ZONING ORDINANCE

OF THE

COUNTY OF PASQUOTANK, NORTH CAROLINA

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ARTICLE 1
TITLE, ENACTMENT, AND PURPOSE

SECTION 1.01 - TITLE, ENACTMENT AND PREAMBLE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES, ARTICLE 18, CHAPTER 153A-340, FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN PASQUOTANK COUNTY, TO REGULATE WITHIN THOSE DISTRICTS THE LOCATION, HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF; AND TO SUPERSEDE ANY ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Pasquotank County Commissioners deem it necessary, for the purpose of promoting the health, safety, morals or general welfare of the County to enact such an Ordinance; and

WHEREAS, the County Commissioners have created a Planning Board to prepare a proposed zoning ordinance, including both the full text of such ordinance and zoning maps showing proposed district boundaries; and

WHEREAS, The Planning Board has divided the County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and appropriate land use studies, and designed to lessen congestion, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land through those areas of the County under the jurisdiction of this Ordinance; and

WHEREAS, the Planning Board has certified its proposed zoning ordinance to the County Commissioners; and

WHEREAS, the County Commissioners have given due public notice of hearings relating to adopting the zoning ordinance in accordance with the requirements of this ordinance and Article 18, Chapter 153A-323 and 343 of the North Carolina General Statutes, and have held such public hearings; and

WHEREAS, all requirements of the General Statutes of North Carolina, with regard to the preparation of the proposed ordinance by the Planning Board in accordance with a comprehensive plan, and subsequent action of the County Commissioners have been met;

NOW THEREFORE, the Board of Commissioners of the County of Pasquotank, North Carolina, does hereby ordain and enact into law throughout the areas designated on the Official Zoning Map(s) of the County of Pasquotank except as otherwise provided in G.S. 160A-360 the following Articles and Sections, this the 1st day of December, 1992.

SECTION 1.02 - SHORT TITLE

This Ordinance shall be known as the "Zoning Ordinance of Pasquotank County, North Carolina." The zoning map(s) herein referred to, which is identified by the title "Official Zoning Map of Pasquotank County, North Carolina," shall be known as the "Zoning Map."

SECTION 1.03 - PURPOSE

In accordance with the provisions of Chapter 153A, Article 18, of the General Statutes of North Carolina, and for the purposes more fully set out in that chapter, the Board of Commissioners of the County of Pasquotank, North Carolina, adopts this Ordinance to provide for the orderly growth and development of Pasquotank County.

ARTICLE 2
ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR ZONING MAP

SECTION 2.01 - OFFICIAL ZONING MAP

For the purpose of this Ordinance, the Pasquotank County zoning jurisdiction is hereby divided into zones or districts as shown on the "Official Zoning Map(s) of Pasquotank County, North Carolina," which, together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map(s) shall be identified by the signature of the Chairman of the County Board of Commissioners and attested by the County Clerk and bear the seal of the County under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 2 of the Zoning Ordinance of Pasquotank County, North Carolina together with the date of adoption of this Ordinance."

The Official Zoning Map(s), which shall be located in the Pasquotank County Courthouse and recorded in the Pasquotank County Register of Deeds Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning jurisdiction of Pasquotank County.

SECTION 2.02 - ZONING MAP CHANGES

If, in accordance with Article 15 of this Ordinance, changes are made in the zoning district boundaries or other matter shown on the Zoning Map, such changes shall be made with an entry on the zoning map briefly describing the change and the date of the change.

No amendment to this Ordinance which involves a matter portrayed on the Zoning Map shall become effective until after such change and entry have been made on said Zoning Map. The Board of Commissioners shall give official notice of the zoning change to the zoning administrator within one work day, after passage of said change.

SECTION 2.03 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Board of Commissioners, may, by ordinance, adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new zoning map shall bear the signatures of the Chairman of the Board of Commissioners and the County Clerk and shall bear the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of adoption of map replaced) -- together with the date of the adoption of the new zoning map."

SECTION 2.04 - RESPONSIBILITY FOR MAINTENANCE OF THE OFFICIAL ZONING MAP

The zoning administrator shall be responsible for the maintenance of and revision of the official zoning map. Upon notification by the Board of Commissioners that a zoning change has been made, the zoning administrator shall make the necessary changes on the official zoning map within one work day following notification.

SECTION 2.05 - RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the "Official Zoning Map of Pasquotank County, North Carolina," the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroads shall be construed to follow such centerline;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerline;

4. Boundaries indicated as parallel to or extensions of features indicted in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in circumstances not covered by Subsections 1 through 4 above, the Board of Adjustment shall interpret the district boundaries;

6. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as conditional use, the extension of the regulations for either portion of the lot, not to exceed one hundred fifty (150) feet from the district boundary line. In addition, the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE 3
EXEMPTIONS

<u>SECTION 3.01</u> - BONA FIDE FARM OPERATIONS EXEMPT

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

ARTICLE 4
DEFINITIONS OF TERMS

SECTION 4.01 - GENERAL INTERPRETATION

For the purpose of interpreting this Ordinance, certain words and terms used are defined in this section. Except as defined in this section all other words used in this Ordinance shall have their standard dictionary definition. For general interpretation the following shall apply in all uses and cases in this Ordinance:

1. The present tense includes the future tense, and the future tense includes the present tense.

2. The singular number includes the plural number and the plural number includes the singular number.

3. The word "may" is permissive, and the "shall" is mandatory.

4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

5. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

SECTION 4.02 - WORD AND TERM DEFINITIONS

1. Accessory Use of Structure: A use or structure on the same lot with, but of a nature customarily incidental and subordinate to, the principal use or structure.

2. Adult Day Care Facility: An Adult Day Care Facility is a center or place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of more than five (5), but not more than fifty (50), adults eighteen (18) years of age or more for more than four (4) hours per day, but not to exceed twenty-four (24) hours at one time. Services must be provided in a home or facility certified to meet State standards and shall be provided for the following individuals:

   a. Adults who do not need nursing care but who require complete, full-time daytime supervision;

   b. Adults who need assistance with activities of daily living in order to maintain themselves in their own homes; and

   c. Adults who need intervention in the form of enrichment and opportunities for social activities in order to prevent deterioration that would lead to institutionalization.

3. Aerostat Manufacturing: The manufacturing and assembly of various products and materials to construct aerostats. Fabrics are cut and sealed together using methods such as heat, radio frequency and ultrasonic. The process includes the machining of components and electro-mechanical assembly. Laboratory facilities are involved in the development, testing and analysis of products and processes. The testing of the finished product could include the flying of aerostats.

4. Airport: A tract of land or water with facilities for aircraft landing, take-off, shelter, supply and repair. Often used for receiving and discharging passengers and cargo.

5. Alley: A roadway easement which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

6. Alter: To make any structural changes in the supporting or loadbearing members of a building, such as walls, columns, beams, girders or floor joints.

7. Antenna Array: Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Apartment: A room or suite of one or more rooms, each of which have kitchen facilities, and are designed or intended to be used, as an independent unit, on a rental basis.

8. Applicant: The property owner(s) or authorized agent submitting a petition for a special or conditional use permit.

9. Areas of Environmental Concern: (AEC's) Areas specifically defined in subchapter 7-H of Chapter 15 of the North Carolina Administrative Code. These defined areas which may be located within the jurisdiction of Pasquotank County include: Coastal Wetlands; Estuarine Waters; Estuarine Shorelines, and Public Trust Areas. If an AEC is involved in any permitted activity covered by this ordinance, then additional permits may be required by the State of North Carolina; the four major AEC's are further briefly defined as follows: (See Article XIII, Section 13.03).

   a. Coastal Wetlands: Any salt marsh or other marsh subject to regular or occasional flooding by tides.

   b. Estuarine Waters: All waters of the Atlantic Ocean, and associated bays, sounds, rivers and tributaries, within the boundaries of North Carolina.

   c. Estuarine Shoreline: Non-ocean shorelines especially vulnerable to erosion, flooding, or other adverse effects of wind or water, and which are connected to the estuary.

   d. Public Trust Areas: All public navigable waters, and lands thereunder subject to measurable lunar tides.

10. Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

11. Assembly: A joining together of completely fabricated parts to create a finished product.

12. Beach Bingo Games: Any principal business enterprise where specific games of chance are played with individual cards having numbered squares ranging from one to 75, in which prizes are awarded on the basis of designated numbers on such cards conforming to a pre-determined pattern of numbers. Awarded prizes may not exceed ten dollars in cash or merchandise.

13. Bed and Breakfast Inn: A form of guest lodging in which bedrooms are rented and breakfast is served, where such accommodations are provided only in buildings used principally as private residences or in accessory structures.

14. Board of Adjustment: A quasi-judicial body composed of representatives from the zoning jurisdiction area which are given certain powers under and relative to this Ordinance.

15. Buffer: A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, hedges, landscaped areas, berms, additional setbacks, or combination of the above. See Section 8.01-4.

16. Building: A structure having a roof supported by column or walls, for the shelter, housing or enclosure of persons, animals or goods.

17. Building, Commercial: Any building used for business purposes.

18. Building, Detached: A building having no party or common wall with another building except an accessory building.

19. Building, Height of: The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.

20. Building, Principal: A building in which the principle use of the lot on which the building is situated is conducted.

21. Certificate of Occupancy/Compliance: A statement signed by an administrative officer authorized by the Pasquotank County Board of Commissioners, setting forth that the building, structure, or use complies with the Zoning Ordinance, and that the same may be used for the purpose stated herein.

22. Child Day Care Center: A place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of children. Inclusive of kindergarten, a facility for the care and/or education of pre-school children.

23. Club or Lodge, Private: An establishment operated by a corporation or association of persons for recreational or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

24. Collocation The installation of new wireless facilities on previously approved structures, including towers, buildings, and water tanks.

25. Contractor, General: One who is engaged in all or most aspects of building construction and/or land development through a legal agreement.

26. Contractor, Trades: One who accomplishes work or provides facilities under contract with another specifically engages in a special trade such as plumbing, heating, wiring, sheet metal, roofing work, etc.

27. Drive-In (eating or drinking facility): An establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle.

28. Drystack Boat Storage: A dry dock boat storage facility associated with commercial marinas.

29. Duplex (Two-Family Dwelling): A building on one lot arranged and designed to be occupied by two families living independently of each other.

30. Dwelling, Single Family: A detached residential dwelling unit, other than a manufactured/mobile home, designed for and occupied by one family only.

31. Dwelling, Single Family (attached): An addition to a single family dwelling for the housing and caring for an immediate family member (mother, father, son, daughter, brother, sister, grandparent, grandchild, nephew or niece) is allowable so long as the same is in compliance with the Albemarle Regional Health Services Regulations. The addition shall be attached to the principal building and include a doorway which provides access to the addition from within the principal building. The addition shall not consist of a manufactured home, manufactured home, class A, or mobile home as defined within this ordinance.

32. Dwelling, Multiple: A building used for or designed as a residence for more than two families living independently of each other.

33. Dwelling Units: A resident structure or that portion of a residential structure used or designed as a residence for one family.

34. Erect: Build, construct, rebuild, reconstruct as the same are commonly defined.

35. FAA Federal Aviation Administration.

36. 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.

37. Family: One or more persons related by blood, adoption or marriage, or a group of not more than five persons not related by blood, adoption or marriage living together as a single housekeeping group in a dwelling unit.

38. Farm: A bona fide farm is defined as a tract of land containing at least three (3) acres which are used for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and other agricultural products having a domestic or foreign market.

39. FCC Federal Communications Commission.

40. Field Office/Storage Unit, Temporary: A building or portion of a building used for the coordination and/or storage for a construction project by the general or subcontractor. Such a temporary field office/storage unit shall be located within the confines of a project site on which the construction is taking place.

41. FTA Federal Telecommunications Act of 1996.

42. Frontage: All property abutting on one side of a street measured along the street line.

43. Garage, Private: A building or space used as an accessory to or a part of the main building permitted in any residential district that provides storage space for motor vehicles and in which no business, occupation or service for profit is in any way conducted.

44. Home Care Unit: A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five persons who are not critically ill and do not need professional medical attention, to include homes for the aged.

45. Home Occupation: Certain occupations customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly subordinate to the use of the dwelling for residential purposes - limitations are prescribed in this Ordinance to insure against the growth of a home occupation into a commercial enterprise.

46. Improvements: The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

47. Industrial Launderers: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include laundry agencies, diaper services or linen supply services.

48. Internet Sweepstakes Café: 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 distributed, 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. 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.

49. Junk: Pre-used or unusable metallic parts or other non-metallic manufactured products that are worn, deteriorated or obsolete making them unusable in their existing condition, but are subject to be dismantled and salvaged.

50. Junk Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, structural steel materials and equipment, but not including the purchase or storage of used furniture, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

51. Junked or Wrecked Motor Vehicles: Motor vehicles which do not display a current license plate or a current registration sticker and which do not display a current inspection sticker issued by or in the same state as the license plate or registration sticker and which either:

    a. are partially dismantled or wrecked; or
    b. cannot be self-propelled or moved in the manner in which originally intended.

52. Kennel: A place or facility prepared to house, board (for a long or short term period), breed, handle, train or otherwise keep or care for dogs and cats of customers, patrons or others, including lost or strayed animals for compensation or as a humanitarian gesture. Facilities which solely provide dental, medical or surgical care are exempt from this definition.

53. Kennel Run, Outside: A fenced area outdoors for individual animals to get exercise.

54. Lot: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development and which is recorded as such in the Pasquotank County Register of Deeds office.

55. Lot, Area Of: The parcel of land enclosed within the boundaries formed by the property lines.

56. Lot, Corner: A lot abutting upon two streets or roads (including platted but unopened streets or roads) thus having two (2) front lines.

57. Lot Depth: The depth of a lot, for the purpose of this Ordinance, is the distance measured in the mean direction of the sidelines of the lot from the mid-point of the front line to the mid-point of the opposite lot line.

58. Lot Line: Any boundary of a parcel of land.

59. Lot Line, Front: Any boundary line of a lot running along a street right-of-way line. If a lot abuts more than one street right-of-way line the front lot line shall be determined at final subdivision plat approval or by the placement of the structure provided appropriate setback requirements are met.

60. Lot Line, Rear: The lot line opposite the front lot line.

61. Lot Line, Side: Any lot line which is not a front or rear lot line.

62. Lot of Record: A lot, or plat or a map which has been recorded in the Office of Pasquotank County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Pasquotank County Register of Deeds Office.

63. Lot Width: The distance between the side lot lines as measured along the front building lines as specified by the applicable front yard setback in this ordinance.

64. Marina, Commercial: Any dock or basin and associated structures providing permanent or temporary commercial harboring more than 10 commercial and/or pleasure boats and providing services related to the facility including, but not limited to, fuel sales, retail and food sales, dry stack boat storage, and other related services. Pump out facilities are required at commercial marinas.

65. Marina, Residential: A private, non-profit boating facility including, permanent or temporary docks, piers and/or launching ramp planned for the harboring or storing of ten or less boats on property having water frontage, the use of which is intended to serve the residents within an approved subdivision or planned unit development. The right to use such facility shall be conferred by an easement appurtenant to the residential lots it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility, including, but not limited to, drystack boat storage, fuel sales, slip rentals and the like. Pump-out facilities shall be required.

66. Manufactured Home: Manufactured home shall mean a single family dwelling composed of one single section fabricated in an offsite manufacturing facility for installing on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction Safety Standards. In addition the Manufactured Home shall meet the following criteria: ***(Amended 11-2-09)***

a. Skirting Requirements
The perimeter of the manufactured home shall, upon installation, have either (i) a permanent, continuous masonry curtain wall or
(ii) a continuous and opaque manufactured foundation skirting specifically designed for manufactured homes which is ventilated, pre-packaged, 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 2"x2"x12" salt-treated stake shall be driven into the ground abutting the rear side of the channel, flush with the top of the channel, no more than 12" from each corner. Additional minimal 2"x2"x12" stakes shall be located at a minimum 4' on center the entire length of the channel. Minimum 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 no. 8, 1" self-tapping screw.
3. If the finished floor is 40" or higher than existing grade, an additional support consisting of either 2"x2" salt-treated lumber or extra channel shall be installed to prevent bowing. Each skirting panel shall be attached to the support by using a self-tapping screw.

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

b. Landing Preference
Although not required, it is preferred that all exterior doors be accessed directly by a minimum 4'x4' landing.

67. Manufactured Home, Class A: A single family manufactured home consisting of multiple sections fabricated in an offsite manufacturing facility for installing and assembling on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction Safety Standards. In addition the Manufactured Home, Class A shall meet the following criteria: ***(Amended 11-2-09)***

a. Exterior Appearance Requirements
The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

b. Skirting Requirements
If located on a single lot, the perimeter of the manufactured home, class A 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/Compliance.

In mobile home parks that have been registered in the Pasquotank County Tax Office, the perimeter of a Manufactured Homes, Class A shall have either (i) a permanent, continuous masonry curtain wall or (ii) a continuous and opaque manufactured foundation skirting specifically designed for manufactured homes which is ventilated, pre-packaged, 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 2"x2"x12" salt-treated stake shall be driven into the ground abutting the rear side of the channel, flush with the top of the channel, no more than 12" from each corner. Additional minimal 2"x2"x12" stakes shall be located at a minimum 4' on center the entire length of the channel. Minimum 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 no. 8, 1" self-tapping screw.
3. If the finished floor is 40" or higher than existing grade, an additional support consisting of either 2"x2" salt-treated lumber or extra channel shall be installed to prevent bowing. Each skirting panel shall be attached to the support by using a self-tapping screw.

c. Landing Preference
Although not required, it is preferred that all exterior doors be accessed directly by a minimum 4'x4' landing.

68. Manufactured Commercial Unit: A manufactured building designed to be used as a commercial structure which has been constructed and labeled indicating compliance with the North Carolina State Building Code and shall meet the following additional requirements:

a. A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, is installed under the unit after placement on the lot and before occupancy; and

b. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

69. Mobile Home: Mobile home shall mean a transportable structure designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured housing Standards Act of 1974, which became effective June 15, 1976. In addition the Mobile Home shall meet the following additional criteria: ***(Amended 11-2-09)***

a. Skirting Requirements
The perimeter of the mobile home shall, upon installation, have either (i) a permanent, continuous masonry curtain wall or (ii) a continuous and opaque manufactured foundation skirting specifically designed for manufactured homes which is ventilated, pre-packaged, 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 2”x2”x12” salt-treated stake shall be driven into the ground abutting the rear side of the channel, flush with the top of the channel, no more than 12” from each corner. Additional minimal 2”x2”x12” stakes shall be located at a minimum 4’ on center the entire length of the channel. Minimum 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 no. 8, 1” self-tapping screw.
3. If the finished floor is 40” or higher than existing grade, an additional support consisting of either 2”x2” salt-treated lumber or extra channel shall be installed to prevent bowing. Each skirting panel shall be attached to the support by using a self-tapping screw.

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

b. Landing Preference
Although not required, it is preferred that all exterior doors be accessed directly by a minimum 4’x4’ landing.

70. Modular Home: A residential dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a mobile or manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. In addition the Modular Home shall meet the following criteria:

a. Skirting Requirements
Should the modular home be designed and constructed at the factory so as not to require a permanent foundation, it will be required upon installation on the site to 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/Compliance.

b. Landing Preference
Although not required, it is preferred that all exterior doors be accessed directly by a minimum 4’x4’ landing.

71. Nonconforming Use: A use of building or land that does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this Ordinance.

72. Non-Participating Landowner: A landowner not under agreement with the Applicant, Facility Owner or operator.

73. Nursing Home: A convalescent facility having over five beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

74. Nursing and Personal Care Facility: A facility licensed by the appropriate state agency, as a facility for unrelated individuals excluding supervisory personnel, who are handicapped, aged or disabled and are undergoing rehabilitation, or extended care, and are provided services to meet their specific needs. This category includes group homes for all ages, halfway houses, foster and boarding homes.

75. Organizations, Fraternal or Social: An Establishment operated by a corporation or association of persons for social, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

76. Occupied Building: A dwelling, business, school, hospital, church or other permanent structure used regularly that is occupied or in use and is connected to water, sewer/septic service and electric utilities.

77. Participating Landowner**:** A landowner under lease or agreement with the Applicant or Wind Facility Owner pertaining to a Wind Energy Facility. A waiver of setback, sound, and/or Shadow Flicker provisions constitutes an agreement with the Wind Facility Owner under Section 9.04-30.

78. Permitted Structure: A structure meeting all the requirements of this Ordinance for the zone district in which it is located.

79. Permitted Use: A use meeting all the requirements of this Ordinance for the zone district in which it is located.

80. Planned Building Group: A group of two or more buildings or two or more mobile homes located on a single parcel of land.

81. Processing: Any operation changing the nature of material or material's chemical composition or physical properties. Does not include operations described as fabrication.

82. Research & Design, Fused Recycled Glass: Development of fused recycled container glass products and the production processes, methodology, marketing, testing, storage, packaging, specialty equipment and the knowledge to expand these products to a production level.

83. Residential Care Facility: A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

84. Residential (Non-Commercial) Boat/RV Storage: not for profit, provided and maintained for common use for occupants of a subdivision/development and not for the general public. *{Amended 4/19/05}*

85. Residential Support Center: A facility owned or operated by a nonprofit organization intended to be used solely for temporary occupancy by outpatients being treated at a local hospital and family members of patients being treated at a local hospital, with occupancy not to exceed twenty (20) families per acre.

86. Retail: Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

87. Sales Office, Temporary – A building constructed on-site in accordance with the North Carolina State Building Code or a manufactured commercial unit (see definition for "manufactured commercial unit") and used for the purpose of a temporary sales office solely in connection with the development where such development is located.

88. Salvage Operation: The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purpose of resale, processing and distribution or deposition.

89. Septage: Shall mean a waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage shall be considered that waste which has not been treated by a process to significantly reduce pathogens.

90. Service Station: A building or lot where gasoline, oil, grease and automotive accessories are supplied and dispensed to the motor vehicle trade.

91. Setback Line: A line located a minimum horizontal distance from the right-of-way line of any street or road, parallel thereto, between which and the right-of-way line no structure (to include steps, eaves, gutters, and similar fixtures) shall be erected, altered, or maintained except as otherwise provided herein. Setback lines are also located a minimum horizontal distance from lot boundary lines parallel thereto, between which and the lot boundary line no structure (to include steps, eaves, gutters, and similar fixtures) shall be erected, altered, or maintained except as otherwise provided herein.

92. Sexually Oriented Business: A business which offers its customers or patrons any device, activity or demonstration depicting specified sexual activities, or which is intended to appeal to sexual interests, titillation or arousal of the customer or patron. A sexually oriented business shall include an adult establishment as defined in NCGS 14-202.10(2) and, in addition, without limitation: an adult arcade, adult bookstore or video store, adult cabaret, adult massage parlor, adult motion picture theater, adult theater, nude model studio, sexual encounter studio, or any combination of the foregoing. Any business that is not explicitly listed and defined below is not to be considered for a special use permit by the Zoning Board of Adjustment. As used in this ordinance, the following definitions shall apply:

a. Adult Arcade (also known as 'peep show'): Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas. Booths or viewing rooms shall not be completely enclosed to prevent management from viewing clientele.

b. Adult Bookstore or Adult Video Store: A commercial establishment which:
   1. Receives the majority of its gross income during any calendar month from the sale or rental of any one or more of the following or has a preponderance of its inventory consisting of:
      i) Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
      ii) Video games or computer programs that depict any sexual activity in a digital or other similar imaging media format; or
      iii) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

c. Adult Cabaret: A nightclub, bar restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its business purposes:
   1. Persons who appear nude or semi-nude; or
   2. Live performances which are characterized by the exposure of specified anatomical areas and/or specified sexual activities; or
   3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas; or
   4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

d. Adult Massage Parlor: A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered. This definition does not include the practice of a North Carolina licensed professional nor an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

e. Adult Motion Picture Theater: Commercial establishments where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions that depict or describe specified sexual activities or specified anatomical areas are regularly shown as one of its principal business purposes.

f. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features exhibits or displays as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

g. Nude Model Studio: Any place that allows, permits or makes available a person who appears nude, semi-nude, or who displays specified anatomical areas for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

"Nude Model Studio" shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

h. Nude or State of Nudity: The showing of human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

i. Semi-nude: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks.

This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

j. Sexual Encounter Center: A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

k. Specified Anatomical Areas: Includes any of the following:

1. Less than completely and opaquely covered:
   i) Human genitals, pubic region
   ii) Buttock, or
   iii) Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

l. Specified Sexual Activities: Includes any of the following:

1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
2. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
4. Masturbation, actual or simulated; or
5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

93. Shadow Flicker: The visible flicker effect when rotating wind turbine blades cast shadows causing the repeating pattern of light and shadow.

94. Sign: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design trade names or trademarks, by which anything is known such as the designation of an individual, firm, association, profession, business commodity or product which are visible from any public way and used to attract attention.

95. Sign, Area of: Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which encompass the entire sign including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one side of a double-face sign structure shall be considered.

96. Sign, Outdoor Advertising: Any sign which advertises an establishment, service commodity, good or entertainment sold or offered on premises other than that on which such sign is located.

97. Sign, Temporary: A sign that is not bolted to or otherwise affixed to the ground or a permanent structure in some other substantially permanent way and is not built to state building codes and has not been erected pursuant to a valid building permit.

98. Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

99. Solar Farm: A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption.

100. Sludge: Shall mean any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plants not considered to be hazardous by EPA or the N. C. Department of Environmental Health and Natural Resources. Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

101. Special Use: A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, conveniences, appearance, or prosperity. Such uses may be permitted in such zoning district as a special use if specific provision for such special use is made in this zoning ordinance.

102. Stables, Commercial: Any structure used for commercial purposes relating to the raising, breeding, or boarding of horses or livestock.

103. Stealth Technology shall mean minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless communication facility by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

104. Storage: A depository for commodities or items for the purposes of future use or safekeeping when such a depository is not a building or structure, the items or commodities shall be considered outside storage.

105. Street: A public thoroughfare which affords access to abutting property and is recorded as such in the office of Pasquotank County Registrar of Deeds.

a. Street, Frontage Road: A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.

b. Street, Minor: A street whose primary function is to provide access to abutting properties and is designed to discouraged use by through traffic.

106. Structure: Anything constructed or erected, including but not limited to buildings, which requires location on, above, or below the surface of the land or attachment to something having permanent location on the land.

107. Subdivision: All divisions of a tract or parcel of land (in addition to the undivided remaining portion of the original undivided tract) into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations:

2. The division of land into parcels greater than ten acres if no street right-of-way dedication is involved;

3. The public acquisition by purchase of strips of land for widening or opening streets;

4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations;

5. The division of a tract of land into one lot where:

   a. The lot fronts upon a State-maintained road;
   b. The lot is served by a public water system:
   c. The lot is large enough to meet applicable State and local health codes and other local ordinances; and

6. The gift by a property owner of a single lot to the property owner's child or parent or to each of the property owner's children or parents where:

   a. The lot fronts upon a State-maintained road;
   b. The lot is served by a public water system; and
   c. The lot is large enough to meet applicable State and local health codes and other local ordinances.

   This exemption shall be for a one-time gift of a single lot to each child or parent of the property owner. A gift of any additional lot to the same child or parent shall require compliance with the county's subdivision ordinance.

108. Thoroughfare, Major: For the purposes of this Ordinance the term major thoroughfare shall mean the rights-of-way of highways 17, 158, and 34.

109. Trailer, Overnight Camping: For purposes of this Ordinance, the following shall be considered an overnight camping trailer:

a. Travel Trailer: A vehicular, portable structure built on a chassis (other than a mobile home), designed as a temporary dwelling for travel, recreation and vacation.

b. Pick-up Coach: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

c. Motor Home: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

d. Camping Trailer: A canvas, temporary, folding structure, mounted on wheels and designed for travel, recreation and vacation use. Such structures shall be considered travel trailers regardless of other titles that may also be applicable such as camper, mini, mobile homes, etc.

110. Use: The purpose for which land or structures thereon are designed, arranged or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.

111. Use, Accessory: A use incidental to and customarily associated with the Use By Right and located on the same lot with the Use By Right, and operated and maintained under the same ownership with the operation of the Use By Right.

112. Use By Right: A use which is listed as an unconditionally permitted activity in this Ordinance.

113. Use Situation, Nonconforming: A use of building or land that does not conform with the regulation of the district in which the building or land is situated.

114. Use, Non-Farm: Any use of property which is not encompassed by the definition of a farm as so defined in this Ordinance.

115. Use, Special: A use permitted in a zone only after specific findings by the Board of Adjustment or Pasquotank County Board of Commissioners.

116. Variance: A modification or alteration of any of the requirements of this Ordinance.

117. Veterinary Clinic: A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

118. Warehouse: A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

119. Wholesale: Sale of a commodity for resale to the public for direct consumption.

120. Wind Energy Farm: 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.

121. 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 20kW or less.

122. 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 20kW but not greater than 100 kW.

123. 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 100kW.

124. Wind Farm Owner: The entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns.

125. 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.

126. 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.

127. Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

128. Wireless Communication Facility The set of equipment and network components, exclusive of the underlying support structure or tower, including antennas, transmitters, receivers base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and telecommunications services to a discrete geographic area.

129. Wireless Communications Tower and Facility Height When referring to a wireless communication tower and facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

130. Wireless Communication Tower and Facility Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet and guy anchors.

131. Wireless Communication Tower A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities.

132. Yard: Any open space on the same lot with the building and unoccupied from the ground upward except by trees, shrubbery, or fences.

133. Yard, Front: A yard across the full width of the lot, extending from the front line of the building to the front lot line.

134. Yard, Rear: A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

135. Yard, Side: A yard between the building and side lot line, extending from the front building line to the rear building line.

136. Zoning Certificate: A certificate by the Pasquotank County Board of Commissioners or its authorized agents that a course of action to use or occupy a tract of land or a building; or to erect, install or alter a structure, building or sign situated in the jurisdictional area of the zoning ordinance fully meets the requirements of this Ordinance.

ARTICLE 5
ESTABLISHMENT OF ZONING DISTRICTS

SECTION 5.01 - DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the areas included within the boundaries of the Pasquotank County Zoning jurisdiction (Section 2.01), are divided into the following classes of zones:

R-15	Residential District
R-15A	Residential District
R-25	Residential District
R-25A	Residential District
R-35A	Residential District
RMH-15	Residential Manufactured Home District
RMH-25	Residential Manufactured Home District
RMH-35	Residential Manufactured Home District
C-1	Commercial District
I-1	Industrial District
I-2	Industrial District
A-1	Agricultural District
A-2	Agricultural District
O&I	Office and Institutional District
M-F	Multi-Family District
P-1	Prison District

SECTION 5.02 - R-15, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 15,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Mobile homes and manufactured homes are not permitted. Manufactured homes, Class A are permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.02A – R-15A, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 15,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations Mobile homes, manufactured homes, and manufactured homes Class A are not permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.03 - R-25, RESIDENTIAL DISTRICT

This district is defined as low density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 25,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except when certain home occupations controlled by specific limitations. Mobile homes and manufactured homes are not permitted. Manufactured homes, Class A are permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.03A – R-25A, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 25,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except when certain home occupations controlled by specific limitations. Mobile homes, manufactured homes, and manufactured homes Class A are not permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.03B – R-35A, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 35,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Mobile homes, manufactured homes, and manufactured homes Class A are not permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.04 - RMH-15, RESIDENTIAL MANUFACTURED HOME DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 15,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except when certain home occupations controlled by specific limitations. Mobile homes and manufactured homes on individual lots are permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.04A - RMH-25, RESIDENTIAL MANUFACTURED HOME DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 25,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except when certain home occupations controlled by specific limitations. Mobile homes and manufactured homes on individual lots are permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.04B - RMH-35, RESIDENTIAL MANUFACTURED HOME DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 35,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except when certain home occupations controlled by specific limitations. Mobile homes and manufactured homes on individual lots are permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.05 - C-1, COMMERCIAL DISTRICT

This district is defined as certain areas that are designed to serve both non-residents and residents using the major state and county roads that run through the county. This district is designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.06 – I-1, INDUSTRIAL DISTRICT

This district is defined as an area where manufacturing establishments may be developed. This may include limited retail outlets for products produced on the premises. The purpose of this district is to permit normal operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this district are those industries which deal primarily in hazardous products such as explosives. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.06A - I-2, INDUSTRIAL DISTRICT

This district is defined as an area where manufacturing establishments may be developed. This may include limited retail outlets for products produced on the premises. The purpose of this district is to permit taller industrial buildings and the (normal) operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this district are those industries which deal primarily in hazardous products such as explosives. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.07 - A-1, AGRICULTURAL DISTRICT

This district is defined as large, open land areas. The regulations of this district are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number. Residential development shall be allowed only when division of a tract or parcel of land does not constitute a subdivision as defined in the Pasquotank County Subdivision Regulations. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.07A - A-2, AGRICULTURAL DISTRICT

This district is defined as large, open land areas. The regulations of this district are designed to retain the open, agricultural characteristics of the land. For that reason, the permitted uses are very limited in number. Residential development shall be allowed only when division of a tract or parcel of land does not constitute a subdivision as defined in the Pasquotank County Subdivision Regulations. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.08 - O&I, OFFICE AND INSTITUTIONAL DISTRICT

This district provides for the development of offices and community institutions which have similar development characteristics and require locations close to the more intensive commercial districts. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.09 - M-F, MULTI-FAMILY DISTRICT

This district provides for multi-family residential uses, such as apartments, townhouses, or condominiums, and other limited private and public community uses. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.10 - P-1, PRISON DISTRICT

This district is defined as an area where prisons and other associated enterprises operated by the State, Federal or Local Government may be developed. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

ARTICLE 6
APPLICATION OF GENERAL REGULATIONS

SECTION 6.01 - USE

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

SECTION 6.02 - ONLY ONE PRINCIPAL BUILDING, ONE PRINCIPAL USE ON LOT

1. Principal Building

   Residential – No more than one principal building shall be permitted on a lot. This requirement shall not apply to the multi-family zoning district.

   Non-Residential – More than one principal building may be located on a lot provided a minimum 20 foot width paved access road is maintained from a public street to each principal building for use by service or emergency vehicles. A 20 foot separation shall be maintained between each principal building.

2. There shall not be more than one principal use (e.g. commercial, industrial or residential) per building and lot. This requirement shall not apply to telecommunication/broadcast towers and ancillary structures or outdoor advertising signs where permitted.

SECTION 6.03 - MINIMUM YARDS

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 or open space requirements or the intensity of use provisions for any other building.

SECTION 6.04 - LOT SUBDIVISION

No lot shall hereafter be so reduced in area as to cause any open space required by this Ordinance to be less in any dimension than is herein required by the minimum yard requirement of the zone in which the lot in question is situated.

SECTION 6.05 - CERTIFICATE OF OCCUPANCY

No final Certificate of Occupancy/Compliance will be issued until all required site improvements have been completed.

ARTICLE 7
DISTRICT REGULATIONS

<u>SECTION 7.01</u> - TABLE OF PERMITTED USES

Districts in which particular uses or similar uses are permitted as a Use By Right are indicated by "P". Districts in which particular or similar uses are permitted a Use By Right with certain conditions are indicated by "P" with a reference to a footnote to this Table.

Districts in which particular uses or similar uses are permitted as a Special Use upon approval of the Board of Adjustment are indicated by "S". See Table of Special Uses, for details of each Special Use.

Districts in which particular uses or similar uses are prohibited are indicated by a blank.

Uses not indicated are prohibited.

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
AGRICULTURE, FORESTRY & FISHING																
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Veterinaries/Pet Grooming/ Kennels (see 7.02, note 5)									P	P	P	P		S		
Wholesale Nurseries & Greenhouses	S	S	S	S	S	S	S	S	P	P	P	P				
MINING																
Mining & Quarrying (See Section 9.04-18)										S	S	S	S			
CONSTRUCTION																
General Building Contractor									P	P	P	P		P*		
General Contractors Other Than Building									P	P	P	P		P*		
Landscape Contractors									P	P	P	P		P*		
Special Trade Contractors									P	P	P	P		P*		
MANUFACTURING & INDUSTRIAL (See Notes)																
Aerostats										P	P					
Apparel & Other Finished Products									S	P	P					
Asphalt Plant										P	P					
Bakery Products									S	P	P					
Beverages									S	P	P					
Cabinet & Woodworking Shop (See Section 9.04-5)									P	P	P	S				
Chemicals & Allied Products (See Section 7.02, Note 2)										C	C					
Concrete Plant										P	P					
Electric & Electronic Machines, Equipment & Supplies									S	P	P					
Fabricated Metal Products									S	P	P					

** Offices are permitted in O&I provided there is no storage.*

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
Food & Kindred Products									S	P	P					
Furniture & Fixtures									S	P	P					
Industrial Launderers										P	P					
Instruments & Related Products									S	P	P					
Leather & Leather Products										P	P					
Furniture & Fixtures w/No Outside Storage									S	P	P					
Lumber & Wood Products									S	P	P	S				
Machinery Except Electrical									S	P	P					
Paper & Allied Products										P	P					
Petroleum & Related Products (See Note 7.02, Note 2)										P	P					
Primary Metal										P	P					
Printing & Publishing									P	P	P					
Retail Outlets (See Section 7.02, Note 6)										P	P					
Rubber & Miscellaneous ducts										P	P					
Slaughter House										P	P	S				
Stone, Clay, Glass & Concrete Products										P	P					
Textile Manufacturing										P	P					
Tobacco Manufacturing										P	P					
Transportation Equipment										P	P					
TRANSPORTATION, COMMUNICATION & UTILITIES																
Air Transportation									S	P	P	P		S		
Bus & Taxi Terminals									P	P	P			P		
Marina, Commercial									P	P	P					
Marina, Residential (See Section 9.04-23)	S	S	S	S	S	S	S	S							S	
Electric/Gas & Sanitary Services (See Section 7.02, Note 2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
Electrical Sub-Stations (See Section 7.02, Note 8)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Junk Yards, Scrap Processing (See Section 9.04-17)										C	C					
Mini-Warehouses/Recreational Vehicle/Boat Storage									P	P	P					
Motor Freight Transportation Warehousing									S	P	P					
Post Offices									P					P		
Solar Collector (See Section 8.02, Note 3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Farm (See Section 9.04-29)									C	C	C	C	C			
Wind Energy Facility, Small (See Section 9.04-31)	C	C	C	C	C				C	C	C	C	C	C		C
Wind Energy Facility, Medium (See Section 9.04-31)									C	C	C	C	C	C		C
Wind Energy Facility, Large (See Section 9.04-31)												C	C			
TRANSPORTATION, COMMUNICATION & FACILITIES																
Railroad Transportation										P	P					
Wireless Communication Towers and Facilities (See Section 9.04-33)									S	S		S	S	S		
Wireless Communication Towers and Facilities (See Section 9.04-33)									P	P		P	P	P		
Telephone Subscriber Line Carrier (See Section 7.02, Note 8)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
TV, Radio Broadcasting Lighted (See Section 7.02, Note 9)									P	P				P		
TV, Radio Broadcasting Non-lighted (See Section 7.02, Note 9)									P	P		P	P	P		
Water Transportation Facilities										P	P					

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
WHOLESALE TRADE																
Livestock Sales										P	P	P				
Warehousing									P	P	P					
Wholesaling									P	P	P					
RETAIL TRADE																
Automobile Service Station									P							
Automobile Dealers & Truck Sales									P							
Bars, Cabarets, Discos (See Section 9.04-3)									C							
Boat Dealers									P							
Building Materials & Garden Supplies									P							
Convenience Food Store (See Section 9.04-9)	S	S	S	S	S	S	S	S	P	P	P	P			S	
Drug Store									P							
Farm Implement Sales									P	P	P	P				
Flooring Sales & Installation									P	C						
Food Stores									P			P				
Fruit & Vegetable Stands Produced on Same Parcel as offered for sale	P		P			P	P	P	P			P	P		P	
Furniture, Home Furnishings & Equipment									P	C						
General Merchandise Stores									P			S				
Handcrafting Small Articles									P			P				
Hardware									P							
Landscaping Services									P	P	P	P				
Miscellaneous Retail									P							
Mobile Home Dealers & Prefabricated Buildings									P	P	P	P				
Retail Nurseries									P			P				
Restaurant/Catering (See Section 9.04-25)									P			S				

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
Sexually Oriented Business (See Section 9.04-28)									C							
Shopping Centers									C							
FINANCING, INSURANCE & REAL ESTATE																
Banks, Credit Agencies, Savings & Loans									P					P		
SERVICES																
Automobile/Boat Repair (See Section 7.02, Note 1) (See Section 9.04-2)									C	C		C				
Automobile Rentals									P							
Automobile Service Stations									P							
Bed and Breakfast Inn (See Section 9.04-4)	S		S						P			S				
Business Services Including Printing									P					P		
Camping, Travel Trailer Parks (See Section 7.02, Note 7) (See Section 9.04-15)						S	S	S				S				
Dry Cleaning/Laundry									P							
Electrical Repair Shops									P	P	P					
Equipment Rental & Leasing									P	P	P	P				
Funeral Home									P							
Golf Courses	P	P	P	P	P	P	P	P				P			P	
Hotels/Motels									P							
Indoor Recreation Establishments Commercially Operated									P			C				
Indoor Shooting Ranges (See Section 9.04-15)												C				
Indoor Theatre									P							
Membership Sports & Recreation Clubs	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Motor Sport Activities (See Section 9.04-19)									C			C				

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
Parks & Recreation Areas												S				
Outdoor Recreation Establishments Commercially Operated (See Section 9.04-20)									C							
Outdoor Shooting Ranges (See Section 9.04-21)												C				
Personal Services									P							
Resort Hotel/Motel									P			P				
Stables, Commercial									P			P				
Septic Tank Vacuum Service										P	P	S				
Watch, Cloth, Jewelry Repair									P							
HEALTH																
Adult Day Care (See Section 9.04-1)	S		S			S	S	S	S			S		P	S	
Children's Day Care/ Community Center (See Section 9.04-7)	S		S			S	S	S	S	S	S	P		P	S	
Hospitals (See Section 9.04-14)									S			S		P		
Nursing & Personal Care Facilities (See Section 9.04-14)	S		S			S	S	S	S			S		P	S	
Residential Care	P		P			P	P	P				P				
Residential Support Center (See Section 9.04-24)	S		S			S	S	S	P			P		P	S	
EDUCATION SERVICES																
Colleges, Universities, Professional Schools & Technical Institutions (See Section 9.04-8)									P	S	S	S		P		
Elementary & Secondary Schools	P	S	P	S	S	P	P	P				P		P		
Libraries	P	S	P	S	S	P	P	P	P			P		P		
Museums									P			P		P		

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
MEMBERSHIP ORGANIZATIONS																
Churches	P	P	P	P	P	P	P	P	P	P	P	P		P		
Labor Organizations									P	P	P			P		
Fraternal & Social Organizations (See Section 9.04-12)	S	S	S	S	S	S	S	S	P			S			S	
Private Club or Lodge (See Section 9.04-22)	S	S	S	S	S	S	S	S	P			S			S	
OTHER																
Accessory buildings or Uses clearly incidental to the permitted use or building (See Section 7.02, Note 1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Beach Bingo Games									P							
Cemeteries (See Section 9.04-6)	S	S	S	S	S	S	S	S				S		S	S	
Circuses, Carnivals, Fairs & Side Shows of no more than 30 days during per year									P	P	P	P				
Duplexes (See Section 9.04-10)			P	P	P							S			P	
Dwelling Unit Contained Within Another Principal Use (See Section 9.04-11)									P			S		S		
Government Offices & Buildings (See Section 9.04-13)									P	S	S			P		
Home Occupation (See Section 7.02, Note 3)	P	P	P	P	P	P	P	P				P			P	
Internet Sweepstakes Cafes (See Section 9.04-16)									C							
Jails operated by local government									S	S	S	S				P
Mobile Home						P	P	P				P	P			
Manufactured Home						P	P	P				P	P			
Manufactured Home, Class A	P		P			P	P	P	S	S	S	P	P			
Manufactured Commercial Unit									P	P	P			P		

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
Manufactured Home Rental Community						P	P	P								
Modular Home	P	P	P	P	P	P	P	P	S	S	S	P	P	P		
Multiple Dwelling															C	
Offices for Private Business & Professional Activities									P	P	P			P		
Outdoor Advertising (See Section 8.02, Note 6)									C	C	C					
Prisons and other associated enterprises operated by the State Department of Corrections																P
Recycling Collection Center	S		S			S	S	S	P	P	P	P		S	S	
Research & Design, Fused Recycled Glass (See Section 7.02-Note 11)									P	P	P					
Research Facilities									P	P	P			P		
Residential (non-commercial) Boat/RV Storage (see Section 7.02-Note 12)	P	P	P	P	P	P	P	P							P	
Residential Private Pier	P	P	P	P	P	P	P	P				P			P	
Sanitary Landfill (See Section 9.04-26)										S	S	S				
Septage Disposal (See Section 9.04-27)										S	S	S	S			
Single Family Dwelling	P	P	P	P	P	P	P	P	S	S	S	P	P	P		
Single Family Dwelling (attached)	P	P	P	P	P	P	P	P				P	P			
Sludge Disposal										S	S	S	S			
Temporary Field Office/ Storage Unit (See Section 9.04-30)	S	S	S	S	S	S	S	S	P	P	P			P	P	P
Temporary Sales Office (See Section 7.02-Note 10)	P	P	P	P	P											
Temporary Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Waste Water Treatment Facilities										P	P	S				
Water Treatment Plant									P	P	P	P				

SECTION 7.02 - NOTES TO THE TABLE OF PERMITTED USES

NOTE 1. Accessory Buildings or Uses

a. Mobile homes and manufactured homes shall not be permitted as an accessory building.

b. Open Storage - In the Commercial district open storage as an accessory use shall be permitted provided it does not infringe on required parking space requirements. In the Industrial districts open storage as an accessory use shall be permitted provided it is enclosed by a fence not less than six feet in height.

c. Residential Occupancy - No permanent residential occupancy shall be allowed as an accessory use in Commercial and Industrial districts. An accessory use in any Residential, Residential Manufactured Home or Agricultural district, shall not include the residential occupancy of an accessory building except by domestic employees on the premises and the immediate families of such employees.

d. Steel containers previously used for the shipping of goods shall be permitted for use as an accessory building in the Commercial and Industrial districts provided that such a unit located on the same site for more than six months must be anchored.

NOTE 2. Storage of Flammables

The storage of flammables shall not be permitted or considered a Use-By-Right except in an Industrial district and when such authorization for said use is given by the Pasquotank County Fire Marshall relative to compliance of proposed storage facilities with State and Pasquotank County fire regulations.

NOTE 3. Home Occupation

Home occupations are permitted only as an incidental use and are limited to the following:

a. The office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provide no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;

b. Workshops that do not employ individuals outside the immediate household;

c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;

d. Rooming and/or boarding of not more than three persons; for which a rent is charged;

e. Single operator beauty shop or barber shop; and

Provided furthermore the home occupations listed above shall be permitted subject to the following limitations:

- No display of products;

- No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or interference in radio and television reception;

- No commercial accessory buildings or outside storage shall be used in connection with the home occupation;

- Not over 25% of the total floor area or 500 square feet of the principal residence, whichever is greater shall be used for a home occupation;

- Only residents of the dwelling may be engaged in the home occupation except any physician, dentist or other professional licensed by the State of North Carolina shall be allowed to have one nurse or assistant who is not a resident of the dwelling.

NOTE 4. Industries

The following industrial uses shall not be allowed:

a. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, junk or matches;

b. The manufacturing, processing fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal by-products, bleaching powder, cellulose, chlorine, cresote and cresote treatment, detergents, enamels, lacquers, "lime", linoleum, oil cloth, paints, paper pulp, pigments, lime plastic, rubber (except tire recappers), soaps, tannery products, turpentine, varnishes, whiting and/or wood fillers. The fabrication of plastic is exempt from this prohibition.

NOTE 5. Kennel Operations

If the rear lot lines or side lot lines of a kennel operation, which is permitted in the C-1 commercial district directly abuts a residential district or a lot used for residential purposes, then such operation shall be completely enclosed within a building except for outside runs. Animals shall not be stored outside overnight.

NOTE 6. Retail Outlets in the Industrial Districts

Limited Retail outlets may be developed in conjunction with certain industries whereby products sold are limited to those produced on the premises. As a permitted use, such retail space shall be limited to a maximum of 25% of the gross floor space of the principal manufacturing facility.

NOTE 7. Overnight Camping Trailer

The use of an overnight camping trailer as a permanent residence shall be specifically prohibited. The use of an overnight camping trailer as a temporary residence outside of a travel trailer park shall be specifically prohibited.

NOTE 8. Screening

Screening shall be provided to buffer utility facilities from surrounding uses. Screening shall be located along the outer perimeter of the lot or parcel or surround the portion of the parcel being utilized for a utility facility with the exception of an entrance with a maximum width of 30 feet. The site may be serviced by two entrances. Screening shall not impede sight lines at intersections.

Screening shall consist of a densely planted and maintained vegetative buffer. Planted vegetation shall reach a minimum height of eight (8) feet within three years. Vegetation existing on the site at the time of development may be substituted for and satisfy some of these requirements providing that it substantially fulfills the purposes of this section.

All trees, shrubs and other plant materials are to be maintained on a continuing basis. Such maintenance shall include pruning, mowing, weeding, mulching, fertilizing, and watering as required to maintain a good appearance and growing conditions. Diseased plant materials shall be treated or removed immediately. Dead or diseased plant materials which are removed shall be replaced within one (1) growing season.

NOTE 9. Temporary Sales Office

a. Structure shall meet setback requirements applicable to permanent buildings within the zoning district where such temporary sales office is located.

b. Structure shall not be used for residential purposes. No sleeping quarters shall be provided.

c. Lighting shall be shielded so as not interfere with adjoining property owners or traffic traveling the public highways.

d. Signs identifying the business may be attached to the structure. In addition, one stand-alone sign not to exceed 3'x3' (printed area) may be located on the site.

e. Parking requirements shall be met in accordance with Article 10 – "Off-Street Parking and Off-Street Loading Requirements".

f. Landscaping shall consist of trees or shrubbery in front of the temporary sales office with grass established throughout the lot boundaries. A landscape plan shall be submitted in conjunction with the building permit application. Landscaping shall be established prior to a certificate of occupancy/compliance being issued by the Building Inspector. If weather conditions are not prudent for planting landscaping the zoning enforcement officer may provide additional time for planting.

g. Zoning permits issued by the zoning administrator or his designee for the temporary sales office shall be valid for twelve (12) months and may be renewed for additional twelve (12) month increments providing the building and grounds are being maintained and used in conformity with this section.

h. The temporary sales office shall be removed from the site upon the sale and transfer of 95% of the lots within the development unless the temporary sales office is on-site construction and a building permit is obtained to convert the structure to a residence meeting North Carolina State Building Codes.

i. Failure to maintain compliance with these regulations will result in a notice by the zoning enforcement officer to correct violations within 30 days. Failure to correct violations will result in an order to remove the temporary sales office within fifteen (15) days.

NOTE 10. Research & Design, Fused Recycled Glass

a. No outdoor storage of raw materials will be permitted. Raw materials shall be contained and covered (ex. silos, receiving hopper, etc.).

b. Outdoor storage of finished test products prior to shipment is permitted on a temporary basis provided it is in an enclosed fenced area.

c. All equipment shall be stored internally.

d. Finished products may be located outside for the purpose of testing (ex. exposure and ultraviolet light impact). Product shall be located in an area enclosed by fence.

e. No product emissions will be permitted.

Note 11. Residential (non-commercial) Boat/RV Storage ***{Amended 4/19/05}***

The facility shall be:

a. Within or adjacent to the development,

b. Enclosed with security fencing,

c. Paved or concrete surface,

d. Maintained at all times to keep free of litter and nuisance grass, and

e. Separated from adjoining residential uses by a minimum 30' buffer. Buffer may be reduced to 20' if the area is landscaped. Buffer width in all instances shall not be less than designated drainage easements. (Fencing and landscaping are not permitted within drainage easements per Section 8.02, Note 3, C.)

Section 8.01

ARTICLE 8
TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

DISTRICT	MINIMUM LOT SIZE (See Note 8)		MINIMUM YARD REGULATIONS (See Notes 2, 3, 7 and 8)			MAXIMUM HEIGHT OF STRUCTURE (See Note 5)
	Minimum Area in Square Feet	Lot Width at Front Setback Line	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet	In Feet
A-1 Agricultural	43,000 septic system	140	40	10	30	35
A-2 Agricultural	43,000 septic system	140	40	10	30	35
R-15 Residential	43,000 septic system 15,000 central sewer	140 100	30	10	30	35
R-15A Residential	43,000 septic system 15,000 central sewer	140 100	30	10	30	35
R-25 Residential	43,000 septic system 25,000 central sewer	140 125	40	10	30	35
R-25A Residential	43,000 septic system 25,000 central sewer	140 125	40	10	30	35
R-35A Residential	43,000 septic system 35,000 central sewer	140 125	40	10	30	35
RMH-15 Residential	43,000 septic system 15,000 central sewer	140 125	40	10	30	35
RMH-25 Residential	43,000 septic system 25,000 central sewer	140 125	40	10	30	35

RMH-35 Residential	43,000 septic system 35,000 central sewer	140 125	40	10	30	35
C-1 Commercial	43,000 septic system 15,000 central sewer	140 100	30	10	30	35
I-1 Industrial	43,000 septic system 25,000 central sewer	140 125	40	10	30	56
I-2 Industrial	43,000 septic system 25,000 central sewer	140 125	40	10	30	400
O&I Office & Institutional	43,000 septic system 15,000 central sewer	140 100	30	10	30	56
M-F Multi-Family	43,000 septic system 25,000 central sewer	140 125	40	10	30	35
P-1 Prisons	43,000 septic system 25,000 central sewer	140 125	100	100	100	56

SECTION 8.02 - NOTES TO THE TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

NOTE 1. Special Use Requirements Take Precedence

Area, yard and height requirements as specified in the issuance of a Special Use Permit shall take precedence over area, yard and height requirements as set forth in the TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS.

NOTE 2. Variance for Prior Lots of Record

Notwithstanding the other setback provisions of this Ordinance a building or structure may be constructed and occupied by one-family on any lot recorded prior to adoption of this Ordinance and meeting all of the requirements of the Pasquotank County Sanitarian and maintaining minimum side yards of 5 feet, a front yard of 25 feet and a rear yard of 20 feet.

NOTE 3.

a. Corner Lots

A minimum setback of 20 feet shall be maintained between any principal building and the side street. This requirement shall not be applied so as to reduce the building width of a residentially zoned corner lot of record at the time of passage of this Ordinance to less than 40 feet, nor to prohibit the erection of any accessory building where this requirement cannot reasonably be complied with as determined by the Board of Adjustment.

b. Retaining Walls

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

c. Fences and Walls and Plantings

In residential zones, fences and walls not over four feet high may project into or may enclose any front yard. Side and rear yards may be enclosed by fences or walls up to six feet high. In the Industrial and Commercial zones a solid or open fence or wall may be erected to a maximum height of ten feet. However, no fence, wall, or plantings may be established on or in a public street right-of-way or within deeded drainage/utility easements as required by Albemarle Regional Health Services and Pasquotank County.

d. Open Storage

Any open storage not enclosed within the confines of a building, such as boxes, crates, trash-piles, machinery and merchandise with open display, that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or within a residential zone.

e. Accessory Structures

Accessory structures (detached garages, storage buildings, swimming pools, etc.) to residential uses may be constructed provided:

- It shall not be located closer than 10 feet to any adjoining lot line,
- It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Pasquotank County,
- On a corner lot it shall not be located closer to the street side yard property line than one-half of the required front yard setback, and
- a minimum distance of ten (10) feet shall be maintained between the residential structure and the accessory building. Carports and swimming pools are excluded from this requirement.

f. Solar Collectors

Roof-mounted or ground mounted solar collectors are permitted as an accessory use in all zoning districts. In order to be classified as an accessory use, the area of the system shall not exceed the footprint of the principal structure and shall meet the following requirements:

- Solar collectors shall be configured to avoid glare and heat transference to adjacent properties.
- The system shall not be located within 10 feet of any side or rear lot line.
- Solar collectors located within a front yard shall meet the minimum setbacks required in Section 8.01.

NOTE 4. Buffer Requirements

Where the rear lot lines or side lot lines of industrial property abuts a residential district, a minimum side yard and rear yard of 75 feet shall be required. Additionally, a densely planted and maintained vegetative buffer shall be required. Such buffer shall reach a minimum height of eight (8) feet within three years. No such buffer shall, however, extend nearer a street right-of-way line than the established building line of the adjoining residential lot. No buffer strip shall be required upon any rear lot line or side lot line, which abuts a public street.

NOTE 5. Structures Excluded from Height Limitations

Chimneys, flag poles, steeples, water towers, 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 structure may be constructed above the height limit herein specified for purposes of providing for human occupancy.

NOTE 6. Exclusions from Setback Requirements

a. Signs

b. Underground utilities (water, sewer, electrical, cable TV, etc)

c. Underground drain tile systems and sewerage drainage systems approved by Albemarle Regional Health Services.

NOTE 7. Reduced Lot Width and Front Yard Setback Requirements

a. Lot Width at Front Setback Line

Subdivisions that have received sketch plan approval by the Pasquotank County Planning Board prior to January 1, 2001 shall be required to maintain a minimum 100 feet width at the front set back line.

b. Front Yard Setback

Subdivisions that have received sketch plan approval by the Pasquotank County Planning Board prior to January 1, 2001 shall be required to maintain a minimum 30 feet horizontal distance from the street right-of-way line.

NOTE 8 Minimum Lot Size for Parcels with Individual Septic Systems

Minimum 43,000 square foot lots are not required when the following criteria are met:

i. Development site has been reviewed and approved for individual septic systems by Albemarle Regional Health Services prior to July 19, 2004.
ii. Development site is located in a zoning classification that permits development.

In these situations development sites located in a R-15, R-15A, RMH-15, C-1 or O&I zoning classification lot sizes shall be a minimum 15,000 sq. ft.; in an A-1, R-25, R-25A, RMH-25, I-1, I-2, M-F or P-1 zoning classification shall be a minimum 25,000 sq. ft.; in a R-35A or RMH-35 zoning classification shall be a minimum 35,000 sq. ft.; and in an A-2 zoning classification shall be a minimum 40,000 sq. ft. Minimum lot sizes may be increased in each zoning classification based upon site evaluations by Albemarle Regional Health Services. (***Amended 7/19/04)***

NOTE 9 The height of residential structures shall be measured as the vertical distance from the lowest adjacent grade to the mid-point of the highest roof height. ***(Amended 12-17-07)***

ARTICLE 9
PROVISIONS FOR USES ALLOWED AS SPECIAL USES AND CONDITIONAL USES

SECTION 9.01 - Objectives and Purposes of Special Use and Conditional Use Permits

Special Use and Conditional Use Permits add flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses may be allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use and Conditional Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.***(Amended 11-21-05)***

SECTION 9.02 - Special Use Permits Issued by the Board of Adjustment

General Requirements

9.02-1 Special Use Permits may be issued by the Board of Adjustment for the establishment of uses listed as special uses in Article 7 after a public hearing.

9.02-2 The owner or owners, or their duly authorized agent, of the property included in the petition for a Special Use Permit shall submit an application to the Pasquotank County Planning Department at least thirty (30) days prior to the date of review by the Board of Adjustment. An application fee established by the County Commissioners shall be paid to the County of Pasquotank, North Carolina to cover necessary administrative costs and advertising expenses. Such application shall include all of the requirements pertaining to it in this Article.

9.02-3 Upon receiving the petition for a Special Use Permit and holding a hearing, the Board of Adjustment may grant or deny the Special Use Permit requested. The Special Use Permit, if granted shall include such approved plans as may be required.

In granting the Special Use Permit the Board of Adjustments shall find:

a. that the use will not materially endanger the public health or safety if located where proposed 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 plan of development for Pasquotank County.

9.02-4 In granting the permit the Board of Adjustment may designate such conditions in addition and in connection therewith, as will in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns. A Special Use Permit, issued by the Board of Adjustment shall become null and void if construction or occupancy of the proposed use as specified on the Special Use Permit is not commenced within twelve (12) months of the date of issuance. Time extensions for the Special Use Permit may be granted by the Board of Adjustment provided applications for extensions are submitted in writing to the Pasquotank County Planning Department prior to expiration. Although the Board of Adjustment may grant more than one extension of a permit, no single extension shall exceed

a period of six months unless otherwise stated. A Board of Adjustment decision on an extension may be appealed in conformity with the requirements of Section 9.02-6 of this Ordinance.

9.02-5 If the Board of Adjustment denies the Permit, the Board shall enter the reasons for its action in the minutes of the meeting at which the action is taken.

9.02-6 Every decision by the Board of Adjustment issuing or denying a Special Use Permit shall be subject to review by the Superior Court by proceeding in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Office of the Clerk to the Board of Commissioners or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk or Chairman of the Board of Adjustment at the time of the hearing of the case, whichever is later.

9.02-7 In addition to the specific conditions imposed by the regulations of this Ordinance and whatever additional conditions the Board deems reasonable and appropriate, special uses shall comply with the height, yard, area, parking, sign, and all other pertinent regulations for the use district in which they are permitted unless otherwise specified.

9.02-8 In the event of failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the Special 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 Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of Article VII of this Ordinance provided, however, that Pasquotank County shall not be prevented from thereafter rezoning said property for its most appropriate use.

9.02-9 The original applicant(s), their successors or their assignee may make minor changes in the location and/or size of the structure provided the necessity for these changes is clearly demonstrated. Minor changes shall be reviewed by the Planning and Building Inspection Departments. Upon approval of the previously mentioned departments, the Zoning Administrator may approve the requested minor changes. Such approval shall not be granted should the proposed revisions cause or contribute to: (***Amended 11-21-05)***

a. A change in the character of the development,

b. A change of design for, or an increase in the hazards to pedestrian and vehicle traffic circulation, or

c. A reduction in the originally approved setbacks from roads and/or property lines.

<u>SECTION 9.03</u> - Conditional Use Permits Issued by the Board of Commissioners (*Amended 11-21-05)*

General Requirements

9.03-1 Conditional Use Permits may be issued by the Board of Commissioners for the establishment of uses listed as conditional uses in Article 7 after a public hearing.

9.03-2 The owner or owners, or their duly authorized agent, of the property included in the petition for a Conditional Use Permit shall submit an application to the Pasquotank County Planning Department at least thirty (30) days prior to the date of review by the Board of Commissioners. An application fee established by the County Commissioners shall be paid to the County of Pasquotank, North Carolina to cover necessary administrative costs and advertising expenses. Such application shall include all of the requirements pertaining to it in this Article.

9.03-3 Upon receiving the petition for a Conditional Use Permit and holding a hearing, the Board of Commissioners may grant or deny the Conditional Use Permit requested. The Conditional Use Permit, if granted shall include such approved plans as may be required.

In granting the Conditional Use Permit the Board of Commissioners shall find:

a. that the use will not materially endanger the public health or safety if located where proposed 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 plan of development for Pasquotank County.

9.03-4 In granting the permit the Board of Commissioners may designate such conditions in addition and in connection therewith, as will in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Conditional Use Permit or on the plans submitted therewith. 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. A Conditional Use Permit, issued by the Board of Commissioners shall become null and void if construction or occupancy of the proposed use as specified on the Conditional Use Permit is not commenced within twelve (12) months of the date of issuance. Time extensions for the Conditional Use Permit may be granted by the Board of Commissioners provided applications for extensions are submitted in writing to the Pasquotank County Planning Department prior to expiration. Although the Board of Commissioners may grant more than one extension of a permit, no single extension shall exceed a period of six months unless otherwise stated. A Board of Commissioners decision on an extension may be appealed in conformity with the requirements of Section 9.03-6 of this Ordinance.

9.03-5 If the Board of Commissioners denies the Permit, the Board shall enter the reasons for its action in the minutes of the meeting at which the action is taken.

9.03-6 Every decision by the Board of Commissioners issuing or denying a Conditional Use Permit shall be subject to review by the Superior Court by proceeding in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Office of the Clerk to the Board of Commissioners or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk or Chairman of the Board of Commissioners at the time of the hearing of the case, whichever is later.

9.03-7 In addition to the specific conditions imposed by the regulations of this Ordinance and whatever additional conditions the Board deems reasonable and appropriate, conditional uses shall comply with the height, yard, area, parking, sign, and all other pertinent regulations for the use district in which they are permitted unless otherwise specified.

9.03-8 In the event of failure to comply with the plans approved by the Board of Commissioners or with any other conditions 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 Article VII of this Ordinance provided, however, that Pasquotank County shall not be prevented from thereafter rezoning said property for its most appropriate use.

9.03-9 The original applicant(s), their successors or their assignee may make minor changes in the location and/or size of the structure provided the necessity for these changes is clearly demonstrated. Minor changes shall be reviewed by the Planning and Building Inspection Departments. Upon approval of the previously mentioned departments, the Zoning Administrator may approve the requested minor changes. Such approval shall not be granted should the proposed revisions cause or contribute to:

a. A change in the character of the development,

b. A change of design for, or an increase in the hazards to pedestrian and vehicle traffic circulation, or

c. A reduction in the originally approved setbacks from roads and/or property lines.

SECTION 9.04 - Additional Restrictions Imposed on Certain Special and Conditional Uses

(***Amended11-21-05)***

The Board of Adjustment or the Board of Commissioners may grant permission for the establishment of the following uses, subject to any specific conditions either set forth below or which the Board may deem necessary to satisfy the conditions set forth in Section 9.02 of this Article

9.04-1 Adult Day Care Center - An adult day care facility may be permitted in districts designated in the Table of Permitted Uses, subject to the dimensional requirements of the district and provided:

a. Off-street parking meets the requirements of Article 10 of this Ordinance;

b. A paved or otherwise improved driveway, with ingress and egress directly onto a public street, is constructed in such a manner as to provide entrance to and exit from the property without backing onto the street right-of-way;

c. No outside sign in excess of four (4) square feet in area shall be permitted; and

d. The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable Federal, State, or local codes.

9.04-2 Automobile/Boat Repair - Automobile/Boat Repair may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided: (***Amended 3-16-09)***

a. All new sites shall be no less than 43,000 square feet in size;

b. Structures shall have minimum side and rear yards of thirty (30) feet and a minimum front yard of forty (40) feet; and

c. A buffer may be required along all property lines as determined by the Board of Commissioners. The Board shall consider among other things:

1. Aesthetics;

2. Compatibility with surrounding land uses; and

3. Parcel size and location of garage and parking.

d. All storage of wrecked or inoperable vehicles shall be enclosed by a six (6) foot high opaque fence.

e. No wrecked or inoperable vehicles may be stored for more than one hundred twenty (120) days from the date the vehicle is accepted for repair.

9.04-3 Bars, Cabarets, and Discos – may be permitted in districts designated in the Table of Permitted Uses, provided:

a. Bars, Cabarets, and Discos which, because of their very nature, are recognized as having potential objectionable operational characteristics, particularly when located near a residential area, church, child nursery, school, college or university. Therefore, a minimum separation of one thousand (1,000) feet from the nearest property line of any residential zoning district, residential use property, church, child nursery, school, college or university shall be required for purposes of such establishments.

9.04-4 Bed and Breakfast Inn - Bed and breakfast inns may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of those districts, and where the building are principally used as private residences, or in accessory structures as defined in Sections 4.02(1) and 8.02(e) of this Ordinance. Such accommodations are intended to offer temporary lodging in a private home which usually has architectural and/or historical interest, rather than the provision of food service or the offering of facilities for long-term occupancy, such as provided by boarding houses, inns, and similar guest lodging. Plans for such a use must be submitted to the Planning Department at the time of request for a Special Use Permit.

9.04-5 Cabinet and Woodworking Shop – A cabinet and woodworking shop may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

a. No other principle use exists on the property;

b. Maximum lot size of 2 acres;

c. No more than 25% lot coverage including structure and impervious surfaces;

d. Must be screened from adjacent residential uses by a vegetative buffer ten (10) feet in width and which reaches a minimum of six (6) feet in height within a three (3) year time period; and

e. A maximum of ten (10) employees.

9.04-6 Cemetery - A cemetery may be permitted in districts designated in the Table of Permitted Uses, provided it shall meet the minimum requirements of the North Carolina Cemetery Commission.

9.04-7 Child Day Care Center - A child day care center may be permitted in districts designated in the Table of Permitted Uses, subject to the dimensional requirements of the district and provided:

a. Off-street parking meets the requirements of Article 10 of this Ordinance;

b. A paved or otherwise improved driveway, with ingress and egress directly onto a public street, is constructed in such a manner as to provide entrance to and exit from the property without backing onto the street right-of-way;

c. The entire play area is enclosed with a fence having a minimum height of four (4) feet and constructed in such a manner that maximum safety is ensured.

d. No outside sign in excess of two (2) square feet in area shall be permitted in residential districts; and

e. The construction and operation of such facilities shall comply with the provisions of the General Statues of the State of North Carolina and any other applicable Federal, State, or local codes.

9.04-8 Colleges, Universities, Professional Schools, and Technical Institutions - Such appropriate educational facilities may be developed in districts designated in the Table of Permitted Uses, subject to the requirements of those districts and a case by case review by the Pasquotank County Planning Department concerning:

a. Appropriateness and feasibility, including parking, ingress and egress;

b. Aesthetics; and

c. Compatibility with surrounding land uses.

9.04-9 Convenience Food Store - A convenience food store may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district in which it is to be located and provided that:

a. The total amount of land devoted to such use shall not exceed one (1) acre.

b. The gross square footage of the structure shall not exceed three thousand (3,000) square feet.

c. The use shall be limited to providing convenience food sales and gasoline sales to the surrounding residential area, provided that vehicular services such as, but not limited to, auto repair, sale of auto accessories, washing, etc. shall not be permitted.

d. A convenience food store shall not be permitted within the interior of a subdivision.

e. Specifications for a proposed principal use sign shall be submitted with the application for the Special Use Permit.

f. Off-street parking shall meet the requirements outlined in Article 10 for retail use.

g. Fuel sales may be approved provided such sales shall be limited to one (1) pump island located a minimum distance of thirty (30) feet from any street right-of-way and forty (40) feet from any side or rear lot line.

9.04-10 Duplexes - Duplexes may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and that the proposed development is in keeping with the rural, low-density requirements of the district.

9.04-11 Dwelling unit incidental to and contained in the same buildings as the principal use provided that:

a. The purpose of this provision is to allow close physical proximity required by the owner-operator or a full-time employee to efficiently transact a small business and yet maintain economically and safely a family dwelling unit within the same structure;

b. The dwelling unit shall be occupied solely by the person engaged in the principal use, a full time employee, or their family members residing with them;

c. The building shall meet the minimum side and rear yard requirements of the R-15 (single family) district in all cases. The front yard shall conform to the requirements of the appropriate C-1 or O&I district;

d. The site shall provide an area of open space, unobstructed by any buildings, parking or structures, equal to the total floor space of the dwelling unit;

e. The amount of floor area for the dwelling unit shall not be more than fifty percent (50%) of the total floor area of the principal use;

f. The dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial frontage;

g. In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the dwelling unit; and

h. A site plan and a building layout plan shall be presented with any Special Use Permit application; and

i. A manufactured/mobile home may be used as a separate and unattached residential structure under this provision, provided:

1. An area of 15,000 square feet can be designated for the use of residents, free from any use or activity needed to operate the business;

2. The manufactured/mobile home shall be screened from view by adjacent properties or rights-of-way; and

3. Items b, c, f, g, and h above shall be incorporated in the site review and approval of this subsection.

9.04-12 Fraternal and Social Organizations - Fraternal and social organizations may be allowed in the districts designated in the Table of Permitted Uses, subject to the requirements of the district where located and provided that:

a. The lot size shall be no less than twenty thousand (20,000) square feet for new construction and no less than fifteen thousand (15,000) square feet for the conversion of existing buildings;

b. The usable floor space shall be no less than two hundred and fifty (250) square feet per resident;

c. Off-street parking shall meet the requirements outlined in Article X of this Ordinance; and

d. The parking lot shall be provided with a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a combined fence and evergreen hedge or shrubbery screen.

9.04-13 Government Offices and Buildings - Appropriate state, local, and federal offices and buildings may be permitted in districts designated in the Table of Permitted Uses, (especially those of a regulatory nature) subject to the requirements of the district and review by the Pasquotank County Planning Department.

9.04-14 Hospital or Nursing and Personal Care Facilities - A hospital or nursing and personal care facility may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the districts and provided that:

a. The lot size shall be no less than two (2) acres; and

b. The structure shall have minimum side and rear yards of fifty (50) feet and a front yard of at least twenty-five (25) feet greater than that required of single family residences within the district in which located.

9.04-15 Indoor Shooting Ranges – Indoor Shooting Ranges may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of that district. (***Amended 11-21-05)***

9.04-16 Internet Sweepstakes Cafes – Internet Sweepstakes Cafes may be permitted on parcels accessed by US 17 South and US 17 North (either by direct access, frontage road, or minor street) in the C-1, Commercial District, subject to the requirements of the districts and provided that:

a. Structures in which internet cafes are located shall not be: ***(Amended 10-17-11)***

   1. Located within 1,320 feet of any building that occupies an existing sensitive use such as churches or other religious uses, educational facilities, child or adult daycare facilities, health care facilities, library, and recreational facilities. This is not intended to be an all inclusive list.
   2. Located within 1,320 feet of a residential zoning district.
   3. Located within 1,320 feet of an existing structure used for residential purposes.
   4. Located within 1,000 feet of an existing structure in which an internet cafe is located.
   5. Located within 500 feet of an existing structure in which a restaurant is the principal business.

b. Measurements shall be made along the street right-of-way beginning at a point perpendicular to the nearest portion of the building or structure where an internet sweepstakes cafe is proposed to a point that is perpendicular to the nearest portion of an existing building or structure occupying a use listed in subsection (a) or to a residential zoning district.

c. Signs – One sign is permitted per internet cafe and said sign shall conform to the following:
   1. Maximum size shall be 4’ x 4’.
   2. Shall depict name of business and business hours only.
   3. No flashing or obtrusive lights.

d. No person under the age of 18 years shall be permitted within an internet sweepstakes cafe.

e. There shall be no consumption of alcoholic beverages on the premises to include parking areas.

f. Firearms shall be prohibited in the establishment.

g. The maximum number of player terminals is 20. No poker or slot style machines shall be allowed.

h. The gaming operation shall be visible and open to the store front.

i. Hours of Operation – Internet sweepstakes cafes shall be permitted to operate daily only between the hours of 10:00 AM through midnight Monday through Saturday.

j. Setback Requirements – In addition to the minimum setback dimensions specified in Article 8, Table of Area, Yard, and Height Requirements, there shall be no structure or parking located within 25 feet of side yard lot boundary lines and within 30 feet of rear yard lot boundary lines.

k. All parking areas and exterior entrance/exits 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.

l. Conditional Use Permit Required

1. It shall be unlawful for any person to operate an internet sweepstakes cafe without a conditional use permit issued by the Pasquotank County Board of Commissioners.

2. Application for a Conditional Use permit shall be submitted to the Zoning Administrator. Information shall be submitted to clearly indicate that items in subsections (a) through (k) listed above are being properly addressed. Specific information to be submitted shall include:

a) 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 internet sweepstakes cafe meets minimum requirements of item (a) listed above.

b) A site plan accurately drawn to a scale no larger than 1”=100’ for the proposed location for the internet cafe business shall be submitted to indicate that minimum building setbacks defined in Article 8 and item (j) above and parking requirements defined in Article 10.

c) A scaled drawing of the sign that will be used for identifying the internet cafe.

d) A statement defining the type of games to be offered at the internet sweepstakes café for which the Conditional Use permit application is submitted. The statement shall include a description of the games to be provided.

9.04-17 Junkyards, Scrap Processing - A junkyard or scrap processor may be permitted in districts designated in the Table of Permitted Uses, subject both to the requirements of that district, and to the requirements of the "Ordinance Regulating the Operation or Maintenance of Automobile Graveyards and Junkyards in Pasquotank County" (April, 1987, and any subsequent amendments), the latter having certain restrictions regarding fencing and proximity to residential areas.

9.04-18 Mining and Quarrying – Mining and quarrying may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the I-1, I-2, A-1,and A-2 districts with a special use permit except as provided below. The special use permit shall be issued only if the applicant has received the State of North Carolina mining permit and complies with the general standards and following specific standards: ***(Amended 9-18-06)***

a. Any mine or quarry activity affecting more than one (1) acre (including excavation, area where overburden is placed, area used for processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a special use permit. In the event that one (1) acre or less is disturbed, excluding haul roads, such use shall be permitted by right with a zoning permit in all zoning districts subject to a minimum one hundred (100) foot excavation area setback from all property lines, a maximum 3 to 1 slope above the water, a maximum 2 to 1 slope in the water, an average minimum depth of four (4) feet, and a $1,000 bond posted with the Planning and Inspections Department to ensure proper reclamation of the mine.

b. If at any time a state agency suspends or revokes any permits it has issued for the mining and quarrying operation, the revocation or suspension shall cause the special use permit to become void;

c. All state permits and applications for state permits associated with the mining and quarrying activity, including permit modifications, shall be filed within ten (10) working days of issuance or submittal in the Planning and Inspections Department by the applicant;

d. The special use permit shall be valid for a period of ten (10) years from the date it is granted. In the event the property owner desires to continue the mining and quarrying operation thereafter, he shall again petition the Board of Adjustment for a new permit;

e. The hours of operation of all mining and quarrying related facilities and activities on the mining or quarrying site shall be established by the Board of Adjustment to minimize: (1) traffic delays and interruptions on public roads; and (2) noise levels and sound disturbances to adjoining property owners and the community at large;

f. Appropriate buffers and screens for mining and quarrying activities shall be determined by the Board of Adjustment in order to minimize the negative impacts on adjoining properties and street right-of-ways. The use of earth berms for visual screening shall be encouraged where appropriate;

g. No activities associated with the mine or quarry, including but not limited to excavation activities, vehicular access (except for driveways providing access to the site) and detention ponds, shall be located within one hundred (100) feet of any property line and three hundred (300) feet of any residence, school, church, hospital, commercial or industrial building, public road, or cemetery. Setbacks will be reduced by 50% when there is a visual screen of at least six (6) feet in height between the mining or quarrying activity and the adjoining use. Further, the Board of Adjustment may reduce non-modified setbacks by 50% when the mining or quarrying activity adjoins a vacant parcel or farmland. Where mining or quarrying activities remove four (4) feet or less of soil and maintain at least one (1) foot above the seasonal high water table, the mining or quarrying activity setback shall not be less than twenty-five (25) feet from any property line or use;

h. When shared with other uses, roads entering mining or quarrying areas shall be properly graded and drained in order to minimize potholes and standing water;

i. Where two or more accesses to the mining or quarrying operation exist, traffic shall be routed to the access having the least negative impact on adjoining properties;

j. All trucks hauling mined or quarried materials (i.e., sand, clay, topsoil) shall be covered with a tarpaulin when materials extend above the raised board of the truck;

k. Overburdened to be used for future reclamation shall be placed where it will not be disturbed by normal mining or quarrying activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining or quarrying operation on adjoining properties;

l. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site;

m. Discharging of water from the mine or quarry site shall be permitted subject to obtaining a state permit. The County may take random samples and have the results tested for settable solids, turbidity, and pH at the operator's expense. Such testing shall not exceed six (6) tests per year. Discharging without proper state permits will result in initiating procedures to revoke the special use permit.

n. No trespassing signs shall be posted around the site being mined or quarried at a maximum distance of 250 feet apart indicating that a mining or quarrying operation is being conducted on the property;

o. Reclamation shall be conducted simultaneously with mining and quarrying operations. Annual reclamation reports shall be submitted to the Planning and Inspections Department within ten (10) days of being filed with the state;

p. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation;

q. All provisions of state and local permits issued for the operation shall be met; and

r. Application/Mapping Requirements. In addition to all other application submittal requirements established in this Ordinance, the applicant shall provide the following:

1. Name of mine/quarry;

2. Mine/quarry manager, address and phone number;

3. Mining/quarrying methods;

4. Steps taken to maintain haul roads when appropriate;

5. Description of day to day operations;

6. Statement of timing of reclamation;

7. Description of project stages at beginning, halfway through, and reclamation (size, timing, status of site);

8. Description of sedimentation control measures and drainage patterns;

9. All state permits issued and all materials turned in to obtain such permits;

10. Proposed use after mining/quarrying along with site plans and a description of how sewage will be handled;

11. Boundaries of pit(s);

12. Location of haul roads; and

13. Buffers, existing vegetation on site and berms.

9.04-19 Motor Sport Activities – Motor Sport Activities may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that: ***(Amended 11-21-06)***

a. The hours of operation shall be determined by the Board of Commissioners based upon surrounding land use and the proposed business activities (frequency, duration, time of day, etc).

b. All activities shall comply with Pasquotank County Noise Ordinance and the following:

1. Consideration for adjacent property uses shall be considered when installing loudspeakers. Location, height, etc. shall be approved by the Board of Commissioners.

2. Hours of use of the PA system shall be 10am to 7pm; unless amended by the Board to accommodate the nature of the business.

c. Access

1. Ingress/Egress and roads leading to event sites and parking areas shall:

a. be constructed with a minimum 24' width and minimum 6" depth stone;

b. have a paved apron at the connection to the state road extending 50' into the site beginning at the state road edge of pavement to minimize loose rocks on the road;

c. be properly maintained with the use of dust control measures as needed; and

d. a second entrance, constructed to the same standards, must be provided for emergency situations.

e. Board of Commissioners may require a traffic study and increase entrance standards.

2. Supply documentation from NCDOT that a turning lane has been requested if the site has direct access to a primary road.

d. Required Fencing/Protection Barriers

1. A controlled access, as approved by the Board of Commissioners, shall be combined with a treed buffer and enclose all property used for the activity, excludes parking areas.

2. Opaque fence, minimum 6' height shall be installed along portions of the facility that abut residentially used/zoned property (modified chain link fences are not acceptable).

3. Fencing/Protection Barriers shall be established between spectators and participants. Detailed drawings and specifications for materials shall be included with site plan for approval.

e. Parking

1. All parking shall be contained within the property boundaries (no parking on road shoulders); and

2. Parking control shall be provided by the applicant for special events.

f. Dust Control

1. Dust control shall be provided in the form of a fast growing evergreen vegetated buffer around dirt areas (fast growing trees include but not limited to chryptomania, Nellie Stevens Holly, Legostrum). Trees shall be minimum 6' in height at time of planting. Location of vegetated buffer and species shall be identified on the site plan and maintained at all times to remain compliant with the Conditional Use Permit.

2. Irrigation systems and/or water trucks shall be used during events to control dust. The irrigation system shall be shown on the site plan.

g. Setbacks

1. All activities shall be located no closer than 500 feet to each property line;

2. All activities shall be located no closer than 1000 feet to any residentially used or residentially zoned property.

h. Adequate trash receptacles and dumpsters shall be provided.

i. Restrooms facilities shall be provided as required by Albemarle Regional Health Services and/or NC State Building Code. These requirements shall be submitted at the time of application for the special use permit.

j. Outdoor lighting shall be 90 degree cut-off and the site plan shall indicate the style and location of all outdoor lighting.

k. The Conditional Use Permit shall be valid for a period of three (3) years from the date it is granted. If operation of the Motor Sport Activity is desired to continue, the applicant must petition the Board of Commissioners for a new permit before the current permit expires.

9.04-20 Outdoor Recreation Establishments Commercially Operated – These establishments may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that: (***Amended 11-21-05)***

a. Outdoor lighting shall be 90 degree cut-off and the location of all outdoor lighting shall be shown on the site plan;

b. The Board of Commissioners may set the hours of operation to keep in harmony with surrounding land uses; and

c. The Board of Commissioners may increase the setback requirements.

9.04-21 Outdoor Shooting Ranges - Outdoor Shooting Ranges may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that:

a. All shooting areas shall be setback a minimum distance of one hundred (100) feet from any street right-of-way;

b. The firing range shall have a natural earth embankment a minimum of fifteen (15) feet high placed behind all targets within the shooting area;

c. The firing range shall be posted "No Trespassing - Danger - Shooting Range" at one hundred (100) foot intervals around the perimeter;

d. At least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.

9.04-22 Private Club or Lodge – A private club or lodge may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that:

a. All new sites shall be no less than two (2) acres in size:

b. Structures shall have minimum side and rear yards of fifty (50) feet and a front yard of at least twenty-five (25) feet greater than that required for single family residences within the district located; and

c. Provisions for food, refreshment, and entertainment for club members and their guests may be allowed in conjunction with such use if the Board of Adjustment determines that said provisions will not constitute a nuisance.

d. Off-street parking shall meet the requirements outlined in Article X of this Ordinance; and

e. The parking lot shall be provided with a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a combined fence and evergreen hedge or shrubbery screen.

9.04-23 Residential Marina – This type of use may be permitted in districts designated in the Table of Permitted Uses, provided:

a. A buffer shall be provided along all property lines abutting residential property;

b. Night lighting by design and construction shall be contained on the site; and

c. A site plan shall be submitted for review and approval.

9.04-24 Residential Support Center – A residential support center may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the districts and provided that:

a. The structure shall have a minimum side yard of twenty (20) feet and front yard of fifty (50) feet, and;

b. A paved driveway, with ingress and egress directly onto a public street, is constructed in such a manner as to provide entrance to exit from the property without backing onto the street right-of-way.

9.04-25 Restaurant/Catering – Restaurant/Catering may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

a. Restaurant seating shall be limited to 75 seats.

b. Off-street parking shall meet the requirements outlined in Article 10 for restaurants and other eating places.

c. A paved or otherwise improved driveway, with ingress and egress directly onto a public street, is constructed in such manner as to provide entrance to and exit from the property without backing onto the street right-of-way.

d. Setback Requirements – In addition to minimum setback dimensions specified in Article 8, Table of Area, Yard and Height Requirements, there shall be no structure or parking within 25 feet of side or rear lot boundary lines.

e. Night lighting by design and construction shall be contained on site.

f. Proposed restaurant/catering structures located within 100 feet of a parcel used for residential purposes as its principal use or located within 100 feet of an adjacent residential zoning district shall provide a vegetated buffer to screen the commercial activity from the residential use.

9.04-26 Sanitary Landfill - A sanitary landfill may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that:

a. No refuse shall be deposited within one hundred (100) feet of the nearest property line; and

b. The operation of said fill shall be carried out in accordance with the requirements of the Department of Environment, Health, and Natural Resources.

9.04-27 Septage Disposal - Septage disposal may be permitted in districts designated in the Table of Permitted Uses subject to the requirements of the district and provided:

a. The operation and responsibility of said use shall be carried out in accordance with all standards and rules prescribed by the N. C. Department of Environment, Health, and Natural Resources and the County Health Department.

9.04-28 Sexually Oriented Business – A sexually oriented business may be permitted on parcels accessed by US 17 South and US 17 North (either by direct access, frontage road, or minor street) in districts designated in the Table of Permitted Uses, subject to the requirements of the districts and provided that:

a. Structures in which sexually oriented businesses are located shall not be:
   1. Located within 1,320 feet of any building that occupies an existing sensitive use such as churches or other religious uses, educational facilities, child or adult daycare facilities, health care facilities, library, and recreational facilities. This is not intended to be an all inclusive list.

   2. Located within 1,320 feet of a residential zoning district.

   3. Located within 1,320 feet of an existing structure used for residential purposes.

   4. Located within 500 feet of an existing structure in which a sexually oriented business is located.

   5. Located within 500 feet of an existing structure in which a restaurant is the principal business.

b. Measurements shall be made along the street right-of-way beginning at a point perpendicular to the nearest portion of the building or structure where a sexually oriented business is conducted or is proposed to be conducted to a point that is perpendicular to the nearest portion of an existing building or structure occupying a use listed in subsection (a) or to a residential zoning district.

c. Signs – One sign is permitted per sexually oriented business establishment and said sign shall conform to the following:
   1. Maximum size shall be 4’ x 4’.

   2. Shall depict name of business and business hours only.

   3. No photographs, silhouettes, drawings or pictorial representations.

   4. No flashing or obtrusive lights.

d. Sleeping Quarters – No sexually-oriented business shall have sleeping quarters.

e. Prohibition Against Youth – No person under the age of 18 years shall be permitted on the premises.

f. Hours of Operation – Except for adult motels, sexually oriented businesses shall be permitted to operate daily only between the hours of 11:00 AM through 2:00 A.M. Monday through Saturday.

g. Setback Requirements – In addition to the minimum setback dimensions specified in Article 8, Table of Area, Yard, and Height Requirements, there shall be no structure or parking located within 25 feet of side yard lot boundary lines and within 30 feet of rear yard lot boundary lines.

h. All parking areas and exterior entrance/exits shall be fully illuminated with night-lighting to deter criminal activities. Lighting shall be shielded so as not interfere with adjoining property owners or traffic traveling the public highways.

h. Conditional Use Permit Required

1. It shall be unlawful for any person to operate a sexually oriented business without a special use permit issued by the Board of Commissioners.

2. Application for a conditional use permit shall be submitted to the Zoning Administrator. Information shall be submitted to clearly indicate that items in subsections (a) through (h) listed above are being properly addressed. Specific information to be submitted shall include:

a) 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 sexually oriented business meets minimum requirements of item (a) listed above.

b) A site plan accurately drawn to a scale no larger than 1”=100’ for the proposed location for the sexually oriented business shall be submitted to indicate that minimum building setbacks defined in Article 8 and item (g) above and parking requirements defined in Article 10.

c) A scaled drawing of the sign that will be used for identifying the sexually oriented business.

d) A statement defining the type of sexually oriented business for which the conditional use permit application is submitted. The statement shall include a description of the product and/or services to be provided.

9.04-29 Solar Farms - Solar farms are permitted in districts as designated in the Table of Permitted Uses, subject to the following requirements: ***(Amended 10-16-17)***

a. Structures shall not exceed twenty-five (25) feet in height, as measured from grade at the base of the structure to its highest point;

b. All structures and security fencing shall meet the following setbacks:

1. 150’ front property line setback;

2. 50’ side and rear property line setback;

3. 150’ setback from adjacent residential property lines or residential zoning districts;

4. 100’ minimum setback from adjacent water bodies, wetlands, or any other additional setback required by the Army Corps of Engineers or CAMA;

5. ½ mile setback from Highway 17, Future I-87 and Halstead Boulevard Extended. ***(Amended 11-19-18)***

c. All exterior sides of the security fence shall be screened with a landscape buffer that meets one of the following criteria:

1. Existing on-site mature vegetation at a minimum height of ten (10) feet and depth of fifty (50) feet remains between the security fence and adjacent property including rights-of-way; or

2. A single row of evergreens in combination with mature vegetation, installed at a height of five (5) feet achieving opaqueness and a minimum height of ten (10) feet in five years; or

3. A double row of off-set evergreens absent existing mature vegetation, installed at a height of five (5) feet achieving opaqueness and a minimum height of ten (10) feet in five years; or

4. A berm combined with evergreen vegetation installed at a height of five (5) feet achieving opaqueness and a minimum height of ten (10) feet in five years.

d. Solar farms shall be developed in accordance with an approved site plan that includes the following information:

1. The location of the solar farm facility (including the arrangement of any existing or proposed buildings, structures, or panels);

2. The distance from any proposed solar farm facility or structure to the surrounding property lines;

3. Any existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening or required buffers. All parking must be located outside of the state right-of-way;

4. Horizontal and vertical (elevation) to-scale drawings with dimensions of proposed solar collector structures.

e. Solar energy components must have a UL listing and must be designed with anti-reflective coating(s).

f. Landscape buffers, ground cover, security fences, gates, and signage must be maintained in good condition until the solar farm is dismantled and removed from the site. Grass, weeds, and other ground cover must not exceed 12 inches in height at any time.

g. An engineered drainage plan meeting the minimum requirements of the Pasquotank County Stormwater Design Manual shall be required with the submittal of the Conditional Use Permit application. Solar farms are required to be constructed according to their approved drainage plan.

h. Decommissioning:

1. A decommissioning plan shall be required as part of the Conditional Use Permit application. This plan shall be prepared by a third party engineer and must be signed off by the party responsible for decommissioning and all landowners of property included in the project. The following items are required to be addressed or included in the decommissioning plan:

    a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning;

    b. The identification of the party currently responsible for decommissioning;

    c. The type of panels and material specifications being utilized at the site;

    d. All costs for the removal of solar panels, buildings, cabling, electrical components, roads, fencing, and any other associated facilities down to 36 inches below grade;

    e. All costs associated with the grading and re-seeding of disturbed earth from the project.

2. Prior to the issuance of the building permit, the decommissioning plan shall be recorded by the applicant in the Pasquotank County Registry of Deeds.

3. The decommissioning plan and estimated cost of removal shall be updated every 5 years or upon change of ownership of either the property or the project's owner. Any changes or updates to the plan shall be recorded in the County's Registry of Deeds.

4. The owner of the solar farm shall provide a bond, cash escrow, or irrevocable letter of credit in favor of the County in an amount equal to one and a quarter times the estimated decommissioning cost. Should the solar farm owner elect to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in northeastern North Carolina in favor of Pasquotank County. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal,

cancellation, termination, or expiration of the guarantee. The bond or letter of credit 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.

5. Solar farms shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months. For purposes of this section, this 12 month period shall not include delay resulting from force majeure.

6. The decommissioning bond shall be drawn and paid for an amount equal to the estimated removal costs of the solar facility in the event the responsible party fails to decommission the solar facility pursuant to the requirements of this section and the Conditional Use Permit.

9.04-30 Temporary Field Office/Storage Unit – A temporary field office/storage unit may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

a. Residential subdivision must consist of a minimum 10 lots;

b. No more than one unit per 10 lots will be permitted;

c. Location for each unit(s) shall be located within the subdivision so that it is aesthetically pleasing for both the development and all lots within the subdivision and the adjoining properties. Unit(s) shall not be located on residential lots that adjoin a state maintained road;

d. Duration for special use permit will be one (1) year. The applicant may reapply for the special use permit to be extended in increments of no more than one (1) year. Applications for extensions must be submitted prior to expiration date of the special use permit; and

e. Unit(s) must be anchored in accordance with the manufacturer's specifications and inspected by the County Building Inspector. Henceforth, a building permit must be obtained for each unit before it is placed onsite.

9.04-31 Travel Trailer Park - A travel trailer park may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district to be located and the requirements of the Pasquotank County Manufactured Home Rental Community Ordinance.

9.04-32 Wind Energy Facilities - Wind energy facilities may be permitted in districts as designated in the Table of Permitted Uses, subject to the following requirements: ***(Added 1-10-11)***

a. Permit applications for a Wind Energy Facility shall contain the following:

1. A narrative describing the Wind Energy Facility, including an overview of the project;

2. The proposed total rated capacity of the Wind Energy Facility;

3. The specific 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;

4. Identification and location of the properties on which the proposed Wind Energy Facility will be located;

5. A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, 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 structures and property lines, demonstrating compliance with all applicable setbacks;

6. Any Environmental Assessment required by the state or federal law;

7. Other relevant information as may be requested by Pasquotank County, including but not limited to a Shadowflicker Analysis, to ensure compliance with the requirements of this Ordinance;

8. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored;

9. Documentation of agreement between participating landowner(s) and the applicant; and

10. Signature of the applicant.

a. Throughout the permit process, the applicant shall promptly notify Pasquotank County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.

b. Changes to the approved application that do not materially alter the initial site plan may be administratively approved by the Pasquotank Planning Department.

c. A temporary anemometer or meteorological tower, for the purpose of gathering data on wind speeds and directions, may be installed with the issuance of a zoning permit and must be setback from all property lines at a distance equal to one linear foot for every foot of height. Zoning permits shall be valid for a period of one year and may be renewable in the event that more data is needed to determine the viability of a wind energy project. Prior to the issuance of a building permit for an anemometer or meteorological tower, a decommissioning bond or letter of credit shall be required in an amount equal to the estimated removal cost of the structure.

d. 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, nearest point on a public road right-of-way, or nearest point on the foundation of a dwelling or occupied building.

f. Setback requirements from occupied buildings and property lines may be waived by adjacent property owners so long as such waiver is in provided in writing, signed by the property owner and recorded in the Pasquotank Register of Deeds office.

Facility Type	Minimum Lot Size	Minimum Setback Requirements				Maximum Height
		Occupied Buildings* (Participating Property)	Occupied Buildings* (Non-Participating Property	Property Lines (Non-Participating Property)	Public Roads	
Small Facility		0.0	1.5	1.0	1.5	120'
Medium Facility	5 Acres	1.1	2.0	1.5	1.5	250'
Large Facility	25 Acres	1.1	2.5	1.5	1.5	600'

* For the purposes of this Section, farm or accessory structures shall not be considered as occupied buildings.

f. Sound and Shadow Flicker

1. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building on the property of a non-participating landowner.

2. Shadow flicker at any Occupied building on a non-participating landowner's property caused by a large wind energy facility must not exceed thirty (30) hours per year.

3. 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 Pasquotank County Register of Deeds office.

g. Installation and Design

1. The installation and design of the Wind Energy Facility shall conform to the applicable industry standards, including those of the American National Standards Institute, and take into consideration of local conditions.

2. All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

3. The visual appearance of a wind turbine shall at a minimum:

A) Be a non-obtrusive color such as white, off-white or gray;

B) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and

C) Not display advertising (including flags, streamers or decorative items), except for identification of the wind turbine manufacturer, facility owner and operator.

h. Decommissioning

1. 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.

This period may be extended by the Pasquotank County Board of Commissioners, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.

2. 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.

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

4. Prior to the issuance of a building permit, the owner of a Large Wind Energy Farm shall provide a bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Farm, less the salvage value of the equipment prior to construction. If the Wind Farm Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in northeastern North Carolina. The bond or letter of credit 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.

9.04-33 Wireless Communication Towers and Facilities – Wireless communication towers and facilities are allowed in accordance with Section 7.01 - Table of Permitted Uses and with the requirements listed below. The removal or replacement of transmission equipment on an existing wireless communication tower that does not result in a substantial modification of the wireless facility and/or ordinary maintenance of existing wireless facilities shall be permitted by right. These regulations shall not apply to noncommercial amateur/ham radio towers. ***(Amended 2-18-19)***

a) Towers and antennas shall be required to maintain a setback from all property lines a distance equal to 50% of the height of the tower. Towers shall be setback from existing structures and public rights-of-way a distance equal to the height of the tower and antenna(s) plus 10%. Guy wires and utility buildings shall conform to the principal structure setback provisions within Article 8, Table of Area, Yard and Height Requirements.

b) Performance Security - The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount set forth in the Commissioners Fee Schedule, and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance. The full amount of the bond or security 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 original Zoning Permit.

c) Abandoned or Unused Towers

1. Abandoned or unused towers and antennas located on land owned or leased by the utility owner shall be removed by the utility owner within 365 days of cessation of operations;

2. If the tower/antenna is not removed within the required 365 days of cessation of operations, the County will attempt to contact the utility owner and order the removal of the tower/antenna within sixty (60) days of receipt of the notice. If the County is not successful in contacting the utility owner, the County will notify the landowner that the tower/antenna must be removed within sixty (60) days of receipt of the notice; and

3. Upon successful notification to either the utility owner or the landowner and failure to remove the tower/antenna as ordered, the County may remove the tower/antenna and tax the costs of removal to the landowner or place a lien upon the property for the costs of removal if such cost is above the amount of the performance security.

d) Towers and antennas proposed for local business internal communication purposes only shall be exempt from the 1 mile search radius required.

e) Antennas placed on existing structures shall be considered accessory uses that are permitted by right subject to a zoning permit provided they are no higher than 20 feet above the structure to which they are attached and a qualified and licensed engineer certifies the existing structure can suitably accept the antenna. No additional setbacks shall be required for antennas placed on existing structures, excluding existing towers. Antennas that are placed on existing towers cannot be placed above that which exists unless required setbacks can be met.

f) No new or existing tower and antenna service shall interfere with public safety telecommunications. Further, where it can be shown that telecommunication service interferes with reception received by surrounding properties, the permit holder shall be responsible for taking reasonable steps to eliminate that interference in accordance with Federal Communications Commission regulations.

g) Prior to obtaining a building permit, the applicant shall submit proof of compliance with Federal Aviation Administration and Federal Communications Commission regulations and any other documentation to demonstrate compliance with state building code regulations.

h) Every tower, affixed to the ground, and guy wires shall be protected to discourage climbing by unauthorized persons. The base of the tower along with any individual guy wires shall be enclosed by a commercial grade chain link fence (or some other fence of equal or greater quality) a minimum of eight (8) feet in height, and in addition to, shall include a minimum of two (2) strands of barbed-wire and/or razor wire affixed to the top of the fence.

i) The permit, when issued, shall include a condition that the accumulative electromagnetic radiation levels maintain compliance with requirements of the Federal Communications Commission (FCC), regarding emission of electromagnetic radiation. The tower or antenna owner shall provide documentation of accumulative emission levels to FCC standards.

j) When deemed appropriate to minimize the potential impact on surrounding properties, landscaping may be required around the tower, antenna, guy wires, and associated buildings. In addition, the following shall be required:

1. Existing mature tree growth and natural vegetation on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed;

2. Grading for the new tower or antenna shall be minimized and limited only to the area necessary for the new facility.

k) All telecommunication facilities and accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and /or to harmonize with the natural surroundings, this shall include the utilization of stealth technology.

l) Wireless communication towers may not be illuminated or marked except as required by the Federal Aviation Administration (FAA).

m) Towers and antennas shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing tower and antenna facilities.

n) No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

o) Shared Facilities and Collocation

1 All new tower and antenna facilities (other than those proposed for local business utilization) shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing tower and antenna facilities and to accommodate the future collocation of other tower and antenna facilities. A permit for a tower shall not being issued until the applicant proposing a new tower and antenna facility shall demonstrate that it has made a reasonable good faith attempt to locate its antenna facility on an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.

2. All towers and antenna facilities (other than those proposed for local business utilization) with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 3 antenna arrays. All towers and antenna facilities with support structures 150 feet or greater in height shall be engineered and constructed to accommodate at least 4 antenna arrays.

3. Collocation Agreements. All applicants for towers and antenna facilities (other than those proposed for local business utilization) are required to submit a statement with the application for a zoning permit agreeing to allow and reasonably market collocation opportunities to other tower and antenna facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers.

p) A proposal for a new wireless communication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one (1) mile search radius of the proposed wireless communications facility due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed North Carolina professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.

4. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.

q) All applications for wireless communications towers shall include the following:

1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the owner of the parcel of land upon which the tower is proposed, the written consent of the owner shall be evidenced in the application.

2. The legal description, parcel identification number, and address of the parcel of land upon which the tower is proposed to be situated.

3. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one mile radius of the proposed new tower site, including county-owned property.

4. A site plan that must be signed and sealed by a qualified and licensed North Carolina professional engineer. All plans shall include a certification that the tower is designed to be structurally sound and in conformance with the state building code, and any other standards outlined in this Ordinance.

5. Color, photo simulations showing the proposed site of the tower with a photo- realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.

6. A copy of the Federal Communications Commission license applicable for the intended use of the structure.

7. Certification from the Federal Aviation Administration that the proposed wireless communication facility will not propose a hazard to air navigation.

ARTICLE 10
DEVELOPMENT STANDARDS

<u>SECTION 10.01</u> Off-Street Parking and Off-Street Loading Requirements *{Amended 12/19/05}*

1. **Required Number**

Off-street parking space (either garage or properly graded open space) shall be provided in accordance with Section 10.02. In cases where different parking and/or loading requirements are specified in Section 9.0, Provisions for Special Uses, those ratios shall have precedence over the parking requirements specified in this section.

2. **Parking, Stacking and Loading Space Required**

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent in the required number of parking spaces, no additional off-street parking shall be required. If existing land uses are converted to another type of land use or re-classified by the Ordinance, then the off-street ratios as contained herein must be complied with.

3. **Parking Compliance and Certificate of Occupancy**

The Certificate of Occupancy/Compliance for the use of any building, structure or land where off-street parking or loading space is required shall be withheld by the Pasquotank County Building Inspector until provisions of this section are fully met. If at any time such compliance ceases, any Certificate of Occupancy/ Compliance which shall have been issued for the use of the property shall immediately become void and of no effect.

4. **Handicapped Spaces**

Spaces for the physically handicapped shall be provided as required by the NC Building Code.

5. **Maintenance**

All parking, stacking, and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.

6. **Access**

All parking, stacking and loading facilities shall have vehicular access to a public street or approved private street. Where parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways or openings not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Administrator or Enforcement Officer finds that a greater width is necessary to accommodate the vehicles customarily using the driveway. ***{Amended 6/21/04}*** Upon the recommendation of the Technical Review Committee, driveways shall not be closer than 100' to an existing intersection.

7. **Number of Parking Spaces and Stacking Spaces Required**

A) The minimum number of required off-street parking and stacking spaces is indicated in Section 10.02.

B) Whenever the number of parking spaces required by Section 10.02 results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

C) For any use not specifically listed in Section 10.02, the parking and stacking requirements shall be those of the most similar listed use, as determined by the Zoning Administrator.

D) The parking spaces required by this ordinance may not be used for any purpose other than parking.

E) Sales, storage, repair, dismantling and service of motor vehicles shall not be permitted within required parking areas, including parking spaces and drive aisles.

F) Lots containing more than one use must provide parking and loading areas in an amount equal to the total of the requirements for all uses.

8. Design Standards for Parking, Stacking and Loading Areas

A) Parking facilities shall be designed and constructed so as to:

1. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;

2. Minimize delay and interference with traffic on public streets and access drives;

3. Maximize sight distances from parking lot exits and access drives; and

4. Allow off-street parking spaces in parking lots to have access from parking lot driveways and not directly from streets. No parking, other than those used for residential uses, shall be provided that would necessitate an automobile backing onto any street right-of-way.

5. Minimize the impact on drainage facilities. No parking space or loading area shall be located within a drainage easement. Driveways may be located across drainage easements where needed to provide access to a right-of-way.

B) Dimensional Requirements

1. Parking space dimensions shall be a minimum of 10' X 20'.

2. Drive aisles shall be a minimum of 12' for one-way traffic and 24' for two-way traffic.

3. Stacking spaces shall be 12' X 20'.

C) Improvements

1. Paving

a) Required parking spaces, access drives, and loading areas shall be graded, paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights. However, upon the approval of the TRC, access drives, and loading areas may be surface with either a permeable (turf block) or semi-permeable gravel, cobble stone or a semi-permeable tar/gravel mixture) material. Such materials shall provide a durable and dustless surface, minimize runoff, and dispose of accumulated water.

i) Where permeable or semi-permeable materials are used, a retaining border, such as concrete curbing or other suitable material, shall be provided around parking lot area edges to aid in stabilizing the surface material.

ii) Parking lots shall not drain onto adjacent property except in approved stormwater retention facilities or drainage easements.

b) Paved aprons for access drives shall be installed and maintained from the right-of-way to a point at least ten feet beyond the right-of-way line for all parking and loading facilities, whether paved or unpaved.

c) Paving shall not be required for the following uses provided they are constructed with a permeable (turf block) or semi-permeable(gravel, cobble stone or a semi-permeable tar/gravel mixture)
surface:

i) Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

ii) Parking facilities for residential uses where six or fewer spaces are required.

iii) Parking areas in the I-1 and I-2, Industrial Districts.

iv) Parking areas for tracked heavy construction equipment, skid-mounted equipment.

v) Parking areas for agricultural uses in the A-1 or A-2, Agricultural Zoning Districts.

d) Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the TRC that such system is not practical for storm drainage purposes. Where gravel parking lots are permitted, cross ties shall be provided around the perimeter of the parking lot.

e) All parking facilities shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.

f) All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.

g) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two feet into a required planting area.

h) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.

i) Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four feet (vehicle encroachment is calculated as two feet beyond curb).

9. Off-Site Parking

When required off-street parking is permitted to be located off-site, it shall begin within 200 feet of the lot containing the principal use.

10. Combined Parking

A) Separate Uses
The required parking for separate or mixed uses may be combined in one facility.

B) Shared Parking

A maximum of fifty (50) percent of the parking spaces required for a church, theatre, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same lot. Shared spaces may also be located off-site as allowed in Section 10.01 (10). In either case, the Zoning Administrator must determine that the various activities will have peak parking demand at different periods of the day or week. Otherwise, no off-street parking required for one building or use shall be applied toward the requirements of any other building or use.

C) Reassignment

Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in subsection B (above)

11. Loading Areas

A) Location

Off-street loading areas shall be located on lots with the same zoning classification as the use they serve.

B) Design Standards

1) Minimum Number of Loading Spaces Required:

a) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (Sq. Ft.)	**Number of Spaces**
0 - 10,000	0
10,001 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each additional 90,000 sq. ft. or fraction thereof	1

b) Office buildings and hotels:

Gross Floor Area (Sq. Ft.)	**Number of Spaces**
0 - 20,000	0
20,001 - 40,000	1
40,001 - 75,000	2
75,001 - 150,000	3
150,001 - 250,000	4
For each additional 250,000 sq. ft. or fraction thereof	1

c) Industrial and wholesale operations:

Gross Floor Area (Sq. Ft.)	Number of Spaces
0 - 100,000	0
For each 100,000 sq. ft. or fraction thereof	1

2) Each loading space shall be at least twelve feet wide, sixty-five feet long, and fourteen feet in clearance. Loading areas shall be improved in accordance with the requirements of Section 10.01(8)(C).

3) All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from a street or maneuvering on the street right-of-way shall be permitted.

SECTION 10.02 - Minimum Parking Requirements *{Amended 12/19/05}*

USE	SPACES REQUIRED
Residential Uses	
Bed and breakfast	1/bedroom plus 2/3 employees on the largest shift
Residential care facilities	1/4 beds plus 1/employee plus 1/vehicle used in the operation
Multi-family dwellings (including condominiums)	
1 bedroom units	1.5/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit
Single-family detached & two-family dwellings; manufactured homes; townhouse dwellings; manufactured home parks	2/dwelling unit on the same lot
Recreational Uses	
Amusement parks; fairgrounds; skating rinks	1/200 square feet of activity area
Athletic fields	25/field
Auditorium; assembly hall; convention center; stadium	1/5 persons based upon the design capacity of the building
Automobile raceways	1/4 spectator seats plus 1/employee on the largest shift
Batting cages, golf driving ranges; miniature golf; shooting ranges (indoor and outdoor)	1/cage, tee, or firing point
Billiard parlors; tennis courts	3/table or court
Bowling centers	4/lane
Clubs; coin-operated amusement; physical fitness centers and similar indoor recreation	1/200 sq. ft. of gross floor area
Commercial stables	1/2 stalls
Dance Studios	1/200 sq. ft. gross floor area
Go-cart raceways	1/go-cart plus 1/employee on the largest shift
Educational and Institutional Uses	
Ambulance services; fire stations; law enforcement stations	1/employee on the largest shift
Churches	1/4 seats in main chapel
Colleges and universities	7/classroom plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus 1/vehicle used in the operation
Day care, child or adult	1/employee plus 1/10 clients served with parking located on-site
Elementary and middle schools	3/room used for offices plus 3/classroom

Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
Libraries; museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on the largest shift
Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
Senior high schools	3/room used for offices plus 7/classroom
Business, Professional and Personal Services	
Automobile repair services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on the largest shift
Banks and financial institutions	1/200 sq. ft. of gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
Barber and beauty shops	3/operator
Businesses which do not cater to retail customers or trade	1/every employee during the largest shift plus 1 space for every vehicle used in the operation
Car washes	
Full-service	*stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on the largest shift
Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
Delivery services	2/3 employees on largest shift plus 1/vehicle used in the operation
Equipment rental and leasing	1/200 square feet gross floor area
Funeral homes	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in the largest operation
Hotels and motels containing…	
5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge 3,000 sq. ft. or less	1.1/rental unit
More than 5,000 sq. ft. of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 sq. ft.	1.25/rental unit
Kennels or pet grooming	1/300 sq. ft. of sales, grooming, or customer waiting area plus 2/3 employees on the largest shift
Laundromat (coin operated)	1/4 pieces of rental equipment
Laundry and dry cleaning plants or substation	*2/3 employees on the largest shift plus 1/vehicle used in the operation plus stacking for 4 vehicles/pickup station
Laboratories	2/3 employees on the largest shift plus 1/250 sq. ft. of office space
Medical, dental, or related offices	3/examining room plus 1/employee including doctors
Motion picture production	1/1000 sq. ft. of gross floor area
Offices not otherwise classified	1/250 sq. ft. of gross floor area
Repair of bulky items (appliances, furniture, boats, etc)	2/3 employees on largest shift plus 1/vehicle used in operation
Theaters (indoor)	1/4 seats
Truck wash	*3 stacking spaces/stall
Veterinary service	4/doctor plus 1/employee including doctors
Vocational, business, or secretarial schools	1/100 sq. ft. of classroom space plus 1/250 sq. ft. of office space
Services and repairs not otherwise classified	1/250 sq. feet gross floor area plus 1/vehicle used in the operation

Drive-Throughs Not Otherwise Classified	*Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to the use requirement***
Retail Trade**	
Bars, night clubs, taverns	1/3 persons based upon the design capacity of building plus 2/3 employees on the largest shift, located on the same zone lot
Convenience stores	1/200 sq. ft. gross floor area plus 2 stacking spaces at pump islands
Department stores, food stores	1/200 sq. ft. gross floor area
Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in the operation
Furniture; floor covering sales	1/1,000 sq. ft. gross floor area
Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured home sales	5 spaces plus 1/10,000 sq. ft. of display area plus 2/3 employees on the largest shift
Restaurants	*1/4 seats plus 2/3 employees on the largest shift & 10 total stacking spaces with minimum 5 spaces at or before ordering station***
Retail sales not otherwise classified	1/200 sq. ft. gross floor area
Retail sales of bulky items (appliances, building materials, etc.)	1/500 sq. ft. gross floor area
Service stations, gasoline sales	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
Wholesale Trade	
Market showroom	1/1,000 sq. ft. gross floor area
Wholesale uses	2/3 employees on the largest shift plus 1/200 sq. ft. of retail sales or customer service area plus 1/vehicle used in the operation
Transportation, Warehousing and Utilities	
Airport, bus and railroad terminals	1/4 seats plus 2/3 employees on the largest shift
Communications towers; demolitions debris landfills; heliports; utility lines or substations	No required parking
Self-storage warehouses	1 space/5,000 sq. ft. devoted to storage
Transportation, warehousing and utility uses not otherwise classified	2/3 employees on the largest shift plus 1/vehicle used in the operation
Manufacturing and Industrial Uses	2/3 employees on the largest shift plus 1/200 sq. ft. of retail sales or customer service area plus 1/vehicle used in the operation
Other Uses	
Flea markets; other open air sales	1/1,000 sq. ft. of lot area used for storage, sales and display
Shopping centers **	
<250,000 sq. ft. gross floor area	1/200 sq. ft. gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters
>250,000 sq. ft. gross floor area	1,250 spaces plus 1/225 sq. ft. gross floor area above 250,000 sq. ft.

/ = Per
* = NCDOT may require additional stacking spaces on state or federal highways.
** = For retail uses and shopping centers, storage areas are not calculated as gross floor area.
*** = Stacking spaces for drive-throughs shall not block access to parking spaces.

SECTION 10.03 Landscaping and Bufferyards *{Amended 9-18-06}*

1. These regulations shall apply to all newly developed properties other than single family residential uses. They shall also apply to expansions or changes in the uses listed above, which result in the expansion of gross floor area or land surface area over 25%.

2. Bona-fide agricultural operations shall be exempt from landscaping and bufferyard requirements.

3. Landscaping material over 3 inches in height shall not be installed in any of the following locations:

   A) Within a radius of 8 feet around any fire hydrant;

   B) Within a public right-of-way; or

   C) Within a drainage and utility easement.

4. In instances where the area represented by a site plan is significantly less than the total area of the lot of record, the Zoning Administrator may permit a reduction in the required buffer. This reduction may only be allowed on the portion of the property that is not proposed for development, and shall only be granted if the Zoning Administrator finds that surrounding properties will not be negatively affected by the buffer reduction.

SECTION 10.04 Landscape and Design Standards for Street Yard Buffers

1. A 30-foot street buffer is required adjacent to all public and private right-of-ways.

2. Parking, merchandise display and off-loading areas are prohibited in the street yard buffer.

3. The required bufferyard shall contain a minimum of one canopy tree for each fifty linear feet of street frontage.

4. The bufferyard shall also contain evergreen shrubs, planted four feet on center.

5. The portion of the planter yard containing trees and shrubs shall be covered with a ground cover or natural mulch of a minimum depth of 3 inches. The remaining area shall be planted with grass.

SECTION 10.05 Landscaping within Parking Areas

1. At least thirty percent of an open parking lot area shall be covered by tree shade within fifteen years of initial planting. Such tree shading shall be accomplished by providing 1 shade tree island of no less than 1 parking space in size (10' X 20') for every 10 parking spaces.

2. Each island shall contain at least 1 canopy tree. In addition, bark, mulch, grass, low ground cover, shrubbery, or other live plant material shall be used within each landscape planting area.

3. Landscape islands may be counted as a parking space when computing the total number of spaces required by this Ordinance.

SECTION 10.06 Property Line Buffers

Multi-family and nonresidential uses located adjacent to a residential use, residential zoning district or agricultural zoning district shall provide the following buffer yard:

1. A minimum 30 foot perpetually maintained natural or planted buffer yard along all property lines directly abutting a residential use, residential zoning district or agricultural zoning district. ***(amended 11/19/07)***

2. The buffer yard shall contain 3 canopy trees, 5 understory trees and 25 shrubs per 100 linear feet of buffer yard.

3. All portions of the buffer yard not planted with trees and shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

SECTION 10.07 Additional Buffer Yards and Screening

1. Any outside storage of junk, refuse, salvage, or discarded materials shall be screened from adjacent rights-of-way and adjacent properties.

2. Solid waste collection dumpsters located adjacent to a residence, residentially zoned lot, or in view of a street right-of-way shall be screened from the view of adjoining properties and street rights-of-way.

3. Screening as required by this Section, shall be accomplished by an opaque wood or masonry fence or wall that is at least eight feet in height.

SECTION 10.08 Features Allowed within Buffer Yards

1. Utility lines, water and wastewater lines, septic system reserve areas, drainage facilities, sidewalks, driveways, and other similar improvements may be located within buffer yards provided that the total width of the buffer yard is maintained and no screening required by this ordinance is reduced or eliminated.

2. Signs are permitted within buffer yards provided that the placement of such signs will not violate other provisions of the Zoning Ordinance.

3. Buffer yards may not be used for parking, loading, storage, or any activity that is either part of or accessory to the proposed use.

SECTION 10.09 Plant Materials

1. The preservation of existing trees and vegetation is encouraged and may be used to satisfy the requirements within this Ordinance, provided that the vegetation meets or exceeds screening requirements.

2. Plants must be installed in a manner that maximizes screening objectives and meets the needs of the particular species of plants for root space, water, light and circulation.

3. Plants must be of the following minimum heights at the time of planting:

   A) Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade).

   B) Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade).

   C) Shrubs shall be at least 1.5 feet in height and be of a variety that has an average mature height of at least 3 feet.

<u>SECTION 10.10</u> Plant Installation and Maintenance

1. All landscaping and screening materials must be installed prior to a final inspection by the Zoning Administrator.

2. When extreme weather conditions do not permit planting, installation of plant material may be delayed until the start of the next growing season. In cases where planting is delayed, the developer must submit a landscape performance bond equal to the cost of plant materials, installation costs, plus twenty-five percent. The bond must be received prior to issuance of a Certificate of Occupancy, and shall not be held by the Zoning Administrator for a period longer than six months.

3. All landscaping and screening must be maintained. Any required landscape materials, including shrubs and trees which may die, must be replaced within 90 days in compliance with the minimum standards of this Ordinance. Failure to maintain required landscaping and buffers shall constitute a violation of this Ordinance.

ARTICLE 12
NONCONFORMING SITUATIONS

SECTION 12.01 - Definitions

Unless the context clearly indicates otherwise, the terms defined below are used in this section in the following manner:

1. Nonconforming Situation: A situation that occurs when, on the effective date of this Ordinance or any amendment to it, 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 non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space 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, or because land or buildings are used for purposes made unlawful by this Ordinance.

2. 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.)

3. 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.

4. 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 requirements of the district in which the lot is located.

5. Ordinance: This Ordinance, including any amendments. Whenever the effective date of this Ordinance is referred to, the reference includes the effective date of any amendment to it.

6. Nonconforming Project: Any structure, development, or undertaking that is incomplete at 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.

7. Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make further expenditures, as well as any other substantial changes in position.

SECTION 12.02 - Continuation of Nonconforming Situations and Completion of Nonconforming Projects

1. Nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections 12.03 through 12.08 of this Article.

2. Nonconforming projects may be completed only in accordance with the provisions of Section 12.08 of this Article.

SECTION 12.03 - Nonconforming Lots

1. When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that (i) the proposed use is one permitted by the regulations applicable to the district in which the property is located, and (ii) the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety, or welfare. In issuing the permit authorized by this paragraph, the Board may allow deviations from applicable dimensional requirements (such as setback lines and yard size minimums) if it finds that no reasonable use of the property can be made without such deviations.

2. Whenever this Ordinance creates a nonconforming lot and the owner of the nonconforming lot also owns land adjacent to it, and a portion of this other land can be combined with the nonconforming lot to create a conforming lot (without hereby creating other nonconformities), the owner of the nonconforming lot, or his successor in interest, may not take advantage of the provisions of paragraph 1 of this Section.

SECTION 12.04 - Extension or Enlargement of Nonconforming Situations

1. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

2. Subject to paragraph 4 of this subsection, 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, subject to Section 12.08 of this Article (authorizing the completion on nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

3. Subject to Section 12.08 of this Ordinance (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

4. 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 of activity and no violations of other paragraphs of this section occur.

5. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:

   a. An increase in the total amount of space devoted to a nonconforming use;

   b. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or

   c. The enclosure of previously unenclosed area, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75% of the perimeter of the area is marked by a permanently constructed wall or fence.

6. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovations -- i.e., work estimated to cost more than 10% of the appraised value of the structure to be renovated (and not required by the partial or total destruction of a structure [see paragraph 8]) -- may be done pursuant to a special use permit issued by the Board of Adjustment. The Board of Adjustment shall issue such a permit if it finds that the work will not result in a violation of any other paragraphs of this Section (particularly paragraph 3) or make the property more incompatible with the surrounding neighborhood.

7. Notwithstanding paragraph 5, any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities with respect to yard size and setback requirements. In particular, a manufactured/mobile home may be replaced with a larger manufactured/mobile home, and a "single-wide" manufactured/mobile home may be replaced with a "double-wide." This paragraph is subject to the limitations stated in Section 12.06 on abandonment and discontinuance of nonconforming situations.

8. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

   a. The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger manufactured/mobile home intended for residential use may replace a smaller one;

   b. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if they can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;

   c. The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75% or more of the perimeter of the area is marked by a permanently constructed wall or fence.

   d. Except for single-family residential structures (including mobile homes), if the estimated cost of the reconstruction work exceeds 10% of the appraised value of the structure, the work may be done only after issuance of a special use permit by the Board of Adjustment. The Board shall issue the permit if it finds that the work will be done in accordance with this paragraph and that the reconstructed building will not make the property more incompatible with the surrounding property than it was before the destruction occurred.

<u>SECTION 12.05</u> - Change in Kind of Nonconforming Use

1. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.

2. A nonconforming use may be changed to another nonconforming use only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the application is made for the permit. If a nonconforming use is changed to any use other than a conforming use without obtaining a special use permit pursuant to this paragraph, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 12.06 of this Article.

3. If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed substantially (except to a conforming use), only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

SECTION 12.06 - Abandonment or Discontinuance of Nonconforming Situations

1. When a nonconforming use is (a) discontinued for a consecutive period of 180 days, or (b) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in paragraph 2 of this Section. Present intention to reinstate the use shall not be considered if the abandoned property lacks maintenance or continuity of public services such as water, electricity, and trash removal.

2. The Board of Adjustment may issue a special use permit to allow a nonconforming use that has been discontinued for more than 180 consecutive days to be reinstated if it finds that (a) the nonconforming use has been discontinued for less than two years, and (b) the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.

3. If the principle activity on property where a nonconforming situation other than a nonconforming use exists is (a) discontinued for a consecutive period of 180 days, or (b) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the district in which the property is located, unless the Board of Adjustment issues a special use permit to allow the property to be used (for a nonconforming purpose) without correcting the nonconforming situation. The Board shall issue such a permit if it finds that (a) the nonconforming situation cannot be corrected without undue hardship or expense, and (b) the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.

4. 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 considered as a whole. 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.

5. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the 180 day period for purposes of this Section begins to run at the effective date of the Ordinance.

SECTION 12.07 - Termination of Nonconforming Situations

Subject to all other terms and conditions of Article 12 of this Ordinance, nonconforming situations shall not be subject to specific time limitations for permanent discontinuation.

SECTION 12.08 - Completion of Nonconforming Projects

1. All work on any nonconforming project for which a permit has not been issued shall cease on the effective date of this Ordinance. Thereafter, work on nonconforming projects may begin, or may continue, only pursuant to a special use permit issued by the Board of Adjustment (except as provided in paragraph (b) of this section). The board shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this Ordinance and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Board shall be guided by the following:

    a. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made expenditure to acquire a potential development site if the property obtained is just as valuable under the new classification as it was under the old, for the expenditure can be recovered by resale of the property.

b. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (a) the total estimated cost of the proposed project, and (b) the ordinary business practices of the developer.

c. A person shall be considered to have acted in good faith if actual knowledge of a proposed adoption of land-use law affecting the proposed development site could not be attributed to him.

d. Even though a person had actual knowledge of a proposed adoption of land-use law affecting a development site, the Board may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed Ordinance. The Board may find that the developer did not proceed in an attempt to undermine the proposed Ordinance if it determines that (1) at the time the expenditures were made, either there was considerable doubt about whether any Ordinance would ultimately be passed, or it was not clear that the proposed Ordinance would prohibit the intended development; and (2) the developer had legitimate business reasons for making expenditures.

2. The requirements of paragraph 1 of this Section shall not apply to a nonconforming project if the zoning enforcement officer certifies that actual construction of that project began at least 180 days before the effective date of this Ordinance and that the work is at least 75% complete at the effective date of this Ordinance.

3. The Board of Adjustment shall not consider any application for the special use permit authorized by paragraph (1-a) of this section that is submitted more than 90 days after the effective date of this Ordinance, unless it waives this requirement for good cause shown.

4. If the Board of Adjustment issues a special use permit pursuant to paragraph 1 of this section, it may attach such reasonable conditions to the permit as it finds necessary to reduce the extent to which the nonconforming project is incompatible with the surrounding neighborhood. In particular, the Board may require that work on the nonconforming project be continuously maintained, if possible, and that the project be completed as expeditiously as possible.

5. When it appears from the developer's plans or otherwise that the nonconforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the Board of Adjustment shall not allow the nonconforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that nonconforming project.

ARTICLE 13
ADMINISTRATION AND ENFORCEMENT

SECTION 13.01 - Administration and Enforcement

The Planning Director or his designee shall administer this Ordinance.

The Planning Director or his designee shall enforce this Ordinance. He may be provided with assistance of such other persons as the County Commissioners may direct.

If the Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the property owner indicating the nature of the violation and ordering the action necessary to correct it. He 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 other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

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 suffer the penalties and be subject to the remedies herein provided. ***{Amended 8-21-06}***

SECTION 13.02 – Technical Review Committee *{Amended 11-21-05}*

1. A Technical Review Committee (TRC) shall be established to assist the staff, Planning Board and the Board of Commissioners in the review of site development plans. The purpose of the TRC is to review, comment and make recommendations regarding the technical aspects of all major site plans and subdivision plats.

2. Membership of the TRC shall be composed of, but not limited to, representatives from the Planning and Inspections Department, Water Department, Fire Marshal's office, CAMA, NCDOT, Elizabeth City-Pasquotank School System, Sheriff's Department, Environmental Health Department, Emergency Medical Services, Soil and Water Conservation, and area utility providers.

3. The Planning Director, or his designated representative, shall serve as chair of the TRC. The Chair shall be responsible for all proceedings and decisions made by the TRC.

4. The TRC shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conforming with the review procedures delineated in this Ordinance.

SECTION 13.03 – Site Plan Approval *{Amended 11-21-05}*

1. No Zoning Certificate or Building Permit shall be issued until a site plan has been approved for the development. A site plan shall not be required if an adequate site plan is already on file, there is no change in the parking requirements, or there is no increase in impervious surface area.

2. Additions to existing buildings that exceed 10% of the gross floor area of the building or require an additional five (5) or more parking spaces shall be approved by the Zoning Administrator upon recommendation of the Technical Review Committee.

3. Site plans that require approval from the Technical Review Committee, must be submitted at least twenty-one (21) days prior to the regular Technical Review Committee meeting.

4. If a site plan is granted conditional approval by the Technical Review Committee, the applicant shall revise and resubmit the site plan. The Zoning Administrator shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the

approval. If the site plan is not revised within sixty days to meet the approval conditions, or the applicant notifies the Zoning Administrator that he is unwilling to revise the site plan, it shall be deemed denied.

5. Copies of all required state permits must be submitted to the Zoning Administrator prior to the approval of a site plan.

SECTION 13.04 - Zoning Certificate

1. No building or structure or any part thereof designed or intended to be used for other than bona fide farm or agricultural purposes shall be erected or repaired until a Zoning Certificate therefore has been issued by the Enforcement Officer.

2. Each application for a Zoning Certificate shall be accompanied by a plat, showing accurate dimensions of the lot to be built upon, accurate dimension of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance such as evidence of the County Sanitarian's approval of the sewage disposal system. A careful record of such applications and plats, together with a record of the action taken thereon shall be kept in the Office of the Pasquotank County Planning & Inspections. An application fee established by the County Commissioners shall be paid to the County of Pasquotank, North Carolina to cover necessary administrative costs.

3. No permit for excavation for or erection of any building or part of a building, or for repairs to or alteration of a building, or the relocation of a building from the lot on which it is situated shall be issued until after a statement of its intended use has been filed by the applicant.

SECTION 13.05 - Building Permits

After the adoption of this Ordinance no new uses other than bona fide farms shall be established unless a building permit is applied for and issued by the Building Inspector. No permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment.

SECTION 13.06 - Certificate of Occupancy/Compliance

1. No land shall be used or occupied, except for bona fide farm purposes, and no building or structure erected, altered, used or changed in use for other than farm purposes until a Certificate of Occupancy/Compliance shall have been issued by the Enforcement Officer stating that the building and/or the proposed use has been determined to be in compliance with the provisions of this Ordinance. A like certificate shall be issued for the purpose of changing any existing use, as well as for maintaining, renewing, changing, or extending any nonconforming use. A certificate of Occupancy/Compliance for the whole or part of a building, shall be applied for prior to occupancy and shall be issued within five (5) days after the erection of alterations of such building or part shall have been found in compliance with the provisions of this Ordinance and other applicable codes and ordinances. A record of all such certificates shall be kept on file in the Office of the Pasquotank County Planning & Inspections and shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land.

SECTION 13.07 - Compliance with State Guidelines for Areas of Environmental Concern

Prior to issuance of any initial zoning permit, zoning change permit, or special use permit, the zoning enforcement officer and local AEC Permit Officer in consultation with the State AEC Field Consultant, shall determine whether the proposed use or structure is located within an Area of Environmental Concern. This determination shall result from an on-site investigation. If the proposed use or structure is located in an Area of Environmental Concern, the zoning enforcement officer and local AEC Permit Officer shall certify that the proposed use or structure complies with development standards of the State Guidelines for Areas of Environmental Concern prior to issuing any zoning permit.

<u>SECTION 13.08</u> - Penalties for Violation

1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a maximum fine in the amount of seventy-five dollars ($75.00) or a maximum thirty (30) days imprisonment as provided by G.S. 14-4.

2. Any act constituting a violation 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 special use permits, shall subject the offender to a civil penalty of fifty dollars ($50.00) for each day the violation continues. If the offender fails to pay this penalty within fifteen (15) days after being cited for a 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 Section 13.01 and did not take an appeal to the Board of Adjustment within the prescribed time stated in Section 14.05.

3. This Ordinance may also be enforced by any appropriate equitable action.

4. Each day that any violation continues after notification by the Enforcement Officer that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

5. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

ARTICLE 14
BOARD OF ADJUSTMENT

SECTION 14.01 - Creating the Board of Adjustment

The Pasquotank County Board of Commissioners shall provide for the appointment of the Pasquotank County Board of Adjustment. The Board of Adjustment shall consist of five active members and two alternate members. An alternate member or members will be called upon to hear appeals in cases where the issue to be decided upon involves a personal conflict of interest with one or more regular Board of Adjustment members. The members shall be appointed by the Pasquotank County Board of Commissioners. All five members of the Board of Adjustment shall have the same and equal powers and duties. In the event that less than the entire County is zoned, at least one (1) resident of each area which is zoned shall be appointed to the Board. Insofar as possible, initial appointment to the Board shall be as follows: two-fifths (2/5) for a term of three (3) years; two-fifths (2/5) for a term of two (2) years; and one-fifth (1/5) for a term of one (1) year. The two (2) alternate members may be appointed for a term of three (3) years to serve in the absence of regular members. The successor to the regular and the alternate members shall be appointed for three (3) year terms. Vacancies shall be filled for the unexpired term only. Members of the Board of Adjustment may be removed for cause by the County Commissioners upon written charges and after public hearing.

SECTION 14.02 - Jurisdiction of Board of Adjustment

The Board of Adjustment shall have authority on any appeal relative to the provisions of this Ordinance originating from within the area encompassed by the legal description of the jurisdiction of this Ordinance as described in Section 2.01.

SECTION 14.03 - Rules for Proceedings of the Board of Adjustment

The Board shall adopt rules governing its organization and for all proceedings before it. Such rules shall provide and require the following in addition to such other rules and regulations the Board shall adopt:

a. The Board shall elect a Chairman and Vice-Chairman on an annual basis.

b. The Pasquotank County Planning Director or his designee shall serve as the Secretary of the Board. The Secretary shall keep minutes of the proceedings. All meetings shall be open to the Public. The minutes shall contain relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting and attendance.

c. No appeal may be heard unless a quorum is present. A quorum shall consist of four-fifths (4/5) of the membership of the Board.

d. Due notice shall be given to all parties having interest in an appeal; specifically, the Zoning Administrator shall furnish the first and second abutting property owner in all directions from the affected parcel with written notice of the hearing. Said notice shall be deposited in the mail at least ten (10) days prior to the date of the hearing. Notice of a Public Hearing shall be published once a week for two (2) consecutive calendar weeks in a local newspaper of general circulation. Public Notice may also be posted on the property concerned indicating the proposed change and date of public hearing. For purposes of this section the term "first abutting property owner" shall mean all parcels joined at the border or boundary of the affected parcel and those directly across a street right-of-way. For purposes of this section the term "second abutting property owner" shall mean all parcels joined at the border or boundary of the first abutting property owners surrounding the affected parcel. ***{Amended 10-06-03}{Amended 11-21-05}***

e. Any interested party may appear in person, by agent, or by Attorney to offer evidence and testimony relative to an appeal.

f. Fees for filing appeals to the Board of Adjustment shall be established by the Pasquotank County Board of Commissioners, in order to cover necessary administrative costs and advertising expense. Applications to the Board of Adjustment may be withdrawn at any time. Application fees are nonrefundable.

g. Submittals for review by the Board of Adjustment shall be presented to the appropriate County Officials thirty (30) days prior to the regularly scheduled Board of Adjustment meeting.

SECTION 14.04 - Powers of Board *(amended 6-15-15)*

1. Review of Enforcement Officers' Decision

Where it is alleged that there is any error in any order, decision, or requirements of the Enforcement Officers appointed by the Pasquotank County Board of Commissioners, the Board shall have the power to hear and decide any appeal taken from the order, decision or requirements, of the Enforcement Officer(s) and to grant a variance to the appellant to rectify any error of the Enforcement Officer. A concurring vote of four members of the Board shall be required to reverse any order, decision, or determination of the Enforcement Officer or to decide in favor of the applicant any matter which the Board is required to pass under the provisions of this Ordinance, or to grant any variation in this Ordinance.

2. Variance

a. A variance may be granted to authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in undue hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. In considering all proposed variances to this Ordinance, the Board shall, before making any finding in a specified case, first determine that the proposed variances will not constitute any change in the district boundaries shown on the Zoning Map and will not impair any adequate supply of light and air to adjacent property, or adversely affect the use or physical attributes of property within the surrounding area, or in any other respect impair the public health, safety, and general welfare.

b. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

c. No change in permitted uses may be authorized by variance.

d. Before a variance is granted, the Board of Adjustment shall make the following findings:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

e. The Board may grant a variance in the dimensional yard requirements of this Ordinance only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which was a lot of record as of the effective date of this Ordinance, or where due to the topographical conditions of a piece of property the strict application of the said dimensional requirements of this Ordinance would result in practical difficulties or unnecessary hardship of such nature as described in the preceding paragraph.

d. The fact that property may be utilized more profitably will not be considered as a justification for granting a variance by the Board.

g. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance.

3. Special Uses

The Board shall have the power to grant, in particular cases and subject to appropriate safeguards, permits for Special Uses as authorized by Article 9, Section 9.02.

4. Additional Power

In addition to the general powers conferred upon the Board in the foregoing, the Board shall have authority to make the following exception to the general provisions of this Ordinance:

Where a use district boundary line crosses a lot, the Board, after a public hearing in which it has determined that the spirit and intent of this Ordinance has been carried out, may permit a use of either classification on the whole lot, but not to exceed a distance of 150 feet from the boundary line. In addition, the remaining parcel shall not be less than the minimum required for the district in which it is located.

5. Recommendations to Planning Board and Board of Commissioners

The Board shall make recommendations to the Planning Board and Board of Commissioners for any changes in this Ordinance that are in the best interest of the County and the general public.

SECTION 14.05 - Appeal to the Board of Adjustment

Appeals from the enforcement and interpretation of this Ordinance and appeals for variances may be taken to the Board of Adjustment by any person aggrieved by a decision of any officer, department, board or bureau of the County. Notice of an appeal to the Board of Adjustment shall be filed with the Enforcement Officer within fifteen (15) days of the interpretation and enforcement of this Ordinance by the zoning enforcement officer. An appeal stays all proceedings in furtherance of action appealed from, unless the Enforcement Officer files a Certificate stating that by reasons of facts stated in the Certificate a stay would, in his opinion, interfere with enforcement of this Ordinance because the violation is transitory in nature, or would cause imminent peril to life and property. The Enforcement Officer shall have one (1) copy of said certificate delivered by registered mail or by personal service to the appellant and to each member to the Board within ten (10) calendar days from the date the appeal is filed with the Enforcement Officer. The Certificate shall also be placed on file in the Office of the Enforcement Officer for public inspection and recorded in the minutes of the next meeting of the Board. Where said Certificate is filed by the Enforcement Officer, proceedings in furtherance of the original order shall not be stayed otherwise than a restraining order which may be granted by a court of record within Pasquotank County.

<u>SECTION 14.06</u> - Appeal from Decision of the Board of Adjustment

Any person or persons aggrieved by a decision of the Board of Adjustment may within 30 days, but not thereafter, present to the Superior Court of Pasquotank County a petition for a Writ of Certiorari, duly verified, setting forth that such a decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such a decision of the Board shall be subject to review as provided by law.

ARTICLE 15
ADOPTION AND AMENDMENT PROCEDURES

SECTION 15.01 - Purpose and Scope

The Board of Commissioners, in accordance with the procedures set forth in this Article, may adopt a zoning ordinance and zone property, and may amend this Ordinance, which means amending the text of this Ordinance and rezoning property (that is, amending the classifications of property appearing on the Official Map of Zoning Districts). Rezonings may require a comprehensive plan amendment. The term amendment shall include amendments, supplements, changes and modifications to, and repeals of, this Ordinance.

To adopt a zoning ordinance and zone property, the Board of Commissioners shall follow the same procedures as are specified for amending this Ordinance, except that Section 15.02 shall not apply. Instead, the Board of Commissioners shall hold the public hearing and takes other action to adopt a zoning ordinance and zone property only after receiving a certified ordinance from the Planning Board.

SECTION 15.02 - Planning Board Review

Before an amendment to this Ordinance may be adopted, it must be presented or referred to the Pasquotank County Planning Board for the Planning Board's recommendation. The Planning Board shall be given at least thirty (30) days in which to make a recommendation. Whenever territory is added to an existing designated zoning area, it shall be treated as an amendment to this Ordinance for that area.

SECTION 15.03 - Initiation of Amendments

An amendment may be initiated by the Board of Commissioners, the Planning Board, the Board of Adjustment, or by the petition of any owner of a legal or equitable interest in land located in Pasquotank County.

SECTION 15.04 - Amendment by Petition

A petition requesting an amendment shall be presented to the Planning Board on a form prescribed by the Planning Board. The petition shall contain such information, and shall be presented in such a manner as specified by the Planning Board. The petition shall be submitted to the Pasquotank County Planning Department thirty (30) days prior to the regularly scheduled Planning Board meeting. The Planning Board, after considering the petition, shall prepare a recommendation to be considered by the Board of Commissioners. The recommendation should contain all information considered by the Planning Board in its deliberations and reasons for its recommendation. In cases of petitions requesting rezoning of property or an amendment to the zoning ordinance text an application fee established by the County Commissioners shall be paid by the applicant to the County of Pasquotank to cover necessary administrative costs prior to placement of the petition on any agenda of the Planning Board. Petitions presented to the Planning Board may be withdrawn at any time. Application fees are nonrefundable.

The Zoning Administrator shall cause a public notice to be published identifying the nature of the petition and date, time, and place at which the Planning Board will review the request. The notice shall be published in a newspaper having general circulation in Pasquotank County at least ten (10) days prior to the scheduled Planning Board meeting. The notification may be in the form of an item included on the Planning Board agenda. The public notification shall also be advertised on the local cable TV channel in Pasquotank County at least ten (10) days prior to the scheduled Planning Board meeting. ***{Amended 11-21-05}***

The Zoning Administrator shall mail individual notices, by first class mail, to the affected landowner, as shown on the county tax listing, and to first and second abutting property owners in all directions from the affected parcel. Notices shall be deposited in the mail at least ten (10) days prior to the scheduled Planning Board meeting. For purposes of this section the term "first abutting property owner" shall mean all parcels joined at the border or boundary of the affected parcel and those directly across a street right-of-way. For purposes of this section the term "second abutting property owner" shall mean all parcels joined at the border or boundary of the first abutting property owners surrounding the affected parcel. ***{Amended 10-06-03} {Amended 11-21-05}***

If an amendment petition is denied by the Board of County Commissioners, a rezoning petition similar to that denied for the same property or a portion of the same property within one year of the Board's actions shall not be accepted, except that:

a. There has been a significant change in the zoning classification of adjacent properties; or
b. The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed; or
c. Public facilities such as roads, water mains, sewer lines, or other infrastructure are constructed or expanded to serve the property or to accommodate the intensity of development allowed under the proposed classification.

Note: Change in ownership of the subject property does not qualify for an exception to the one-year Restriction. ***{Amended 12-15-03}***

<u>SECTION 15.05</u> - Public Hearing

Before amending this Ordinance, the Board of Commissioners shall hold a public hearing on the amendment, at which parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the public hearing shall be conducted in accordance with this Article. Upon receiving a recommendation from the Planning Board, the Administrator shall coordinate with the County Manager's Office the scheduling of a public hearing and publication of a notice of the public hearing for any amendment to this ordinance.

<u>SECTION 15.06</u> - Notice Requirements

1. Content of Notices. All notices for public hearings shall identify the date, time, and place of the public hearing and the nature and character of the proposed action.

2. Published Notice. For any public hearing, the Pasquotank County Zoning Administrator shall cause a notice to be published in a newspaper having general circulation in Pasquotank County. The notice shall be published once a week for two successive calendar weeks, and shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted. Public Notice shall also be posted on the property indicating the requested change and date, time, and place of public hearing not less than ten (10) days prior to the public hearing. ***{Amended 11-21-05}***

3. Mailed Notice. Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the first and second abutting property owners in all directions from the affected parcel as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last address listed for such owners on the county tax abstracts. In the case of a total rezoning of all property within the boundaries of the county, however, this requirement shall apply only to those properties which will be rezoned to classifications which are less intense or "lower" than their current classification or "down zoned". This notice must be deposited

in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The person or persons mailing such notices shall certify the fact that the notices were duly mailed, and the date of mailing, to the Board of Commissioners. ***{Amended 10-06-03}{Amended 11-21-05}***

4. Television Notice. For any public hearing, the Zoning Administrator shall cause a notice to be advertised on the local cable TV channel in Pasquotank County at least ten (10) days before the scheduled date of the public hearing. ***{Amended 11-21-05}***

ARTICLE 16
LEGAL STATUS PROVISIONS

SECTION 16.01 - Validity

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Pasquotank County Board of Commissioners hereby declares that it would have passed this Ordinance and each section, clause and phrase thereof, irrespective of the fact that any one or more sections, sentences or clauses be declared invalid.

SECTION 16.02 - Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16.03 - Effective Date

This Ordinance shall be in full force and effective henceforth from December 1, 1992. This Ordinance was duly adopted by the Pasquotank County Board of Commissioners on November 23, 1992, with an effective date of December 1, 1992.

PASQUOTANK COUNTY ZONING ORDINANCE
TABLE OF AMENDMENTS

NUMBER	DATE	ARTICLE/SECTION	
1	03-08-93	ARTICLE VIII,	SECTION 8.01(5)
2	06-21-93	ARTICLE XV,	SECTION 15.04
		ARTICLE XV,	SECTION 15.05
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