzii," Hetz Juniper
Ligustrum japonicum Japanese Privet
Osmanthus heterophyllus Holly Osmanthus
Pyracantha coccinea "Mohave," Mohave Firethorn
Raphiolepis umbellate Yeddo Hawthorn (eg. "Magestic Beauty," "Springtime")
Viburnum japonicum Japanese Viburnum

Shrubs 12" or More
Eleagnus pungens Thorny Eleagnus
Eleagnus umbellate Autumn Eleagnus
Ilex cornuta "Burfodii," Burford Holly
Ligustrum lucidum Wax-leaf Ligustrum
Myrica cerifera Wax Myrtle
Osmanthus x fortunei Fortune's Osmanthus
Photinia x fraseri Red-tip
Pittosporum tobira Japanese Pittsporum
Podocarpus macrophyllus var. maki Podocarpus
Prunus laurocerasus English Cherry Laurel
Pyracantha coccinea "Teton," Teton Firethorn
Platycladus orientalis Oriental Arborvitae

Understory Trees
10”-20”
Aesculus pavia Red Buckeye
Amelanchier arborea Juneberry
Chionanthus virginicus Fringetree
Cotinus coggygria Smoketree
Ilex attenuata “Nellie R. Stevens,” Nellie Stevens Holly
Magnolia stellata Star Magnolia
Vitex agnus-castus Chastetree

20”-35”
Acer palmatum Japanese Maple
Albizia julibrissin Mimosa
Crataegus phaenopyrum Washington Thorn
Ilex opaca American Holly
Ilex x attenuata “Foster #2,” Foster Holly
Ilex “Savannah,” Savannah Holly
Ilex vomitoria Yaupon
Koelreuteria paniculata Golden Raintree
Magnolia x soulangiana Saucer Magnolia
Pinus thunbergiana Japanese Black Pine
Prunus caroliniana Carolina Cherry Laurel
Vibernum plicatum var. tomentosum Doublefile Viburnum

Shade Trees
40’ or more
Betula nigra River Birch
Cedrus atlantica Blue Atlas Cedar
Cedrus deodora Deodar Cedar
Cupressocyprus leylandii Leyland Cypress
Pinus elliottii Slash Pine
Pinus Taeda Loblolly Pine

ARTICLE XVIII. BUFFERS AND SCREENING

Section 1801. Purpose of Buffers

Buffers, or screens, are required to protect one class of use from adverse impacts caused by a use in another class by helping the principal use to blend into the neighborhood, screen its purely functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise. This regulation benefits both the developer and the adjoining landowners because it allows the developer several options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved.

Section 1802. Buffers Required

Unless otherwise stated, in all districts, other than Residential Agricultural, Historic Agriculture, and rural agriculture districts, a buffer or screen is automatically required along the property lines that abut existing single-family residential uses or a Residential Agricultural, Historic Agriculture, Rural Agriculture or Highway Corridor Overlay Districts. Information is to be submitted to the Planning Staff showing details of the proposed barrier as to the location and type of buffer. In cases where the use of a building or land is changing, there may be impediments to compliance with this Article. The Planning Department staff shall determine the level of compliance that is practical in these cases. In cases where development that results in a one-time building footprint expansion of two hundred fifty (250) square feet or less, or exterior building remodeling are exempted from the requirements of this Article.

Section 1803. Buffer Specifications

Unless specified elsewhere in this Ordinance, a buffer shall be one of the following:

1. A seven (7) foot high attractive blind barrier; or
2. A three (3) foot wide, seven (7) foot high dense evergreen planting; or
3. A twenty (20) foot wide natural wooded or planted strip.

If a buffer is seven (7) foot high attractive blind barrier, it shall not prevent the passage of light from one side to the other and it must also dampen the noise where needed. Such barrier may be a decorative masonry wall, a wood plank or basketry weave type fence, an open type fence with evergreen vegetation (minimum three (3) feet wide), or the like that is planted facing adjoining property.

Where evergreens (native trees and shrubs) are used, a species and size shall be planted which will normally be expected to reach a height of seven (7) feet in three (3) years time. Low evergreen, plus seven (7) shrubs per one hundred (100 linear feet of lot boundary prorated for less than one hundred (100) foot sections. Previously existing trees and shrubs shall count toward the requirement.

Section 1804. Location of Buffer

The width of the screen, or buffer, shall be included as part of the required yard (or setbacks).

A fence may also be installed **in addition to** the required buffer, at the discretion of the property owner. However, vegetated buffers shall be located adjacent to the property line and between the property line and any fence four (4) feet in height.

Section 1805. Construction and Maintenance

A buffer must be installed or constructed, as appropriate, prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall be properly maintained at all times. The construction and maintenance of a buffer shall be the responsibility of the landowner or developer.

Section 1806. Waiving or Deferring Requirements

The buffering requirements may be waived by the Zoning Administrator along any boundary that is naturally screened by topography or may be deferred in order to install landscaping at a more appropriate time. The required landscaping portion may be deferred for up to five (5) months, or the next appropriate planting season, whichever comes first. The deferment shall be approved by the Zoning Administrator, upon receipt of a landscaping guarantee security payable to Perquimans County meeting the following requirements.

(a) The developer may deposit cash, cashier's check, an irrevocable letter of credit, bond, or other instrument readily convertible into cash at face value in escrow with a financial institution designated as an official depository of Perquimans County.
(b) The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.
(c) The bonding instrument shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on the landscaper's bid.
(d) The developer shall file with the County Manager an agreement between the financial institution and himself guaranteeing the following:
    (1) That said escrow account shall be held in trust until released by the County Manager and shall not be used or pledged by the developer in any manner during the term of the escrow, and
    (2) That in the case of a failure on the part of the property owner to complete said improvements, the financial institution shall, upon notification by the County Manager and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to Perquimans County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the County any

other instruments fully endorsed or otherwise made payable in full to the County.

Section 1807. Plant Material

See list in Article XVII “Highway Corridor Overlay District.”

ARTICLE XIX. PARKING AND LOADING

Section 1901. Off-Street Parking Required

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Article. Such parking space may be provided in a parking garage or properly guarded open space.

Section 1902. Certification of Minimum Parking Requirements

(a) Each application for a Zoning Permit, with the exception of dwellings, shall include information of the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be sufficient in detail to enable the Zoning Administrator to determine whether the requirements of this Article are met.

(b) The applicant must submit parking plans for off-street parking lots of five (5) or more spaces to the Perquimans County Soil and Water Conservation office for review and approval prior to submission of said plans to the Zoning Administrator. The Zoning Administrator shall not issue a Zoning Permit or Certificate of Occupancy unless the Planning Department has received written confirmation that the plans meet the drainage requirements set by the Perquimans County Soil and Water Conservation office.

(c) Applications that require ingress to and egress from US 17 must be submitted to the NC Department of Transportation (NCDOT) for review and approval prior to submission of said plans to the Zoning Administrator. The Zoning Administrator shall not issue a Zoning Permit or Certificate of Occupancy unless the Planning Department has received written confirmation that the plans meet the requirements set by NCDOT.

Section 1903. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, with one exception. One half (½) of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night and on Sundays.

Section 1904. Remote Parking Space

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use and in the same zoning district. Said land shall be used for no other purposes so long as no other adequate provisions of

parking space meeting the requirements of this Ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit or a Certificate of Occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application. In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and not other off-street parking space meeting the terms of this Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning permit for such principal use shall become void.

Section 1905. Requirements for Parking Lots

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with in addition to the requirements of Section 1909 below:

(a) The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.
(b) All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
(c) A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.
(d) Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to protect property used or zoned for residential uses, shall be provided with screening as described in Article XVIII "Buffers and Screening."
(e) Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.

Section 1906. Parking Lot Surfaces

(a) Parking lots shall be graded and surfaced with asphalt, concrete, crushed stone, gravel, or other suitable material as deemed appropriate by the Perquimans County Planning Department and the Perquimans County Soil and Water Conservation office. Said material will provide equivalent protection against potholes, erosion, and dust.
(b) When crushed stone, gravel, or other suitable material is used, the perimeter of such parking lot shall be defined by bricks, stones, railroad ties, or other similar devices. However, delineation is not required where vehicular areas are to be used exclusively by employees of the business in question and/or for deliveries and are not intended for use by the general public. In addition, whenever such a parking lot abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the parking lot that opens on to such streets), shall be surfaced with asphalt or six inches (6") of concrete for a distance of fifteen (15) feet back from the edge of the paved street. This Subsection shall not

apply to single-family or two-family residences or other uses that are required to have only one (1) or two (2) parking spaces.

(c) Parking spaces shall be appropriately demarcated with wheel stops, painted lines, landscape timbers, railroad ties, or other markings. Where applicable, all handicapped parking spaces shall be marked in accordance with state law.

(d) Parking lots shall be properly maintained in all respects. In particular, parking lot surfaces shall be kept in good condition (free form potholes, weeds, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(e) Where existing parking lot surfaces do not conform to the provisions of this Section, the following shall apply:

(1) Whenever a use changes, and the new use's classification is in the same or lower than the previous use's land classification, then the new use shall comply with all the provisions of this Section except driveway improvements; and

(2) Whenever a use changes, and the new use's classification is higher than the previous use's land classification then the new use shall comply with all the provisions of this section.

Section 1907. Mobile Home and Trailer Parking and Storage

It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zone district except as follows:

(a) At a safe, lawful, and non-obstructive location on a street, alley, highway, or other public place, providing that the trailer or mobile home shall not be parked overnight;

(b) Within a mobile home park, provided, however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto; and,

(c) On any other lot or plot provided that trailers, as defined in Article IX "Conditional Uses," shall be stored in a garage or carport or in the rear or side yard.

Section 1908. Vehicle Storage

(a) <u>Residential Districts</u>

Only vehicles intended for personal use shall be parked or stored on any property zoned for residential use. No storage of commercial inventory whatsoever shall be permitted and no inoperative or unlicensed vehicles shall be permitted to be parked or stored longer than fourteen (14) days. Commercial trucks or vans driven home by employees or owners must be parked in the side or rear yard.

The RA district is exempt from the above requirements.

(b) <u>Commercial and Industrial Districts</u>

Customer and employee parking are permitted along with the parking and storage of governmental or commercial vehicles in any commercial or industrial district.

Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk, wrecking, or salvage yard in an industrial district.

Section 1909. Minimum Parking Requirements

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 1904 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. For purposed of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

Land Uses	Required Parking
Airports, railroad passenger stations, and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Apartments/Multifamily Structures with three or more units	Two (2) parking spaces per dwelling unit.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Bars, Nightclubs, Taverns	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking place for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each three hundred (300) square feet of gross floor space for affiliated uses such as restaurants, bars, and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.
Clubs (Civic, Social, Fraternal)	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics, Medical Offices	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.

Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every five (5) students.
Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Single Family	Two (2) parking spaces per dwelling.
Fire Stations	One and a half (1½) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space per each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.
Greenhouses and Nursery Operations	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus one (1) parking space for each two (2) beds.
Hotels, Motels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each two (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial or Manufacturing Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Manufactured Homes	Two (2) parking spaces per mobile home plus one (1) space for each employee.
Nursing, Retirement, and Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices, Business and Professional	One (1) parking space for each two hundred (200) square feet of gross floor space.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) space for every four (4) spectator seats.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.

Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor areas.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary, and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large parking space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large parking space for each bus.
Schools, Colleges, Technical, and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	Six (6) parking spaces for each one thousand (1,000) square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for each employee on the longest shift.
Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes	One (1) parking space for every terminal plus one (1) parking space for each two (2) employees –or- Two (2) parking spaces for each terminal plus one (1) space for each three hundred (300) square feet of gross floor space.
Wholesale Uses	One (1) parking space for each employee on the longest shift.

Section 1910. Design Standards for Off-Street Parking

All off-street areas required by this Article shall conform to the following design Standards:

(a) All parking spaces shall have the minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

Parking Angle	Aisle Dimension
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

(b) The use of streets, sidewalks, alleys, or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two-family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.

(c) Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.

(d) Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only though driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

(e) Where two (2) or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater; however, this provision shall not apply to any commercial or industrial planned development. Driveway locations in such developments shall be approved by the North Carolina Department of Transportation.

(f) Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.

(g) No driveway shall be located closer than twenty-five (25) feet to any street intersection.

(h) Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

Section 1911. Off-Street Loading Purpose and General Requirements

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the County, to relieve traffic congestion in the

streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

Each application for a Zoning Permit or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to:

(a) The location and dimensions of driveway entrances, access aisles, and loading spaces.
(b) The provisions for vehicular and pedestrian circulation.
(c) The location of sidewalks and curbs.

The Zoning Permit or Certificate of Occupancy for the construction or use of any building, structure, or land where off-street loading space is required shall be withheld by the zoning Administrator until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

Section 1912. Design Standards for Off-Street Loading Space

The off-street loading space required by this Article shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

(a) For uses containing a gross area of less than twenty thousand (20,000) square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
(b) For uses containing a gross floor area of twenty thousand (20,000) square feet or more, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and forty-five (45) feet in length.
(c) All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.
(d) Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
(e) Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.

(f) Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle, or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.

(g) Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
(h) Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.
(i) Any off-street loading areas and access ways adjacent, along the side, or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Article XVIII "Buffers and Screening."

Section 1913. Minimum Off-Street Loading Requirements

Off-street loading shall be provided and maintained as specified in the following:

(a) Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals, or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of **Space Required**
5,000-20,000	1
20,001-50,000	2
50,001-80,000	3
80,001-125,000	4
125,001-170,000	5
170,001-215,000	6
215,001-260,000	7
For each additional 45,000	1 – Additional

(b) Uses that do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of **Space Required**
5,000-80,000	1
80,001-200,000	2
200,001-320,000	3
320,001-500,000	4
For each additional 180,000	1 - Additional

ARTICLE XX. SIGNS

Section 2001. Statement of Purpose

Sign regulations are established to restrict private signs and lights that overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstruction vision. Such regulations are also designed to encourage signage and lighting and other private communications that aid orientation and identify activities, and to reduce conflict among private signs and lighting and between the private and public environmental information systems.

Section 2002. All Signs Must Comply and May Be Removed if in Violation

No sign of any type or any part thereof shall be erected, painted, repaired, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.

The Zoning Administrator shall have the authority to order the removal or modification of any new sign that does not meet these requirements according to the following procedures:

(a) The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, within thirty (30) days remove or modify the sign or structure in a manner approved by the Zoning Administrator or his designated agent.
(b) If such order is not complied with within thirty (30) days, the Zoning Administrator or his designated agent shall issue a second written notice in person or by registered or certified mail indicating that, if the appropriate action has not taken place within fifteen (15) days, the County will remove the sign at the cost of the owner or leaser of the sign.
(c) If the sign is not removed or modified within the fifteen (15) days granted by the second notice, the Zoning Administrator shall order the removal of the sign by the County.

Therefore, it is in the interest of the sign owner to consult with the Zoning Administrator prior to the purchase and installation of a sign. The sign user shall submit Sign Application to the Planning Office. Such a Sign Application shall include a Plan that includes a drawing, approximately to scale, showing the design of the sign including dimensions, method of attachment or support, source of illumination, the relationship to any building or structure to which it is or is proposed to be installed or affixed, and a plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

Section 2003. More Than One Principal Use Per Lot

Where a zoning lot contains more than one principal use or establishment, the provisions of this Article shall apply to the lot as a whole and the owner(s) of the lot shall be responsible for allocating permitted signs and display surface area among the individual uses or establishments. The sign plan submitted for such a zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other. Such a sign plan shall be referred to as a Unified Sign Plan for the zoning lot. A Unified Sign Plan is an overall plan for the placement and design of multiple signs for a building or group of buildings on a single lot.

Section 2004. Plan Approval Required

In a case where a freestanding sign is to be installed (including a portable sign), where multiple signs are expected to be used, or where there are multiple users or establishments on a single lot, a Unified Sign Plan, depicting the information indicated in the above two Sections, is required to be submitted and approved before a Certificate of Occupancy can be issued.

Section 2005. Exemptions

The following types of signs are exempted from the application of the regulations herein:

(a) Unlighted signs, bearing only property identification numbers and names, mailbox numbers, the name of the occupant of the premises, or other identification of premises not of a commercial nature. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable signs shall not exceed eight (8) square feet.
(b) Signs on private property for noncommercial purposes, such as private parking signs, signs on newspaper tubes, “No Trespassing” signs, and signs warning about animals.
(c) Governmental flags and insignia, when not displayed in connection with a commercial promotion.
(d) Holiday decorations in season.
(e) Local notices and warnings, regulatory, informational, or directional signs erected by any public agency or utility.
(f) Integral decorative or architectural features of buildings, including signs that denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface or implanted with a metal plate.
(g) Signs directing and guiding traffic and parking on private property, provided such signs are not illuminated, or are indirectly illuminated, bear no advertising matter, and do not exceed four (4) square feet in area per display surface.
(h) Signs that cannot be seen from a public street or right-of-way.
(i) The act of changing advertising copy of messages or any sign designed for the use of replaceable copy, such as a ready board or product price sign or on a sign having its own changing copy capacity, such as a time-and-temperature sign.

(j) Price signs at automobile service stations or other establishments engaged in the retail sale of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed nine (9) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

(k) Signs announcing the location of self-service or full service gasoline pumps at any establishment engaged in the retail sale of gasoline. Such sings shall be located in the vicinity of the gasoline pumps and shall not exceed nine (9) square feet in area.

(l) Signs painted on or permanently attached to a currently licensed motor vehicle that is not primarily used as a sign.

(m) Private "For Sale" signs temporarily attached to items or vehicles for sale providing they are no more than one (1) square foot in size.

(n) Off-premise advertising signs to be located in the RA Zoning Districts are exempted from the prohibition contained in Section 2007 below if the following standards are complied with (this exemption does not apply to billboards):

Off-premise advertising signs, not including billboards, that advertise a business or industry (including home occupations and businesses) are allowed on a premise other than the premise a business or industry (including home occupations and businesses) is located on, provided such sign does not exceed one (1) sign per street frontage, six (6) feet in height, and sixteen (16) square feet per display surface for property zoned RA. For lots of five (5) acres or more in size and having a street frontage greater than four hundred (400) feet, a second sign may be erected if the total display area does not exceed thirty-two (32) square feet (second sign shall also not exceed six (6) feet in height). These signs must be independently freestanding signs (not attached to a tree or other living plant material, utility poles, or building), shall not be located in the right-of-way and must be located so as not to infringe upon proper sight distance for traffic. An off-premise advertising sign displaying multiple businesses may be used as the allowed sign(s) per premise, as long as the sign does not exceed fifteen (15) feet in height, fifty (50) square feet in total display area. A multiple business off-premise advertising sign shall not be located in the right-of-way, nor shall infringe upon proper sight distance for traffic.

Section 2006. Required Signs

Every residence, office retail establishment, industry, or any other structure with a street number assigned to it shall display and maintain that number in such a way as to be easily visible from the street providing access. The assigned number shall be displayed in two places, on the building on the side nearest the street and at the point where the drive enters the road, at which point the number shall be on both sides of either a separate post or a mail box. The numerals shall be at least three (3) inches in size, have a surface that will reflect light at night, and be of such color as to be easily recognizable. Property number signs shall not count as a separate sign or toward total allowable sign area.

Section 2007. Prohibited Signs

Unless otherwise permitted as a temporary or Conditional Use, the following signs are prohibited:

(a) Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.
(b) Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.
(c) Off-premises advertising signs, or billboards. Certain off-premise advertising signs, not including billboards, that are to be located in the RA Zoning District area exempted from the prohibition contained in this section (see specific exemption in Section 2005 above).
(d) Roof signs.
(e) Projecting signs and freestanding signs located within a public right-of-way except when erected by the County, State, or Federal government.
(f) Animated, rotating, or other moving, or apparently moving, signs shall be prohibited.

Section 2008. Temporary Signs

The following signs are permitted temporary signs:

(a) Real estate signs advertising the sale, rental, or lease of the premises on which said signs are located, provided that such signs do not exceed one (1) sign per premises per street frontage and four (4) square feet in area per display surface for property zoned nonresidential or located within an approved planned development; and are removed within seven (7) days after sale, rental, or lease of the premises. For lots of five (5) acres or more in size and having a street frontage greater than four hundred (400) feet, a second sign may be erected if the total display area of both signs does not exceed thirty-two (32) square feet.
(b) Construction site identification signs whose message is limited to project name, identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date. Such signs shall not exceed one (1) sign per construction site and six (6) square feet in area per display surface for single family or duplex construction or thirty-two (32) square feet in area for multifamily or nonresidential construction. They must not be erected prior to issuance of a Building Permit and must be removed within seven (7) days of issuance of a Certificate of Occupancy.
(c) Yard or garage sale signs and off-premises directional signs announcing yard or garage sales or giving directions to them or other special events, provided such signs do not exceed one (1) sign per site, four (4) square feet in area per display surface, and three (3) feet in height. These signs must be independently freestanding signs (not attached to a tree or other living plant material, utility

pole, or building) and must be located so as not to infringe upon proper sight distance for traffic. Such signs cannot be erected more than twenty-four (24) hours prior to the event and must be removed immediately upon its close.

(d) Signs announcing the grand opening of new businesses, provided such sings are on the premises in which the business is located, do not exceed thirty-two (32) square feet of display area per business site, and are displayed for a period not to exceed thirty (30) days. “Coming Soon” signs for new businesses are limited to thirty-two (32) square feet and can be displayed for not more than sixty (60) days.

(e) Auction signs, announcing the auction of real and/or personal property at the site of the property (i.e. not including auction houses), provided that they do not exceed thirty-two (32) square feet in display area. Such signs may be erected no more than thirty (30) days prior to the auction and must be removed no later than two (2) days after the auction. Auction signs require a permit prior to the erection of the sign.

Section 2009. Portable Signs

A portable sign is any which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place.

No more than one (1) unlighted portable sign, with or without changeable copy, shall be allowed on a single premises in any zoning district; however, the size must be counted against **the total allowable sign area** and the sign must be placed no closer than ten (10) feet to any property line or street right-of-way. In no case shall a portable sign be used to advertise any activity, event, service, or place other than on the premises where the sign is located.

Section 2010. Identification Signs

Identification signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as “florist,” “drugs,” “jeweler,” and the like, and the year the business was established and the street number thereof. Other permanent signs may advertise articles of merchandise sold on the premises.

Section 2011. Freestanding Signs

Any sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or is attached to a building and projects more than five (5) feet from that building is considered a freestanding sign. Pole signs, monument signs, billboards, and portable signs are all examples of freestanding signs. With the exception of billboards, freestanding signs must meet the following requirements.

(a) No more than one (1) freestanding sign shall be allowed per lot of street frontage, except where an additional freestanding sign(s) is expressly allowed per lot and street frontage. Corner lots are only permitted a total of one (1) freestanding sign, except where an additional freestanding sign(s) is expressly allowed per street frontage.
(b) The message of freestanding signs shall be limited to the name, trademark, and service mark of the establishment located on the premises and/or a multiuse development located thereon. Signs with changeable copy may advertise products, services, specials, or display personal or public messages.

Section 2012. Wall Signs

A wall sign is a sign attached to or painted on a wall or building or façade window or displayed through a façade window and must meet the following requirements. Wall signs, including temporary signs displayed in windows, count toward the total allowable sign area.

(a) No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
(b) No wall sign shall extend above the eave line of the building to which it is attached. If the building consists of two (2) or more stories, the top of the wall sign shall not extend more than twenty (20) feet above ground level.
(c) The message of wall signs shall be limited to the name, trademark, and servicemark of the establishment(s) located on the lot/and or a multiuse development located thereon. Changeable copy or temporary signs, e.g. displayed in a window, may advertise products, services, specials, or display personal or public messages.

Section 2013. Institutional Signs

Signs erected by schools, churches, hospitals, government buildings, and other institutions are permitted in all districts, but the size of any such signs shall not be in excess of thirty-two (32) square feet. If such a sign is freestanding, it shall be a monument type sign and not be closer than fifteen (15) feet from any property line and shall not project higher than six (6) feet above ground level. These signs shall be so located so as not to infringe upon proper sight distance for traffic and illumination shall be restricted to indirect white lighting.

Section 2014. Industrial Park Signs

For industrial parks, one (1) freestanding monument identification sign at each entrance to the park, not counting toward the total allowable sign area, shall be permitted, subject to the following:

(a) <u>Content</u>

Such signs shall advertise only the name and location of such industrial park, and, perhaps, the name and type of business of each occupant of the park.

(b) Size and Height

No monument sign at the main entrance shall exceed fifty (50) square feet in gross area and ten (10) feet in height.

(c) Location

Each monument sign shall be located at a park entrance not closer than twenty (20) feet to any street right-of-way or thirty 930) feet to any other property line.

(d) Multiple Entrances

If an industrial park has additional entrances, one (1) monument identification sign, meeting the same minimum setbacks, is allowed per additional entrance. These signs shall not exceed thirty-two (32) square feet in display surface and six (6) feet in height.

Section 2015. Shopping Center Signs

For shopping centers in single ownership or under unified control, one (1) freestanding identification sign at each entrance, *not counting toward the total allowable sign area*, shall be permitted, subject to the following:

(a) Content

Such signs shall advertise only the name and location of center, and, perhaps, the name and type of business of one or more occupants thereof.

(b) Area

The gross area in square feet permitted for the freestanding sign at the main entrance shall not exceed one-half (1/2) square foot per lineal foot of building wall running parallel to the public street with the main entrance (or approximately parallel if the center is oriented at an angle) (See Section 2031 "Calculation of Total Allowable Sign Area") with a maximum size of one hundred (100) square feet if the sign is located within fifty (50) feet from the street right-of-way, one hundred fifty (150) square feet if the sign is located from fifty (50) to one hundred (100) feet from the street right-of-way, or two hundred (200) square feet if the sign is located over one hundred (100) feet from the street right-of-way.

(c) Height and Location

This freestanding sign shall not project higher than twenty (20) feet above ground level if it is located less than fifty (50) feet from the street right-of-way, not higher than twenty-five (25) feet if it is between fifty (50) and one hundred (100) feet from the street, and not higher than thirty (30) feet above ground level if the sign is located more than one hundred (100) feet from the street right-of-way.

(d) Multiple Entrances

If a shopping center has additional entrances, one (1) monument identification sign, meeting the same minimum setbacks, is allowed per additional street entrance. This sign shall not exceed thirty-two (32) square feet in display surface and six (6) feet in height.

(e) Individual Tent Signs

Individual tenants of a shopping center are not permitted a freestanding sign of any kind. Wall signs are permitted based on the total allowable sign area, and as allocated by the owner or manager of the center.

Section 2016. Off-Premises Advertising Signs (Billboards)

(a) Size, Height, and Design
No billboard shall exceed two hundred fifty (250) square feet in gross area or thirty (30) feet in height above ground level or street level, whichever is lower. A billboard may have two (2) display sides, including an acute "V" shaped sign of forty-five (45) degrees or less.

(b) Location
No billboard shall be erected closer than two hundred (200) feet from any property used or zoned for residential purposes and no billboard shall project closer than thirty (30) feet to any building on the same lot, to any property line, or to any street right-of-way. Also, no billboards shall be located within one thousand (1,000) feet along the same street frontage of another billboard as measured from the poles.

Section 2017. Illumination of Signs

Where illuminated signs are allowed, they shall conform to the following requirements:

(a) All signs illuminated under the provisions of this Section shall be constructed to meet the requirements of the National Electric Code, and shall be subject to review and inspection by the Building Inspector.
(b) Signs that contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except those giving public information such as time, temperature, and date.
(c) Illuminated signs shall be limited to those indirectly lit with white light or lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
(d) No source of illumination of a sign, such as flood lights or spotlights, other than decorative lighting (e.g. neon tubing or lights on a marquee) shall be directly visible from any public right-of-way, from residential districts, or from adjacent properties.
(e) The letters or message of internally illuminated signs shall consist of nonreflective material. Flame as a source of light is prohibited.

Section 2018. Traffic Safety Precautions

Notwithstanding any other provisions of this Ordinance, the following restrictions shall apply to signs in order to preserve the safety of pedestrians and bicycle and vehicular movement.

(a) No permanent sign, or part thereof, shall be located within a sight distance areas defined by NCDOT and/or Perquimans County or within the public right-of-way.
(b) No sign shall make use of the words “Stop,” “Slow,” “Caution,” “Danger,” or any other word, phrase, symbol, or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
(c) No sign shall be erected so that, by its location, color, nature, or message, it is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.

Section 2019. Location of Signs

All signs, including the supports, frames, and embellishments thereto, shall be placed on private property and not located within any public right-of-way, nor shall any sign be attached, affixed, or painted on any light standard or other utility pose, any tree, or other natural object.

Section 2020. Nonconforming Signs

All nonconforming signs existing on the effective date of this Ordinance may remain in place, subject to the following requirements:

(a) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message. However, this Ordinance shall not prohibit the normal maintenance of signs to keep them neat.
(b) No conforming sign shall be allowed to remain after the activity, business, or use to which it is related has been discontinued.
(c) No nonconforming sign shall be allowed to remain after the activity, business, or use to which it is related has been discontinued.
(d) If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of the replacement value, the sign shall not be allowed to remain or to be repaired and must be removed.
(e) Upon failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any nonconforming signs as hereafter provided:

    (1) The Zoning Administrator or his designated agent shall give the owner of the nonconforming sign notice of the violation by registered or certified mail. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this Article is violated and the manner in which such violation is to be remedied.
    (2) Failure to correct such violation within thirty (30) days shall constitute a violation of this Ordinance and is punishable under the provisions of Article IV “Enforcement and Penalties.”

Section 2021. Maintenance and Removal of Unsafe, Abandoned, or Out-of-Date Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous, or endangers the safely of the public or property. Upon determining that a sign is structurally unsafe, hazardous, or endangers the safety of the [public or property, the Zoning Administrator or his designated agent shall order the same to be made safe or removed, subject to the following provisions:

(a) The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Zoning Administrator or his designated agent, or remove the same.
(b) If such order is not complied with in ten (10) days, the Zoning Administrator or his designated agent shall remove the sign at the expense of the owner or lessee thereof. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use or access to any fire escape, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

Whenever a sign has been abandoned or advertises an activity, business, product, or service no longer conducted on the premises, such sign, including all of its attendant supports, frames, and hardware, shall be removed within two (2) months of the cessation or vacating of the use or establishment, unless such sign is utilized by a new use or establishment on the premises in conformance with all current regulations of this Ordinance. If such sign is not removed, or a sign is erected in violation of the provisions of this Section, the Planning and Zoning Administrator or his designated agent shall cause such sign to be removed or brought into compliance in accordance with the method prescribed for nonconforming signs in Section 2021.

Section 2022. Calculation of Total Allowable Sign Area

Total allowable sign are is calculated based on the lineal feet of the building (occasionally on lot frontage) running parallel to the street designated as the front, generally containing the main entrance.

In the case of one or more buildings sited at angles, or with an irregular configuration or shape, and situated on a lot adjacent to a straight street, the number of lineal feet is obtained by identifying the two outermost points of the building, when viewed from the street, and running a straight line between them and parallel to the street. The length of this line is the lineal feet to be used for total allowable sign area. If the street is not

straight, you need to locate a straight street line to use this procedure. Draw a straight line between the two points where the property lines intersect the street right-of-way (i.e. at the corners of the lot). For calculation purposes, pretend that this straight line is the street.

In shopping centers or office complexes that are oriented toward a parking lot, rather than the street itself, the total allowable sign area for wall signs is calculated on the building facing the parking area.

Section 2023. Computation of Sign Area

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle, oval, or ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) With respect to two-sided, multi-sided, or three dimensional signs, the surface area shall be computed by including the total of all sides, designed either to attract attention or communicate information, that can be seen at one time by a person from any vantage point. For example, with respect to a typical two-sided sign where a message is printed on both sides of a flat surface, the sign surface area of one side (rather than the sum total of both sides) shall be regarded as the total sign surface area of that sign, since one can see only one side of the sign from any vantage point.

(d) In the case of "V" shaped signs, the surface area shall be calculated as in "C," above, provided that the angle of the intersecting sign planes does not exceed sixty (60) degrees. If the angle of the intersecting sign planes does not exceed sixty (60) degrees, the sign area shall be computed as if it were a one-sided gun.

Section 2024. Signs Permitted in Residential and Agricultural Districts

(a) Permanent freestanding monument identification signs for subdivisions, multifamily, and planned developments shall be limited to one (1) sign at each major entrance to the development, not exceeding twenty (20) square feet in display surface area, located on private property no closer than fifteen (15) feet to any property line or street right-of-way, not exceeding four (4) feet in height above ground level, and illumination shall be restricted to indirect white lighting. A multifamily residential development may have an identification sign of the same dimensions flat-mounted on a wall of an apartment building instead of a freestanding sign, but not both.

(b) Permanent freestanding identification signs for mobile home parks and campgrounds shall be limited to one (1) sign at each major entrance to the

development, not exceeding twenty (20) square feet in display surface area, located on private property no closer than fifteen (15) feet to any property line or street right-of-way, not exceeding four (4) feet in height above ground level, and illumination shall be restricted to indirect white lighting.

(c) Only one (1) permanent identification wall sign for nonresidential and noninstitutuional uses may be erected, provided that, together with any freestanding sign, it does not exceed the total allowable sign area.

(d) One (1) permanent freestanding identification sign for nonresidential and noninstitutuional uses is permitted, provided there is at least one hundred (100) feet from any property line or street right-of-way. There is no minimum street frontage requirement for properties zoned RA.

If such a sign is a monument sign, it shall not exceed four (4) feet in height above ground level, and illumination shall be restricted to indirect white lighting. The display surface area shall not exceed twenty (20) square feet and, together will all wall signs, shall count toward the total allowable sign area.

If a pole sign, it shall not exceed twenty feet in height and twenty-five (25) square feet of display surface area per side. As with the monument sign, this sign, together with all wall signs, shall count toward the total allowable sign area.

(e) For all residential and agricultural zoning districts except the RA Zoning district, one (1) identification sign for each home occupation shall be permitted, but shall not be closer than fifteen (15) feet to any property line or street right-of-way, shall not project higher than three (3) feet above ground level, and shall not exceed two (2) square feet in area.

For home occupations/businesses in the RA Zoning District, one (1) identification sign shall be permitted, and shall not exceed ten (10) feet in height and twenty (20) square feet per display surface, nor shall it be closer than fifteen (15) feet to any property line or street right of way. These signs must be independently freestanding signs (not attached to a tree or other living plant material, utility pole, or building), shall not be located in the right-of-way, shall be located so as not to infringe upon proper sight distance for traffic, and illumination shall be restricted to indirect white.

(f) No other signs are permitted.

Section 2025. Signs Permitted in the CN Neighborhood Commercial District

Within the CN Neighborhood Commercial District as shown on the Zoning Atlas, only the following types of signs shall be permitted:

(a) One (1) freestanding identification sign shall be permitted each business with at least one hundred (100) feet of street frontage, either along the front or combined front

and side frontages on a corner lot. All freestanding signs count toward the total allowable sign area.

If a pole sign, it shall not exceed twenty-five (25) square feet in area per side, shall not project more than twenty (20) feet above ground level, and shall be no closer than ten (10) feet from any street right-of-way or fifteen (15) feet from any other property line.

If a monument sign, it shall not exceed thirty-two (32) square feet in area per side, shall not exceed four (4) feet in height above ground level, and shall be no closer than fifteen (15) feet to any property line or street right-of-way.

(b) Wall signs shall be permitted for each separate business establishment, provided that the total allowable sign area is not exceeded, including freestanding signs. The location and number of signs are at the option of the owner or tenant; however, where more than four (4) wall signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent.

(c) Identification signs may be suspended from or attached to a canopy or marquee provided that the total sign area of such signs does not exceed ten (10) square feet in area and a clear distance of at least seven and one-half (7½) feet between the sidewalk or ground level and the bottom of such signs is maintained. These canopy signs do not count toward the total allowable sign area. Larger canopy signs may be used, but anything over ten (10) square feet in area will count toward the total allowable sign area and number of signs, just like the wall sign.

(d) In addition to the above signs, a shopping center or building, with multiple tenants under single ownership and unified control, may have one or more freestanding identification signs, not counting toward the total allowable sign are, meeting the requirements of Section 2015. Individual tenants in a shopping center or multiple tenant building are not permitted a freestanding sign of any kind.

(e) No other signs are permitted.

Section 2026. Signs Permitted in the CH Highway Commercial District

Within the CH Highway Commercial District as shown on the Zoning Atlas, only the following types of signs shall be permitted:

(a) One (1) permanent freestanding identification sign is permitted for each premise. All freestanding signs count toward the total allowable sign area.

If a pole sign, it shall not exceed thirty-six (36) square feet in sign area per side, shall not project more than thirty (30) feet above ground level, shall be located on private property no closer than ten (10) feet from any street right-of-way, and no closer than fifteen (15) feet to any other property line.

If a monument sign, it shall not exceed thirty-two (32) square feet in sign area per side, shall not exceed four (4) feet in height above ground level, shall be located

on private property no closer than ten (10) feet to any street right-of-way, and no closer than fifteen (15) feet to any other property line.

(b) Permanent wall signs shall be permitted for each separate business establishment, provided that the total sing area for all signs, including freestanding signs, shall not exceed the total allowable sign area. The location, size, and number of wall signs are at the option of the owner or tenant; however, where more than four (4) wall signs are located on any zoning lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty percent (20%).

(c) Identification signs per business establishment may be suspended from or attached to a canopy or marquee, provided that the total sign are of such signs does not exceed ten (10) square feet in area and maintains a clear distance of at least seven and one-half (7½) feet between the sidewalk or ground level and the bottom of the sign. These canopy signs do not count toward the total allowable sign area. Larger canopy signs may be used, but anything over ten (10) square feet in area will count toward the total allowable sign area and number of signs, just like a wall sign.

(d) In addition to the above signs, a shopping center or building, with multiple tenants under single ownership and unified control, may have one or more freestanding identification signs, not counting toward the total allowable sign area, meeting the requirements of Section 2015. Individual tenants in a shopping center or multiple tenant building are not permitted a freestanding sign of any kind.

(e) A franchise sign not meeting the area or height requirement of this Section may be allowed as a Conditional Use provided the franchisee can show that there is no reasonable alternative. A simple preference for a larger or taller sign on the part of the franchisee or the franchise company, and/or the fact that a smaller, conforming sign may be more expensive because it is a special order item are not reasons sufficient to all the Conditional Use. In no case shall a franchisee be given less restrictive requirements as to the location or number of signs and the total allowable sign area cannot be exceeded, including the nonconforming sign.

(f) No other signs are permitted.

Section 2027. Signs Permitted in the IL and IH Industrial Districts

Within the IL and IH Industrial Districts as shown on the Zoning Atlas, only the following types of signs shall be permitted:

(a) One (1) freestanding identification sign is permitted for each premise, provided that the total allowable sign area, including wall signs, is not exceeded. All freestanding signs count toward the total allowable sign area.

If a pole sign, it shall not exceed fifty (50) square feet in area per side, shall not project more than twenty (20) feet above ground level, and must not be closer than thirty (30) feet to a street right-of-way or any other property line

If a monument sign, it shall not exceed thirty-two (32) square feet in are per side and shall not exceed six (6) feet in height if it is located within one hundred (100) feet of the street right-of-way. If the monument sign is located one hundred (100) or more feet away from the street right-of-way and any other property line, it shall not exceed fifty (50) square feet in area per side and shall not exceed ten (10) feet in height above ground level. All monument signs must be located on private property no closer than twenty (20) feet from any street right-of-way or thirty (30) feet to any other property line.

Except on corner lots with less than four hundred (400) feet of frontage on each street, businesses fronting on more than one (1) public street sign counts toward the total allowable sign area.

(b) Permanent wall signs shall be permitted for each business, provided they do not project higher than the building eaves or the second story in multi-story buildings, and provided that the total area of all signs, including freestanding signs, does not exceed the total allowable area. The location, size, and number of wall signs are at the option of the owner or tenant; however, where more than four (4) wall signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent.

(c) Identification signs may be suspended from or attached to a canopy or marquee, provided that the total sign area of such sign does not exceed ten (10) square feet in area and maintains a clear distance of at least seven and one-half (7½) feet between the sidewalk or ground level and the bottom of such signs is maintained. These canopy signs do not count toward the total allowable sign area. Larger canopy signs may be used, but anything over ten (10) square feet in area will count toward the total allowable sign area and number of signs, just like a wall sign.

(d) In addition to the above signs, an industrial park or building with multiple tenants may have one or more freestanding identification signs, not counting toward the total allowable sign area, meeting the requirements of Section 2014. Individual tenants in a multiple tenant building are not permitted to have a freestanding sign of any kind.

(e) Off-premises advertising signs may be allowed as a Conditional Use in which case the sign shall meet the conditions in Section 2016 and Article XIV "Conditional Uses" of this Ordinance. Because these billboard signs are not accessory uses to a business located on the site, they do not count toward the total allowable sign are of the lot on which it is located.

(f) No other signs are permitted.

Section 2028. Signs Allowed in the CR Rural Commercial Zoning District

Within the CR Rural Commercial District as shown on the Zoning Atlas, only the following types of signs shall be permitted:

(a) One (1) freestanding identification sign is permitted for each premise. All freestanding signs count toward the total allowable sign area.

If a pole sign, it shall not exceed fifty (50) square feet in area per side, shall not project more than thirty (30) feet above ground level, and must not be closer than ten (10) feet to a street right-of-way or any other property line.

Except on corner lots, businesses fronting on more than one (1) public street shall be permitted one (1) freestanding identification sign for each frontage.

(b) Permanent wall signs shall be permitted for each separate business establishment, provided that the total sign area for all signs, including freestanding signs, does not
exceed the total allowable sign area. The location, size, and number of wall signs are at the option of the owner or tenant.

(c) Identification signs per business establishment may be suspended from or attached to a canopy or marquee, provided that the total sign area of such sign does not exceed ten (10) square feet in area and maintains a clear distance of at least seven and one-half (7½) feet between the sidewalk or ground level and the bottom of such sign. These canopy signs do not count toward the total allowable sign area. Larger canopy signs may be used, but anything over ten (10) square feet in area will count toward the total allowable sign area and number of signs, just like a wall sign.

(d) In addition to the above signs, a shopping center or building with multiple tenants may have one or more freestanding identification signs, not counting toward the total allowable sign area, meeting the requirements of Section 2015. Individual tenants in a multiple tenant building are not permitted to have a freestanding sign of any kind.

(e) A franchise sign not meeting the area or height requirement of this Section may be allowed as a Conditional Use provided that the franchisee can show that there is no reasonable alternative. A simple preference for a larger or taller sign on the part of the franchisee or franchise company, and/or the fact that a smaller, conforming sign may be more expensive because it is a special order item are not reasons sufficient to allow the Conditional Use. In no case shall a franchisee be given less restrictive requirements as to the location or number of signs and the total allowable sign are cannot be exceeded, including the nonconforming sign.

(f) No other signs are permitted.

Table XX.1: TOTAL ALLOWABLE SIGN AREA TABLE	
Zoning District	**Total Allowable Sign Area[1] (Square feet per Lineal Foot of Building Wall Facing the Street)**
All Residential and Agricultural Districts	One-Half (1/2) square foot
CN, Neighborhood Commercial District Shopping Center Sign	One (1) square foot One-half (1/2) square foot
CR, Rural Commercial District Shopping Center Sign	One (1) square foot One-half (1/2) square foot
CH, Highway Commercial District Shopping Center Sign	One (1) square foot One-half (1/2) square foot
IL and IH, Light and Heavy Industrial Districts	One (1) square foot

[1] Including all freestanding and wall signs. Five or more wall signs, including displayed on or through façade windows, reduce the allowable sign area by twenty (20) percent per wall sign over four (not including CR Zoning District).

Table XX.2: DIMENSIONAL REQUIREMENTS FOR FREESTANDING SIGNS				
Zoning Districts	**Setbacks Property Lines**	**From Streets[1]**	**Maximum Height**	**Maximum Area**
Residential and Agricultural Districts[8]	15 feet	15 feet	20 feet	25 sq ft
Pole Sign[9]	15 feet	15 feet	20 feet	20 sq ft
Monument Sign	15 feet	15 feet	4 feet	20 sq ft
Mobile Home Park Sign	15 feet	15 feet	4 feet	20 sq ft
Campground Sign	15 feet	15 feet	4 feet	20 sq ft
Home Occupations	15 feet	15 feet	3 feet	2 sq ft
RA and HA, Rural Agricultural and Historic Agricultural Districts				
Pole Sign[10]	15 feet	15 feet	20 feet	25 sq ft
Monument Sign	15 feet	15 feet	4 feet	20 sq ft
Mobile Home Parks	15 feet	15 feet	4 feet	20 sq ft
Campgrounds	15 feet	15 feet	4 feet	20 sq ft
Home Occupations/Business	15 feet	15 feet	10 feet	20 sq ft
Freestanding Sign[11] (2nd off-premise, single bus)[12]	None None	None None	6 feet 6 feet	16 sq ft 16 sq ft
CN, Neighborhood Commercial District				
Pole Sign	15 feet	10 feet	20 feet	25 sq ft
Monument Sign	15 feet	15 feet	4 feet	32 sq ft
Not Primary Entrance[13]	20 feet	20 feet	6 feet	32 sq ft
Shopping Center Sign - 1[14]	30 feet	20 feet	20 feet	100 sq ft
Shopping Center Sign - 2[15]	30 feet	50 feet	20 feet	150 sq ft
Shopping Center Sign - 3[16]	30 feet	100 feet	20 feet	200 sq ft

[1] Street rights-of-way.
[8] Not including the RA Zoning District.
[9] Nonresidential and noninstitutuional uses only. Wall sign may be used in lieu of freestanding sign.
[10] Nonresidential and noninstitutuional uses only. Wall sign may be used in lieu of freestanding sign.
[11] Off-premise advertising, single business.
[12] For lots of five (5) acres or more in size and having a street frontage greater than four hundred (400) feet.
[13] With a front yard depth of at least fifty (50) feet.
[14] In a shopping center.
[15] With minimum setbacks and minimum size.
[16] With at least a fifty (50) foot setback and medium size allowed.

Table XX.2: DIMENSIONAL REQUIREMENTS FOR FREESTANDING SIGNS, cont'				
CR, Rural Commercial District				
Pole Sign	15 feet	10 feet	30 feet	36 sq ft
Monument Sign	15 feet	10 feet	4 feet	32 sq ft
Not Primary Entrance[17]	30 feet	20 feet	6 feet	32 sq ft
Shopping Center Sign –1 [18]	30 feet	20 feet	20 feet	100 sq ft
Shopping Center Sign – 2 [19]	30 feet	50 feet	20 feet	150 sq ft
Shopping Center Sign – 3 [20]	30 feet	100 feet	20 feet	200 sq ft
IL, Light Industrial District				
Pole Sign	30 feet	30 feet	20 feet	50 sq ft
Monument Sign – 1 [21]	30 feet	20 feet	6 feet	32 sq ft
Monument Sign – 2 [22]	30 feet	100 feet	10 feet	50 sq ft
Industrial Park Sign	30 feet	20 feet	10 feet	50 sq ft
Not Primary Entrance[23]	30 feet	20 feet	6 feet	32 sq ft
Billboard Sign	30 feet	30 feet	30 feet[24]	250 sq ft
IH, Heavy Industrial District				
Pole Sign	30 feet	30 feet	20 feet	50 sq ft
Monument Sign – 1 [25]	30 feet	20 feet	6 feet	32 sq ft
Monument Sign – 2 [26]	30 feet	100 feet	10 feet	50 sq ft
Industrial Park Sign	30 feet	20 feet	10 feet	50 sq ft
Not Primary Entrance[27]	30 feet	20 feet	6 feet	32 sq ft
Billboard Sign	30 feet	30 feet	30 feet[28]	250 sq ft

[17] In a shopping center.
[18] With minimum setbacks and minimum size.
[19] With at least a fifty (50) foot setback and medium size allowed.
[20] With over a one hundred (100) foot setback and largest size allowed.
[21] With minimum setbacks and minimum size.
[22] With over a one hundred (100) foot setback and largest size allowed.
[23] In an industrial park.
[24] Above ground level or street level, whichever is lower.
[25] With minimum setbacks and minimum size.
[26] With over a one hundred (100) foot setback and largest size allowed.
[27] In an industrial park.
[28] Above ground level or street level, whichever is lower.

ARTICLE XXI. COMMUNICATIONS TOWER CORRIDOR OVERLAY DISTRICT

Section 2101. Objective and Purpose

In order to protect the rural character and natural environment of the area and to provide an attractive corridor and gateway to our communities on US 17, the Communications Tower Corridor Overlay District is created. It is the goal of this district to enhance the attractiveness of the area to visitors and residents alike. In all instances, coordination with the N.C. Department of Transportation will be encouraged and policies and recommendations of the NCDOT will be taken into consideration when applying this Article.

Section 2102. Communications Tower Corridor Overlay District Designation and Underlying Zoning

A Communications Tower Corridor Overlay District is hereby established as a district which overlays the zoning in the district along and on either side of US 17 (from the Winfall extraterritorial jurisdiction line north to the Pasquotank County line and from the Hertford extraterritorial jurisdiction line south to the Chowan County line).

The use and development of any land or structures within a designated Communications Tower Corridor Overlay District shall comply with regulations applicable to the underlying zoning districts, as well as the requirements of this Section, if applicable, and the Communications Tower Ordinance (Article XXII).

Section 2103. Designation of District

<u>Communications Tower Corridor Overlay District</u>
A Communications Tower Corridor Overlay District shall be developed with a balance of agricultural and commercial uses according to its underlying zoning. The Communications Tower Corridor Overlay District shall not have any telecommunications facilities located within it. These Communications Tower Corridor sections are best suited for showcasing naturalized and manmade conditions. The visual quality of these Communications Tower Corridor sections depends on quality site planning, landscaping, and preservation of natural features.

The above Communications Tower Corridor Overlay District shall be measured from the edge of the highway right-of-way. The District shall be five-hundred (500) feet from the edge of the right-of-way on each side of the highway and run parallel to the right-of-way.

Section 2104. Development Standards

All uses and structures allowed in the Communications Tower Corridor Overlay District shall meet the development standards of the Zoning Ordinance, except as otherwise provided by this Article.

Section 2105. Administration

(a) The Zoning Administrator shall take final approval action on all single-lot development site plans within the Communications Tower Corridor Overlay District with the exception of variations as stated in Section 2105(B). The Zoning Administrator shall follow the procedure outlined for Zoning Permits in Section 302.

(b) Any application for the development of five or more lots in the Communications Tower Corridor District Overlay shall be reviewed by the Planning Board, who shall submit a recommendation to the Board of County Commissioners. The Board of County Commissioners shall take final approval action after a public meeting.

ARTICLE XXII. COMMUNICATIONS TOWER ORDINANCE: REGULATING THE DEPLOYMENT OF TELECOMMUNICATIONS INFRASTRUCTURE

Section 2201. Purpose and Authority

(a) Title

This Article shall be known and may be cited as the "Communications Tower Ordinance of Perquimans County, North Carolina" also known as "Article XXII", "the Cell Tower Ordinance", "this Ordinance" and "Ordinance" herein. Other excerpts of the Perquimans County Zoning Ordinance may be cited as "the Zoning Ordinance" and "zoning regulations."

(b) Purpose

The purpose of Article XXII, Communications Tower Ordinance is to establish general guidelines for the locating of telecommunications towers, antenna, ground equipment and related accessory structures. The purpose and intent of Article XXII are to:

(1) Promote the health, safety, and general welfare of the public by regulating the locating of telecommunication facilities.

(2) Minimize the impacts of telecommunication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.

(3) Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers.

(4) Accommodate the growing need and demand for telecommunication services.

(5) Encourage coordination between suppliers and providers of telecommunication services.

(6) Establish predictable and balanced codes governing the construction and location of telecommunications facilities within the confines of permissible local regulations.

(7) Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time.

(8) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.

(9) Respond to the policies of the State of North Carolina.

(10) Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of telecommunications services.

(11) Encourage the use of public lands, buildings, and structures as locations for Telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies.

(c) Authority: The provisions of this Communications Tower Ordinance are adopted under authority granted by the General Assembly of the State of North Carolina with particular reference to Article 6 of Chapter 153A of the North Carolina General Statues.

(d) Effective Date
This Ordinance shall be effective from and after the date of its adoption by the Perquimans County Board of Commissioners.

(e) Repeal of Pre-Existing Wireless Telecommunications Facilities Ordinance
The provisions and requirements of this Cell Tower Ordinance supersede all the provisions and requirements of the pre-existing Perquimans County Zoning Ordinance, Article XXII, Wireless Telecommunications Facilities Ordinance adopted on October 2, 2002 and amended through February 4, 2008.

Section 2202. Jurisdiction

These regulations shall govern the establishment and maintenance of communications towers. Provisions of this Ordinance shall apply uniformly to all areas within the jurisdiction of Perquimans County.

Section 2203. Exemptions

(a) Existing Communications Towers
Communications towers existing prior to the October 2, 2002 adoption of Article XXII, Wireless Telecommunication Facilities regulations or permitted prior to the July 7, 2010 adoption of this Article XXII, Communications Tower Ordinance shall be allowed to continue to operate provided they met the requirements set forth by Perquimans County at the time of final inspection; not including any communications towers that are currently in violation of this Ordinance and the pre-existing Article XXII, Wireless Telecommunications Facilities Ordinance.

(b) Exempt Facilities
The following items are exempt from the provisions of Article XXII; notwithstanding any other provisions:

(1) Any tower less than fifty (50) feet in height or communications towers existing or permitted prior to the adoption of this Ordinance.

(2) Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in all residential zoning districts and two (2) meters or less in all other zoning districts.

(3) Antennas for reception only of over-the-air Television stations.

(4) A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the County designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.

(5) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

(6) A temporary, commercial communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the County and approved by the County; except that such facility must comply with all federal and state requirements. The communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency.

(7) A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the County, except that such facility must comply with all federal and state requirements. Said communications facility may be exempt from the provisions of this division up to one (1) week after the duration of the special event.

Section 2204. General Provisions

(a) Application of this Ordinance

This Ordinance shall apply to the development activities including installation, construction, or modification of all antenna and tower facilities including but not limited to:

(1) Noncommercial, amateur radio station antennas.
(2) Existing towers.
(3) Proposed towers.
(4) Public towers.
(5) Mitigation of towers.
(6) Co-location on existing towers.
(7) Attached wireless communications facilities.
(8) Concealed wireless communications facilities.
(9) Non-concealed towers
(10) Broadcast facilities.

(b) Abandonment (Discontinuance of Use)

(1) Towers, antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use, unless the abandonment is associated with mitigation as provided in the 'Mitigation' section of this Ordinance, in which case the removal shall occur within ninety (90) days of cessation of use. An owner

wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the County may demand a daily fine in an amount described in the County's code of fees.

(2) Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

(c) Conflict with Other Laws or Regulations

When the requirements of this Ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of Perquimans County, or deeds restrictions imposed by the developer or subdivider, the more stringent requirements shall govern.

(d) Severability of Ordinance

Should any section or provisions 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.

(e) Interference with Public Safety Communications

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a collocation shall agree in a written statement to the following:

(1) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).

(2) In the case of an application for collocation telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the County's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.

(3) Whenever the County has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:

(a) The County shall provide notification to all wireless service providers operating in the County of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.

(b) If any equipment owner fails to cooperate with the County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within twenty-four (24) hours of County's notification.

(f) Annual Tower Certification Report

All towers within Perquimans County shall produce to the County once yearly a certification that the tower has had no changes or made no additions since the previous certification. This certification is due no later than August 1st of each year.

Section 2205. Antennas, Permitted & Conditional Use Towers & Associated Equipment

(a) Building Code Requirements

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(b) Communications Tower Permits Required

(1) Tower Permit (Level I)- The permit issued by the Planning and Zoning Administrator as designated by this Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower.

(2) Tower Permit (Level II)- The permit issued by the Planning and Zoning Administrator as designated by this Ordinance to an individual, corporation, partnership, or other entity to engage in collocation, attached antennas, antenna element replacements, tower mitigation, or new concealed towers, excluding amateur radio towers.

(3) Tower Permit (Level III)- The Conditional Use Permit issued by the Planning and Zoning Administrator (after public hearing and approval by the Board of County Commissioners) as designated by other articles of the Zoning Ordinance, to an

individual, corporation, partnership, or other entity to engage in the creation of new non-concealed towers, excluding amateur radio towers.

(4) Tower Permit (Level IV)- The Conditional Use Permit issued by the Planning and Zoning Administrator (after public hearing and approval by the Board of County Commissioners) as designated by other articles of this Zoning Ordinance, to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

Table 2205-A: Tower Permit Level Requirements

Permit Level	Issued by	Permit Type	Use
I	Planning and Zoning Administrator review for compliance with specific criteria	P	Amateur radio no greater than ninety (90) feet in height
II	Planning and Zoning Administrator review for compliance with specific criteria	P	Collocation, attached antennas, antenna element replacement and tower mitigation, and new concealed towers
III	BCC (following Planning Board's review and recommendation)	C	New non-concealed towers
IV	BCC (following Planning Board's review and recommendation)	C	Broadcast facilities

Key: P = Permitted by Right; C = Conditional Use Permit; BCC = Board of County Commissioners

(c) Locating Alternatives Order

(1) Locating of New Antenna Array & New Towers: Locating of a new antenna array and new tower shall be in accordance with the preferred locating alternatives order:

(a) Concealed attached antenna
  (i) On publicly-owned property
  (ii) On non publicly-owned property

(b) Collocation, DAS or combined antenna on existing tower
  (i) On publicly-owned property
  (ii) On non publicly-owned property

(c) Non-concealed attached antenna
  (i) On publicly-owned property
  (ii) On non publicly-owned property

(d) Mitigation of existing tower
  (i) On publicly-owned property
  (ii) On non publicly-owned property

(e) Concealed freestanding tower
  (i) On publicly-owned property
  (ii) On non publicly-owned property

(e) Non-concealed freestanding tower
(i) On publicly-owned property
(ii) On non publicly-owned property

(2) Locating of Attached, Collocation, DAS, and Combined Antenna: For attached, co-located, or combined antenna, the order of ranking preference, highest to lowest, shall follow the same ranking as provided in Ai through Dii of 'Locating of New Antenna Array & New Towers' section above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(3) Mitigation & Freestanding Towers: Where a mitigated or freestanding tower is permitted the order of ranking preference from highest to lowest shall follow the same ranking as provided in Di through Fii of 'Locating of New Antenna Array & New Towers' section above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

(d) Facility Use Regulations & Required Permits: New antennas and towers shall be permitted in Perquimans County according to the table below.

Table 2205-B: Antennas, Permitted and Conditional Use Towers, & Associated Equipment

Tower types	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Concealed Attached Antenna	II		II (3)	II (3)	II (3)				II	II
Collocation, DAS or Combining on Existing Tower	II		II (3)	II (3)	II (3)				II	II
Non-Concealed Attached Antenna**(5)**	II		II (3)	II (3)	II (3)				II	II
Mitigation of Existing Tower	II & III		II & III (3)	II & III (3)	II & III (3)				II & III	II & III
Concealed Freestanding Tower	II								II	II
Non-Concealed Freestanding Tower	III		III (3)	III (3)	III (3)				III & IV	III & IV
Antenna Element Replacement	II	II	II (3)	II (3)	II (3)	II	II	II	II	II
Amateur Radio Tower </= 90 feet	I	I	I	I	I	I	I	I	I	I
Broadcast Tower									IV	I V

Notes:
(1) Level I permits are issued by Planning staff and are permitted in all zoning districts (for amateur radio towers no greater than 90 feet in height);

(2) Level II permits are issued by Planning staff (and are limited to RA, IL and IH zones for Collocation, attached antennas, replacement and mitigation, and new concealed towers only and for any existing tower for antenna element replacement activities);
(3) Level III permits require Conditional Use Permit by Board of County Commissioners (for new non-concealed towers) and are generally limited to RA, IL and IH Zones; however, new Monopole types towers may be considered for County-owned or operated parks or school properties in the RA-15, RA-25 and RA-43 Zones (Level II permits collocated on such new structures would then follow);
(4) Level IV permits require Conditional Use Permit by BCC and are limited to the IL and IH Zones (for new Broadcast Facilities);
(5) Non-concealed attached antennas are only allowed on transmission towers and light stanchions.

Section 2206. Permit (Level I) Amateur Radio Towers

(a) Application Requirements
All Permit (Level I) applications shall contain the following:
(1) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit."
(2) Application Fee
(3) Site Plan (see also 'Application Requirements')
(4) Valid FCC amateur operator's license.

(b) Tower Heights
Tower height and location shall comply with federal and state law. Towers shall be of monopole design only and not to exceed ninety (90) feet.

(c) Setbacks
A distance equal to the height of the tower shall separate new amateur radio towers from all structures not located on the same parcel as the tower, property lines, right-of-way lines and/or easements. Any relocation of amateur radio towers shall remain on same parcel and must comply with stated Ordinance setback requirements, or, if compliance is not possible, the relocation must not increase the amount by which setbacks are nonconforming, other than increases necessitated solely by changes in size of the base to support the new tower.

Section 2207. Permit (Level II) Collocation, Combination, Attachment, DAS, Antenna Element Replacement, Replacement Towers and Concealed Towers

(a) Application Requirements
All Permit (Level II) applications shall contain the following:
(1) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit"
(2) Application Fee
(3) Site Plan (see also 'Application Requirements')

(b) Collocation & Combination

Perquimans County requires co-location and combining of antennas on existing communications towers as a first priority where collocation is possible. Upon enactment of this Ordinance, any person, corporation, partnership, or other entity which intends to collocate on an existing communications tower within the jurisdiction of this Ordinance must obtain a Permit (Level II). Collocation are subject to the following:

(1) A collocation or combined antenna or antenna array shall not exceed the maximum height prescribed in the Conditional Use Permit (if applicable) or increase the height of an existing tower by more than twenty (20) feet and shall not affect any tower lighting.

(2) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

(3) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.

(4) When a collocation or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.

(5) Eligible Facilities Request applications as described in Section 153A-349.53, North Carolina General Statutes, (as amended by S.L. 2013-185) shall meet all the following requirements:

   (a) The proposed collocation shall not increase the overall height and width of the tower or support structure to which the proposed infrastructure is to be attached by the greater of (i) more than ten (10%) percent or (ii) the height of an additional antenna array with separation from the next antenna array of not more than 20 feet.

   (b) The collocation shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.

   (c) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a tower that protrudes horizontally from the edge of the tower the greater of (i) more than 20 feet or (ii) more than the width of the tower at the level of the appurtenance.

   (d) The existing tower on which the collocation will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.

   (e) The proposed additional collocation and tower shall comply with all federal, state, and local safety requirements.

   (f) The proposed collocation and ancillary equipment shall not exceed the applicable weight limits or loads as stated by a North Carolina Registered Professional Engineer.

   (g) Proposed collocations that do not meet the standards of this subsection (5) shall be processed either pursuant to subsection (6) below or pursuant to this Section 2207, as applicable.

(c) Eligible facilities request applications for collocation pursuant to 47 U.S.C. G.S. §1445(a) shall be approved provided they meet the following requirements:

(a) A collocation on an existing antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater, and shall not cause the width (girth) of the structure to be increased more than 20 feet or the existing girth of the structure, whichever is greater.

(b) Any collocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).

(c) A collocation shall not add more than 4 additional equipment cabinets or 1 additional equipment shelter to be eligible as a collocation under this subsection (6).

(d) A collocation eligible under this subsection (6) shall not require excavation outside of existing leased or owned parcel or existing easements.

(e) Proposed collocations that do not meet the standards of this subsection (6) shall be processed either pursuant to subsection (5) above or pursuant to this section 2207, as applicable.

(c) <u>Attachments: Concealed & Non-Concealed</u>

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one (1) or more antennas may be mounted. Upon enactment of this Ordinance, any person, corporation, partnership, or other entity which intends to place an antenna on an alternative structure within the jurisdiction of this Ordinance must obtain a Permit (Level II). Attached antenna shall be subject to the following:

(1) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or structure

(2) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Planning Department and utility company.

(3) When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.

(4) Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(d) <u>Antenna Element Replacements</u>

For any replacement of an existing antenna element on an antenna, the applicant must, prior to making such modifications, submit the following:

(1) A written statement setting forth the reasons for the modification.

(2) A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.

(3) A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency

emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.

(4) A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of North Carolina indicating that the existing tower as well as all existing and proposed appurtenances meets North Carolina Uniform Statewide Building Code (USBC) requirements, TIA/EIA-222-G (as amended) including wind loading, for the tower.

(e) Mitigation

(1) Minimum Mitigation Accomplishments: Mitigation shall accomplish a minimum of one of the following:
   (a) Reduce the number of towers
   (b) Reduce the number of nonconforming towers
   (c) Replace an existing tower with a new tower to improve network functionality resulting in compliance with this Ordinance.

(2) Mitigation Requirements: Mitigation is subject to the following:
   (a) No tower shall be mitigated more than one (1) time.
   (b) Height: Level II and Level III
      (i) Level II: The height of a tower approved for mitigation shall not exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated. (For example, a 250 foot existing tower could be rebuilt at 287.5 feet)
      (ii) Level III: The height of a tower may exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated approved for mitigation with undisputable evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.
         (1) Setbacks: A new tower approved for mitigation of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being mitigated. The intent is to encourage the mitigation process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)
         (2) Breakpoint technology: A newly mitigated monopole or lattice tower shall use breakpoint technology in the design of the replacement facility.
         (3) Buffers: At the time of mitigation, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.
         (4) Visibility: Mitigated antenna-supporting structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height,

scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(f) Concealed Towers

(1) All new communications towers intended to replace an existing tower where the new tower meets the following requirements:
   (a) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit."
   (b) Application Fee
   (c) Site Plan (see also 'Application Requirements')

(2) Height: New concealed towers shall be limited to 199 feet or less in height. In residential zones the maximum height shall be 125 feet. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

(3) Setbacks: New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:
   (a) If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
   (b) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

(4) Equipment Cabinets: Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(5) Fencing: All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 6.6(E) below.

(6) Buffers: The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
   (a) All plants and trees shall be indigenous to this part of North Carolina.
   (b) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning Department.

(c) One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.
(d) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
(e) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(7) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
(a) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
(b) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
(c) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(8) Lighting: Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.
(a) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
(b) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(9) Equipment Compound: The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

(10) Visibility
(a) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

(b) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

(c) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and design of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within fifty (50) horizontal feet of the center of the proposed tower.

(d) The applicant shall meet the following for the required balloon test:

(i) Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.

(ii) The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.

(iii) The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.

(iv) Re-advertisement will not be required if inclement weather occurs.

(e) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

(f) In residential zoning districts, new towers shall only be permitted on lots whose principal use is not single-family residential, including schools, churches, synagogues, fire stations, parks, and other public property.

(g) Towers shall be constructed to accommodate antenna arrays as follows:

(i) All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

(ii) All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

(iii) All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.

(h) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

(g) DAS Facilities: DAS facilities shall be processed as attachments as set forth in subsection (c) of this Section 2207.

Section 2208. Permit (Level III) New Non-Concealed Towers

(a) Application Requirements: All Permit (Level III) applications shall contain the following:

(1) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit."

(2) Application Fee

(3) Site Plan (see also 'Application Requirements')

(b) Determination of Non Concealment: No new or mitigated freestanding tower shall be permitted unless the applicant demonstrates that no non-concealed tower can accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.

(c) Heights: Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be of monopole design and 199 feet or less in height. However, should a tower be required in excess of 200 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 199 feet shall be subject to the following additional requirements:

(1) Undisputable evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two (2) miles.

(2) Towers up to 250 feet will be monopole type design; towers in excess of 250 feet will be guyed type design;

(3) The tower shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network has developed to the point that such heights can be justified;

(4) Any new application which has demonstrated the need for height in excess of 250 feet may request a lattice tower only if it can be further demonstrated to the satisfaction of the Planning Board and Board of County Commissioners that a guyed wire tower is not financially feasible;

(5) In Residential zones the maximum height shall be 125 feet.

(d) Setbacks: New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:

(1) If the tower is constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100 foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)

(2) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

(e) Equipment Cabinets: Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(f) Fencing: All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 7(E) below.

(g) Buffers: The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:

(1) All plants and trees shall be indigenous to this part of North Carolina.

(2) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning Department.

(3) One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.

(4) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.

(5) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(h) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:

(1) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.

(2) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: “HIGH VOLTAGE - DANGER.”

(3) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(i) Lighting: Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

(1) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.

(2) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way consistent with FAA requirements.

(j) Equipment Compound: The enclosed compound shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

(k) Visibility:

(1) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

(2) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

(3) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within fifty (50) horizontal feet of the center of the proposed tower.

(4) The applicant shall meet the following for the required balloon test:

(a) Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.

(b) The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.

(c) The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.

(d) Re-advertisement will not be required if inclement weather occurs.

(5) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

(6) Towers shall be constructed to accommodate antenna arrays as follows:

(a) All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

(b) All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

(c) All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.

(7) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

(8) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

Section 2209. Permit (Level IV) Broadcast Facilities

(a) Application Requirements: All new broadcast towers shall meet the following requirements:
(1) Completion of the "Communications Tower Ordinance of Perquimans County, North Carolina Application Permit"
(2) Application Fee
(3) Site Plan (see also 'Application Requirements')

(b) Determination of Need: No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use.

(c) Heights: Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

(d) Setbacks: New broadcast facilities and anchors shall be subject to the setbacks described below: Minimum of 500 feet from any single-family dwelling unit on same lot, and minimum of one (1) foot for every one (1) feet of tower height from all adjacent lots of record.

(e) Equipment Cabinets: Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.

(f) Fencing: All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

(g) Buffer: Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities using existing vegetation or be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
(1) All plants and trees shall be indigenous to this part of North Carolina.
(2) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Department.

(3) One (1) row of evergreen trees with a minimum two (2) inches caliper, twenty-five (25) foot on center.
(4) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
(5) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(h) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
(1) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
(2) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
(3) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(i) Lighting: Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:
(1) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
(2) Lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements. Any security lighting for on-ground facilities and equipment shall be in compliance with dark sky lighting standards as approved by the County.

(j) Equipment Compound: The fenced in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

(k) Visibility: Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

Section 2210. Application Requirements

(a) Requirement for Collocation, DAS and Attachment

(1) A signed statement from the tower owner or owner's agent agreeing to allow the collocation of other wireless equipment on the proposed tower, if the structure is designed or capable of additional wireless equipment.

(2) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.

(3) Certification furnished by a registered professional engineer licensed in the State of North Carolina that the structure has sufficient structural integrity to support the proposed antenna and feed lines in addition to all existing and planned future equipment located or mounted on the structure.

(4) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.

(5) Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.

(6) Eligible facilities requests for collocation approvals pursuant to Section 153A-349.53, North Carolina General Statutes (as amended by S.L. 2013-185) are subject to the following:

(a) A complete eligible facilities request application shall be reviewed by the County within forty-five (45) days of submission, (or within some other mutually agreed upon timeframe). Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the forty-fifth (45) day from the date of receipt. Denials shall identify the deficiencies in the application which, if cured, would make the application complete.

(b) Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in this section, above, until all deficiencies identified are deemed cured and the application deemed complete. The County shall issue a written decision approving the request within 45 days of such application being deemed complete.

(c) If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.

(d) Eligible facilities request applications pursuant to Sections 153A-349.53, North Carolina General Statutes shall not be subject to design or placement requirement, or public hearing review.

(7) DAS facilities that are not being attached to existing infrastructure and require new infrastructure must provide submittals pursuant to subsection (b) of this Section 2210.

(b) Requirements for Mitigation & New Level II & III Towers

(1) A report and supporting technical data shall be submitted, demonstrating the following:

(a) All antenna attachments and collocations, including all potentially useable cross country utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.
(b) Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
(c) Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
    (i) No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
    (ii) Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
    (iii) Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
    (iv) Other limiting factors that render existing wireless communications facilities unsuitable.

(2) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of North Carolina or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.

(3) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).

(4) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.

(5) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended).

(6) An affidavit by a radio frequency engineer demonstrating compliance with 'Locating Alternatives Order' section of this Ordinance. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.

(7) Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.

(8) Written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.

(9) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).

(10) A map showing the designated search ring.

(11) Materials detailing the locations of existing antenna and tower facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.

(12) A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new tower.

1. These documents are needed to justify a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed facility.

(13) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.

(14) Six (6) sets (24″×36″) of signed and sealed site plans shall include the following:

(a) Name of project and date
(b) Deed Book, and Page and Map Book and Page Reference
(c) Scale, north arrow, and vicinity map
(d) Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
(e) Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.
(f) Tower elevations
(g) Landscape buffering plans
(h) Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod

(i) One (1) parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound, or the development area as defined on the site plan.
(j) Location, classification, and size of all major public or private streets and rights-of-way
(k) Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
(l) Two (2) reduced copies (8½″×11″), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.

(15) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.

(16) List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the Perquimans County Tax Department, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.

(17) Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties including:
(a) Overall height
(b) Configuration
(c) Physical location
(d) Mass and scale
(e) Materials and color
(f) Illumination
(g) Architectural design

(18) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Ordinance.

(19) A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the County as indicated on the list of wireless service providers provided by the County:

"Pursuant to the requirements of the Perquimans County Zoning Ordinance, Article XXII is hereby providing you with notice of our intent to meet with the County Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _____ (physical address, latitude and longitude (NAD-83)). In general, we plan to

construct a tower of _____ feet in height for the purpose of providing _____ (type of wireless service)_____. Please inform the County Staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed tower. Please provide us with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.
Sincerely, (pre-application applicant, wireless provider)"

(20) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

(c) Requirements for New Level IV Towers

(1) Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.

(2) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf, if applicable.

(3) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.

(4) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended).

(5) A written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.

(6) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).

(7) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.

(8) Six (6) sets (24″×36″) of signed and sealed site plans shall include the following:

(a) Name of project and date

(b) Deed Book, and Page and Map Book and Page Reference

(c) Scale, north arrow, and vicinity map

(d) Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)

(e) Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use

(f) Landscape buffering plans
(g) Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
(h) One (1) parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound, or the development area as defined on the site plan.
(i) Location, classification, and size of all major public or private streets and rights-of-way
(j) Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
(k) Two (2) reduced copies (8½″×11″), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
(l) Structure elevations

(9) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.

(10) List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the Perquimans County Tax Department, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.

(11) A pre-application conference will be required for any new broadcast facility.

(12) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

Section 2211. Review & Decision Making Bodies

(a) Powers and Duties of the Board of Adjustment: The Board of Adjustment shall have the following powers and duties:

(1) Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning and Zoning Administrator in the enforcement of this Ordinance.

(2) Variances: The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special condition, a literal interpretation of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardships only upon findings of the Board of Adjustment after a public hearing in accordance with Articles XVI and XXIII.

(3) Procedures: Appeals from the enforcement and interpretation of this Ordinance and requests for variances shall be filed with the Planning and Zoning Administrator specifying the grounds thereof. The Planning and Zoning Administrator shall

transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances.

(4) Fees: The County Board of Commissioners shall set a fee, payable to Perquimans County, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the County's Planning and Zoning Office.

(b) Planning Board Review and Board of County Commissioners Action: The Planning Board shall consider new applications for Level III and IV Permits at a public meeting and make recommendation to the Board of County Commissioners. The BCC shall consider the application, the Planning Board recommendation and comments at a public hearing and may grant or deny the Conditional Use Permit pursuant to Article IX of the Zoning Ordinance.

(c) Planning and Zoning Administrator: The Planning and Zoning Administrator or his/her designee will review new applications for Level I and II Permits and make a determination as to whether a given request constitutes major modifications requiring additional review at a public meeting by the Planning Board and BCC.

Section 2212. Text Amendments

(a) Amendments: The Perquimans County Board of Commissioners may from time-to-time amend the terms of this Ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation pursuant to Article XIII of the Zoning Ordinance).

(b) No amendment shall be adopted by the BCC until they have held a public hearing on the amendment pursuant to Article XIII. Notice of the hearing shall be published in a newspaper of general circulation in Perquimans County at least once a week for two (2) successive weeks prior to the hearing, the first publication being not less than ten (10) days nor more than twenty-five (25) days before the date of the hearing. In computing the ten (10) day, twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is to be counted.

Section 2213. Administration, Fees, Enforcement & Penalties

(a) Administration: This Ordinance shall be administered and enforced by the Planning and Zoning Administrator of Perquimans County or designee. The County may, through contract, secure the professional services of telecommunications consultants to assist County staff in the implementation of this Ordinance. Such professional, services include, but are not limited to, review and evaluation of permit applications, determination of compliance with existing and proposed Federal regulations, minimization of the aesthetic impact, review of the technical data and expert testimony as needed.

(b) Review Fees: The Perquimans County Board of Commissioners shall set a fee, payable to Perquimans County, to cover the necessary processing cost of all Communications Tower Permits. The set fee shall be posted in the Planning and Zoning Office. Applications for a Communications Tower Permit requiring a new or additional tower or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall require payment of a nonrefundable application fee. Private business users operating a single communication tower for their own use at their principal place of business and governmental users are exempt from the application fees.

(c) Supplemental Review: The County reserves the right to require a supplemental review for any Permit (Level I, II, III, or IV) subject to the following:

(1) Where due to the complexity of the methodology or analysis required to review an application for a Permit (Level I, II, III or IV) facility, the County may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Perquimans County Fee Schedule.

(2) Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

(3) The supplemental review may address any or all of the following:

(a) The accuracy and completeness of the application and any accompanying documentation.

(b) The applicability of analysis techniques and methodologies.

(c) The validity of conclusions reached.

(d) Whether the proposed communications facility complies with the applicable approval criteria set forth in these codes.

(e) Other items deemed by the County to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.

(d) Enforcement: If the Ordinance Administrator shall find that any of the provisions of this Ordinance are being violated, it shall notify in writing the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Planning and Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by other zoning regulations contained herein and other laws to insure compliance with or to prevent violation of the provisions of this Ordinance.

(e) Penalties and Fees: Any person failing to take corrective action within a reasonable time after receiving written notice from the Planning and Zoning Office and any person operating a Communications Tower without a valid permit shall be guilty of a misdemeanor and may be punished by a fine not to exceed five-hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days. Each day such violation shall be permitted to exist shall constitute a separate offense. Additional penalties and fines apply pursuant to Article IV of this Ordinance.

(f) Other Requirements for Level III and IV Permits: In addition to the general requirements set forth above, applications for permits requesting new or additional Communications Tower, or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall be reviewed and processed in accordance with the following provisions:

(1) Approval Process: Applications for Communications Towers or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall be submitted in writing to the Planning and Zoning Administrator or his/her agent(s) and shall contain all information required by this Ordinance as well as any additional information the Planning and Zoning Administrator or his/her agent(s) deem necessary and appropriate. The public hearing procedures described for "Conditional Use Permits" in Article XXIII, Hearing Procedures for Appeals and Applications, shall apply to all Communications Towers. The Board of County Commissioners is authorized either to grant or deny a Communications Tower permit under this Article.

(2) Applicant's Burden: The applicant for a Communications Tower shall bear the burden of demonstrating by substantial evidence in a written record that a ***bona fide*** need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunications tower.

(3) Application Fee: Applications for a Communications Tower permit requiring a new or additional tower or increases in tower or alternative structure height (not including the height of a co-locating antenna), shall require payment of a nonrefundable application fee as established by the Board of County Commissioners per separate fee schedule. The application fee is subject to change by resolution of the Board of County Commissioners. Private business users operating a single communication tower for their own use at their principal place of business and governmental users are exempt from the application fees.

(4) Application Submittal Date: An application for a communication tower shall be submitted to the Planning and Zoning Administrator for his/her agent(s) on forms provided by the Planning and Zoning Administrator or his/her agent(s) at least forty-five (45) days before the Planning Board meeting at which the application shall be considered. The Planning Department shall review the application for completeness and notify the applicant of any deficiencies within seven (7) days of receiving application. The applicant shall correct the deficiencies at least thirty (30) days before the Board of County Commissioners public hearing at which the application shall be considered. The application shall be deemed complete on the date that all deficiencies are corrected. The applicant shall submit eight (8) copies of application materials at least forty-five (45) days before the Planning Board meeting at which the application shall be considered, and an additional twelve (12) copies at least ten (10) days before the BCC's hearing at which the application shall be considered.

(5) Retention of Consultants: The County may elect to retain outside consultants or professional services to review the application and make determinations and recommendations on relevant issues including but not limited to, verification of the applicant's due diligence, analysis of alternatives, and compliance with State and

Federal rules and regulations at the applicant's sole expense. Initially, a cash bond or other security satisfactory to the County, guaranteeing payment of such expenses shall be required. An application shall not be deemed complete until the application fee and bond or other security has been received by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. The Planning and Zoning Administrator or designee shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application. Private business users operating a single communications tower for their own use at their principal place of business and governmental users are exempt from the bond requirement.

(6) Public Notice: Notice of an application for a proposed telecommunication tower shall comply with the provisions of N.C.G.S. 153A-323 and 153A-343 as amended and, at a minimum, shall comply with the following:

(a) Newspaper Notice: The Planning and Zoning Administrator or his/her agent(s) shall cause a notice of any public hearing to be published as a legal advertisement in a newspaper of general circulation in Perquimans County once a week for two consecutive weeks, the first publication of which shall not appear less than ten (10) days or more than twenty-five (25) days prior to the date set for a public hearing. The notice shall include the date, time, and place of the hearing as well as information about the proposed telecommunication tower including its type, height, location and any other information the Ordinance Administrator or his/her agent(s) shall deem necessary or appropriate.

(b) Notice to Affected Property Owners: The applicant shall provide the Zoning Administrator or his/her agent(s) with two sets of addressed, stamped envelopes to all of the property owners to be notified per (1) and (2) below before any public hearing shall be conducted. A wireless telecommunication permit application shall not be considered complete until a comprehensive list is provided. The County will verify the list of names for completeness and shall mail notices per the following provisions:

(i) Adjacent or abutting property owners. Notice of any public hearing shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunication tower at the last address listed for such owners in the County property tax records.

(ii) Notice to other affected property owners. Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

(iii) Timeliness of notice. Any notices required under the above subsections shall be mailed at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.

(a) Posted Notice: A sign advertising the application for a proposed telecommunication tower, and any scheduled public hearings, shall be posted by the Zoning Administrator or his/her agent(s) in a prominent location on or near

the parcel containing the proposed telecommunication tower, or on a nearby public road. Such signs shall be posted at least ten (10) days prior to any public hearing.

(b) Additional Notice Regarding Material Changes: In the event the applicant shall seek to increase the height of a proposed telecommunication tower, or move its location more than fifty (50) feet laterally, from that stated in the original notices required above, additional notice shall be required to be given in accordance with the above provisions and all required time periods shall run from the date of supplemental notification.

Section 2214. Post-Construction Approval Fees and Certificate of Zoning Compliance.

The Perquimans County Board of County Commissioners shall set fees, payable to Perquimans County, to cover the costs of conducting a post-construction approval of all facilities constructed or modified pursuant to this Section. The set fees shall be posted in the Planning and Zoning Office and shall reflect the level of review necessary for such approval. For example, facilities subjected to supplemental review hereunder shall only require final verification prior to issuance of a Certificate of Zoning Compliance. Eligible facilities request applications processed under 153A-349.53, North Carolina General Statutes which were not subject to supplemental review shall require independent verification of construction in compliance with applicable codes and regulations prior to issuance of a Certificate of Zoning Compliance and shall require a higher fee. The County may engage outside consultants or professional services to perform such post construction inspections. Private business users operating a single communications tower for their own use at their principal place of business and governmental uses are exempt from the post-construction approval fees.

Section 2215. Interpretation of Certain Terms & Definitions

(a) Interpretation: The following assumptions shall be made:

(1) Words used in the present tense include the future tense.
(2) Words used in the singular number include the plural, and words used in the plural number include the singular.
(3) The word “shall” is always mandatory and not merely directory.
(4) The word “may” is permissive.
(5) The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

(b) Definitions:

(1) Alternative Structure- A structure that is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted, including but not limited to buildings, silos, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

(2) Amateur Radio Tower- Any tower used for amateur radio transmissions consistent with the “Complete FCC U.S. Amateur Part 97 Rules and Regulations” for amateur radio towers.

(3) Ancillary Structure- For the purposes of this Ordinance, any form of development associated with a communications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

(4) Anti-Climbing Device- A piece or pieces of equipment, which are either attached to a tower, or which are freestanding and are designed to prevent people from climbing the structure, including fine mesh wrap around structure legs, "squirrel-cones," and other approved devices, but excluding the use of barbed or razor wire.

(5) Antenna- Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & HDTV), yagi, or parabolic (dish) antennas.

(6) Antenna Array- A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

(7) Antenna Element- Any antenna or antenna array.

(8) ASR- The Antenna Structure Registration Number as required by the FAA and FCC.

(9) Base Station- The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.

(10) Board of Adjustment- The Board of Adjustment of Perquimans County as defined by the Perquimans County Zoning Ordinance.

(11) Breakpoint Technology- The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

(12) Broadcast Facilities- Towers, antennas, and/or antenna arrays for AM/FM/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.

(13) Collocation- The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.

(14) Combined Antenna- An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

(15) Concealed- A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two (2) types of concealed facilities:

(a) Antenna Attachments: including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure; and

(b) Freestanding: Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

(16) DAS- Distributed Antennas Systems consist of an antenna and transmit/receive electronics with the capability of providing personal wireless services for one or more individual service providers, utilizing existing infrastructure where available. See Combined Antennas.

(17) Development Area- The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.

(18) Discontinued- Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.

(19) Equipment Compound- The fenced-in area surrounding the ground-based wireless communication facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

(20) Equipment Cabinet- Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

(21) FAA- The Federal Aviation Administration.

(22) FCC- The Federal Communications Commission.

(23) Feed Lines- Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

(24) Flush-Mounted- Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

(25) Guyed Structure- (see Guyed Tower)

(26) Geographic Search Ring- An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

(27) Handoff Candidate- A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

(28) Lattice Structure- (see Lattice Tower)

(29) Least Visually Obtrusive Profile- The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

(30) Microwave Dish Antenna- a usually round or oval concave antenna element sometimes with a radome (cover) for the purpose of sending and /or receiving data for high speed communications generally for high speed wireless broadband use.

(31)Mitigation- A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Ordinance, or improve aesthetics or functionality of the overall wireless network.

(32) Monopole Structure- (see Monopole Tower)

(33) Non-concealed- A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

(34) Personal Wireless Service- Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the *Telecommunications Act of 1996.*

(35) Public Safety Communications Equipment- All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the County and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

(36) Radio Frequency Emissions- Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.

(37) Radio Frequency Propagation Analysis- Computer modeling to show the level of signal saturation in a given geographical area.

(38) Replacement- (see Mitigation)

(39) Satellite Earth Station- A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

(40) Structure- Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

(41) Tower- Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, collocations on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. Types of support structures include the following:

(a) Guyed Tower - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

(b) Lattice Tower- A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

(c) Monopole Tower- A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

(42) Tower Base- The foundation, usually concrete, on which the wireless telecommunications tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

(43) Tower Height- The vertical distance measured from the grade line *(or tower base)* to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

(44) Tower Site- The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.

(45) Variance- A modification of the terms of this Ordinance where a literal enforcement of this Ordinance would result in an unnecessary hardship and shall be reviewed and issued by the Board of Adjustment.

(46) Waveguide- Feed lines used specifically for microwave dish antennas.

ARTICLE XXIII: HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 2301. Hearing Required on Appeals and Applications

(a) Before making a decision on an appeal or an application for variance or Conditional Use Permit, or a petition from the Administrator to revoke a Conditional Use Permit, the Board of Adjustment or the Board of County Commissioners, as the case may be, shall hold a hearing of the appeal or application.
(b) The Board of County Commissioners shall act in a legislative capacity on rezonings and amendments to the Ordinance's text. The Board of County Commissioners and Board of Adjustment shall act in a quasi-judicial capacity when ruling on Conditional Use Permits and Appeals, respectively. In these instances, action by the Board of County Commissioners or Board of Adjustment requires a majority vote, as stipulated in Section 210(d) "Powers and Duties of the Board of Adjustment."
(c) Subject to subsection (d), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
(d) The Board of Adjustment or Board of Commissioners may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.
(e) The hearing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of eight (8) weeks or more elapses between hearing dates.

Section 2302. Notice of Hearing

(a) Conditional Use Permits:

(1) The Applicant shall provide two sets of addressed, stamped envelopes to all adjacent property owners as shown on the County tax listing within one hundred fifty (150) feet of the subject property as well as two self-addressed stamped envelopes.
(2) The Zoning Administrator shall send notice to the adjacent property owners no later than ten (10) days prior to the public meeting or public hearing in question. Notice shall be mailed twice, once before the Planning Board meeting and once before the Board of County Commissioners' public hearing.
(3) The Zoning Ordinance may provide that the Board of Adjustment may hear and decide special and conditional use permits in accordance with standards and procedures specified in the Ordinance. Reasonable and appropriate conditions may be imposed upon these permits.
(4) The Zoning Administrator shall give notice to other potentially interested persons by publishing a notice in the newspaper having general circulation in the area one time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for the hearing.

(b) Amendments to the Zoning Atlas

(1) The Applicant shall provide two sets of addressed, stamped envelopes to all adjacent property owners as shown on the County tax listing within one hundred fifty (150) feet of the subject property as well as two self-addressed stamped envelopes.
(2) The Zoning Administrator shall send notice to the adjacent property owners no later than ten (10) days prior to the public meeting or public hearing in question. Notice shall be mailed twice, once before the Planning Board meeting and once before the Board of County Commissioners public hearing.
(3) The Zoning Administrator shall give notice to other potentially interested persons by publishing a notice in the newspaper having general circulation in the area one time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for the hearing.

(c) Large Amendments to the Zoning Atlas: In the case of an amendment to the Zoning Atlas that involves more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, the County may notify using the procedures outlined in N.C.G.S. 153A-343.

(d) Amendments to the Zoning Ordinance: The Zoning Administrator shall give notice to other potentially interested persons by publishing a notice in the newspaper having general circulation in the area one time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for the hearing.

(e) Variances

(1) The Applicant shall provide one set of addressed, stamped envelopes to all adjacent property owners as shown on the County tax listing within one hundred fifty (150) feet of the subject property as well as a self-addressed, stamped envelope.
(2) Notice of hearings 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 the zoning ordinance. In the absence of evidence to the contrary, the County may rely upon 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 hearing on the site that is the subject of the hearing or on adjacent street or highway right-of-way.
(3) The Zoning Administrator shall give notice to other potentially interested persons by publishing a notice in the newspaper having general circulation in the area one time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for the hearing.

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

(1) Any person who has standing under G.S. 160A-393(d) or the County may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.

(2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
(3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
(4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
(5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
(6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
(7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
(8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that

ought to be made. The board shall have all the powers of the official who made the decision.

(9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

(10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(g) The Zoning Administrator shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is not the Board's intention that failure to comply with any of the notice provisions that are not statutorily required shall render any decision invalid.

Section 2303. Evidence

(a) The provisions of this Section apply to all hearings for which notice is required by Section 2201.

(b) All persons who intend to present evidence to the permit issuing board, rather than arguments only, shall be sworn.

(c) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based on reliable and competent evidence. In no case may crucial findings be based solely upon incompetent evidence (hearsay) unless competent evidence is not reasonably available, the evidence in questions appears particularly reliable, and the matter at issue is not seriously disputed.

Section 2304. Modification of Application at Hearing

(a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Commissioners or Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.

(b) Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to and reviewed by the planning staff.

Section 2305. Record: Accurate minutes shall also be kept of all such proceedings.

Section 2306. Written Decision

(a) Any decision made by the Board of Adjustment or Board of Commissioners regarding an appeal, variance, or the issuance or revocation of a Conditional Use Permit shall be

reduced to writing and mailed by certified mail return receipt requested to the applicant or appellant and all other persons who make a written request for a copy.

(b) In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts, whenever this Ordinance requires the same as a prerequisite to taking action.

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

(i) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
(ii) The word "shall" is mandatory and not discretionary.
(iii) The word "may" is permissive.
(iv) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
(v) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
(vi) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
(vii) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Abutting: Having a property or district lines in common, i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Accessory Building or Use: A building or use, not including signs, which is:
(i) Conducted or located on the same zoning lot as the principal building or use, except as may be specifically provided elsewhere in the Ordinance;
(ii) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and,
(iii) Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Establishment: An establishment that includes one of the following businesses:
(i) Adult Bookstores;
(ii) Adult motion picture theater housed in a permanent indoor structure;
(iii) Clubs and other places of entertainment operated as a commercial enterprise providing nude or seminude entertainment such as "topless" dancing;
(iv) Eating and drinking establishments providing nude or seminude entertainment such as "topless" dancing;

(v) Any physical culture establishment, masseur, massage parlor, health salon, or club not otherwise defined by this Ordinance; and,
(vi) Adult motels and hotels.

Adult Motels and Hotels: A place where motion pictures not previously submitted to or not rated by the Motion Picture Association of America are shown in rooms designed primarily for lodging, which said motion pictures have a s the dominant primary theme matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Agriculture: The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry. However, the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

Airfield, Small Private: The use of a field or grassed runway, on a noncommercial basis for privately owned airplanes when the owner of at least one (1) of the resident planes lives on the premises. This small private airfield is not regulated by this Ordinance.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley: A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

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.

Alternative Structure (regarding Wireless Telecommunication Facilities): A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards, and electric transmission towers.

Anemometer: An instrument which measures and records the speed and direction of the wind and which may transmit this wind data to the controller of the temporary tower.

Antenna: Any exterior transmitting or receiving device that radiates or captures electromagnetic waves (excluding radar signals).

Antenna, Dual-Band/Multi-Band: An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized manufactured radio).

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

Applicant: The property owner(s) or authorized agent submitting a petition or application pursuant to procedures covered by this Zoning Ordinance.

Assembly: A joining together of completely fabricated parts creating a finished product.

Automobile Service Station (Gas Station): Any building or land used for dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pump within fifteen (15) feet of any property line or right-of-way and incidental activities shall not include tire retreading, major bodywork, major mechanical work, or upholstery work.

Bed and Breakfast: A form of temporary housing for transients with breakfast included but no other meals available. There is no restaurant, but only a dining room may be used by overnight guests, which is open only during breakfast hours. The owner must be a resident.

Berm: Any elongated earthen mound designed or constructed to separate, screen, or buffer adjacent land uses.

Billboard: See “Off-Premises Sign” under “Signs.”

Block: A tract of land or a lot or a group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the County or its towns or any combination of the above.

Block Frontage: That portion of a block that abuts a single street.

Board of Adjustment: A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

Board of County Commissioners: The governing body of Perquimans County.

Boarding House: A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

Bona Fide Farm: Any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and other forms of agricultural products having a domestic or foreign market. In addition, this Ordinance does not impose nor exercise any controls over croplands, timberlands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

Buffer: A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

Buildable Area (Building Envelope): The space remaining on a zoning lot after the minimum open-space requirements (yards, setbacks) have been met.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, manufactured homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

Building, Accessory: See Accessory Building or Use.

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 height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height. For all other structures, building height shall be 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. Exceptions to these definitions are in Section 703 and 1103.

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, Principal (Main): A building in which is conducted the principal use of the plot on which it is situated.

Building Setbacks: The minimum distance from the property line to 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 (Front Yard Setback): A line measured parallel to the front property line (street right-of-way) in front of which is no structure, including uncovered porches, steps, eaves, and gutters, shall be erected. On a flag lot the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part) which is closes to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width).

Built-Upon Area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities, (e.g. tennis courts), etc. (Note: Wooded slatted decks, golf courses, and the water area are not considered built-upon area).

Campground: Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or other vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Canopy, Marquee, or Awning: A roof-like cover extending over a sidewalk, walkway, driveway, or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature.

Car Wash: A building, or portion thereof, containing facilities for washing automobiles or other vehicles, using production line methods with a chain conveyor, blower, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

Certificate of Occupancy: Official certification that a premises conforms to provisions of the Zoning Ordinance (and State Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Child Care Center: A child care arrangement where, at any one time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving child care.

Child Care Home, Family: A child care arrangement located in a residence where, at any time, more than two (2) children, but less than (9) children receive child care.

Child Day Care: Any child care arrangement where three (3) or more children under thirteen (13) years of age receive care away from their own home by persons other than relatives, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include seasonal recreational programs operated for less than four (4) consecutive months. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible.

Child Day Care Facility: Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), which provides day care on a regular basis at least once a week for more than four (4) hours, but less than twenty-four (24) hours, per day for more than five (5) children under the age of thirteen (13) years, whether the same or different children attend, and whether or not operated for profit. The following are not included: public schools; nonpublic schools, as described in G.S. 110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and Bible schools normally conducted during vacation periods.

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 a 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.

Common Open Space: A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development an designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

Commercial Solar Energy Production: A term used to describe a Solar Collector or an array of Solar Collectors which will produce energy in excess of that needed to meet the needs of the on-site customer. Such an arrangement requires compliance with

minimum design standards which are not imposed upon a single-family residential customer whose production does not exceed onsite consumption after rounding up to the nearest solar collector needed to satisfy onsite consumption.

Condominium: A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

Contractor: One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this Ordinance, the term "contractor does not include general assembly, fabrication, or manufacture at his business location.

Convalescent Home (Nursing Home): An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, by the will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Conversion: Changing the original purpose of the building to the different use.

Covenant: a private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

Day Care Facility: See "Child Day Care Facility."

Dedication: The transfer of property from private to public ownership with no compensation involved.

Density: The average number of families, persons, housing units, or buildings per unit of land.

District: See "Zoning District."

Doublewide: A Class B Manufactured Home that is manufactured off-site and transported in sections to the building lot. A doublewide manufactured home has a minimum width of twenty-four (24) feet.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Driveway: A private roadway located on a parcel or lot used for vehicular access.

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

Dwelling, Attached: A dwelling that is joined to another dwelling at one or more sides by a party wall or other walls.

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, Multifamily: A building containing three (3) or more dwelling units, except where permitted as an accessory use.

Dwelling, Resumed Single Family: A building

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, Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. (Review note: Sec. 508)

Dwelling Unit: One or more rooms that 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."

Easement: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

Energy Generating Facility: A facility that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of energy facilities may include, but are not limited to: petroleum; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

Erect: Build, construct, rebuild, reconstruct, or re-erect any building or other structure.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal, ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family: One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit. For the purpose of this Ordinance, such persons may include gratuitous guests, also persons living together voluntarily as a family in a dwelling as a single housekeeping group.

Family Care Home: A facility that provides health, counseling, or related services, including room, board, and care, to six (6) or fewer handicapped persons in a family-type environment. These handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

Fence, Security: A fence designed to keep out unauthorized persons and kept locked when they are or facility is not in use or under observation. Security fences are often equipped with a self-closing and positive self-latching mechanism.

Floor Area (for determining off-street parking and loading requirements): The gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

Floor Area, Gross: The total floor area enclosed within a building.

Force Majeure: Defined for permit applications submitted for Wind Energy Facilities and shall include any event or act resulting from acts of God; terrorism; fire; explosion; vandalism; local, state, or federal governmental action; unusual shortage of materials; labor strikes or other unusual labor unavailability; riots; war; or any other similar cause beyond the Wind Energy Facility Owner's and/or Operator's reasonable control that delays, hinders, or prevents the generation of electricity from the Wind Energy Facility.

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

Garage, Commercial: Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sell.

Garage, Parking: Any building or premises, other than a private or commercial garage, used exclusively for the parking or storage of motor vehicles.

Garage, Private: A building or space used as an accessory to, or a part of, the main building permitted in any residential district, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way conducted, except in an approved home occupation.

Grid-Tied Solar System: A photovoltaic solar system that is connected to an electric circuit by an electric utility company.

Groundcover: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Highway Corridor: A highway, street, or road, and its right-of-way and adjoining properties which serves as a primary traffic artery serving major centers of activity and carrying traffic between such centers at moderate speeds, which primarily has the function of carrying traffic which as an origin and destination removed from that street itself, and access to which is primarily provided by at-grade intersections which may be signal-controlled.

Home Care Unit: A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, and is housed on a lot of at least one (1) acre in size).

Home for the Aged, or Rest Home: A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated.

A major factor that distinguishes those homes is that the residents may be given congregate services as distinguished from the individualization of medical care required in "patient" care. A person may be accepted for sheltered or custodial care because a disability that does not require continuing planned medical care, but which does make him unable to maintain himself in individual living arrangements. For the purposes of this Ordinance, a "home for the aged" shall also be considered a "rest home."

Home Occupation (Standard): Any occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof, providing the following: provided that the home occupation use is clearly

subordinate to the use of the principal residential structure for residential purposes and limitations are prescribed through the Conditional Use Permit process to insure against the growth of the home occupation into a commercial or industrial enterprise. The Planning and Zoning Administrator shall issue a Zoning Permit for a standard home occupation in the RA Zone without a Conditional Use Permit provided that the Applicant agree**s** to certain limitations on notarized forms provided by the Planning and Zoning Administrator, as follows:

A. That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the essential residential character or appearance of the dwelling or accessory building;
B. That no more than twenty-five percent (25%) of the total floor area of the dwelling is used for such purposes;
C. That there is no outside or window display;
D. That no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment.

Home Occupation of an Industrial or Commercial Nature: A home occupation in a rural area that may be of a heavier commercial or industrial nature than a typical home occupation, provided that the home occupation use is clearly subordinate to the use of the principal residential structure for residential purposes and limitations are prescribed through the Conditional Use Permit process to prevent incompatible processes normally associated with commercial or industrial uses from adversely impacting adjacent or nearby residential uses or districts. The business owner resides on the premises, but the amount of the floor area used and the type of equipment used may be different than the standard home occupation and more than one person not a resident of the dwelling may be employed. Such home occupations may include commercial or industrial uses listed in the Table of Uses.

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.

Impervious Surface Area: That portion of the land area that allows little or no infiltration of precipitation into the soil. Impervious areas include, but are not limited to, that portion of a development project that is covered by buildings, areas paved with concrete, asphalt, or brick, gravel roads, patios, driveways, streets, and recreation facilities such as tennis courts. (Note: wooden slatted decks and the water area of a swimming pool are considered impervious).

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.

Inoperative Vehicle: Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle that is registered with the North Carolina Division of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

Junk Yard: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

Kennel: An establishment where dogs are bred, trained, or boarded.

Landfill, Demolition: 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 the requirements of 15A NCAC 13B regarding solid waste management.

Landscaped Area: A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

Loading Area or Space, Off-Street: An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Lot: A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as required by this Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds. For the purpose of this Ordinance, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

Lot, Corner: A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn

from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

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, Interior: A lot other than a corner lot.

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, Through: An interior lot having frontage on two streets.

Lot, Width: The straight-line distance between the points where the building setback line intersects the two side lot lines.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the office of the Perquimans County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds by the owner or predecessor in title thereto.

Manufactured Home, Class A. A manufactured structure designed for year-round residential or 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.

Manufactured Home, Class B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. A Class B manufactured home also meets size standards of a typical **doublewide** manufactured home placed on a permanent foundation.

Manufactured Home, Class C. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. A Class C manufactured home meets the size standards of a typical **singlewide** manufactured home.

Manufactured Home, Class D. Any manufactured home that does not meet the definitional criteria of a Class A, Class B, or Class C manufactured home. Class D manufactured homes are manufactured homes constructed prior to July 1, 1976, and may not be relocated within any zoning district, but may be relocated to an established manufactured home park or manufactured home subdivision within Perquimans County. Class D manufactured homes are further defined as including only those manufactured homes located within the boundaries of Perquimans County as of October 1, 2002. No Class D manufactured home from an area outside Perquimans County shall be permitted in Perquimans County after this date.

Manufactured Home Park. A residential use in which more than one (1) manufactured home is located on a single lot, tract, or parcel of land.

Manufactured Home Subdivision, Existing. A subdivision that (a) was in existence prior to October 25, 1985, and contained 60% Class "B" manufactured homes or, (b) received either preliminary or final plat approval prior to October 1, 2002, and was platted or intended to be platted as a manufactured home park subdivision. Manufactured home park subdivisions shall include, but not be limited to: _____.

Manufactured Home Park: Any site or tract of land, of contiguous ownership upon which manufactured home spaces are provided for manufactured home occupancy, whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

Manufactured Home Space: A plot of land within a manufactured home park designed for the accommodation of one manufactured home.

Manufactured Home Stand: That portion of the manufactured home space intended for occupancy by the manufactured home proper, consisting of a rectangular plat of ground of at least 12 by 60 feet.

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.

Meteorological (MET) Tower: The platform for anemometers and other atmospheric monitoring equipment including but not limited to wind vanes, barometers, thermometers, data transmission components, small solar array, etc.

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 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 lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.

Nonconforming Use: The use of a building, manufactured 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.

Nonconformity, Dimensional: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure, or the relationship between an existing building or buildings and other buildings or lot lines (i.e. setbacks), does not conform to the regulations applicable to the district in which the property is located.

Non-Participating Landowner: Defined for permit applications submitted for Wind Energy Facilities and includes a landowner not under agreement with the Applicant or Wind Energy Facility Owner or Operator.

Normal Water Level: The level of water bodies with less than six inches of lunar tide during periods of little or no wind. It can be determined by the presence of such physical and biological indicators as erosion escarpments, trash lines, water lines, marsh grasses and barnacles. (Intended to correspond to Subchapter 7H – State Guidelines for Areas of Environmental Concern, General Definitions (15A NCAC 07H.0106), as amended. Replaces the County's former use of "water's edge.")

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Off-Grid Solar System: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Occupied Building: Defined for permit applications submitted for Wind Energy Facilities and shall include a business, school, hospital, church, public library or other permanent structure used regularly for public gathering that is occupied or in use and connected to water, sewer and electric utilities. Accordingly, an Occupied Building shall not include Residences (as defined below), barns, sheds, grain bins, and any similar farm structure or accessory structure, and any other building or structure used infrequently or intermittently.

Ordinance: This, the Zoning Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to, the reference includes the effective date of any amendment to it.

Overlay District: A district, as established in Article XVII "Highway Corridor Overlay Districts," which applies supplementary or replacement regulations to land, which is classified, into a general use district or a conditional use district.

Parking Lot or Area: An area or plot of land used for, or designated for, the parking or storage of vehicles, either as a principal use or as an accessory use.

Parking Space: A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.

Parking Space, Off-Street: A parking space located outside of a dedicated street right-of-way.

Participating Landowner: A landowner under lease or agreement with the Applicant or Wind Energy Facility Owner pertaining to the Wind Energy Facility. A waiver of setback, sound, and/or Shadow Flicker provisions constitutes an agreement with the Wind Energy Facility Owner under Section 907.27(6)(c).

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Planned Unit Development, "PUD" (Planned Residential Development, "PRD"): A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, with a potential mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Planning and Zoning Administrator (Zoning Administrator): The Official charged with the enforcement of the Zoning Ordinance.

Plat: A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this and other ordinances.

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.

Private Road or Street: Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Residence. Defined for permit applications submitted for Wind Energy Facilities and shall include any permanent habitable dwelling.

Residential District of Land Zoned Residential: Indicates any District in which residential uses are permitted. Residential uses include manufactured homes.

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.

Satellite Dish Antenna (Earth Station): A dish antenna, or earth station, is defined as an accessory structure and shall mean a combination of:

A. Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
B. A low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
C. A coaxial cable whose purpose is to carry the signals into the interior of the building.

Self-Service Gasoline Pump: A gasoline or diesel fuel dispensing pump that is operated by the customer who pays the charge to an attendant or cashier.

Setback: The required minimum distance between every structure and the lot lines of the lot on which it is located.

Shadow Flicker: Defined for permit applications submitted for Wind Energy Facilities. Shadow flicker is the visible flicker effect when rotating wind turbine blades cast shadows causing the repeating pattern of light and shadow.

Shopping Center: A commercial area with one or more buildings or lots and designed as a unit to house two (2) or more businesses offering products and/or services to the public.

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.

Sign, Awning: Any sign, constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building.

Sign, Banner: Any sign, except an awning sign, made of flexible fabric-like material.

Sign, Canopy: Any sign that is a part of, or mounted to, the side of a canopy.

Sign, Height: The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within regulations. In the case of a sign not adjoining a street or highway, the "height of sigh" is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

Sign, Identification (Directory): A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist attraction, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers. A directory sign is an identification sign with multiple names.

Sign, Informational: Any on-premises sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction, and prices.

Sign, Flashing: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a "flashing sign." Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

Sign, Freestanding: Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five (5) feet from the side of the building to which it is attached.

Sign, Gross Area: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display.

Sign, Monument: A freestanding sign, generally, but not necessarily, of a low profile in which there is usually no exposed frame, mast, or pole and which is built of brick, stone, concrete, wood, or other substantial material resembling a monument, fence or wall segment, or a berm.

Sign, Off-Premises (Billboard): A sign which directs attention to a business, commodity, service, entertainment, or other message not conducted, sold, or offered on the premises where such sign is located.

Sign Plan: See "Unified Sign Plan."

Sign, Pole: A type of freestanding sign supported by one or two poles or masts.

Sign, Portable: Any sign which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place. Such sign may or may not have changeable copy, may or may not be worked for lighting, and may or may not have wheels. "Sandwich boards" are included as portable signs.

Sign, Projecting: A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

Sign, Public Information: A sign usually erected on public property or right-of-way and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.

Sign, Roof: A sign that is displayed above the eaves of a building. These signs are not allowed by this Ordinance.

Sign, Surface Area: the size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that area encompassing the individual letters themselves, including the background behind the letters, any logo, and any trim or border.

Sign, Wall: A sign attached to or painted on a wall, not projecting away from the wall more than twelve (12) inches, with the exposed display surface in a plane parallel to the plane of the wall, and including signs attached to or otherwise displayed on or though a façade window. The following are not wall signs: wall identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

Singlewide: A Class C Manufactured Home that is manufactured off-site and transported as an assembled product to the building lot. A singlewide manufactured home has a width of less than twenty-four (24) feet.

Site Plan: A plan to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes such things as lot lines, streets, building sites, reserved open space, buildings, major landscape features – both natural and manmade and depending on requirements, the locations of proposed utility lines.

Small Scale Accessory Use Solar Collector/Energy System: A Solar Energy Panel or similar facility installed as an accessory use to an existing structure or facilities, with conditions and limitations as described elsewhere in this ordinance (see especially Article XI).

Solar Collector (accessory): Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of the devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

Solar Farm: A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site. Also referred to as Solar Power Plant; Solar Photovoltaic Farm; Large-Scale, Ground-Mounted Power Energy System. Also an area of land used for the sole purpose of deploying photovoltaic power and generating electric energy.

Specified Anatomical Areas: By reference, the definition of "specified anatomical areas" contained in N.C.G.S. 14-202.10 is incorporated into this Ordinance and shall be defined.

Specified Sexual Activities: By reference, the definition of "specified sexual activities contained in N.C.G.S. 14-202.10 is incorporated into this Ordinance and shall be defined as such.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Street: A thoroughfare which affords the principal means of access to the abutting property, including the avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

Street Line: The line between the street right-of-way and abutting property (i.e. right-of-way line).

Structure: Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or placement.

Subdivision: The current definitions for subdivision (including "major" and "minor"), are found in the Perquimans County Subdivision Regulations.

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

Tourist Home: Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging transients and travelers for compensation, where food may be served, other than a bed and breakfast.

Trailer: Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:

A. House Trailer: A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or a body length thirty-two (32) feet or less when equipped for road travel.
B. Recreation Vehicle: A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.
C. Camping Trailer: A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
D. Trailer: A vehicle hauled by another vehicle and designed to transport vehicles, boats, or freight.

Unattended Gasoline Pump: A gasoline or diesel fuel dispensing pump that dispenses fuel automatically according to the amount of money inserted into the pump. Such pumps are usually located without an attendant or other personnel at hand.

Understory: The small trees, shrubs, and other vegetation growing beneath the canopy of forest trees.

Unified Sign Plan: An overall plan for the placement and design of multiple signs for a building, group of buildings, or use on a single lot.

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.

Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space.

Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes: Any principal business enterprise, 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 distribute, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This definition includes, but is not limited to, internet sweepstakes, video sweepstakes, electronic gaming operations, internet cafes, and/or cybercafés. Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes shall only be allowed as a principal or primary use and shall not be permitted as an accessory use or combination use. Any lottery approved by the State of North Carolina is not included under this definition.

Wetlands: Those areas defined as wetlands by the United States Army Corps of Engineers from time to time. Generally wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Facility, Small: A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single Wind Turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

Wind Energy Facility, Medium: A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics~~,~~ which has a total rated capacity of more than 20 kW but not greater than 100 kW.

Wind Energy Facility, Large: A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW.

Wind Energy Facility Operator: The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

Wind Energy Facility Owner: The entity or entities having controlling or majority equity interest in a Wind Energy Facility, including their respective successors and assigns.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer.

Wind Turbine Height: The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wireless Telecommunication Facility: Equipment at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

Woodlands: Land that is undeveloped except for roads and utilities and contains stands of native trees.

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 (Highway Yard): 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.

Zero Lot Line: A concept commonly used in but not limited to Planned Unit Developments where individual commercial buildings or dwellings, such as

townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

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 an atlas.

Zoning District: An area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.