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Camden County, NC Code of Ordinances

CHAPTER 151: UNIFIED DEVELOPMENT

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GENERAL PROVISIONS

§ 151.001 PURPOSE.

(A) In accordance with G.S. § 153A-340, the purpose of this chapter is to promote health, safety, morals and the general welfare. This chapter is adopted pursuant to the authority contained in G.S. §§ 153A-320 *et seq.*, Planning and Regulation of Development; G.S. §§ 143-215.51 *et seq.*, Floodway Regulation; and G.S. §§ 113A-50 *et seq.*, Sedimentation Pollution Control. See § 151.380 for statutory authorization for floodplain management regulations for participation in the National Flood Insurance Program.

(B) Whenever any provision of this chapter refers to or cites a section of the state statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section(s) or the section(s) that most nearly corresponds to the superseded section(s).

(C) These regulations are made in accordance with a land use plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and depreciation and to promote aesthetic quality of the community.

(D) See §§ 151.380 through 151.387 for further purposes and objectives as it pertains to the adoption of floodplain management regulations in accordance with the National Flood Insurance Program.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.002 TITLE.

This chapter shall be known and may be cited as the “Camden County Unified Development Chapter,” and the map herein referred to, which is identified by the title “Camden County Zoning Map,” revised December 20, 1993, shall be known and may be cited as such. The map shall carry similar lines and boundaries as the map previously in effect, with changes, if any, in the district designations.

(Ord. passed 12-15-97)

§ 151.003 AFFECTED TERRITORY.

This chapter shall apply to all lands within the county borders.

(Ord. passed 12-15-97)

§ 151.004 CONFLICT WITH OTHER LAWS.

When regulations made under authority of this chapter require a greater width or size of yards or courts, or require a lower height of a building or fewer number or stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under authority of this chapter shall govern. In the event this chapter conflicts with other provisions of local, state or federal law, that law which provides the greatest protection to environment and natural features shall govern. Where that intent is not clear from a superficial reading of this chapter and laws, that law or provision which is most restrictive shall apply.

(Ord. passed 12-15-97)

§ 151.005 BONA FIDE FARMS EXEMPT.

(A) The provisions of this chapter shall not apply to bona fide farms, except that:

(1) Farm property used for non-farm purposes shall not be exempt from regulation.

(2) The provisions of §§ 151.380 through 151.387 and 151.400 through 151.403, regulating development in the special flood hazard areas, as required for participation in the National Flood Insurance Program, shall apply to all development including bona fide farms located within special flood hazard areas of Camden County.

(B) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BONA FIDE FARM. Any tract or tracts of land, one of which must contain at least ten acres and which meets the following criteria:

(a) On property an owner or lease is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry; and

(b) The property has produced or yielded, during each of the three immediately preceding years, a gross income from the above-described commercial production or growing of crops, plants, livestock or poultry, including payments received under soil conservation or land retirement programs, but not land rents paid to a non-resident owner, of at least $1,000.

(C) Uses exempted from regulation except in accordance with §§ 151.380 through 151.387, shall only include any dwelling which is or will be the permanent residence of the owner or owner-occupant of the bona fide farm, the permanent residence of the son, daughter, mother, father, grandfather or grandmother of the owner or the permanent residence of the individual and his or her family where the individual earns at least 75% of his or her income from employment on the farm.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.006 EFFECTIVE DATE.

The provisions in this chapter are hereby adopted and effective on January 1, 1998. Any subdivision or development having been given a minimum of sketch plan approval or site plan approval from the Board of Commissioners prior to the effective date of this chapter for one or more sections and made improvements costing more than 5% of the total project costs shall be subject to the subdivision and development design standards in effect at the time of approval. This provision shall not apply to sections of those subdivisions or developments reserved as future development sites where no lot lines are shown. In addition, development occurring on lots within subdivisions and developments which received prior plat approval shall be in accordance with the provisions of these regulations.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.007 RELATIONSHIP TO EXISTING ZONING, SUBDIVISION AND FLOOD CONTROL ORDINANCES.

(A) To the extent that the provisions of this chapter are the same in substance as the previously adopted provisions that they replace in the county's zoning, subdivision or flood control ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the zoning ordinance.

(B) See §§ 151.380 through 151.387 for further purposes and objectives as it pertains to the adoption of floodplain management regulations in accordance with the National Flood Insurance Program.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.008 RELATIONSHIP TO LAND USE PLAN.

(A) It is the intention of the Board that this chapter implement the planning policies adopted by the Board for the county as reflected in the land use plan and other planning documents.

(B) While the Board reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document, except to the extent that consistency between the plan and ordinances that affect areas of environmental concern is required by G.S. § 113A-111, Effect of Land Use Plan.

(Ord. passed 12-15-97)

§ 151.009 NO USE OR SALE OF LAND OR BUILDINGS; CONFORMANCE.

(A) No person may use, occupy or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his or her control, except in accordance with all of the applicable provisions of this chapter, except in nonconforming situations, as described in §§ 151.360 through 151.368.

(B) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates

or requires a different meaning.

USE OR OCCUPANCY OF A BUILDING OR LAND. Anything and everything that is done to, on or in that building or land.

(Ord. passed 12-15-97)

§ 151.010 FEES.

(A) (1) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, special use permits, floodplain development permits, subdivision plat approval, zoning amendments, variances and other administrative relief. In addition, a stormwater review fee shall be submitted with the Preliminary Plat application in accordance with the Camden County Fee Schedule.

(2) The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board filed in the office of the County Manager.

(B) Fees established in accordance with division (A) above shall be paid upon submission of a signed application or notice of appeal.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2007-03-04, passed 4-16-07; Am. Ord. 2008-03-02, passed 3-17-08; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.011 SEVERABILITY.

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this chapter since the same would have been enacted without the incorporation into this chapter of the unconstitutional or invalid section, paragraph, sentence, clause or phrase.

(Ord. passed 12-15-97)

§ 151.012 COMPUTATION OF TIME.

(A) Subject to division (C) below, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded.

(B) Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and her and the notice or paper is served by mail, three days shall be added to the prescribed period.

(C) Whenever the Administrator or other person is required to take certain action (such as mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (such as a public hearing), then in computing the period, the day of the event shall not be included, but the day of the

action shall be included. For example, if notice of a public hearing is required to be published at least ten days before the hearing, then notice published on the first of the month would be satisfactory for a hearing on the eleventh. The provisions of division (A) above shall not apply to this division.

(Ord. passed 12-15-97)

§ 151.013 ENCROACHMENT OF OPEN SPACE.

No yard shall be encroached upon or reduced, except in conformity with these regulations. No yard for any building shall be considered as a yard for any other building.

(Ord. passed 12-15-97)

§ 151.014 EVERY LOT MUST ABUT A STREET OR ROAD.

No building or structure shall be established on a lot recorded in the Camden County Registry after June 3, 2002 which does not abut a state-maintained street or road, or private street, which has been built and is maintained to state road standards, as permitted in these regulations. This provision shall not apply to structures exempt from building regulations under the bona fide farm exemption and the gift by a single property owner of a single lot to each of the property owner's children, parents, grandparents or grandchildren.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2008-01-05, passed 2-18-08; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.015 MIXED USES.

When two or more uses occupy the same building, the more restrictive requirements applicable to any use in the district which the lot is located shall apply to the buildings.

(Ord. passed 12-15-97)

§ 151.016 FRACTIONAL REQUIREMENTS.

When any requirement of this chapter results in a fraction of a unit, the fraction shall be disregarded.

(Ord. passed 12-15-97)

§ 151.017 IMPROVEMENT PERMIT REQUIRED.

(A) Prior to the issuance of zoning, floodplain development, or building permits, verification must be submitted by the applicant that the lot will be served by either a state-approved package plant or public sewer facility or a waste treatment system complying with the requirements of the District Health Department. This requirement shall not apply to camper lots in existence on the effective date of this chapter, where the electrical power is interrupted on a seasonal basis and an electrical permit is required prior to resumption of power. Evidence of the securing of an improvements permit shall not constitute evidence of compliance with requirements of any district or zone in this chapter or the overlay zones referred to herein.

(B) Prior to the issuance of zoning, floodplain development, or building permits on all lots or parcels created on or after June 3, 2002, the applicant must adequately demonstrate to the satisfaction of the Administrator that the lot will be served by either a road already maintained in the state road system or that the right-of-way serving the property has been built to state road standards and will be maintained to the state road standards. This provision shall not apply to structures exempt from building regulations under the bona fide farm exemption and the gift by a single property owner of a single lot to each of the property owner's children, parents, grandparents or grandchildren.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2008-01-05, passed 2-18-08; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.018 MISCELLANEOUS.

(A) Whenever an exact number, value or percentage is prescribed or required in any part of this chapter, the Administrator may permit a 5% deviation, either greater or less than. Such deviation, when allowed by the Administrator, shall be done so in writing stating the facts for allowing the deviation. The Administrator shall provide a copy of the approval to the person requesting the deviation and to the approving authority, if other than the approving authority.

(B) Words used in the singular in this chapter include the plural and words used in the plural include the singular.

(C) As used in this chapter, words indicating the masculine gender include the feminine and neuter.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03)

ZONING DISTRICTS

§ 151.030 RESIDENTIAL DISTRICTS ESTABLISHED.

(A) The following residential districts are hereby established: R-1, R-2, R-3 and GUD. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe and pleasant environment in which to live, sheltered from incompatible and disruptive activities.

(B) Other objectives of some of these districts are explained in the remainder of this section.

(1) The R-1, mixed village residential, district is designed to provide for low density residential development in areas that do not intrude into areas primarily devoted to agriculture in or near the three core villages of Camden, Shiloh and South Mills, as appropriate.

(2) The R-2, mixed single-family residential, district is designed to control the development of moderate density residential neighborhoods characterized by a mixture of single-family dwelling types in relatively close proximity to the three core villages of Camden, Shiloh and South Mills, as appropriate. This district is intended to provide moderate cost housing options for residents and to restrict the encroachment of mixed residential types in other districts, and to restrict the encroachment of incompatible business uses (farm related or other) in established residential areas.

(3) The R-3, basic residential, districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. In addition, it is not intended for the

placement of any mobile homes within this district. Except as otherwise stated or if the context of the use indicates otherwise, when the term "R-3 district" is used in this chapter, it shall refer to both the R-3-1 district and the R-3-2 district.

(a) The R-3-1 district is an R-3 district having lots of one or more acres in size.

(b) The R-3-2 district is an R-3 district having lots of two or more acres in size.

(4) The GUD, general use, district is established to allow opportunities for very low density residential development and bona fide farms, along with agricultural and related agricultural uses (e.g., timber, horticulture, silviculture and aquaculture.)

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.031 COMMERCIAL DISTRICTS ESTABLISHED.

(A) The following commercial districts are hereby established: CCD, NCD, HC, MC and CD.

(B) These districts are created to accomplish the purposes listed below.

(1) The CCD, community core district is coded to provide the core commercial/residential uses in the three villages of Courthouse, Shiloh and South Mills and to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Multi-family residential uses are permitted. Areas with this designation have historically been considered the town centers of the county, or have the potential to fall into this category in the future. Specific district provisions include the following:

Commercial District

(a) Parking requirements: (see § 151.111) off street/rear parking strongly encouraged.

(b) There shall be a minimum of two accesses to a public road (on a project by project basis).

(c) Stub-outs to adjacent properties required if deemed necessary by the county.

(d) Sidewalks, curb and gutter required.

(e) Open space requirements: refer to § 151.195.

(f) Storm water runoff: developments shall comply with all federal laws, state laws and county ordinances. Utilization of best management practices are strongly encouraged.

(g) All on-site utilities shall be located underground unless technical restrictions exist for doing so. Provisions shall be made to significantly reduce the visual blight of any aboveground utilities.

(h) No outside display or storage of inorganic product is permitted.

(i) Building design standards:

1. Manufactured and mobile units shall be prohibited except as may be allowed for temporary office management or storage uses during the construction phase;

2. The front facades to include five foot wrap around on the front sides of all metal units shall be concealed exposing no metal. Side facades facing public and private street rights-of-way shall be concealed

exposing no metal. The use of smooth vinyl and unpainted cinder-block walls is prohibited, but the use of decorative, split-faced masonry products is permissible. Examples of permissible building materials include masonry, wood, hardiboard, textured vinyl or stucco;

3. Facades of non-residential buildings shall have a minimum of 25% fenestration with architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies and other similar details shall be used on front facades and facades facing public or private street rights-of-way;

4. Roof pitches less than three-twelfths and shall require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six-inches from the building face or with a gutter; and

5. Loading and service areas should be designed out of view from public roads and shall be designed to ensure the safety of pedestrians and private property.

Multi-Family Use and Design Standards:

(a) Multi-family development is allowed to the extent that it is a portion of a mixed-use development and that it does not comprise the majority of the development. Multi-family development can include town homes, apartments or duplexes.

(b) Open space requirements: refer to § 151.195.

(c) Multi-family development shall be connected by vehicular and pedestrian ways to the commercial and/or office uses.

(d) Sidewalks shall be provided on both sides of residential streets with a minimum four-foot wide section.

(e) The use of decorative elements such as fountains, outdoor seating and benches, works of art and statues are encouraged in pedestrian and open space areas.

(f) On street parking is allowed and is encouraged to be located adjacent to public open spaces and parks.

(g) Landscaping for parking areas shall include one shade tree for every ten parking spaces. The shade tree shall be at least ten feet tall at planting. Planting areas shall be at least eight-feet wide, a minimum of 200 square feet in area, edged with a curb at least six-inches in height.

(h) Storm water runoff: developments shall comply with all federal laws, state laws and county ordinances. Utilization of best management practices are strongly encouraged.

(2) The NCD, neighborhood commercial, district is designed primarily to encourage the concentration of commercial facilities, as necessary, outside the core villages but still in clusters and to provide readily accessible shopping facilities for rural residents. The district differs from the community core district in that uses are limited to small commercial and service businesses whose market is primarily those residents within the immediate vicinity. These districts shall be limited to between two and four acres in size and typically located near intersections. This district is also designed to include very limited kinds of water-related commercial activities to serve a waterfront neighborhood. Specific district provisions are as follows:

(a) Manufactured and mobile units shall be prohibited except as may be allowed for temporary office management or storage uses during the construction phase;

(b) The front facades to include a five foot wrap around on the front sides of all metal units shall be concealed exposing no metal. Side facades facing public and private street rights-of-way shall be concealed

exposing no metal. The use of smooth vinyl and unpainted cinder-block walls is prohibited, but the use of decorative, split-faced masonry products is permissible. Examples of permissible building materials include masonry, wood, hardiboard, textured vinyl or stucco;

(c) Facades of non-residential buildings shall have a minimum of 25% fenestration with architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies and other similar details shall be used on front facades and facades facing public or private street rights-of-way;

(d) Roof pitches less than three-twelfths and shall require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six-inches from the building face or with a gutter; and

(e) Loading and service areas should be designed out of view from public roads and shall be designed to ensure the safety of pedestrians and private property.

(3) The HC, highway commercial, district is designed to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public along US 17, US 158 and NC 343. In addition, commercial uses served by large trucks and other intense commercial uses shall be encouraged to locate in these districts. These regulations are intended to control those aspects of development that affect adjacent residential land use, traffic flow and the capacity of the land to absorb development. Specifically prohibited in this district are uses which create a hazardous or noxious effect and junkyards. Specific district provisions are as follows:

(a) Manufactured and mobile units shall be prohibited except as may be allowed for temporary office management or storage uses during the construction phase;

(b) The front facades to include a five foot wrap around on the front sides of all metal units shall be concealed exposing no metal. Side facades facing public and private street rights-of-way shall be concealed exposing no metal. The use of smooth vinyl and unpainted cinder-block walls is prohibited, but the use of decorative, split-faced masonry products is permissible. Examples of permissible building materials include masonry, wood, hardiboard, textured vinyl or stucco;

(c) Facades of non-residential buildings shall have a minimum of 25% fenestration with architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies and other similar details shall be used on front facades and facades facing public or private street rights-of-way;

(d) Roof pitches less than three-twelfths and shall require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six-inches from the building face or with a gutter; and

(e) Loading and service areas should be designed out of view from public roads and shall be designed to ensure the safety of pedestrians and private property.

(4) The MC, marine commercial, district is designed to provide for the development of businesses which depend upon or are significantly related to waterfront and tourist locations. The district regulations are imposed so that services and commodities required by users of the county's waterways shall be provided in a manner which does not adversely affect the waters that attract those users or adjacent land users.

(5) The CD, conservation district is to encourage the preservation of an continued use of the land for conservation in areas subject to severe flooding (Floodway, non-encroachment, Flood Zone A). Permitted uses:

(a) Bona fide farms.

(b) Nature and/or wildlife preserves.

(c) Forest preserves.

(d) Passive parks and recreation areas.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2009-07-02, passed 9-8-09)

§ 151.032 MANUFACTURING DISTRICTS ESTABLISHED.

(A) (1) The I-1, light industrial, district is designed to provide space for industries, wholesaling and warehouse facilities and some related service establishments which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or commercial districts.

(2) The regulations are designed to prohibit the use of land for heavy industry which should properly be separated from other uses and to prohibit any use which would substantially interfere with the development and operation of other industrial establishments in the district. The two districts are distinguished in that certain types of manufacturing uses that tend to have significant adverse impacts on surrounding properties are excluded from the I-1 district and are made permissible only within the I-2 district. These uses are listed in §§ 151.325 through 151.334.

(B) The I-2, heavy industrial, district is designed to provide an area in which the principal use of land is for heavy industries that by their nature may create some nuisance and which are not properly associated with nor compatible with most residential, commercial and service establishments.

(Ord. passed 12-15-97)

§ 151.033 FLOODPLAIN AND FLOODWAY OVERLAY DISTRICTS.

The floodplain, FP districts are hereby established as overlay districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent the use is also permitted in the applicable overlay district. The floodplain and floodway districts are further described in §§ 151.380 through 151.387 and are determined by a FEMA published Flood Insurance Study which includes the flood insurance rate maps(s) on which these areas are shown.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.034 MINING OVERLAY DISTRICT.

(A) The mining district is hereby established as an overlay district, and the land so classified may be used in a manner permitted in the underlying district only if and to the extent the use is also permitted by the provisions of this overlay district.

(B) Permitted uses within mining overlay districts are granted by special use permit and may be issued only if the applicant has received the state mining permit and complies with the general standards and following specific standards. The intent of this overlay district is to allow certain mining operations to take place in the county in very limited locations and under very restrictive circumstances, to insure that safety is maintained during excavations and to insure that mined lands are restored to a usable form after excavation. Any mining

activity, including excavation area, overburden area, settling ponds, processing areas and the like, shall be subject to these regulations and require a special use permit. Also, any mining activity located in a special flood hazard area shall be subject to these regulations and the regulations specified under §§ 151.380 through 151.387 of this chapter and require a Floodplain Development Permit.

(C) Mining, as defined herein, shall be conducted only within a mining overlay district in the county.

(D) (1) Mining shall be considered any extractive operations including, but not limited to the quarrying, removal of sand, gravel, minerals, clay, soil, topsoil or similar operations. For purposes of this section, mining shall not include extractive operations: (a) where less than one acre of land is disturbed; and (b) where the materials are for use on property owned or under the direct control (e.g. farmland under written lease) of the property owner where the mining occurs. Before the issuance of a permit for mining activity, an erosion and sedimentation control plan must be filed with and approved by State Department of Environment, Health and Natural Resources (NCDEHNR), Land Quality Section.

(2) For a landfill, convenience site and related facility use (Table of Permitted Uses, use no. 15.300), no special use permit for mining activity is required if a valid zoning permit is issued for the facility. However, in addition to any other requirements or conditions before any zoning permit is issued to the applicant, the applicant must obtain: (a) a state mining permit; and (b) an erosion and sediment control plan must be filed with and approved by the State Department of Environment, Health and Natural Resources, Land Quality Section; and, (c) a Camden County Floodplain Development Permit if any is located within a special flood hazard area.

(E) The following criteria are intended as a guide to determining whether it is appropriate to overlay an existing district with a mining overlay designation. These criteria are not exclusive and the Board of Commissioners may consider other criteria in determining whether a mining overlay district is appropriately placed on the official zoning map:

(1) No mining overlay district should be located within 50 feet of any property line or public right-of-way. Setbacks will be reduced by 50% when there is a visual screen at least six feet in height between the mining activity and the adjoining use.

(2) All tracts of land in a mining overlay district should have direct access to a paved highway which has been dedicated to the public for maintenance by the State Department of Transportation. Tracts with direct access include only:

(a) Those tracts having either road frontage or a duly recorded access easement of at least 30 feet on a state-maintained highway; or

(b) Those tracts contiguous to and in the same ownership as tracts which are within the mining district and which have at least 30 feet of frontage on a state-maintained highway.

(F) When an area of the county is rezoned so that it is within a mining overlay district, the existing zoning of the area will remain intact and the mining overlay district acts to add mining to the list of permitted uses available for development in that area. The dimensional and other requirements of the underlying district will remain in effect unless the mining overlay district requirements are more restrictive, in which case the mining overlay district requirements will prevail.

(G) Approval of a mining overlay district shall authorize the County Manager or other appropriate county official to notify the state of award of approval.

(Ord. passed 12-15-97; Am. Ord. passed 4-20-98; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.035 COMMERCIAL FISHING OVERLAY DISTRICT.

(A) The commercial fishing overly district, CF, is hereby established as an overlay district and the land so classified may be used in a manner permitted in the CF district in addition to all uses permitted by the provisions of the underlying zoning district.

(B) The intent of this overlay district is to allow certain commercial fishing uses in the county in limited locations and under restrictive circumstances, to insure that nearby properties are not adversely affected.

(C) If a zoning permit for commercial fishing is approved, the property shall principally be used for the purpose of commercial fishing and any residential function shall be an accessory use of the property. The residential use may not exceed 50% of the total area actively used for commercial fishing purposes.

(D) All commercial fishing and related activities shall take place behind a fence that shall fully conceal from the front public or private street all commercial fishing activities occurring on the property.

(E) All employee parking shall be located behind fencing required in division (D) above, but visitor and retail parking may be located outside the required fence.

(F) The wholesale and retail sale of fish and shellfish is a permitted use in the commercial fishing district. Restaurant uses are permitted, but restaurant seating areas shall not exceed 25% of the total area actively used for commercial fishing purposes. Camping, transient lodging, admission fees, dockage fees and wharfage fees are prohibited.

(G) Within one year of the issuance of a zoning permit for a use permitted in the commercial fishing district, a residence or work building of not less than 600 square feet shall be erected on a parcel. The building shall be erected in compliance with the State Building Code and shall be connected both to a public water supply system and to a public sanitary sewer system. If located within a special flood hazard area, it must comply with the provisions of §§ 151.380 through 151.387 of this chapter.

(H) If a public or community sewer line is extended that serves the lot with a structure in the commercial fishing overlay district, then any zoning permit, conditional use permit, floodplain development permit, or special use permit issued at any time in the district shall expire at the end of one year following the date the public or community sewer system becomes available to the lot if the structure is not connected to the public or community sewer system.

(I) Power washing of boats, equipment or gear shall only occur inside the fenced area described in division (D) above and only between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday, inclusive.

(J) Maintenance and repair work on boats shall take place behind the fence described in division (D) above and in the rear of the property.

(K) Outdoor lighting shall be shielded or oriented so as to prevent glare from being directed onto adjacent properties.

(L) There shall be no overnight storage of seafood waste, except in a completely enclosed container that shall be secured in a way that odors shall not emit from the container. No commercial seafood waste may be disposed of or otherwise placed in any convenience site operated by or for the county.

(M) Any boats docked alongside the property shall be docked parallel to the property with the bow and stern securely fastened to the property without any other boat or vessel in between the boat and the property.

(N) Except within a marine commercial district, commercial fishing uses may only occur within a commercial fishing overlay district, CF, in the county.

(O) New commercial fishing overlay districts or additions on an existing commercial fishing overly district shall be made in the same manner as other amendments are made to the official zoning map. A new commercial fishing overlay district shall consist of an area not less than ten contiguous acres. Additions to an existing commercial fishing overlay district shall be made in increments of not less than one acre.

(P) All existing zoning permits, conditional use permits, special use permits, floodplain development permits, or other permits issued by the county for the purpose of home-based commercial fishing are hereby repealed and any lot located within a commercial fishing overlay district for which a permit was issued shall be considered to have a zoning permit allowing commercial fishing under the terms and conditions of this chapter. All home-based commercial fishing uses operation under an existing zoning permit, conditional use permit, special use permit, floodplain development permit, or other permit issued by the county for the purpose of home-based commercial fishing for any lot located outside a commercial fishing overlay district shall, if the permit has not already expired, be considered a nonconforming use.

(Ord. passed 12-15-97; Am. Ord. 2000- , passed 3-21-00; Am. Ord. passed 6-19-00; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.036 PLANNED UNIT DEVELOPMENT.

The Planned Unit Development ("PUD") district is a conditional use zoning district that allows multiple uses which make efficient use of land and other natural resources, subject to controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking and any other conditions established or imposed by the Camden County Board of Commissioners. PUD districts are intended to provide the Board of Commissioners flexibility in planning land uses. Section 151.298 sets forth the mandatory standards for all PUD conditional use districts and PUD master plans. The applicant may propose, or the Board of Commissioners may add to or modify, subject to the applicant's consent, any or all of these standards as it deems to be consistent with the principles set forth herein.

(Ord. 2008-01-02, passed 2-18-08)

ZONING MAP

§ 151.045 OFFICIAL ZONING MAP.

(A) (1) There shall be a map known and designated as the “Official Zoning Map,” which shall show the boundaries of all zoning districts within the county.

(2) This zoning map shall be drawn on acetate or other durable material from which prints can be made, shall be dated and shall be kept in the County Department of Planning and Inspections.

(B) The official zoning map, dated December 20, 1993, is adopted and incorporated herein by reference. Amendments to the zoning map shall be made and listed in accordance with §§ 151.580 through 151.586.

(C) (1) Should the official zoning map be lost, destroyed or damaged, the Administrator may have a new map drawn on acetate or other durable material from which prints can be made.

(2) No further Board authorization or action is required so long as no district boundaries are changed in this process.

(Ord. passed 12-15-97)

§ 151.046 AMENDMENTS TO OFFICIAL ZONING MAP.

(A) Amendments to the official zoning map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in §§ 151.580 through 151.586.

(B) (1) The Administrator shall update the official zoning map as soon as possible after amendments to it are adopted by the Board. Upon entering the amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. Amendments to the official map shall also be maintained on the Camden County GIS database.

(2) New prints of the updated map may then be issued.

(C) No unauthorized person may alter or modify the official zoning map.

(D) The Administrator shall keep copies of superseded prints of the official zoning map for historical reference in a location such that they can be retrieved within not more than one working day.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

Cross-reference:

Zoning map changes, see T.S.O. Table V

§ 151.047 LOTS DIVIDED BY DISTRICT LINES.

(A) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the regulations of the more restrictive district shall apply.

(B) Whenever a single lot greater than two acres in size is located within two or more different zoning districts, then the regulations applicable for the district covering that portion of the lot shall apply.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03)

DENSITY AND DIMENSION REGULATIONS

§ 151.060 MINIMUM LOT SIZE.

(A) Subject to the provisions of §§ 151.061, 151.066 and 151.290 through 151.297, every lot in every zoning district, except the R-3 district and general use district and community core district, shall have or contain at least 40,000 square feet. The minimum lot size in the R-3-1 district shall be one acre and the minimum lot size in the R-3-2 district shall be two acres. The minimum lot size in the general use district shall be five acres. The community core minimum lot size shall be 20,000 square feet with connection to a public water system, and 10,000 square feet with connection to a public water system and to a public sewer system. Minimum lot sizes shall not apply to areas designated as open space. The minimum lot size for a parcel created pursuant to division (e) of the definition of subdivision as provided in § 151.230(A) shall be either: (1) one acre; or (2) the minimum lot size applicable for the zoning district where the lot is created, whichever is

smaller.

(B) For purposes of this and the following sections, land that is submerged or regularly under water or intended in the future to be in such condition in canals, sounds, streams, oceans, CAMA wetlands and the like shall not be included in the area of any lot for the purpose of meeting minimum square footage requirements, except where the area is designated as open space, in which case the provisions of §§ 151.066, 151.195*et seq.* and 151.290 et seq. shall apply.

(C) Condominium units are exempted from minimum lot size requirements provided the lot on which they are located is legally created and documents establishing an association of owners for the purpose of maintaining, administering and operating common areas and facilities are recorded with the County Register of Deeds. Creation of condominium lots shall be subject to the subdivision requirements of this chapter.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. passed 11-17-03; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.061 MAXIMUM RESIDENTIAL DENSITY.

(A) Multi-family and two-family residences shall be subject to the minimum lot sizes established in § 151.066.

(B) The densities set forth in this section are permissible only if and to the extent that water and sewer facilities are or will be made available to serve the proposed density in accordance with the provisions of §§ 151.170*et seq.* or if water and sewer facilities are not available to serve the proposed density, then such density shall be limited by the availability of conventional individual water wells and septic systems, being approved for the particular lot or parcel. In addition, nothing in this section shall be interpreted as authorizing a type of use (such as multi-family) in a district (such as R-1, R-2 or R-3) where the uses are not permitted under the Table of Permissible Uses.

(C) In determining the number of dwelling units permissible on a tract of land fractions shall be dropped.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03)

§ 151.062 MINIMUM LOT WIDTHS.

(A) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

(1) Could be used for purposes that are permissible in that zoning district; and

(2) Could satisfy any applicable setback requirements for that district.

(B) The following lot widths shall be deemed presumptively to satisfy the standard set forth in division (A) above:

(1) In all zoning districts, except planned unit developments and general use districts: 125 feet. This provision shall not apply to lots in common open space subdivisions and as provided in § 151.014, every lot must abut a street or road.

(2) Lots in open space subdivisions shall comply with these provisions or § 151.014, every lot must abut a street or road and division (A) above.

(3) In the general use district, the minimum lot width shall be 300 feet.

(4) In planned unit developments, 75 feet if the lot is served by a public water supply system or 50 feet if the lot is served by both a public water supply system and a public waste water collection system.

(C) Lots fronting on cul-de-sacs shall have at least 80% of the minimum lot width required when measured to a point 50 feet back from the street right-of-way. Further, cul-de-sac lots shall have a minimum of 35 feet of frontage along the street right-of-way.

(D) Flag lots may be permitted subject to the following:

(1) No more than 5% of the lots within a subdivision may be flag lots; however, all major subdivisions shall be entitled to at least one flag lot; (no limit restriction shall apply in common open space subdivisions).

(2) The area within the arm shall not be included in determining the minimum lot area.

(3) Flag lots are prohibited whenever their effect would be an increase in the number of lots accessing arterial roads.

(4) The minimum width of the “arm” or “pole” portion of a flag lot shall be 45 feet.

(Ord. passed 12-15-97; Am. Ord. passed 9-18-00; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.063 SETBACK REQUIREMENTS.

(A) Subject to §§ 151.064 and 151.065 and other provisions of this chapter, no portion of any structure may be located on any lot closer to any lot line or to a street than is authorized in the tables set forth below:

Table of Setback Requirements for lots recorded prior to February 17, 2003				
Street Setbacks		***Lot Boundary Setbacks***		
Zoning District	***Vehicular and Structural Setback***	***Structural Side Setback***	***Structural Rear Line Setback***	***Vehicular Area Side and Rear Setbacks***
CCD	25 feet	10 feet	10 feet	10 feet
HC, NCD, I-1, I-2	25	10	10	0
R-1	25	10	10	10
R-2	50	10	10	10
R-3	50	10	10	10
GUD	100	25	25	25

Table of Setback Requirements for lots recorded after February 17, 2003				
Street Setbacks		***Lot Boundary Setbacks***		
Zoning District	***Vehicular and Structural Setback***	***Structural Side Setback***	***Structural Rear Line Setback***	***Vehicular Area Side and Rear Setbacks***
CCD	25 feet	10 feet	10 feet	10 feet
HC, NCD,	25	10	10	0

I-1, I-2				
R-1	25	10	10	10
R-2	50	10	10	10
R-3	50	25	25	25
GUD	100	25	25	25

(1) With respect to lots in the HC, NCD, R-1 and R-2 districts located along major arterials (US 17 [excluding US 17 business], US 158, NC 34, NC 343), Old Swamp Road, Sandy Hook Road, the minimum street structure setback set forth in the table above shall be increased by 25 feet. However, the increased setback shall not apply to bank automated teller machines and gas pumps with associated canopies and vehicular areas serving the gas pumps, provided a minimum 25-foot setback is maintained along major arterials.

(2) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons or other means) the street setback shall be measured from the right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from a point established by finding the centerline of the street and adding to it one-half the width of the right-of way, plus 15 feet. It shall be the responsibility of the applicant to obtain a certified established right-of-way line from NCDOT or a state register surveyor.

(3) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOT BOUNDARY LINE. Lot boundaries other than those that abut streets.

STRUCTURE. Any form or arrangement of a building or construction materials involving the necessity or precaution of providing proper support, bracing, tying, anchoring, or other protection against the pressure of the elements. Fences running along lot boundaries adjacent to public street rights-of-way if the fences exceed six feet in height and are substantially opaque shall be deemed to fall within this description and are therefore prohibited within the setback area.

(4) The locations of front, side and rear structure setback lines on irregularly shaped lots shall be determined by the Administrator based upon the spirit and the intent of the district regulations.

(B) Whenever a lot with a proposed non-residential use has a common boundary line with a permitted residential use, the proposed use shall be responsible for providing, in addition to the standard side yard, an additional ten-foot wide bufferyard. This ten-foot wide buffer shall extend the entire length of the common boundary and provide adequate visual and sensory obstruction. This shall be done in accordance with the provisions of §§ 151.135 through 151.145 and 151.155 through 151.159, any Board requirements or upon suggestion of the Administrator.

(C) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the structure, excluding:

(1) The outermost three feet of any uncovered porch, step, eaves, gutter, canopy, wooden deck, extending more than 12 inches above the ground or similar fixture;

(2) A deck, or patio if no portion of the same extends more than 12 inches above the ground;

(3) Any structure that is not a part of the building itself, but is a mere appendage to it, such as a flagpole and the like;

(4) Handicapped ramps;

(5) Public walkways, neighborhood walkways and walkways shared between two or more property owners that extend more than 12 inches above the ground and that may contain a deck or gazebo authorized by CAMA;

(6) Walkways not extending over 12 inches above the ground that may have handrails and a deck or gazebo authorized by CAMA; and

(7) On-premise signs.

(D) Whenever a private road on private property serves more than three lots or more than three dwelling units or that serves any non-residential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:

(1) If the lot is not also bordered by a public street, structures and off-premise signs shall be setback from the private road just as if the road were a public street; and

(2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes, as set forth above in the column labeled "Lot Boundary Setback," shall be measured from the inside boundary of the traveled portion of the private road.

(E) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOT BOUNDARY SETBACK. The distance between the nearest portion of any structure or vehicular and the boundary line of the adjoining lot parcel or tract.

STREET SETBACK. The distance between the nearest position of any structure or vehicular area and a street or highway right-of-way line when measured perpendicularly thereto.

(F) Structure setbacks may be modified in accordance with the following provisions:

(1) Where land acquisition for a public purpose reduces a yard of developed properties such that the minimum standards of this chapter cannot be met, minimum principal structure setbacks for that yard may be reduced by 25%. Reductions of greater than 25% shall not be allowed, except by a variance granted from the Board of Adjustment.

(2) Where a lot is within 500 feet of developed properties on the same side of the road that contain two or more legally nonconforming principal structures in terms of front yard setbacks, the front yard setback for that lot shall be the average setback of all conforming and legally nonconforming principal structures on the same side of the road within 500 feet of the lot in question. However, under no circumstance may the front yard setback be less than the furthest setback on the adjoining lot or be reduced more than 25% of the minimum required, except by a variance granted from the Board of Adjustment.

(G) A roof over a pre-existing stoop may encroach into required setbacks provided the roof not cover more than 40 square feet in area.

(H) Guard gates may be placed within a right-of-way with permission of the owner of that right-of-way and provided its location does not constitute a hazard to the public.

(I) Where a future right-of-way has been identified, street setbacks shall be measured from the future right-of-way.

(J) Arbors may be located within 20 feet of a major arterial road.

(K) In accordance with § 151.083, when two or more parcels share a common driveway in order to reduce the number of curb cuts, the adjoining side yard setbacks shall not apply provided all fire code regulations are met and adequate utility and drainage easements are provided.

(L) The setback requirements shall apply to all storage of equipment, salvage, material, product or any other item related to an occupation or business.

(Ord. passed 12-15-97; Am. Ord. passed 7-20-98; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-01-02, passed 2-17-03; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.064 ACCESSORY BUILDING SETBACK REQUIREMENTS.

All accessory buildings in residential districts must comply with the street setback set forth in § 151.063, but shall be required to observe only a five-foot setback from rear and side boundary lines. However, boat houses and docks requiring a CAMA permit may locate in accordance with that CAMA permit and not be subject to rear yard setback requirements.

(Ord. passed 12-15-97; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.065 HEIGHT LIMITATIONS.

(A) No building or structure may exceed a height of 35 feet, as measured from the lowest adjacent grade to the highest eave. Any applicant for a structure (such as a wireless telecommunications facility) with a height of 50 feet or more shall obtain written documentation from the manager of any airport which regularly handles commercial or military air traffic and is located within 15 miles of the proposed site that the structure will not interfere with air traffic or otherwise pose a risk to air traffic. The applicant may appeal to the Board of Adjustment if the manager of the airport does not provide the applicant with a statement as required by this section, and the Board may grant the permit if it makes written findings of fact that all other requirements under this chapter are met and if the proposed structure will not interfere or otherwise pose a risk to air traffic.

(1) Lattice-type towers less than 300 feet in height having a width greater than 24 inches at any point over 50 feet are prohibited in the county.

(2) In calculating the height of a building or structure for determining its compliance with height limitations contained in this chapter, the following structures may exceed the maximum height allowed for the roof line of the building: church spires and steeples, belfries, cupolas, domes or ornamental towers, monuments, water towers, chimneys, smoke stacks, conveyors, flagpoles, parapet walls and any necessary mechanical appurtenances, excluding signs.

(B) Also excluded from other height limitations contained within this chapter are wireless telecommunication facilities (WTF), as defined in § 151.600. The siting, height, setbacks, application for construction, use, maintenance and disassembly of WTF must conform to the regulations of this section, as follows and §§ 151.380 through 151.387 of this chapter if located within a special flood hazard area:

(1) *Siting.*

(a) *Zoning districts.*

1. Wireless telecommunication facilities (WTF) are permitted in accordance with § 151.334, if they

adhere to all applicable requirements stated herein.

2. WTF are permitted as special uses in accordance with § 151.334 and subject to the requirements of this section and any additional regulations and requirements imposed by the Board of Commissioners, as provided in §§ 151.495 through 151.518.

3. WTF are prohibited in all other districts.

(b) *Co-location.* It is the stated policy of this chapter to minimize the number of WTF and to encourage the co-location of antenna arrays of more than one wireless communication service provider on a single support structure.

1. Antennas or arrays may be attached to an existing WTF support structure that is in compliance with all applicable county regulations, as long as the height of the tower is not increased and structural integrity of the WTF is not compromised.

2. No new WTF support structure may be constructed within one mile radius of an existing support tower unless it can be demonstrated to the satisfaction of the Planning Director or Board of Commissioners that the existing support tower is not available for co-location of an additional WTF, or that its specific location does not satisfy the operational requirement of the applicant.

3. All new WTF support structures over 150 feet shall be structurally designed to accommodate the applicant's communications equipment as well as comparable communications equipment for at least two other users.

4. WTF may be mounted or attached to any existing structure (such as water towers, steeples or electric transmission towers) provided that the owner of the structure and the Planning Director or Board of Commissioners are in agreement that the WTF is not obtrusive or otherwise disagreeable.

(2) *Height.*

(a) WTF less than 35 feet in height, and used for personal and private purposes are permitted by right in all districts and are subject to the setback requirements of the district in which it is located.

(b) Any WTF over 35 feet are subject to the regulations contained within this chapter.

(3) *Setback.*

(a) The single parcel of land proposed as a WTF site shall be of sufficient size to accommodate a fall line easement of not less than a circle with a radius equal to the setback distances described below. Preserving an easement shall be a required condition of any zoning or conditional use permit issued in accordance with site approval. No structure, other than the existing single residence of the property owner and its customary, accessory structures shall be permitted within the fall line easement.

(b) Excluded from this requirement are the necessary equipment shelters, cabinets, guy anchors or other on-the-ground ancillary equipment which shall meet the setback requirements of the zone in which it is located.

1. Without exception, the radius of the circle containing the fall line easement must be 100% of the tower height when the parcel proposed for the WTF abuts or is within 1,000 feet of property containing a residential structure, church, school or public park or any platted major residential subdivision. If the conditions of division (B)(3)(a) above are not present, then:

2. The radius of the circle containing the fall line easement may be reduced to 50% of the height of the WTF when the proposed structure is a monopole.

3. The radius of the circle containing the fall line easement may be reduced to 75% of the tower height when the WTF is a lattice-type tower with guy wires. Guy anchors must be located on the same parcel and must conform to standard building setbacks for that zoning district. Guy anchors must also be visually screened according to the requirements hereof.

(4) *Application for siting and construction.* Any applicant for the placement of a new WTF support structure must submit an application package to the Planning Director containing at least the following information, regardless of whether it is permitted by right or a special use in the zoning district in which it is proposed.

(a) A copy of the deed for the property in question, including a legal description, and/or a copy of the survey of the property or leased area, if applicable;

(b) A copy of any necessary access easements and/or lease agreements between the property owner and the service provider; (This agreement must include a statement of responsibility for tower removal.)

(c) Written statements assuring the WTF site complies with:

1. The National Environmental Policy Act of 1969 (NEPA), including the registration number if the WTF is over 200 feet in height;

2. All applicable Federal Communications Commission (FCC) regulations; and

3. All applicable Federal Aviation Administration (FAA) regulations.

(d) A letter regarding non-ionizing emitted radiation (NIER), quantifying the level of radiation exposure;

(e) Owner of the property, including full name, address and telephone number;

(f) Owner of the WTF, including full name, address and telephone number;

(g) Precise drawings, in plan and cross-sectional view, of all proposed structural components of the WTF, including documentation from a licensed professional engineer demonstrating the proposed facility's compliance with applicable building code standards and describing the general structural capacity of the proposed facility, including the number and type of transmission and/or reception devices that can be accommodated on any WTF support structure over 150 feet. Any additional engineering review required by the county, will be at the cost of the applicant;

(h) A vicinity map drawn to sufficient scale which depicts all adjacent properties, structures, rights-of-way, the fall line easement, zoning district boundaries, site access on site and adjacent land uses to a radius of 1,500 feet from the WTF;

(i) The power of attorney from the property owner to the applicant, if different, acknowledging that the owner of the property is aware of the application;

(j) A landscape plan drawn to sufficient scale to show specific location and species of vegetation; and (This requirement may be waived by the Planning Director or Board of Commissioners based upon existing conditions.)

(k) A surety bond from a reputable financial institution for 120% of the cost of removal of the proposed WTF. The cost of removal of the WTF shall be determined by an engineer of sufficient expertise and agreed to by the Planning Director or Board of Commissioners.

(l) Any other information as is deemed by the Planning Director or Board of Commissioners to be

necessary to render a decision.

(5) *Specific requirements regarding construction and use.*

(a) Installation and use of wireless communication antenna arrays shall conform to such standards as are required by the Federal Communications Commission and the radio frequency (RF) exposure guidelines issued by the American National Standards Institute (ANSI).

(b) Any and all proposed telecommunications transmissions shall not interfere with any existing telecommunications facilities.

(c) Towers shall not be artificially illuminated unless required by the Federal Aviation Administration or other governmental regulation. Ground level security lighting is permitted if kept less than 20 feet in height and is designed to minimize its effect on adjacent properties.

(d) Only those signs for cautionary or advisory purposes shall be permitted on any part of a WTF, these may not be posted higher than 15 feet.

(e) WTF and support facilities shall be designed to be compatible with the natural and built environment. This includes, but is not limited to materials, textures, colors, screening and landscaping that are harmonious with the surroundings.

(f) The perimeter of the tower area shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base. This standard buffer shall consist of a strip at least five feet wide outside the perimeter of the tower area. This requirement may be waived by the Planning Director or Board of Commissioners based upon existing conditions.

(6) *Maintenance and alteration.* Minor modifications to existing WTF, whether emergency or routine, are permitted, provided there is no remarkably significant change in the visual appearance of the facility. Also permitted without further approval is the addition of transmission/reception devices of other service providers, provided there are no substantial changes made to the existing support structure and the alteration does not increase the height of the WTF.

(7) *Abandonment and disassembly.*

(a) A WTF shall be considered abandoned if it falls into obvious disrepair or a reasonable attempt is made by the Planning Director to contact the applicant and/or owner of the WTF, and no contact can be established.

(b) Once a WTF is deemed abandoned, the owner of the property and/or the owner of the WTF is responsible for its removal. If arrangements for the removal of the WTF are not made within 90 days, the county may then utilize the surety bond to dismantle or remove the structure by any means necessary.

(Ord. passed 12-15-97; Am. Ord. passed 1-24-00; Am. Ord. passed 4-2-01; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2005-02-02, passed 3-21-05; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.066 MULTI-FAMILY AND TWO-FAMILY RESIDENCES.

(A) Multi-family and two-family residences are permissible in accordance with the table of § 151.334.

(B) Subject to division (H) below, every lot developed for multi-family dwelling purposes must contain at least the following square footage:

(1) For two dwelling units (duplex): 60,000 square feet;

(2) For three dwelling units (triplex): 80,000 square feet, plus 10,000 square feet for every unit over three units up to seven units; and

(3) For eight dwelling units: 130,000 square feet, plus 15,000 square feet for every unit over eight units.

(C) In determining the number of dwelling units permissible on a tract of land, fractions shall be dropped.

(D) Thirty percent of the area shall be reserved as common open space. Open space shall meet the requirements of this chapter.

(E) The minimum lot width required to establish multi-family and two-family residences shall be 125 feet. However, within that lot, property may be further divided to allow the sale of townhouses or condominiums, provided a minimum width of 16 feet is maintained.

(F) Setbacks for two-family residences shall be in accordance with § 151.064. However, for two or more duplexes located in one development and for all multi-family residences, setbacks shall be in accordance with the following.

(1) Setbacks from exterior lot lines of the development shall be in accordance with the principal structure setbacks of § 151.064.

(2) No portion of the front or rear of a principal structure shall be less than 40 feet from the front or rear of another principal structure within the development.

(3) No portion of the side of a principal structure shall be less than 20 feet from an adjacent principal structure.

(4) No accessory structure shall be less than ten feet from another structure.

(5) No two units or structures shall be considered attached unless the units or structures share at least five feet of common wall.

(6) No improved recreation shall be located within any required exterior setbacks or within 20 feet of any dwelling unit.

(G) No building shall exceed a length or width of 160 feet.

(H) A building that was in existence prior to April 1, 1985, and contained at least 2,000 square feet of heated floor area may be converted into a multi-family or two-family dwelling in accordance with the table of § 151.334 without regard to the minimum lot size requirements of divisions (B) and (C) above, but shall be subject to the following.

(1) The off-street parking requirement of §§ 151.110 through 151.123 must be satisfied.

(2) If the lot does not contain the minimum number of square feet required under division (B) above, the building may not be enlarged in the conversion process to an extent greater than 10% of the heated floor area of the original building.

(3) The building shall be made nonconforming with the requirements of division (B) above or shall be increased to the extent of the nonconformity.

(4) The building may not contain more than nine bedrooms and no more than six dwelling units.

(I) Multi-family and two-family residences may be located only on lots fronting on:

(1) A state maintained road; or

(2) A street constructed to meet state standards and offered for dedication to the state.

(Ord. passed 12-15-97)

§ 151.067 FLOOR AREA RATIOS AND LODGING UNITS.

(A) (1) Subject to the remaining provisions of this section, the maximum square footage of building gross floor area permissible on any lot in the following districts shall be determined by multiplying the figure under the floor area ratio (FAR) column by the square footage of the lot.

(2) FARs are not applicable to residential uses, except as noted in division (B) below.

Zoning District	*FAR*
CCD	.500
NCD	.500
HC	.500
I-1	.500
I-2	.500

(B) The floor area ratios set forth in division (A) above shall not apply to residential uses within the listed districts, except with respect to lots that also contain buildings used for non-residential purposes, in which case the FARs shall be applicable to all buildings on the lots.

(C) In no case may the number of lodging units within any 1.540 classification use, hotels and motels, exceed the number per acre indicated below. Lot size shall be expressed in hundredths of an acre.

Zoning District	*Number of Lodging Units Per Acre*
HC	40
MC	40

(D) The floor area ratios set forth in division (A) above shall not apply to recreational facilities that are not open to the general public, but are designed primarily to serve the residents of the particular development where the facilities are located.

(Ord. passed 12-15-97)

§ 151.068 MAXIMUM LOT COVERAGE BY BUILDINGS.

(A) The maximum percentage of any lot that may be covered shall be subject to the following:

Districts/Lots	*Total Lot Coverage Low Density*	*Total Lot Coverage High Density - requires DENR approval*
Residential districts, for lots not covered below	24%	Up to 34%

Districts/Lots	*Total Lot Coverage Low Density*	*Total Lot Coverage High Density - requires DENR approval*
CCD, NCD, and MC and districts	24%	60%
HC,I-1 and I-2 districts	24%	40%
Residential lots 10,000 square feet to 20,000 square feet in area	24%	30%
Residential lots less than 10,000 square feet in area	24%	30%*
* DENR approval not required however, county approval required.		

(B) Notwithstanding the foregoing division, the maximum percentage of the portion of any lot or tract located in an estuarine shoreline area of environmental concern (areas within 75 feet landward of the mean high water level or normal water level of estuarine waters) that may be covered by impervious surfaces, including principal and accessory buildings as well as any paved parking area regardless of the paving material used, is 24%.

(Ord. passed 12-15-97; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.069 DESIGN STANDARDS.

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

(A) Except as otherwise provided herein, the following design standards shall apply to all site-built, modular and mobile single-family and multi-family homes erected, constructed, installed, placed or otherwise located in the county, but shall not apply to commercial structures.

(B) The following design standards shall apply to all modular and site-built homes erected, constructed, installed, placed or otherwise located in the county, but shall not apply to commercial structures:

(1) The minimum vertical rise for a roof shall be 6 feet for each 12 feet of horizontal run.

(2) Not less than 50% of the entire roof area of the house shall have a minimum vertical rise of 6 feet for each 12 feet of horizontal run.

(3) The calculation of the minimum roof area required to meet the 50% threshold shall not include the

roof area covering a dormer window.

(4) The minimum vertical rise for a roof shall be 4 feet for each 12 feet of horizontal run over any style of dormer windows.

(5) The minimum vertical rise for a roof shall be 3 feet for each 12 feet of horizontal run over non-heated space such as porches.

(C) The following appearance standards shall apply to all modular homes erected, constructed, installed, placed or otherwise located in R-3 and GUD districts:

(1) No modular home may be constructed or installed that does not have at least a porch at the front entrance of the structure. Such porch shall have a minimum area of 54 square feet, and the calculation of such area shall not include any steps.

(2) The sides of all porches and steps shall be constructed with wood, masonry or concrete, but no metal.

(3) All porches shall have a roof attached to the modular home and shall extend over the entire porch.

(4) The curtain wall or foundation shall have a visible exterior of one of the following: true brick or natural stone.

(D) The following appearance standards shall apply to all Class A, Class B and Class C mobile homes. No certificate of occupancy may be issued until the Administrator determines that the applicable appearance criteria have been met:

(1) Class A mobile homes may be installed in R-1 and R-2 zoning districts with at least the following appearance standards:

(a) The curtain wall or foundation shall have a visible exterior of one of the following: true brick or natural stone.

(b) 1. The mobile home is to be installed not less than the same distance from the right-of-way as any principle structure on an adjacent property on the same side of the roadway.

2. In those instances where an adjoining property has a principal structure located inside the required front setback area, and such principal structure is located within 150 feet of the proposed site for installation of the Class A mobile home, then the proposed Class A mobile home may be installed at a setback equal to the structure on the adjacent property or 25 feet from the right-of-way, whichever is greater.

(c) There shall be a front porch to the mobile home having dimensions of not less than five feet wide and five feet deep. The rear or side porch shall have dimensions of not less than three feet wide and three feet deep. The front and sides of all porches and steps shall be constructed with wood, stone, masonry, concrete, or similar looking composite material.

(2) Class B and Class C mobile homes may be installed in the R-1 zoning district and within approved mobile home parks subject to the following appearance standards:

(a) The curtain wall shall be of all weather material covering all exposed underpinning.

(b) 1. The mobile home is to be installed not less than the same distance from the right-of-way as any principle structure on an adjacent property on the same side of the roadway.

2. In those instances where an adjoining property has a principal structure located inside the required front setback area, and such principal structure is located within 150 feet of the proposed site for installation of

the Class B or C mobile home, then proposed Class B or C mobile home may be installed at a setback equal to the structure on the adjacent property or 25 feet from the right-of-way, whichever is greater.

(c) There shall be a porch at each entrance to the structure having dimensions of not less than three feet wide and three feet deep. The front and sides of all porches and steps shall be constructed with wood, stone, masonry, concrete, or similar looking composite material.

(3) Mobile homes that are installed as a change out to an existing mobile home must meet these appearance standards.

(Ord. 2002-04-02, passed 4-15-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06)

STREETS AND SIDEWALKS

§ 151.080 PUBLIC STREETS TO MEET DOT STANDARDS.

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

(A) All public and private streets and rights-of-way shall be constructed in accordance with the standards established for the particular type of street in question by the State Department of Transportation, Division of Highways, hereinafter, DOT standards, unless a higher or more restrictive standard is established by this chapter, in which case the street shall meet that higher or more restrictive standard. This provision relates to private streets and rights-of-way to which lots recorded on or after June 3, 2002 in the County Registry are accessed.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTED. In reference to DOT standards, all standards of design and construction, including right-of-way widths.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.081 STREET CLASSIFICATION.

(A) In all new developments, streets that are dedicated to public use shall be classified as provided in division (B) below.

(1) The classification shall be based upon the function of the street and projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.

(2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.

(3) Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside

of the development.

(B) The classification of streets shall be as follows:

(1) ***ARTERIAL.*** A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the county to another. Specifically, the following streets shall be considered arterials: US 17, US 158, NC 34, and NC 343.

(2) ***ARTERIAL ACCESS STREET.*** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

(3) ***COLLECTOR.*** A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

(4) ***CUL-DE-SAC.*** A street that terminates in a vehicular turnaround.

(5) ***LOCAL.*** A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.

(6) ***LOOP STREET.*** A street that has its beginning and end points on the same road.

(7) ***MAJOR ARTERIAL.*** The following arterials that are part of the state's primary road system: US 17, US 158, NC 343, and NC 34.

(8) ***MINOR ARTERIAL.*** All arterials other than ***MAJOR ARTERIALS***.

(9) ***STREET.*** All public or private rights-of-way serving one or more lots.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.082 ACCESS TO LOTS.

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use which access shall be no less than 45 feet in width.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.083 ACCESS TO STREETS.

(A) The provisions of this section shall apply to the following roads:

(1) Major arterial streets: US 17; US 158; NC 34; and NC 343; and

(2) Minor collector streets: SR 1224, Old Swamp Road; SR 1145, Lamb's Road in its entirety; SR 1203, Scotland Road; SR 1107, Sandy Hook Road; SR 1121, Trotman Road in its entirety; SR 1111, Wickham Road; and SR 1000, Texas Road.

(B) Whenever a tract proposed for a non-residential subdivision or major residential subdivision borders on or contains an existing or proposed major arterial or minor collector street listed above, then all lots created out of the tract must have sufficient frontage on another street, either pre-existing or created as part of the subdivision, so that direct access to the lot need not be provided by the arterial street or collector street unless compliance with this requirement cannot reasonably be accomplished due to the size or the shape of the tract to be divided. The final plat creating the subdivision shall indicate a limitation on driveway access to the major arterial or minor collector street for those lots which have alternate access.

(C) The county has many pre-existing small lots along major arterial and minor collector roads listed above. In order to provide incentives for shared access on adjacent lots subdivided before the effective date of this chapter that are used for non-residential purposes, any adjoining yard landscaping required in §§ 151.135 through 151.145 and 151.155 through 151.159 and adjoining yard setback required in §§ 151.060 through 151.068 may be waived when adjoining lots owners choose an option to share driveways subject to the provisions below:

(1) The maximum number of shared driveways permitted to take advantage of this division shall be:

(a) One driveway for frontages less than 500 feet;

(b) Two driveways for frontages between 500 feet and 1,000 feet; and

(c) Three driveways for frontages over 1,000 feet. Deviations from the foregoing standards may be authorized when the permit issuing authority determines, upon advice of the State Department of Transportation, that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.

(2) A cross access easement approved by the Administrator shall be recorded with the County Register of Deeds to ensure the right of access to all lots.

(3) All fire code regulations must be met and adequate utility and drainage easements must be provided.

(D) Except as provided above, arterial streets, entrances to streets, coordination with surrounding streets, relationships of streets to topography, general layout of streets, street intersections, construction standards and specifications of streets and all applicable state regulations regarding those matters shall apply and are hereby adopted as a part of this chapter as reference.

(Ord. passed 12-15-97; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.084 DECELERATION LANES ON MAJOR ARTERIAL STREETS.

Any use capable of generating more than 60 trips per peak hour, estimated by using NCDOT guidelines, *Institute of Traffic Engineers Trip Generation Manual*, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along a major arterial street. Deviations from the foregoing standards may be authorized when the permit issuing authority determines, upon advice of the State Department of Transportation, that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.

(Ord. passed 12-15-97)

§ 151.085 TURN LANES REQUIRED.

(A) Turn lanes for either or both left and/or right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. The final determination for the need, location and design of turn lanes is the responsibility of the NCDOT.

(B) Left and right turn lanes shall be constructed in accordance with state standards and specifications.

(C) Right-turn lanes should generally be constructed entirely within the frontage of the property being served, since an adjacent property owner might subsequently require an entrance that would otherwise come into the turn lane.

(D) On an undivided highway with a median width inadequate for a left-turn, it may be necessary to widen the highway in order to provide for the turn lane.

(Ord. passed 12-15-97)

§ 151.086 COORDINATION WITH SURROUNDING STREETS.

(A) The street system of a development shall be coordinated with existing, proposed and anticipated streets outside the development or out-side the portion of a single tract that is being divided into lots, hereinafter, surrounding streets, as provided in this section.

(B) Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

(C) Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of the streets by substantial through traffic.

(D) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the property being developed, or to the edge of the remaining undeveloped portion of a single tract, at the point where the connection to the anticipated or proposed street is expected. In addition, the permit issuing authority may require temporary turnarounds to be constructed at the end of the streets pending their extension when the turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.

(Ord. passed 12-15-97)

§ 151.087 RELATIONSHIP OF STREETS TO TOPOGRAPHY.

(A) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in §§ 151.380 through 151.387 and 151.400 through 151.403 and street grades shall conform as closely as practicable to the original topography.

(B) Street grades shall be governed by DOT requirements.

(Ord. passed 12-15-97)

§ 151.088 GENERAL LAYOUT OF STREETS.

To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

(A) All permanent dead-end streets, as opposed to temporary dead-end streets, shall be developed as cul-de-sacs in accordance with the standards set forth in §§ 151.230 through 151.247, 151.260 through 151.263 and 151.275 through 151.278.

(B) Half streets (such as streets of less than the full required right-of-way and pavement width) shall not be permitted, except where the streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this chapter.

(C) Except where no other alternative is reasonably practicable, or when necessary to avoid direct access of lots onto arterial streets, streets shall be arranged to avoid double frontage.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.089 STREET INTERSECTIONS.

(A) (1) Streets shall intersect as nearly as possible at right angles and no two streets may intersect at less than 60 degrees.

(2) Not more than two streets shall intersect at any one point unless the State Division of Highways certifies to the permit issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

(B) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street. In any event, where a center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.

(C) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet unless no other alternative is practicable.

(D) Sight distance triangles are required and will be in accordance with the State Department of Transportation standards.

(Ord. passed 12-15-97)

§ 151.090 CONSTRUCTION STANDARDS AND SPECIFICATIONS.

Construction and design standards and specifications for streets, sidewalks and curbs and gutters are referenced or contained in Appendix C to this chapter and all facilities shall be completed in accordance with these standards.

(Ord. passed 12-15-97)

§ 151.091 PRIVATE STREETS AND PRIVATE ROADS IN SUBDIVISIONS.

(A) (1) Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in § 151.082.

(2) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC STREET. A pre-existing public street as well as a street created by the subdivider that meets the public street standards of this chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of a plat shall constitute an offer of dedication of the street.

(B) All private streets and roads created hereafter shall be constructed to state standards in all zoning districts, except streets in private access subdivisions.

(Ord. passed 12-15-97)

§ 151.092 ROAD AND SIDEWALK REQUIREMENTS IN UNSUBDIVIDED DEVELOPMENTS.

(A) Within unsubdivided developments, all private roads and accessways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Specific standards concerning width, use of curb and gutter and paving specifications shall be determined by the provisions of §§ 151.230 through 151.247, 151.260 through 151.263 and 151.275 through 151.278.

(B) Whenever a road in an unsubdivided development connects two or more collector or arterial streets in a manner that any substantial volume of through traffic is likely to make use of this road, the road shall be constructed in accordance with all state standards applicable and shall be dedicated.

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UNSUBDIVIDED DEVELOPMENT. All construction of structures upon land under common singular ownership where the construction does not involve the sale of individual lots or parcels of land and the streets and ways are intended for use by the public or occupants of the development. Examples include shopping centers and apartment projects.

(Ord. passed 12-15-97)

§ 151.093 ATTENTION TO HANDICAPPED IN STREET AND SIDEWALK CONSTRUCTION.

(A) As provided in G.S. § 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with DOT standards.

(B) In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the State Building Code.

(Ord. passed 12-15-97)

Statutory reference:

Construction requirements for streets and sidewalks, see G.S. § 136-44.14

§ 151.094 STREET NAMES AND HOUSE NUMBERS.

(A) Street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes, such as those set forth in division (B) below.

(B) Street names shall include a suffix such as the following:

(1) ***CIRCLE.*** A short street that returns to itself.

(2) ***COURT*** or ***PLACE.*** A cul-de-sac or dead-end street.

(3) ***LOOP.*** A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

(4) ***STREET*** or ***ROAD.*** All public streets not designated by another suffix.

(C) Appropriate street name signs shall be placed at all intersections by and at the expense of the developer.

(D) Street addresses shall be assigned by the county.

(E) No certificate of occupancy may be issued by the Building Inspector until the street number is installed on the structure in accordance with law.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.095 BRIDGES.

All bridges shall be constructed in accordance with the standards and specifications of the State Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a state-licensed architect or engineer.

(Ord. passed 12-15-97)

§ 151.096 UTILITIES.

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in §§ 151.170 through 151.184.

(Ord. passed 12-15-97)

PARKING REGULATIONS

Editor's note:

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special

flood hazard area.

§ 151.110 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIRCULATION AREA. The portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas, other than parking aisles, comprise the circulation area.

DRIVEWAY. The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

GROSS FLOOR AREA. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

LOADING AND UNLOADING AREA. The portion of the vehicle accommodation area used to satisfy the requirements of § 151.120.

PARKING AREA AISLES. The portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

PARKING SPACE. A portion of the vehicle accommodation area set for the parking of one vehicle.

VEHICLE ACCOMMODATION AREA. The portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas, spaces and aisles.

(Ord. passed 12-15-97)

§ 151.111 NUMBER OF PARKING SPACES REQUIRED.

(A) All developments in all zoning districts shall provide the number of parking spaces, as specified in the following table, to accommodate the number of vehicles that are likely to be attracted to the development being proposed.

(B) The presumptions established by this subchapter are that:

(1) A development must comply with the parking standards set forth in the table below to satisfy the requirement stated in division (A) above; and

(2) Any development that does meet these standards is in compliance. However, the table is only intended to establish a presumption and should be flexibly administered, as provided in § 151.112.

(C) Uses in the table are indicated by a numerical reference keyed to the table of § 151.334. When determination of the number of parking spaces required by this table 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.

(D) The Board recognizes that the table cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to determine the parking

requirements using this table as a guide.

Use	*Description*	*Parking Requirement*
1.100	Single-family dwelling	Two spaces per dwelling unit
1.200	Two-family and multi-family residences	Two spaces per each dwelling unit, except: 1) Use classification 1.220 requires only one space for the accessory apartment 2) If five or more dwelling units share a common parking area, the number of spaces may be reduced by 20% 3) Multi-family units limited to persons of low or moderate income or the elderly required only one space per unit
1.400	Homes emphasizing special services, treatment or supervision	Three spaces for every five beds, except for uses exclusively serving children under 16, in which case, one space for every three beds
1.510	Rooming houses and boarding houses	One space per bedroom
1.520	Bed and breakfast establishments	One space for each room to be rented, plus two spaces for the residential dwelling unit
1.530	Tourist homes and other temporary residences rented by the day or week	One space for each room to be rented, plus two spaces for the residential dwelling unit
1.540	Hotels, motels and similar businesses	One space for each room to be rented, plus two spaces for the residential dwelling unit
1.550	Hunting and fishing lodges	One space for each room to be rented, plus two spaces for the residential dwelling unit
1.700	Home occupations	Four spaces for offices of physicians or dentists; two spaces for attorneys or accountants; one space for all others, plus one space per employee for each use
2.111	Convenience stores	One space per 150 square feet of gross floor area
2.112	Other high volume traffic generation, with no storage of display outside a fully enclosed building	One space per 200 square feet of gross floor area
2.120	Low volume traffic generation, with no storage or display outside a fully enclosed building	One space per 400 square feet of gross floor area
2.130	Wholesale sales, with no storage or display outside a fully enclosed building	One space per 400 square feet of gross floor area

Use	*Description*	*Parking Requirement*
2.210	High volume traffic generation, with storage and display of goods outside	One space per 200 square feet of gross floor area

	a fully enclosed building	
2.220	Low volume traffic generation, with storage and display of goods outside a fully enclosed building	One space per 400 square feet of gross floor area
2.230	Wholesale sales, with storage and display of goods outside a fully enclosed building	One space per 400 square feet of gross floor area
2.300	Shopping center	One space per 200 square feet of gross floor area for 80% of the building
3.110	Operations designed to attract and serve customers or clients on the premises, conducted entirely within a fully enclosed building	One space per 200 square feet of gross floor area
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use, conducted entirely within a fully enclosed building	One space per 400 square feet of gross floor area
3.130	Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area, conducted entirely within a fully enclosed building	One space per 150 square feet of gross floor area
3.140	Governmental offices and buildings	One space per 200 square feet of gross floor area used by the public
3.210	Operations designed to attract and serve customers or clients on the premises, conducted entirely within a fully enclosed building	One space per 200 square feet of gross floor area
3.220	Operations designed to attract little or no customer or client traffic other than the employees operating the principal use, conducted within a fully enclosed building	One space per 400 square feet of gross floor area

Use	***Description***	***Parking Requirement***
2.230	Banks with drive-through windows	One space per 200 square feet of area within the main building, plus reservoir land capacity equal to five spaces per window; ten spaces if the window serves two stations
4.110	Majority of dollar volume business done with walk-in trade, conducted entirely within a fully enclosed building	One space per 400 square feet of gross floor area
	Majority of dollar volume business	One space for every two employees on the

4.120	not done with walk-in trade, conducted entirely within a fully enclosed building	maximum shift, except that if permissible in the commercial districts, the uses may provide one space per 200 square feet of gross floor area
4.200	Operations conducted within or outside a fully enclosed building	One space for every two employees on the maximum shift, except that if permissible in the commercial districts, the uses may provide one space per 200 square feet of gross floor area
5.100	Elementary and secondary schools	One and three-quarters spaces per classroom in elementary schools; five spaces per classroom for high schools
5.120	Trade or vocational schools	One space per 100 square feet of gross floor area
5.130	Colleges and community colleges	One space per 150 square feet of gross floor area
5.200	Churches, synagogues and temples	One space for every four seats in the portion of the building to be used for services, plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses; all vehicular areas, excluding handicapped spaces, may be unimproved, provided that they are properly graded
5.300	Libraries, museums, art galleries and similar institutions	One space per 300 square feet of gross floor area
5.400	Social, fraternal clubs and lodges, union halls and similar uses	One space per 300 square feet of gross floor area
6.110	Bowling alleys, skating rinks, indoor tennis and racquetball courts, billiards and pool halls, indoor athletic and exercise facilities	One space for every three persons that the facilities are designed to accommodate fully utilized, if they can be measured in such a fashion, plus one space per 200 square feet of gross floor area used in a manner not susceptible to the calculation
6.120	Movie theaters	One space for every four seats

Use	***Description***	***Parking Requirement***
6.210	Privately- and publically-owned outdoor recreational facilities	One space for per 200 square feet of area within enclosed buildings, plus one space for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
6.230	Miniature golf course, skateboard park, water slide and similar uses	One space per 300 square feet of area, plus one space per 200 square feet of building gross floor area
	Driving range	One space per tee, plus one space per 200 square feet of building gross floor area
	Par three course	Two spaces per golf hole, plus one per 200 square feet of building gross floor area

6.240	Horseback riding stables	One space per horse that could be kept at the stable when occupied to maximum capacity
6.250	Automobile and motorcycle racing tracks	One space for every three seats
6.260	Drive-in movie theaters	One space per speaker outlet
6.270	Private campgrounds	One space per campsite
6.280	Petting zoo	One space per 200 square feet of area within enclosed buildings, plus one space for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
6.290	Recreational grounds	One space per cottage, cabin or dormitory room, plus one space for each tent site
6.300	Outdoor shooting range	One space per target area
7.100	Hospitals, clinics or other medical treatment facilities in excess of 10,000 square feet of floor area	Two spaces per bed or one space per 150 square feet of gross floor area, whichever is greater
7.200	Nursing care institutions, handicapped or infirm institutions, child care institutions	Three spaces for every five beds; multi-family units developed or sponsored by public or non-profit agencies for limited income families or the elderly require only one space
7.300	Institutions, other than halfway houses, where mentally ill persons are confined	One space for every two employees on maximum shift
7.400	Penal and correctional facilities	One space for every two employees on maximum shift

Use	***Description***	***Parking Requirement***
8.110	Restaurants, with no substantial carry- out or delivery service, no service or consumption outside a fully enclosed building	One space per three seats, plus one space per two employees on the maximum shift
8.120	Restaurants, with no substantial carry- out or delivery service and no drive-in service, with service or consumption outside a fully enclosed building	One space per three seats, plus one space per two employees on the maximum shift, plus one space for every four outside seats
8.130	Restaurants, with substantial carry-out or delivery service, service or consumption outside a fully enclosed building	One space per three seats, plus one space per two employees on the maximum shift, plus one space for every four outside seats
	Restaurants, with carry-out or delivery service and drive-in service,	One space per three seats, plus one space per two employees on the maximum shift, plus one space for every four outside seats, plus three stacking

8.140	with service or consumption outside a fully enclosed building	spaces at the pick-up window and five stacking spaces at the order board located so as to minimize interference with other pedestrian and vehicular areas
8.200	Dance halls, bars and nightclubs	One space per 100 square feet of gross floor area, plus one space for every four outdoor seats
9.100	Motor vehicle and boat sales, rentals or services	One space per 200 square feet of gross floor area
9.200	Automobile service stations	One space per 150 square feet of gross floor area
9.300	Gas sales operations	One space per 200 square feet of gross floor area of the building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces
9.400	Automobile repair or body shop	One space per 150 square feet of gross floor area
9.500	Car wash	1) Conveyor type: one space for every three employees on the maximum shift, plus reservoir capacity equal to five times the capacity of the washing operation 2) Self-service type: two spaces for drying and cleaning purposes per stall, plus two reservoir spaces in front of each stall

Use	***Description***	***Parking Requirement***
10.200	Storage and parking; storage goods not related to sale or use of those goods on the same lot where they are stored	One space for every two employees on the maximum shift, but not less than one space per 5,000 square feet of area devoted to storage, whether inside or outside
11.000	Scrap materials salvage yards, junkyards and automobile graveyards	One space per 200 square feet of building gross floor area
12.000	Services and enterprises related to animals	One space per 200 square feet of building gross floor area
13.000	Emergency services	One space per 200 square feet of building gross floor area
14.000	Agricultural, silvicultural, mining and quarrying operations	One space for every two employees on maximum shift
15.100	Post offices	One space per 200 square feet of building gross floor area
15.200	Airports and airstrips	One space per 200 square feet of building gross floor area
15.300	Sanitary landfill	One space for every two employees on maximum shift
15.400	Demolition landfill	One space per 100 square feet of building gross floor area

15.600	ABC store	One space per 150 square feet of building gross floor area
16.000	Dry cleaner and laundromat	One space per 200 square feet of building gross floor area
19.000	Open air markets	One space per 1,000 square feet of lot area used for storage, display and sales
20.000	Funeral homes	One space per 100 square feet of building gross floor area
21.200	Cemetery on same property as church	One space per 200 square feet of building gross floor area
22.000	Nursery schools and day-care centers	One space per employee, plus one space per 400 square feet of gross floor area; in addition, a stacking or drop-off lane equal to 22 linear feet for every two children must be provided
23.000	Temporary construction and sales office	One space per employee, plus one space per 200 square feet of building gross floor area

Use	*Description*	*Parking Requirement*
25.000	Commercial greenhouse or nursery	One space per 200 square feet of building gross floor area
30.000	Stockyards, slaughterhouses and rendering plants	One space per 200 square feet of building gross floor area
31.000	Agribusiness uses	One space per 400 square feet of building gross floor area
35.000	Adult and sexually-oriented businesses	One space per 100 square feet of building gross floor area

(E) The minimum number of parking spaces required for a combined commercial and residential use in the CCD may be reduced by up to 25% if the approving authority finds that the structure does not lend itself to needing all of the required commercial and residential parking spaces at all times during the day and night.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03)

§ 151.112 FLEXIBILITY IN ADMINISTRATION REQUIRED.

(A) The Board recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in the table of § 151.111 may result in a development either with inadequate parking spaces or parking spaces far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in the table of § 151.111, the permit issuing authority may permit deviations from the presumptive requirements of the table of § 151.111 and may require more parking or allow less parking whenever it finds that the deviations are more likely to satisfy the standard set forth in § 151.111.

(B) The permit issuing authority may allow deviations from the parking requirements set forth in the table of § 151.111 when it finds that:

(1) A residential development is irrevocably oriented toward the elderly; or

(2) A business or recreational facility is primarily oriented to walk-in trade or is closed to the general public.

(C) Whenever the permit issuing authority allows or requires a deviation from the presumptive parking requirements set forth in the table of § 151.111, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(D) If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by § 151.111 for a particular use classification is erroneous, it shall initiate a request for an amendment to the table of § 151.111 in accordance with the procedures set forth in §§ 151.580 through 151.586.

(Ord. passed 12-15-97)

§ 151.113 PARKING SPACE DIMENSIONS.

(A) Subject to divisions (B) and (C) below, each parking space shall contain a rectangular area at least 20 feet long and ten feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section. Where wheel stops or curbing exists, a two-foot bumper overhang credit will be given provided that area is clear from obstruction.

(B) In parking areas containing ten or more parking spaces up to 20% of the parking spaces need to contain a rectangular area of only 7½ feet in width by 15 feet in length. If the spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(C) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of the parking spaces shall be not less than 22 feet by 9 feet.

(Ord. passed 12-15-97)

§ 151.114 REQUIRED WIDTHS OF PARKING AREA AISLES AND DRIVEWAYS.

(A) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Required Aisle Width	***Parking Stall Angle***				
	0	**30**	**45**	**60**	**90**
One-way traffic	13 feet	14 feet	15 feet	18 feet	24 feet
Two-way traffic	19 feet	20 feet	21 feet	23 feet	24 feet

(B) (1) Driveways shall be not less than 10 feet in width for one way traffic and 18 feet in width for two-

way traffic. However, 10-foot wide driveways are permissible for two-way traffic when:

(a) The driveway is not longer than 75 feet;

(b) It provides access to not more than six spaces; and

(c) Sufficient turning space is provided so that vehicles need not back into a public street.

(2) Further, ten-foot wide driveways may be permitted for two-way traffic if the Administrator determines that not more than ten trips per day will be generated to and from the vehicular area being served by that driveway and the vehicular area is not used by the general public.

(C) The provisions of this section shall apply so long as they do not conflict with any fire safety regulations.

(Ord. passed 12-15-97)

§ 151.115 GENERAL DESIGN REQUIREMENTS.

(A) Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit the areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

(B) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency and other public service vehicles can serve the developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(C) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of the area onto adjacent properties or public rights-of-way. The areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.

(D) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(E) Minor deviations to the provisions of §§ 151.113 and 151.114 may be permitted to achieve one or more goals established in these regulations, provided the vehicle accommodation area substantially meets the intentions of those sections. By illustration, if significant vegetation on a site can be preserved by having parking spaces nine feet in width, then the aisle width can be increased by two feet to ensure proper vehicular movement area.

(Ord. passed 12-15-97)

§ 151.116 VEHICLE ACCOMMODATION AREA SURFACES.

(A) Vehicle accommodation areas shall be graded and surfaced with asphalt, concrete, crushed stone, gravel or other suitable material, as deemed appropriate by the county, that will provide equivalent protection against potholes, erosion and dust. Specifications for surfaces are contained in Appendix D to this chapter.

(B) When crushed stone, gravel, or other suitable material is used, the perimeter of the vehicular areas shall

be defined by bricks, stones, railroad ties or other similar devices. However, delineation is not required where vehicular areas are to be used exclusively by employees of the business in question and/or for deliveries and are not intended for use by the general public. In addition, whenever a vehicle accommodation area abuts a paved street, the driveway leading from the street to the area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto the streets), shall be surfaced with asphalt or six inches of concrete for a distance of 15 feet back from the edge of the paved street. This division shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

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

(D) Vehicle accommodation areas shall be properly maintained in all respects. In particular, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, weeds and the like) and parking space lines or markings shall be kept clearly visible and distinct.

(E) Where existing vehicular accommodation area surfaces do not conform to the provisions of this section, the following shall apply:

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

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

(Ord. passed 12-15-97)

§ 151.117 JOINT USE OF REQUIRED PARKING SPACES.

(A) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(B) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday, but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(C) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of § 151.118 are also applicable.

(Ord. passed 12-15-97)

§ 151.118 SATELLITE PARKING.

(A) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred

to in this section as satellite parking spaces.

(B) All satellite parking spaces, except spaces intended for employee use, must be located within 300 feet of a public entrance of a principal building housing the use associated with the parking or within 300 feet of the lot on which the use associated with the parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use must be located within 500 feet of the building.

(C) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he or she has the permission of the owner or other person in charge of the satellite parking spaces to use the spaces. The developer must also sign an acknowledgment that the continuing validity of his or her permit depends upon his or her continuing ability to provide the requisite number of parking spaces.

(D) Persons who obtain satellite parking spaces in accordance with this section shall be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this subchapter.

(Ord. passed 12-15-97)

§ 151.119 SPECIAL PROVISIONS FOR LOTS WITH EXISTING BUILDINGS.

(A) (1) Whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter, a change in use that does not involve any enlargement of a structure is proposed for the lot and the parking requirements of § 151.111 that would be applicable as a result of the proposed change cannot be satisfied on the lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of § 151.118 to the extent that parking space is practicably available on the lot where the development is located and satellite parking space is not reasonably available as provided in § 151.111.

(2) However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on the lot that the developer obtain satellite parking when it does become available.

(B) Where existing parking setbacks are not met and a change of use occurs, the existing nonconforming parking may continue to be utilized to satisfy the off-street parking requirements provided all new parking established complies with this subchapter.

(Ord. passed 12-15-97)

§ 151.120 LOADING AND UNLOADING AREAS.

(A) Subject to division (E) below, whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(B) (1) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question.

(2) The following table indicates the number and size of spaces that, presumptively, satisfy the standard

set forth in this division.

(3) However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	*Number of Spaces with Minimum Dimensions of 12x55 Feet and Clearance of 14 Feet from Street Grade*
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4

Gross Leasable Area of Building	*Number of Spaces with Minimum Dimensions of 12x55 Feet and Clearance of 14 Feet from Street Grade*
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
NOTE TO TABLE: Plus one for each additional 72,000 square feet or fraction thereof	

(C) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can:

(1) Maneuver safely and conveniently to and from a public right-of-way; and

(2) Complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(D) Where conditions allow, during off-peak hours and in isolated areas of the parking lot, loading and unloading may be permitted in areas allocated to satisfy off-street parking requirements.

(E) Whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter, a change in use that does not involve any enlargement of a structure is proposed for the lot and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

(Ord. passed 12-15-97)

§ 151.121 NO PARKING INDICATED NEAR FIRE HYDRANTS.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved, the pavement shall be clearly marked to indicate that parking within 15 feet of the hydrant is prohibited.

(Ord. passed 12-15-97)

§ 151.122 HANDICAPPED PARKING.

Provisions relating to parking for the handicapped shall be as set by the County Board of Commissioners as necessary.

(Ord. passed 12-15-97)

§ 151.123 DRIVEWAYS.

(A) All driveway entrances and other openings onto streets shall be constructed so that:

(1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling in abutting streets; and

(2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(B) Specifications for driveway entrances shall be in accordance with all applicable state regulations hereby adopted by reference in Appendix B to this chapter unless otherwise provided.

(C) A sight-distance triangle of ten feet by 35 feet shall occur where vehicular areas intersect with street rights-of-way. Within site-distance triangles, nothing over 24 inches in height shall be located.

(Ord. passed 12-15-97)

LANDSCAPING REQUIREMENTS

Editor's note:

See §§151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

§ 151.135 BOARD FINDINGS CONCERNING THE NEED FOR LANDSCAPING REQUIREMENTS.

The Board finds that:

(A) Landscaping between two lots lessens the transmission from one lot to another of noise, dust and glare;

(B) Landscaping can lessen the visual pollution that may otherwise occur; (Even minimal landscaping can provide an impression of separation of spaces and more extensive screening can shield entirely one use from the visual assault of an adjacent use.)

(C) Landscaping can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening;

(D) Landscaping provisions encourages the preservation of existing trees and vegetation;

(E) Landscaping safeguards and enhances property values and is important to stabilizing the ecological balance of the county; and

(F) The provisions of this part are necessary to safeguard the public health, safety and welfare.

(Ord. passed 12-15-97)

§ 151.136 GENERAL LANDSCAPING STANDARD.

(A) Every property owner in the county is responsible for the general upkeep and appearance of their property, including, but not limited to keeping grass mowed, preventing trash and litter from collecting and general neatness. In no event may the grass or weeds on any portion of a lot, which is not used for active farming or woodlands, located within 500 feet of a residence exceed the height of 12 inches. This height limitation shall exclude that portion of a property that is actively engaged in farming or woodlands. If for any reason the appearance of a property, vacant or developed, becomes unsafe, unhealthy or fails to comply with the above standard, the county may arrange to have the property cleaned and then bill the property owner for the work performed.

(B) Every development shall provide sufficient landscaping so that:

(1) Neighboring properties are shielded from any adverse external effects of that development; and

(2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

(C) Landscaping shall be located and maintained so as not to interfere with vehicular and pedestrian traffic.

(Ord. passed 12-15-97; Am. Ord. passed 1-24-00; Am. Ord. passed 5-15-01)

§ 151.137 COMPLIANCE WITH LANDSCAPING STANDARD.

(A) To determine required landscaping, the following steps shall be taken:

(1) Identify the classification of the proposed land use and all adjacent land uses listed in § 151.138;

(2) Use the table of § 151.139 to determine the appropriate letter designation for each abutting yard;

(3) Match the letter designation obtained from the table of § 151.139 with § 151.140 to determine the required landscaping; and

(4) Landscaping requirements established in this subchapter and §§ 151.155 through 151.159 apply to all land uses, except where specific landscaping requirements are established for certain uses elsewhere in these regulations, such as shopping centers.

(B) The table set forth in § 151.139, in conjunction with the explanations in § 151.140 concerning the types of landscaping, establishes suggested landscaping requirements that, presumptively, satisfy the general standards established in § 151.136. However, this table is only intended to establish a presumption and should be flexibly administered in accordance with § 151.141.

(C) If, when the analysis described in division (A) above indicates that landscaping is required for an existing use, but the required landscaping is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of §§ 151.360 through 151.368.

(Ord. passed 12-15-97)

§ 151.138 LANDSCAPING LAND USE CLASSIFICATION.

Below are the classifications of land uses that will determine the required landscaping established in § 151.139.

(A) *Classification I.* Single-family dwellings (1.100); family-care homes (1.450); golf courses (6.210 and 6.220, partial); nature areas; wildlife sanctuaries and accessory uses including recreation and storage; towers and related structures (18.000); and crabshedding operated in a residential zoning district (24.000, partial).

(B) *Classification II.* Two-family residences (1.200); multi-family residences (1.300); homes emphasizing special services/treatment of supervision (1.400), excluding family care homes; rooming/ boarding house (1.510); bed and breakfast (1.520); tourist home (1.530); hunting and fishing lodge (1.550); educational, cultural, religious, philanthropic, social fraternal uses (5.000); publicly or privately owned outdoor recreation facilities (6.210, 6.220 only); cemetery and crematorium (21.000); and commercial greenhouse or nursery (25.000).

(C) *Classification III.* Hotels and motels (1.540); sales and rental of goods, merchandise and equipment (2.000); office, clerical, research and services not primarily related to goods or merchandise (3.000); manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment (4.000, partial) excluding uses listed in § 151.328; indoor recreation (6.110, 6.120); golf driving range not accessory to golf course, par three golf courses and the like (6.230); horse riding stables not accessory to residential development unless located on exterior of development (6.240); drive-in movie theaters (6.260); private campgrounds (6.270); petting zoo (6.280); institutional residences or care or confinement facilities (7.000); restaurants, dance halls, bars nightclubs (8.000); motor vehicle and boat related sales and service operations (9.000); storage and parking (10.000); services and enterprises related to animals (12.000); emergency services (13.000); agricultural operations (14.100); silvicultural operations (14.200); post office (15.100); airports and airstrips (15.200); dry cleaner and laundromat (16.000); utility facilities (17.000); open air markets (19.000); funeral home (20.000); nursery school, day-care centers (22.000); crabshedding not operated in a residential zoning district (24.000, partial); off-premise signs (28.000); agribusiness uses (31.000); and miscellaneous water related uses (32.000).

(D) *Classification IV.* Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment (4.000, partial), including only those uses listed in § 151.328; automobile and motorcycle racing tracts (6.250); scrap materials, salvage yards, junkyards and automobile graveyards (11.000); mining or quarrying operations, including on-site sales of products (14.300); reclamation landfill (14.400); sanitary landfill (15.300); demolition landfill (15.400); incinerators (15.500); stockyards, slaughter houses, rendering plants (30.000); and adult businesses and sexually-oriented businesses (35.000).

(Ord. passed 12-15-97)

§ 151.139 TABLE OF LANDSCAPING REQUIREMENTS.

Below is the table of landscaping requirements used to determine landscaping between adjacent land uses.

	Adjacent Permitted Land Use	***Adjacent Zone with***	***Adjacent***	

Proposed Land Use Classes	*Classes*				*Nonconforming Use*		*Public or Private Street*	*Railroad*
	I	*II*	*III*	*IV*	*Residential*	*Non-Residential*		
II	A	B	C	C	B	C	C	C
III	A	A	C	C	B	C	C	C
IV	A	A	B	C	A	B	A	C

(Ord. passed 12-15-97)

§ 151.140 DESCRIPTIONS OF LANDSCAPING.

The following three basic types of landscaping are hereby established and are used as the basis for the table of § 151.139.

(A) *Opaque Landscaping, Type "A."* The requirements of this section may be met by establishment of a vegetative buffer, landscaped earth berm, planted vegetation or existing vegetation, which may or may not be augmented by a fence or wall, 25 feet in width forming a screen described as follows.

(1) Landscaping that is opaque from the ground to a height of at least 6 feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque landscaping is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque landscaping may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Below is a suggested guideline for developers.

(2) When a fence or wall is used to augment a vegetative buffer, the wall or fence shall:

(a) Not be a part of any building or structure;

(b) Must be constructed so a person can not see through it, visually opaque; and

(c) Must comply with the following appearance criteria:

1. Must be constructed of new uniform materials from end to end and from top to bottom so as to present a uniform appearance;

2. Must be constructed so as to be sturdy enough to withstand storm wind loads and the general destructive tendencies of annual weather patterns;

3. Must be constructed so as to be expected to have a useful life of ten years or more;

4. Must be maintained in a constant state of good repair;

5. Must be constructed of materials and in a manner generally accepted as proper in the building industry or by State Building Codes; and

6. Fences of the chain link type with plastic inserts or filler strips shall not comply with this section unless deemed appropriate by the Zoning Administrator.

(B) *Semi-Opaque Landscaping, Type "B."*

(1) Landscaping that is 50% opaque from the ground to a height of 3 feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque landscaping is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque landscaping may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

(2) At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 20 feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

(C) *Broken Landscaping, Type "C."* A landscaping composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken landscaping is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. The screen may contain deciduous plants.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.141 FLEXIBILITY IN ADMINISTRATION REQUIRED.

(A) (1) The Board recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible landscaping requirements.

(2) Therefore, as provided in § 151.137, the permit issuing authority may permit deviations from the presumptive requirements of § 151.139 and may require either more intensive or less intensive landscaping whenever it finds such deviations are more likely to satisfy the standard set forth in § 151.136 without imposing unnecessary costs on the developer.

(B) Without limiting the generality of division (A) above, the permit issuing authority may modify the presumptive requirements for:

(1) Commercial developments located adjacent to residential uses in business zoning districts; and

(2) Commercial uses located adjacent to other commercial uses within the same zoning district.

(C) Whenever the permit issuing authority allows or requires a deviation from the presumptive requirements set forth in § 151.139, it shall enter on the face of the permit the landscaping requirement that it imposes to meet the standard set forth in § 151.136 and the reasons for allowing or requiring the deviation.

(D) If the permit issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that a presumption established by § 151.139 is erroneous, it shall initiate a request for an amendment to the suggested requirements of § 151.139 in accordance with the procedures set forth in §§ 151.580 through 151.586.

(Ord. passed 12-15-97)

§ 151.142 COMBINATION USES.

(A) In determining the landscaping requirements that apply between a combination use and another use, the permit issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in § 151.139 interpreted in the light of § 151.140.

(B) When two or more principal uses are combined to create a combination use, landscaping shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in § 151.136.

(Ord. passed 12-15-97)

§ 151.143 SUBDIVISIONS.

When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any landscaping. Screening shall be required, if at all, only when the lots are developed, and the responsibility for installing the screening shall be determined in accordance with the other requirements hereof.

(Ord. passed 12-15-97)

§ 151.144 NONCONFORMING LANDSCAPING.

When a change in use occurs and the new use is the same or lower land use classification then the previous use as found in § 151.138, then the applicant shall not be required to bring the landscaping into compliance with this subchapter and §§ 151.155 through 151.159. When a change in use occurs and the new use is a higher land use classification then the previous use as found in § 151.138, then the applicant shall comply to the extent reasonable with the provisions of this subchapter and §§ 151.155 through 151.159.

(Ord. passed 12-15-97)

§ 151.145 MINIMUM PLANTING HEIGHTS.

(A) Landscaping required by this subchapter, including shading provisions listed in §§ through 151.159, shall be planted in accordance with the following minimum planting heights:

(1) Large trees: ten feet;

(2) Small trees: five feet; and

(3) Shrubs: two feet.

(B) The Administrator may allow a reduction in the planting heights listed above along an adjoining vacant property line or where smaller planting heights is deemed best in light of the plant materials chosen.

(Ord. passed 12-15-97; Am. Ord. 2006-09-02, passed 11-20-06)

SHADING REQUIREMENTS

§ 151.155 BOARD FINDINGS AND DECLARATIONS OF POLICY ON SHADE TREES.

(A) The Board finds that:

(1) Trees are proven producers of oxygen, a necessary element for human survival;

(2) Trees appreciably reduce the ever-increasing, environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;

(3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;

(4) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;

(5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control and flood control;

(6) Trees are an invaluable physical, aesthetic and psychological counterpoint to a developed setting, making life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare and breaking the monotony of human developments on the land, particularly parking areas; and

(7) For the reasons indicated in division (A)(6) above, trees have an important impact on the desirability of land and therefore on property values.

(B) Based upon the findings set forth in division (A) above, the Board declares that it is not only desirable, but essential to the health, safety and welfare of all persons living or working within the county to protect certain existing trees and, under the circumstances set forth in this subchapter and §§ 151.135 through 151.145, to require the planting of new trees in certain types of developments.

(C) Shade trees shall be located and maintained so as not to interfere with vehicular and pedestrian traffic.

(Ord. passed 12-15-97)

§ 151.156 REQUIRED TREES ALONG DEDICATED STREETS.

Along both sides of all newly created streets that are constructed in accordance with the public street standards set forth in §§ 151.080 through 151.096, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 50 feet of street frontage at least an average of one small deciduous, native pine or small cedar tree or, for every 100 feet of street frontage at least an average of one deciduous, native pine or large cedar tree. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the suggested standards set forth in Appendix E to this chapter.

(Ord. passed 12-15-97)

§ 151.157 RETENTION AND PROTECTION OF LARGE TREES.

If, during the development of a property, any tree with a diameter of 18 or more inches is lost, destroyed or significantly damaged, the developer shall be responsible for the replacement value of that trees(s). A replacement will consist of one and one-half new trees, 25-gallon minimum ball size, for every tree lost. These new trees will be planted in accordance with an approved site plan and Administrator approval.

(Ord. passed 12-15-97)

§ 151.158 SHADE TREES IN PARKING AREAS.

(A) (1) Vehicle accommodation areas must be shaded by deciduous trees, either retained or planted by the developer.

(2) When trees are planted by the developer to satisfy the requirements of this division, the developer shall choose trees that meet the standards suggested in Appendix E to this chapter.

(B) Each tree of the type described in division (A) above shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20% of the vehicle accommodation area will be shaded.

(C) Trees shall be setback far enough from vehicular areas so as not to cause an unhealthy situation for the plant material selected.

(D) (1) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees.

(2) Vehicles will be presumed to have a body overhang of three feet, six inches.

(Ord. passed 12-15-97)

§ 151.159 PROTECTION OF TREES DURING CONSTRUCTION.

(A) The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to provide screening or shading area are protected during the construction process from removal, destruction or injury. The permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the dripline of all trees sufficient to put on notice all construction personnel that the area within the dripline of the trees is not to be disturbed.

(B) If a violation of division (A) above occurs and as a result a tree is removed or dies within two years after a certificate of occupancy is granted for that portion of a development where the tree is or was located, then the permit recipient, or his or her successor, shall be required to replace the tree with one and one-half trees of equal value, with a ball size of at least 25 gallons. The replacement must take place within one year after the death or removal of the tree occurs and this obligation shall be a continuing condition of the validity of the permit.

(Ord. passed 12-15-97)

UTILITIES

Editor's note:

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

§ 151.170 UTILITY OWNERSHIP AND EASEMENT RIGHTS.

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone or cable television facilities and intends that the facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to the utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain the facilities.

(Ord. passed 12-15-97)

§ 151.171 MAJOR SUBDIVISIONS TO INSTALL WATER LINES.

(A) Whenever it is legally possible and practicable in terms of topography to connect to a county water line by running a connecting line not more than the distance set forth below, then the subdivider shall install water lines in the major subdivision so that all lots to be developed will be able to connect to the county water system. The developer shall provide all the necessary pipes and accessories for installation of the water lines as set forth herein and all materials and pipes so provided must meet or exceed the requirements established for the county water system. Individual lots within a subdivision having been given a minimum of preliminary plan approval prior to November 4, 1996, which remains valid, shall not be required to connect to the county water system. Individual lots within a subdivision given initial sketch plan approval after November 4, 1996, shall be required to connect to the county water system.

(1) Major subdivision applications submitted after November 4, 1996, shall be required to install water lines in accordance with this section.

(a) If the tract in question is proposed to be developed for residential purpose, then the distance within which connection must be made shall be as follows: 100 feet per unit for the first ten units, plus 20 feet for each unit in excess of ten units within the development. If the tract in question is proposed to be developed for non-residential purposes, then the distance within which connection must be made shall be determined by transposing the projected demand of the proposed non-residential use into the demand created by an equivalent number of average residential units and using the foregoing formula.

(b) In determining units in a development, tracts proposed to be subdivided and not using multi-family subdivisions shall have their total unit potential determined by calculating the maximum number of units allowable for each proposed lot. The total number of units proposed on other developments shall be as shown on the proposed site plan.

(c) In determining the number of dwelling units proposed for a tract, the relevant inquiry relates to the number proposed for the entire tract rather than a single phase of the proposed project.

(2) If a public water supply system is to be provided to the area within a five-year period, as indicated in the county's long range water extension plan, official map or other official document, the county may require installation of a capped system or dry lines (mains only), within the road right-of-way; or the county may require a payment in lieu of the improvement. This provision shall apply to all major subdivision initial sketch plans submitted after November 4, 1996, when the subdivision is within a distance of proposed water lines as follows: 100 feet per unit for the first ten units, plus 20 feet for each unit in excess of ten units.

(B) Connection to such water line is not legally possible if, in order to make connection with the line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

(C) All water systems installed having 15 or more connections must meet the standards of the State Commission for Health Services, Division of Environmental Management.

(D) If the public water system is available or is to be available and the subdivider is developing new lots under the standards set forth hereinabove, the subdividers shall construct a water system that complies with the standards and specifications of the public water system with jurisdiction where the subdivision is located and connect it to the system serving the area in which the subdivision is located.

(E) If the developer is developing new lots within any area served by a public water system in the county, the subdivider shall construct a water system and connect it to the system owned and operated by the water system that serves the area where the subdivision is located, subject to the following conditions.

(1) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specifications for the public water system, as prepared by the water system's engineer, that serves the area where the subdivision is located and submitted with the preliminary plat to the Planning Board and public water system that serves the area where the subdivision is located and all appropriate state agencies.

(2) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.

(3) All water mains, laterals, meter boxes and easements shall be dedicated to the public water system. Water lines shall be installed within street rights-of-way, where possible.

(F) (1) The water system where the subdivision is being developed may require installation of certain oversized facilities, such as water mains in excess of eight inches in diameter, when it is in the interest of future development.

(2) When this is required, the water system where the subdivision is located shall pay for that portion of the improvement that exceeds the standards set forth in this chapter.

(G) All connection fees shall be paid by the developer for each lot required to be connected to the county water system, prior to the submission of final plat approval.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.172 SEWAGE DISPOSAL FACILITIES REQUIRED.

(A) Every principal use and every lot within a subdivision intended to be developed shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable health regulations.

(B) No sewage treatment system that discharges into surface waters shall be allowed.

(Ord. passed 12-15-97)

§ 151.173 DETERMINING COMPLIANCE WITH § 151.172.

(A) Whenever any major subdivision in any zoning district proposes to comply with § 151.172 by using septic tanks or other ground absorption systems subject to the regulatory jurisdiction of the PPCC District Health Department, no special use permit may be issued (such as preliminary plat approval may not be granted) until the Health Department has certified that each lot shown on the preliminary plat has been inspected and found suitable for a septic tanks or other ground absorption system capable of serving at least a three-bedroom house.

(B) Final plat approval for any major, minor or private access subdivision that proposes to comply with § 151.172 by using septic tanks or other ground absorption systems under the PPCC District Health Department's regulatory jurisdiction may not be granted until the Health Department has certified that each lot shown on the final plat has been inspected and found suitable for a waste treatment system capable of serving the intended or likely use of the lot. Health Department certification under division (A) above shall suffice to comply with this section so long as there has been no substantial change between the preliminary and final plats of the subdivision.

(C) Whenever a development proposes to comply with § 151.172 by resort to a sewage treatment system not subject to the regulatory jurisdiction of the PPCC District Health Department, any development permit issued under this chapter shall be regarded as issued contingent upon the developer obtaining necessary approvals for the sewage treatment system from the appropriate regulatory agencies and properly installing the system to serve the development. All permits shall be obtained prior to preliminary plat approval. No final plat approval shall be issued until all utilities including water, septic or sewer systems are operational to the satisfaction of the PPCC District Health Department and the county or if the improvements are secured in accordance herewith, if applicable. Where sand-lined trench systems are to be utilized to satisfy § 151.172 in minor or private access subdivisions, installation of the system shall not be required until the time as a building permit is requested and a building is subsequently constructed.

(Ord. passed 12-15-97)

§ 151.174 WATER SUPPLY SYSTEM REQUIRED.

Every principal use and every lot within a subdivision shall be served by a means of a water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable health regulations.

(Ord. passed 12-15-97)

§ 151.175 DETERMINING COMPLIANCE WITH § 151.174.

The permit issuing authority may, before issuing any permit under this chapter, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the developer or his or her successor will be able to comply with § 151.174.

(Ord. passed 12-15-97)

§ 151.176 WATER/SEWER DISTRICTS REQUIRED.

(A) Whenever a private water and/or sewer treatment system is utilized to service a development, a water and/or sewer district shall be established in accordance with state law encompassing the boundaries of the development.

(B) The district shall be established prior to the first final plat approval and shall be structured in a manner that will ensure the long term viability of the water and/or sewer treatment system.

(Ord. passed 12-15-97)

§ 151.177 LIGHTING REQUIREMENTS.

(A) Private roads, public roads dedicated to the State Department of Transportation, sidewalks and other common areas or facilities in developments may be illuminated to ensure the security of property and the safety of persons using the roads, sidewalks and other common areas or facilities. Illumination shall be in accordance with a plan designed by the utility company and approved by the county.

(B) All entrances and exit areas in buildings used for non-residential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

(C) Illumination requirements must be met prior to final plat approval or prior to the issuance of an occupancy permit where final plat approval is not required by this chapter.

(Ord. passed 12-15-97)

§ 151.178 EXCESSIVE ILLUMINATION.

Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of the other lot is prohibited.

(Ord. passed 12-15-97)

§ 151.179 UNDERGROUND UTILITIES.

(A) Subject to division (D) below, all electric power lines, not to include transformers or enclosures containing electrical equipment including, but not limited to switches, meters or capacitors which may be pad mounted, telephone, gas distribution and cable television lines in subdivisions constructed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with applicable DOT requirements.

(B) Subject to division (D) below, whenever a development is hereafter constructed on a lot, parcel or tract that is undeveloped on the effective date of this chapter, then all electric power, telephone, gas distribution and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

(C) No electric power, telephone, cable television or other utility lines may be installed over the waters of the Pasquotank or North Rivers, areas of environmental concern or wetlands and no utility poles may be erected within the waters of the Pasquotank or North Rivers, areas of environmental concern or wetlands

without proper permits from the Army Corps of Engineers and/or CAMA.

(D) The provisions of this section shall not be interpreted to require the underground installation of any lateral service line in excess of 200 feet to serve a single-family residence.

(Ord. passed 12-15-97)

§ 151.180 UTILITIES TO BE CONSISTENT WITH INTERNAL AND EXTERNAL DEVELOPMENT.

(A) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, the utility facilities (such as, water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

(B) All utility facilities shall be constructed in a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

(Ord. passed 12-15-97)

§ 151.181 AS-BUILT DRAWINGS REQUIRED.

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of the utility lines. This should be accomplished during final plat review and approval. The drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development. Further, as-built drawings are required for all water and/or sewer treatment plants and any changes that may be made to the systems in the future.

(Ord. passed 12-15-97)

§ 151.182 FIRE HYDRANTS.

(A) Every major subdivision that is served by a county-owned water system or a private/public central water system with at least six-inch lines shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development.

(B) The presumption established by this chapter is that to satisfy the standard set forth in division (A) above, fire hydrants must be located so that not more than 500 linear feet, measured along the centerline of the street right-of-way, separates a property within the development and a fire hydrant. However, the permit issuing authority may authorize or require a deviation from this standard if another arrangement more satisfactorily complies with the standard set forth in division (A) above.

(C) The permit issuing authority, after consultation with local fire officials, shall determine the precise location of all fire hydrants. Preferably, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and must be placed within ten feet of a public or private road or street.

(D) The permit issuing authority shall, after consultation with local fire officials, determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified, all hydrants shall have two 2½-inch hose connections and one 4½-inch hose connection. The 2½-inch hose connections shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

(E) Water lines that serve hydrants shall be at least six-inch lines and, unless no other practicable alternative is available, no lines shall be dead-end lines and they shall be looped where practical.

(F) When served by a county-owned or a private/public central water system, all conversions of existing structures to non-residential uses and all new construction projects, excluding single-family and two-family dwellings, that are less than 1,000 feet from an existing fire hydrant shall be required to extend the line and install a new fire hydrant within 500 feet of their parcel.

(G) Subdivisions of five lots or less shall be exempt from this requirement, provided all five lots are within one parcel/tract of land. Additional lots subdivided from the one parcel/tract of land shall comply with the fire hydrant requirement.

(Ord. passed 12-15-97; Am. Ord. 2007-02-02, passed 5-7-07; Am. Ord. 2007-08-01, passed 8-6-07)

§ 151.183 WATER SUPPLY FOR FIRE PROTECTION IN DEVELOPMENTS NOT SERVED BY THE PUBLIC WATER SUPPLY SYSTEM.

Every residential development containing 20 or more lots and every non-residential subdivision containing ten or more lots shall provide a supply of water that is sufficient to provide adequate fire fighting capability with respect to every building that is reasonably expected to be constructed within the development:

(A) The Administrator shall determine the types, sizes, dimensions and spatial relationships of buildings anticipated within the development by using the best information available, including, without limitation, market experience, the developer's plans and the list of permissible uses in § 151.334 and other requirements set forth in this chapter.

(B) The developer may provide the required water supply by resort to ponds, wells, cisterns, above ground storage tanks, water lines, where a community water supply system is installed, any combination of the foregoing, or any other means, so long as the facilities satisfy the requirements of this section.

(C) The water supply facilities may be located on or off the site of the development. However, off-site facilities shall be acceptable only if the developer has a sufficient legal interest in the facilities to ensure that the facilities will be available to serve the development as long as they are needed.

(D) The water supply facilities must be of the size and so located that within 2,500 feet of every anticipated building in the development a sufficient volume of water is available at all times of the year to supply the water flow needed to suppress a fire on each building

(E) In determining needed water flow for anticipated buildings, the Administrator shall be guided by the standards promulgated by the Insurance Service Office, which standards shall be available in the office of the Administrator. However, the Administrator may modify these standards warranted upon the advice of the Chief of the applicable Volunteer Fire Department to the end that the basic objective of this section set forth above might most reasonably be satisfied.

(F) Water supply sources shall be so located so that fire-fighting vehicles will have ready access to the sources at all times. A hard surfaced roadway shall be provided to the water source as well as a hard surfaced, turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles to and from the water

source.

(G) Water supply sources shall be provided with the necessary equipment and connections (such as, dry hydrants in ponds) to ensure that fire-fighting equipment can draw water from the sources in the most efficient manner reasonably possible.

(H) The developer or his or her successor shall be responsible for ensuring that all water supply sources, access roadways and other facilities or equipment required under this section are maintained.

(Ord. passed 12-15-97; Am. Ord. 2007-02-02, passed 5-7-07; Am. Ord. 2007-08-01, passed 8-6-07)

§ 151.184 SITES FOR AND SCREENING OF DUMPSTERS.

(A) All non-residential development that is under the county's solid waste collection policies or otherwise will be required to provide one or more dumpsters for solid waste collection and shall provide sites for the dumpsters that are:

(1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way;

(2) Constructed according to specifications established by the county to allow for collection without damage to the development site or the collection vehicle; and

(3) The size and location of the site shall be approved by the county prior to preliminary plat approval and/or site plan approval.

(B) All dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located;

(2) Occupants, customers or other invitees located within any building on non-residential property other than that where the dumpster is located unless the other property is used primarily for purposes permitted exclusively in an I-1 or I-2 zoning district; and

(3) Persons traveling on any public street, sidewalk or other public way.

(C) When dumpster screening is required under this section, the screening shall be constructed, installed and located to prevent or remedy the conditions requiring the screening.

(D) Each applicant for a permit shall provide a plan for the disposal of solid waste and the plan must be approved by the county.

(Ord. passed 12-15-97)

OPEN SPACE AND SCHOOL SITES

Editor's note:

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

§ 151.195 OPEN SPACE.

(A) All major residential subdivisions shall provide open space in accordance with the provisions of this section unless otherwise provided.

(1) Every major residential subdivision, except common open space subdivisions, consisting exclusively of lots that are intended for single-family use shall be developed so that at least 5% of the total area of the development remains permanently as open space.

(2) All multi-family and two-family developments, mixed use residential developments, combination of single-family, two-family and/or multi-family, and any other type of major residential development not covered in division (A)(1) above shall have at least 15% of the total tract area devoted to open space.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OPEN SPACE. An area that:

(a) Is not encumbered with any structure unless the structure is for recreational purposes available and accessible to all residents of the subdivision or general public, including indoor tennis courts, swimming pool and other facilities;

(b) Is not contained within a street right-of-way or otherwise devoted to use as a roadway, parking area not associated with the use of open space or above ground waste disposal facilities;

(c) Is legally and practicably accessible to the residents of the development out of which the open space is taken;

(d) Is not encumbered by underground septic lines, any part of a sewage disposal system or any above ground or below ground structure;

(e) May include farmland and tree farms;

(f) Is capable of being used and enjoyed for passive recreation, such as walking, jogging or being improved for more active recreational use;

(g) Does not include any CAMA wetlands; and

(h) Includes any part of any man-made or natural lakes or ponds provided they are completely surrounded by the development and under the ownership of the developer or homeowner’s Association.

(C) At least 50% of open space required by these regulations shall be lands suitable for development and shall not include, among other things, U.S. Army Corps regulated wetlands and swamps.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.196 RECREATIONAL IMPROVEMENTS TO OPEN SPACE.

A portion of the required open space for residential subdivisions shall be improved for recreational use (such as ball fields, children's playground, swimming pools, tennis courts, and the like) taking into consideration:

(A) The character of the open space land;

(B) The estimated age and the recreation needs of persons likely to reside in the development;

(C) The cost of recreation facilities; and

(D) The proximity to existing recreational areas.

(Ord. passed 12-15-97)

§ 151.197 OWNERSHIP AND MAINTENANCE OF REQUIRED OPEN SPACE.

(A) Open space, man-made ponds, stormwater improvements and areas required to be provided by the developer in accordance with this subchapter shall not be dedicated to the public, except upon written acceptance by the county, but shall remain under the ownership and control of the developer or his or her successor or a homeowner's association or similar organization that satisfies the criteria established in § 151.198.

(B) The person or entity identified in division (A) above as having the right of ownership and control over the open space shall be responsible for the continuing upkeep and proper maintenance of the same. Determination of proper continuing upkeep and maintenance shall be the responsibility of the Administrator.

(C) The developer shall place in a conspicuous manner upon the final plat of the subdivision prior to final plat approval a notation concerning control of open space in accordance with the provisions of §§ 151.230 through 151.247, 151.260 through 151.263 and 151.275 through 151.278.

(Ord. passed 12-15-97)

§ 151.198 HOMEOWNERS ASSOCIATIONS.

(A) Homeowners' associations or similar legal entities that, pursuant to § 151.197, are responsible for the maintenance and control of open space areas and common areas shall be established by the developer who shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity.

(B) A copy of the recorded document shall be provided to the Administrator and the document shall include, but not be limited to the following:

(1) Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer;

(2) The association or similar legal entity has clear legal authority to maintain and exercise control over the common open space areas;

(3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common areas; (Further, assessments levied can become a lien on the property if allowed in the master deed establishing the homeowner's association or similar legal entity.)

(4) The open space restrictions must be permanent, not just for a period of years;

(5) The association or similar legal entity must be responsible for liability insurance, applicable taxes and the maintenance of open space and other facilities under their control;

(6) The association or similar legal entity must be able to adjust the assessment to meet changing needs; and

(7) The association shall be responsible for maintaining all public storm water drainage systems and easements within the subdivision not being maintained by the county, state or other approved entity.

(Ord. passed 12-15-97)

§ 151.199 FLEXIBILITY IN ADMINISTRATION AUTHORIZED.

(A) The requirements set forth in this subchapter concerning the amount, size, location and nature of open space to be provided in connection with developments are established by the Board as standards. Presumptively, this will result in the provision of an amount of open space that is consistent with generally recognized standards relating to the need for the areas. The Board recognizes, however, that due to the particular nature of a tract of land, or the particular type or configuration of development proposed or other factors, the underlying objectives of this subchapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing body is authorized to permit minor deviations from these standards whenever it determines that:

(1) The objectives underlying these standards can be met without strict adherence to them; and

(2) Because of peculiarities in the developer's tract of land or the particular type or configuration of development proposed, it would be unreasonable to require strict adherence to these standards.

(B) Whenever the permit-issuing board authorizes some deviation from the standards set forth in this subchapter, pursuant to division (A) above, the official record of action taken on the development application shall contain a detailed statement of the reasons for allowing the deviation.

(Ord. passed 12-15-97)

§ 151.200 RESERVATION OF SCHOOL SITES.

(A) If a development plan submitted for approval includes a proposed school site that has been designated in the land use plan, in accordance with G.S. § 153A-331, Contents and Requirements of Ordinance, or some other long-range document adopted by the Board of Commissioners, the county shall immediately notify the Board of Education. If the Board of Education does not wish the site to be reserved, no site may be reserved. If the Board of Education does wish the site to be reserved, the development shall not be approved without the reservation.

(B) As provided in G.S. § 153A-331, Contents and Requirements of Ordinance, the Board of Education must acquire the site within 18 months after the date the site is reserved, and if it fails to do so the developer may treat the land as freed of the reservation.

(Ord. passed 12-15-97)

Statutory reference:

Proposed school sites and reservation, see G.S. § 153A-331

SUPPLEMENTARY USE REGULATIONS

Editor's note:

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

§ 151.210 TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCES.

(A) Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.

(B) Permits for temporary residences to be occupied by persons intending to live in a permanent residence pending the construction, repair or renovation of the permanent residential building on a site shall expire within nine months after the date of issuance, except that the Administrator may renew the permit for one additional period not to exceed three months if he or she determines that the renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make the building habitable.

(C) Temporary emergency, construction or repair residences, as defined herein, shall consist of campers, travel trailers, recreational vehicles and Class "B" mobile homes.

(Ord. passed 12-15-97)

§ 151.211 TEMPORARY CONSTRUCTION AND SALES OFFICES.

(A) Within any district, a temporary building may be located on any lot or tract that is being developed so long as the building:

(1) Is used as a construction or field office related to the development of the tract where the office is located or as a place of storage for materials used in the development of the tract;

(2) Is used as a sales office solely in connection with the development where the temporary building is located; and

(3) Is removed within 30 days after completion of construction work on the tract where the building is located or within 30 days after 95% of the lots or units have been sold.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TEMPORARY BUILDING. Includes:

(a) Structures built in accordance with the State Building Code; and

(b) Structures built in accordance with the standards promulgated by the U.S. Department of Housing and Urban Development and all temporary buildings shall be secured to the ground in a manner, approved by the county's Building Inspector, that reflects the temporary nature of the structure.

(C) Within any real estate development offering lots or units for sale, a temporary sales office may be established in a model or display unit that is or will be for sale and within any permanent building, such as a clubhouse or recreation facility, that will remain as part of the development after sales are completed.

(D) Temporary buildings, under this section, shall observe the setback requirements applicable to permanent buildings within the district where the temporary buildings are located.

(E) Permits must be secured from the Building Inspector and Administrator prior to the location of any temporary building(s). Permits shall remain valid for 12 months and may be renewed for additional 12-month periods upon a showing that the building is being used in conformity with this section and reasonable progress is being made toward completion of the project.

(Ord. passed 12-15-97)

§ 151.212 MINING.

(A) Mining shall be allowed in any mining overlay district as a permitted use with a zoning permit issued by the Zoning Administrator only if the applicant has received an approved state mining permit and complies with the general standards and conditions as set forth therein.

(B) Any mine activity, including excavation, area where overburden is placed, area used for processing or treatment and settling ponds, access roads and the like, shall be subject to these regulations, except the noted exemptions in § 151.045.

(C) If, at any time, a state agency suspends or revokes any permits it has issued for the mining operation, the revocation or suspension shall cause the zoning permit issued by the county to become void.

(D) All state permits and applications for state permits associated with the mining activity, including permit modifications, shall be filed within ten working days of issuance or submittal in the county's Planning Department by the applicant.

(E) The zoning permit shall be valid for the same period as established within the state permit but shall not exceed ten years from the date it is granted. In the event the property owner desires to continue the mining operation thereafter, he or she shall file with the Administrator for a new permit.

(F) Appropriate buffers and screens for mining activities shall be determined by the Administrator in order to minimize the negative impacts on adjoining properties and street rights-of-way. The use of earth berms for visual screening may be required.

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

(H) Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining 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 operation on adjoining properties.

(I) No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site.

(J) No trespassing signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property.

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

(L) All provisions of state and local permits issued for the operation shall be met.

(M) Applicant will make available any pond areas to the local Volunteer Fire Department for installation of a dry hydrant, if requested by the local VFD. All associated costs for installation will be the responsibility of the local VFD.

(Ord. passed 12-15-97)

§ 151.213 CAMPING AND CAMPERS.

(A) Camping is a permitted use of land only in camper subdivisions and recreational campgrounds.

(B) The following uses will be allowed on platted camper lots within the county provided all lots are serviced by either a private or county operated central water and sewer system:

(1) *One camper lot.* Uses allowed include one camper, sited in the center of the lot; a raised walkway, maximum width not to exceed five feet, will be allowed provided proper county setback minimums can be maintained; one accessory building, not to exceed 100 square feet, may be erected provided proper county setback minimums can be maintained; canvas awnings shall be allowed; no permanent additions shall be allowed, temporary additions such as roll-up canvas awnings shall be allowed provided proper county minimum setbacks can be maintained; proper CAMA permits must be obtained, if necessary; accessory buildings shall be located to the rear of the primary structure or camper; open air decks, those without roofs or walls, will be allowed up to a maximum of 100 square feet provided all county setbacks are maintained.

(2) *Two camper lots.* Uses allowed will be the same as for one camper lot, if lots are used separately. If lots are used jointly, as one lot, uses permitted shall include one camper; site built homes; modular homes; Class “A” and Class “B” mobile homes, up to two-bedroom limit; accessory buildings of any size; screened or unscreened porches; walkways and decks, provided all county minimum setbacks are met; lot coverage shall not exceed over 25% and proper CAMA permits shall be obtained, if necessary; additions to site built homes, modular homes and mobile homes such as rooms or accessory buildings will be permitted provided they do not increase the number of bedrooms or bathrooms; accessory buildings shall be located to the rear of the primary structure or camper.

(3) *Three camper lots.* Uses allowed will be the same as for two camper lots with the following exception: site built modular or Class “A” or “B” mobile homes will be allowed with a three-bedroom maximum.

(4) *Requests.* All building permit requests for a principal structure or room additions to a principal structure, must be accompanied by a certificate of use issued by the applicable sanitation district or organization managing the sewage treatment, stating there is adequate sewage treatment available for this structure.

(C) All permanent structures located on a camper lot prior to the effective date of this chapter may continue and be maintained in good condition. Any damage equaling 25% or more of the total structure's replacement cost may be replaced only in compliance with the requirements of this section and shall not be subject to the replacement provisions of § 151.363.

(D) Campers may be parked or stored on any lot, tract or parcel with an established dwelling in any zoning district, in an approved campground or approved camper storage lot, provided the equipment shall not be used for overnight occupancy or as a dwelling unit.

(E) Additions to campers are not permitted, nor may campers be used as an addition to any structure.

(F) Campers may not have wheels removed and be blocked so as to make it a permanent structure nor will

underpinning be allowed.

(G) An approved sewage disposal system shall be provided in all campgrounds that are designed for campers or that allow use by campers.

(H) No camper larger than eight feet by 40 feet, including the tongue will be located on a designated camper lot.

(I) The use of a travel trailer as a temporary residence in connection with the construction of a dwelling shall be permitted provided that it is occupied by the owner of the dwelling, not the contractors or subcontractors.

(Ord. passed 12-15-97)

§ 151.214 MARINAS.

(A) Marinas shall be planned in a manner as to minimize the risk of water pollution.

(B) Marinas shall be located in areas where there is a high rate of water turnover, the time required for tidal action or water flow to replace water of a boat basin with new water from another source. Ideally, marinas should have a water turnover rate of between two to four days.

(C) Marinas in upland areas shall be encouraged.

(D) Marina access channels shall be designed to maximize circulation and avoid dead-end spots.

(E) Marina designs must incorporate facilities for the proper handling of sewage, waste and refuse.

(F) Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.

(G) Dredging operations shall not occur during critical periods of fish migration and breeding.

(H) The method of dredging shall be chosen that will have the least environmental impact and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.

(I) Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

(Ord. passed 12-15-97)

§ 151.215 MOBILE HOMES.

(A) Class “A” mobile homes are permitted in all approved mobile home parks and mobile home park subdivisions with a zoning permit provided underpinning of all-weather base material is placed around the mobile home when located in a mobile home park subdivision. Further, with a zoning permit, Class “A” mobile homes shall be permitted on individual lots in accordance with the table of § 151.334, subject to the following:

(1) The home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

(2) The pitch of the home's roof has a minimum vertical rise of 2 2/10 feet for each 12 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(3) The exterior siding consists of wood, hardboard, vinyl or aluminum, or 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;

(4) A continuous, permanent masonry curtain wall, unpierced, except for required ventilation and access, is installed under the home after placement on the lot and before final occupancy, if placed outside of a mobile home park or mobile home subdivision;

(5) The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before final occupancy, if placed outside of a mobile home park or mobile home subdivision;

(6) All roof structures shall provide an eave projection of no less than six inches, which may include the gutter; and

(7) The manufactured home, stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed in accordance with the standards set by the State Department of Insurance and the State Building Code.

(B) Class "B" mobile homes may be located in all approved mobile home parks and mobile home park subdivisions with a zoning permit provided underpinning of all-weather base material is placed around the mobile home when located in a mobile home park subdivision. Further, Class "B" mobile homes may be located in accordance with the table of § 151.334.

(C) (1) Class "C" mobile homes that were:

(a) Constructed prior to July 1, 1994; and

(b) Located within the boundaries of the county as of the effective date of this chapter, may only be relocated to approved mobile home parks and mobile home park subdivisions with a zoning permit.

(2) When located in a mobile home park subdivision, Class "C" mobile homes shall provide underpinning of all-weather base material around the mobile home. Class "C" mobile homes not located within the boundaries of the county as of the effective date of this chapter shall be prohibited from locating in the county.

(D) When land on which a Class "B" residential mobile home is located is acquired by a governmental agency for a public purpose and the remaining land is insufficient to support the mobile home, then the property owner may relocate the residential mobile home to any other area in the county zoned R-1.

(E) No mobile home may be parked for storage on any lot, tract or parcel, except in H-C, I-1, or I-2 districts, or in a mobile home park storage site approved subject to the provisions of division (L) below. Mobile homes may be stored in HC, I-1 or I-2 districts, with a temporary storage permit issued by the Administrator. A storage site shall be completely surrounded by a wall or fence which a person cannot see through, visually opaque, at least eight feet in height and no mobile home may be stored in any district for more than three months. Mobile home sales lots which have employees actively engaged in mobile home sales on the site daily shall be exempt from the three-month limitation.

(F) Mobile homes may not be used as storage structures.

(G) A mobile home park is not a permitted use in any zoning district.

(H) Before any mobile home is located on any lot, tract or parcel, the following permits must be obtained:

(1) Improvements permit from the District Health Department;

(2) Zoning permit from the Administrator; and

(3) Floodplain Development Permit, if applicable.

(I) Any mobile home which is located in the county for any purpose whatsoever, except for approved temporary storage of the unit must be anchored and tied down or otherwise secured according to the manufacturer's standards of the State Department of Insurance. See setup requirements in §§ 151.380 through 151.387 of this chapter if located within a special flood hazard area.

(J) In a mobile home park or any location in which the location of individual mobile home units is not made with reference to individual lot lines which are shown on a plat approved by the county, no attached structures shall be permitted which total in excess of 100 square feet nor may the total of all accessory buildings in individual ownership exceed 100 square feet per mobile home unit.

(K) Two or more mobile homes shall not be joined or connected together as one dwelling nor may a mobile home be attached to any accessory building.

(L) Mobile homes, attached and detached structures shall be tied down onto block piers with anchors according to the manufacturer's standards or the standards of the State Department of Insurance and in no case shall be placed upon a permanent foundation in any mobile home park or other location where the location of individual mobile home units is not made with reference to individual lot lines which are shown on a plat approved by the county.

(M) Mobile home park storage site may be permitted with a zoning permit within a mobile home park with the following conditions.

(1) The mobile home park must contain at least 20 lots on the effective date of this section to qualify for a permit for a storage site.

(2) The storage site must be located on the same lot, tract or parcel as the mobile home park.

(3) The size of the mobile home storage site may not exceed 5% of the total area of all mobile home lots in the park or 40,000 square feet, whichever area is the smaller.

(4) The total number of mobile homes stored in a mobile home park storage site shall not exceed ten mobile homes.

(5) The mobile home storage site shall be completely surrounded by an opaque fence at least eight feet in height. The fence shall be erected and maintained in a manner to present a neat and attractive appearance.

(6) No mobile home may be stored in a mobile home park storage site for more than six months.

(7) It is the intent of this section to allow some relief to owners and operators of mobile home parks who have abandoned mobile homes in their parks or have seized or attached mobile homes under legal process. Only mobile homes which have been abandoned or are in the possession of the mobile home park operators under legal process may be stored and sold in a mobile home park storage site. It is not the intent of this section to allow a mobile home sales lot within a mobile home park and no private sales by persons other than the operators and owners of mobile home parks may be allowed within the storage site.

(8) Upon request by the Administrator, the mobile home park owner or operator shall submit proof that the mobile homes located within the storage site are those abandoned mobile homes or mobile homes seized or attached under legal process which are permitted under this section.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.216 ADULT AND SEXUALLY-ORIENTED BUSINESSES.

(A) The provisions of these regulations are adopted by the County Board of Commissioners under authority granted by the General Assembly of the state, in G.S. §§ 153A-1 *et seq*. and further G.S. § 153A-135. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract or parcel of land within the county.

(B) For the purpose of promoting the health, safety, morals and general welfare of the citizenry of the county, these regulations are adopted by the Board of Commissioners to regulate adult and sexually- oriented businesses, as hereby defined, located in the county. Further, these regulations have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

(C) These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions or regulations previously adopted pursuant to law in any established zoning district in the county. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(D) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ARCADE. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, as defined hereinafter.

ADULT BOOKSTORE. An establishment that has a substantial portion (over 25% of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures video cassettes, slides or other visual representations characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

(b) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT BUSINESS. An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guest on its premises to exhibit any specified anatomical areas before any other person or persons.

ADULT MOTION PICTURE THEATER. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER. A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

MASSAGE. Any manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand or mechanical device.

MASSAGE BUSINESS. Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically excluded from this definition are massages under the direct supervision of a licensed physician or by a masseuse licensed in the state or where massage is an accessory to the principal use, except as an accessory to use category 35.000, such as at health clubs and beauty salons.

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

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES.

(a) Human genitals in a state of stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy; or

(c) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

TOTAL RETAIL SPACE. Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

(E) Adult and/or sexually-oriented businesses shall be subject to the following restrictions:

(1) Adult and/or sexually-oriented businesses may be located only in an I-2 industrial zoning district provided a special use permit is obtained.

(2) No adult and/or sexually-oriented business shall be permitted in any building:

(a) Located within 1,000 feet in any direction from a building used as a residential dwelling and any R-1, R-2, R-3 and GUD zoning districts;

(b) Located within 1,000 feet in any direction from a building in which an adult and/or sexually-oriented business is located;

(c) Located within 1,000 feet in any direction from a building used as a church, synagogue or other house of worship;

(d) Located within 1,000 feet in any direction from a building used as a public school or as a state licensed day-care center; or

(e) Located within 1,000 feet in any direction from any lot or parcel on which a public playground, public swimming pool or public park is located.

(3) Except for signs as permitted herein, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.

(4) Determination of parking requirements shall be the responsibility of the Zoning Administrator who shall use the table found in § 151.111 as a guide (such as adult motion picture theaters shall provide parking as

is required for other motion picture theaters; adult and/or sexually- oriented businesses shall provide parking as is required for dance halls, bars and nightclubs and the like.)

(F) (1) Any adult and/or sexually-oriented business lawfully operating on the effective date of this chapter, that is in violation of this chapter shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. The nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it shall not be reestablished. If two or more adult and/or sexually-oriented adult businesses are within 1,000 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming.

(2) An adult and/or sexually-oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day-care center, school, playground, public swimming pool or public park within 1,000 feet of the adult and/or sexually-oriented business.

(Ord. passed 12-15-97)

Cross-reference:

For provisions concerning adult entertainment, see Ch. 154

§ 151.217 PRIVATELY OWNED LANDFILLS, CONVENIENCE SITES AND RELATED FACILITIES.

A privately-owned landfill, convenience site or related facility (Table of Special Uses, use code no. 15.320) may be located in an I-1 or an I-2 district with a zoning permit, subject to the following:

(A) The applicant must show written evidence of having received all required state and federal permit prior to the issuance of the zoning permit and prior to any use of the site for a landfill.

(B) The applicant must show written evidence of a valid and properly executed franchise issued by the county pursuant to G.S. § 153A-136 prior to the issuance of the zoning permit and prior to any use of the site for a landfill.

(C) The plans and specifications for the landfill and any facilities related thereto, including any infrastructure serving the property or the site, shall be reviewed by an engineer and other technical advisers so appointed by the Administrator. Prior to any use of the site as a landfill, such plans and specifications must receive the written approval of the Administrator following consultations, with the engineer and other technical advisers appointed by the Administrator.

(D) Prior to any use of the site as a landfill, the applicant shall reimburse the county for all reasonable expenses incurred in reviewing the application. Such expenses shall include administrative costs and advisory fees incurred by the County, including any legal, engineering, or other professional fees.

(Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03)

MAJOR SUBDIVISION DESIGN REQUIREMENTS; REVIEW PROCEDURES AND

APPROVAL PROCESS

Editor's note:

See §§151.380 through 151.387 of this chapter for further criteria if located within a special flood hazard area.

§ 151.230 LANDS SUBJECT TO SUBDIVISION REGULATIONS WITHIN THIS CHAPTER.

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

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

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown by the regulations prescribed by this chapter;

(b) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(c) The public acquisition by purchase of strips of land for the widening or opening of streets;

(d) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the county, as shown by the subdivision regulations contained in this chapter; or

(e) The gift by a property owner of a single lot to each of the property owner's children, parents, grandparents or grandchildren provided that:

1. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made, for a period of no less than five years or until their 18th birthday (whichever is greater), unless lots are subject to an involuntary transfer, such as by foreclosure, death, judicial sale, condemnation or bankruptcy.

2. Lots created under the grandparents or grandchildren exemption grantor shall have owned the property for previous ten years unless inherited through testate or intestate succession.

3. If the original lot or parcel does not front on a publicly dedicated, recorded and maintained street, or an easement recorded prior to January 1, 2006, it shall have a reasonable right-of-way, not less than 45 feet in width, providing ingress and egress to a dedicated, recorded public street.

4. The plat shall be signed by all persons having any real property interest in any land included within the subdivision, including required rights-of-way.

(B) Exemption of a partition of land from the definition of ***SUBDIVISION*** shall not exempt any resulting lots, tracts or parcels from meeting the requirements of this chapter for the granting of zoning, building or improvements permits.

(C) Except as provided in subsection (e) above, no structure may be erected, installed or otherwise placed on a lot created on or after June 3, 2002, where that lot is either not served by a state-maintained road, or is not served by a private road or right-of-way built and maintained to state road standards. Structures erected for use on a bona fide farm are exempt from this division.

(D) No parcel created under this section of otherwise created as an "exemption" from the subdivision rules, ordinances or laws of the county or the state may be further subdivided into any more than one lot, plus the residual parcel, within five years of it having been created.

(E) In order to promote the preservation of existing natural resources (such as trees, water, drainage) any land disturbing activity prior to preliminary plat approval by the Board of Commissioners, may delay the approval process of the subdivision.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2008-01-05, passed 2-18-08)

§ 151.231 GENERAL.

(A) No plat of a subdivision within the jurisdiction of the County Planning Board shall be accepted for recordation by the Register of Deeds until and unless final approval has been given by the County Board of Commissioners, the County Planning Board or the County Administrator acting as the authorized agent of the County Board of Commissioners or Planning Board. To obtain final plat approval, the subdivider shall generally follow the procedures contained herein. The provisions contained in this section shall apply to all subdivisions having six lots or more and not otherwise meeting the criteria for minor, private access or common open space subdivisions, as described in §§ 151.260 through 151.263 and 151.275 through 151.278 and within §§ 151.290 through 151.297.

(B) Any expenses involved in the improvement of any property prior to the written receipt of preliminary plat approval by the County Commissioners shall be incurred solely at the risk of the owner/developer. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this subchapter.

(C) The county may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

(1) Three years after the completion if a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under county regulations governing development from the tract of land for which the permit or approval is sought.

(2) Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under county regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of the county regulations.

(D) Concurrent submittals of initial sketch, preliminary and/or final plats will not be accepted for review. However, concurrent submittals of preliminary and final plat may be allowed by the Planning Department when no improvements are required.

(E) The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Camden or Pasquotank County.

(Ord. passed 12-15-97; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2009-02-02, passed 3-16-09)

§ 151.232 DESIGN STANDARDS AND CRITERIA.

All major subdivisions shall be designed to meet the following requirements:

(A) *Streets and roads.*

(1) *All streets paved.* All streets within a subdivision must be developed to meet current state standards for road construction as contained in the *Subdivision Roads, Minimum Construction Standards Handbook*, as revised, published by the State Department of Transportation.

(2) *Coordination and continuation of streets.* The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and, where possible, existing principal streets shall be extended.

(3) *Access to adjacent properties.* Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turnaround easement shall be provided. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited. Landlocked parcels shall not be created.

(4) *Marginal access streets.* Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. Also, a 25-foot non-access buffer zone will be required on the side of the lot which abuts the principal arterial street. A ten-foot buffer may be considered sufficient if the vegetation creates a year-round opaque screening or a combination of vegetation adjacent (facing) the right-of-way with a six-foot fence of solid construction from the ground up is provided. This buffer zone may be counted toward the open space requirement platted as open space or may be counted as a portion of each individual lot.

(5) *Construction standards.* All streets intended to be dedicated to the state shall have rights-of-way and construction meeting standards set by the State Department of Transportation for acceptance and maintenance as part of the state system of highways. The Division of Highways, through its District Highway Engineer, must approve the plat with respect to road construction, road width and right-of-way prior to recording. Without the approval, the plat cannot be recorded. Once the development meets the minimum housing requirements for state road acceptance, the developer shall petition NCDOT for state road acceptance. After inspection and upon receipt of outcome of the inspection, the developer shall have 12 months to turn over roads to NCDOT.

(6) *Signs.*

(a) Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the Planning Board. The subdivider shall be required to provide, erect and arrange for maintenance of street signs of a legible and durable construction. At least two street name signs shall be placed at each four-way street intersection and at least one at each “T” intersection. Signs shall be installed free of visual obstruction. Street name signs shall conform to County and State Department of Transportation standards.

(b) Traffic-control signs and signals, if deemed necessary by the State Department of Transportation, shall be erected and maintained by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road. Signs shall comply with county

and the State Department of Transportation regulations with regards to size, shape, color, location and information contained thereon. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction.

(7) *Through traffic discouraged on minor streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools and other places of public assembly.

(8) *Cul-de-sacs.* No cul-de-sac or dead end street shall exceed 1,000 feet in length nor be less than 100 feet in length, as measured from the closest street intersection centerline. Cul-de-sacs will be designed and constructed to meet state standards and NFPA standards. In addition, the entrance into the cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles upon entering and exiting the cul-de-sac.

(9) *Intersections.* Intersections shall be designed to be more than 125 feet apart.

(10) *Access.* Where access to a subdivision site is by a road not meeting current state standards, that road shall be improved by the developer to meet current state standards.

(B) *Wetlands.* Where any lot or site includes an area of CAMA wetlands, as determined by on-site evaluation by the Division of Coastal Management Staff, the wetland area may not be counted as part of the minimum square footage required of any lot for development nor for any requirement for open space. CAMA wetlands are those lands which are subject to regular or periodic flooding and bear characteristic vegetation or as defined in the State Administrative Code described as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides provided this shall exclude hurricane or tropical storm tides. All 404 wetlands must be delineated and approved by the U.S. Army Corps of Engineers and a statement entered on the plat stating the existence of 404 wetlands on the property. Minimum lot areas may include 404 wetlands.

(C) *Soils.* No lots requiring over 24 inches of fill on over 50% of the lot shall be developed or used for building purposes.

(D) *Water access.* For subdivisions of 20 or more lots, where property being subdivided abuts public trust or estuarine waters, adequate areas suitable for access to those waters by the property owners shall be established. At a minimum, this area shall include 20,000 square feet, shall be contiguous to the tract being developed and must include a minimum of 20 linear feet of shoreline.

(E) *Utility and drainage easements.* Each subdivision must provide 10-foot easements for utilities and drainage, including but not limited to water and sewer mains along rear and side lot lines and 15 feet along front lines for service to all lots within the subdivision. Additional easements may be required due to topography or other physical features. Where a development concept is approved which requires zero lot line development, alternative easement locations may be considered.

(F) *Drainage.*

(1) Each subdivision shall provide adequate storm drainage for all areas in the subdivision. A combination of storage and controlled release of stormwater run-off is required. The release rate of stormwater from all developments shall not exceed the ten-year stormwater run-off from the area in its natural state (post-development vs. pre-development). All free flowing storm drainage systems shall be designed to accommodate the run-off generated by a ten-year design storm or State Department of Transportation (NCDOT) standards if more restrictive and the system will be maintained by NCDOT if the system is located within the NCDOT right-of-way. Plans must show, at minimum, the following information:

(a) All culvert inverts, including driveway culverts;

(b) Direction of flow;

(c) Elevation data of drainways, ditches, swales and the like to outlet;

(d) Drainage calculations for drainway design within boundaries of proposed subdivision and off-site, if appropriate; and

(e) Total pre-development and post-development run-off in CFS (cubic foot per second) volume leaving development area.

(2) Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by county planning and technical review staff.

(G) *Erosion.* Cut and fill shall be limited to affecting no more than 50% of the site. Fill shall not encroach on natural water courses, their floodplains or constructed channels in a manner so as to adversely affect water bodies or adjacent property owners. Further cut and fill restrictions shall apply in floodplains in accordance with §§151.380 through 151.387 and 151.400 through 151.403 . Sediment traps, basins and other control measures for limiting erosion will be installed per a state approved erosion and sedimentation control plan and will be reviewed and inspected by county planning and technical review staff.

(H) *Cultural and historic.* The developer shall not destroy buildings and structures of cultural or historic significance, as determined by county technical staff in consultation with state preservation officials. No developer may usurp, abolish or restrict public access areas to the waters of the Pasquotank and North Rivers or the Albemarle Sound or other local bays, sounds, creeks, rivers or canals which public access has been historically enjoyed by the people of the county.

(I) *Dedication.* The developer of any subdivision having 40 or more lots shall provide for land or improvements as authorized under G.S. § 153A-331.

(1) *Schools.* Where the County Commissioners and Board of Education have identified property for school sites pursuant to law, the developer shall set aside such property.

(2) *Community service facilities.* The county may require the donation of land and the construction of community service facilities in accordance with county policies, plans and standards to assure compliance with these requirements. Any land to be donated (or community service facilities to be constructed) shall be completed prior to recording of the final plat. The amount of land to be donated shall not be less than one acre of community facility property per 40 lots, or fraction thereof. The decision as to which land shall be donated shall be the sole discretion of the county.

(3) *Recreational land.* For recreational land, the developer shall, at the county's option, make a payment to the county of an amount of money equal to the value of one acre of land per 30 lots, or fraction thereof, as it would be appraised following its subdivision. Otherwise, the developer shall set aside one acre per 30 lots, or fraction thereof. Such land shall be in the name of the homeowner's association, with the title recorded in the Camden County Registry prior to recording the final plat.

(J) *Lots.*

(1) Every lot shall front or abut a state maintained road or paved subdivision street, except as provided for in a private access subdivision. Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use and surrounding area. Minimum lot width shall be in accordance with §§ 151.060 through 151.068.

(2) Lots shall conform to the area, dimensional and building setback requirements as prescribed in this chapter for the appropriate zoning district in which the proposed subdivision will be located.

(3) Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets. Double frontage lots require a non-access buffer of 25 feet in addition to other dimensional requirements.

(4) Corner lots shall be ten feet wider than the required minimum in order to accommodate the additional setback required. Residential driveways on corner lots having frontage along a major arterial street shall be designed not to ingress/egress on major arterial streets.

(5) Side lot lines shall be substantially at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

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

(b) At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker.

(c) If a corner is within 2,000 feet of a U.S. Geodetic Survey or NC Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed

X and Y coordinates which shall appear on the map with a statement identifying this monument to an accuracy of at least one to 10,000.

(d) When a monument is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure. However, if in the opinion of the Planning Board, a subdivision is of a small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.

(e) Within each subdivision, at least two monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments, if required.

(f) All monuments shall be constructed of #4 rebar surrounded by three-inch PVC pipe and filled with concrete.

(g) Each monument shall be set 24 inches in the ground unless this requirement is impractical because of unusual conditions.

(h) The allowable angular error of closure and the linear error of closure for surveys shall be in accordance with Standards of Practice for Land Surveying published by the State Board of Registration for Land Surveyors.

(K) *Flood elevation marker.* Where a subdivision contains more than five lots or more than five acres, there shall be located in the subdivision at least one flood elevation marker established by a registered land surveyor. See §§ 151.380 through 151.387 of this chapter for further criteria within special flood hazard areas.

(L) *Community mail boxes.* When the United States Postmaster requires in writing use of one or more community mailboxes in a major subdivision or planned unit development, the applicant must show on the preliminary plat and final plat, the location of the community mail box(es).

(M) *Bus stops.*

(1) The applicant for all major subdivisions and planned unit developments must show on the preliminary

plat and final plat the location of bus stops that shall be used for the pick-up and drop-off of school children.

(2) (a) Bus stops shall be located at locations within the preliminary and final plat as approved by the School Superintendent or his or her designee.

(b) Each bus stop shall be not less than six feet long and three feet deep with a bench running the length of the rear of the bus stop.

(c) The sides of each bus stop shall be made of a clear or semi-clear material and the roof shall be constructed to keep rain off persons standing inside the bus stop.

(3) A note shall be placed on the preliminary and final plat stating that the homeowner's association shall be responsible for the maintenance of the bus stops.

(4) The requirements for a bus stop may be waived upon written approval of the waiver by the School Superintendent or his or her designee.

(N) *Buffer strips*. Major residential subdivisions shall provide a 50-foot perpetually maintained natural or landscaped vegetative buffer along all perimeter property lines of the tract of land to be subdivided that abuts all non-residential uses. This buffer shall be permanently set aside as open space. Ownership and maintenance of the required open space shall be the responsibility of the developer and/or a homeowners association. A 6:1 sloped ditch shall be located on the property line adjacent to the buffer. The required buffer shall include a minimum of two rows of trees and shall meet the following criteria:

(1) At least 50% of the required trees shall be an evergreen species.

(2) Each tree shall be a minimum ten feet in height and shall have a minimum caliper of two inches (measured four feet above grade) at time of planting.

(3) Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity.

(4) Minimum spacing in each row shall generally be no wider than 50 feet between tree trunks.

(5) There shall be a minimum distance of 25 feet from the property line adjacent to the agricultural use and the first row of trees.

(Ord. passed 12-15-97; Am. Ord. 2001-10-03, passed 10-1-01; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2009-04-02, passed 5-4-09)

§ 151.233 REQUIRED MAJOR SUBDIVISION SUBMISSION DOCUMENTS AND INFORMATION.

	Sketch Plat	*Preliminary Plat*	*Final Plat*
Project; Plat Information:			
Name of subdivision, township, county, state	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner and/or landscape architect involved in preparation of plat	X	X	X

Vicinity map: one inch equals 2,000 feet or larger	X	X	X
North arrow and scale			
Scale to be one inch equals 200 feet or larger	X		
Scale to be one inch equals 100 feet		X	X
Number of copies required:			
Ten black or blue line copies with one 8½ x 11-inch reduced copy	X	X	
Ten black or blue line copies, plus one copy suitable for reproduction (drawn in ink on mylar, vellum, film or a reverse sepia); plus one 8½ x 11-inch reduced copy			X
Payment of application fees	X	X	X
Property information: location and general description of existing structures, property lines, paths, streets, roads, railroads, ditches, canals, streams, water courses, bridges, culverts, storm drainage pipes, utility lines and structures, water lines, septic systems, wells, easements, rights-of-way within the property to be subdivided and within 50 feet of the exterior property lines			
Approximate location	X		
Actual location		X	X
Ownership of adjoining property	X	X	X
The boundaries of the property and the portion of the property to be subdivided, together with metes and bounds description showing dimensions, bearings and distances	X	X	X

	Sketch Plat	***Preliminary Plat***	***Final Plat***
Total acreage of the property to be subdivided	X	X	X
Minimum lot size and the total number of lots			
Approximate size and total lots	X		
Actual size and total lots		X	X
The zoning classification of the property and of adjacent properties	X	X	X
Tentative surface and subsurface drainage		X	
Location of land to be dedicated or reserved for public or private use (parks, recreational sites, open space requirements, reserved utility space and the like) and their area, accompanied by provisions concerning their future ownership and maintenance			
Approximate location and area	X		
Actual location and area		X	X
Lot lines to be shown for the entire tract, no future development area left undefined			
Approximate location	X		
Actual location with dimensions		X	X
Location or areas, if any, to be used for non-residential purposes			

Approximate location	X		
Actual location		X	X
Development information: location, widths and purpose of any proposed natural buffers, pedestrian/ bicycle/jogging trails or courses, right-of-way or other easements, location(s) of existing cemeteries, layout of any proposed utilities (sewer, water, drainage, gas, electricity or telephone lines) showing connections to existing systems or easements reserved for proposed or potential systems, location of community water or community sewage disposal systems; location of any proposed ponds or other storm drainage features			
Approximate location and area	X		
Actual location and area		X	X
Minimum building setback lines shall be shown on each individual lot		X	X
Layout of lot arrangement, including lot lines, dimensions and lot and block numbers		X	X

	Sketch Plat	***Preliminary Plat***	***Final Plat***
Any rezoning requests, if necessary, for the project to develop as proposed	X		
Signature block for Chairperson, Board of Commissioners			X
Appropriate certification blocks		X	X
Copy of homeowner's association documents and any restrictive covenants applicable to development which are to be recorded			X
Street addressed must be shown on each lot		X	X
Community mailboxes			
Proposed location		X	
Actual location			X
Bus stops			
Proposed location		X	
Actual location			X
Setting; Environmental Information:			
Floodplain criteria as per § 151.384			
Approximate location	X		
Actual location		X	X
Determination by the Local Coastal Area Management Act (CAMA) Permit Officer as to whether the proposal is or is not located within any area of environmental concern		X	
Location and area of all designated areas of environmental concern within the subdivision or other such areas which are environmentally sensitive, such as CAMA wetlands or 404 wetlands, as			

defined by the U.S. Army Corps of Engineers			
Approximate location and area	X		
Actual location and area		X	X

	Sketch Plat	*Preliminary Plat*	*Final Plat*
Location of natural features such as wooded areas, swamps, water courses, floodplains, soil types and the like on site and within 100 feet of exterior property line			
Approximate location	X		
Actual location		X	
Contour intervals of two feet flood elevation date may be required; grading plan may be required		X	
Improvements and Construction Information:			
Location of street rights-of-way, cul-de-sacs, turnarounds and the like with design widths and distances in linear feet; must show all paved areas and areas to be graveled			
Approximate location	X		
Actual location		X	X
Street names			
Proposed	X		
Actual		X	X
Site identification signs, traffic-control signs, street name signs and directional signs			
Show locations and type		X	
Must be erected			X
Engineering data: approximate street grade, design data for street corners and curves, plan view for streets and water/sewer lines. Any additional data which may be required by the State Department of Transportation, County Public Works Department or any of the other official reviewing agencies		X	
Site evaluations reviewed and approved on each individual lot by the county's Health Department. If centralized or community systems are being proposed, then reviews and approvals are required by the appropriate state reviewing agency		X	
Drainage calculations in order to comply with state stormwater regulations		X	

	Sketch Plat	*Preliminary Plat*	*Final Plat*
Soil erosion and sedimentation control plan, as reviewed and approved by DEHNR-Land Quality Section		X	

Proposed utility infrastructure plans, including sanitary sewer, water, stormwater management, telephone, electric and cable television		X	
Location and construction details of either wet or dry fire hydrants		X	
Lighting plan and details, if proposed		X	
Landscape and tree-planting plan with details, if required		X	
Solid waste management-dumpster plan, if required		X	
Sight triangles		X	X
Two copies of as-built plans to be submitted, showing any utilities, drainage and infrastructure improvements installed			X
Construction details, as required by Ch. 151 of the code of ordinances		X	X
Monumentation set and control corner established			X
Payment per lot connection fees for county water			X
For subdivisions containing 20 or more lots, the information listed below shall be provided; the number of lots shall be determined by counting the cumulative number of lots created on a tract as such boundaries that existed as of the effective date of Ch. 151 of the code of ordinances by anyone who owned, had an option on or any legal interest in the original subdivision			
Development Impact Statement:			
Physical analysis (type of units expected, including number of bedrooms, projected value, size and timing of phases and the like	X		
Housing market analysis (delineate market area, project demand, supply and unmet demand, determine net capture, identify development profile)	X		
Environmental impact (water consumption estimated per unit type, available water resources, report outlining sewer generation and means of disposal)	X		

	Sketch Plat	***Preliminary Plat***	***Final Plat***
Fiscal analysis (estimated real property valuation, estimated personal property valuation, estimated annual land transfer tax value)	X		
Traffic analysis (estimated number of trips generated, volume of existing traffic on roads adjacent to and within one-half mile of tract, directional distribution of traffic, capacity analysis)	X		

(Ord. passed 12-15-97; Am. Ord. 2001-10-03, passed 10-1-01; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.234 CERTIFICATION BLOCKS REQUIRED FOR MAJOR SUBDIVISIONS.

(A) The appropriate certificate blocks as set forth below shall appear on all copies of the preliminary/final plat.

(B) It is suggested in order to eliminate confusion that all certification blocks and other detail or design information be grouped on a separate single sheet of the plat plans.

(1) *Certificate of Approval.*

I hereby certify that all streets shown on this plat are within Camden County, all streets and other improvements shown on this plat have been installed or completed or guaranteed to according to § 151.243 and that the subdivision shown on this plat is in all respects in compliance with the Camden County Unified Development and, therefore, this plat has been approved by the Camden County Planning Board and signed by the Chairperson, Board of Commissioners, subject to its being recorded in the Camden County Registry within ninety (90) days of the date below.

_____ _____

Date Chairperson, Board of Commissioners

(2) *Certificate of Ownership and Dedication.*

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Camden County, that I hereby freely adopt this plat of subdivision and dedicate to public use all area shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

_____ _____

Date Owner

I, _____, a notary public of _____County, North Carolina, do hereby certify that personally appeared before me this date and acknowledged the due execution of the foregoing certificate.

Witness my hand and official seal this _____day of _____, _____.

_____ My commission expires_____. Notary Public

(3) *Approval notation.* The developer shall place in a conspicuous manner upon the final plat of the subdivision prior to final plat approval a notation containing the following words:

Open space, drainage facilities, reserved utility open space, and ponds required to be provided by the developer in accordance with Ch. 151 of the code of ordinances shall not be dedicated to the public, except upon written acceptance by the County, but shall remain under the ownership and control of the developer (or his or her successor) or a homeowner's association or similar organization that satisfies the criteria established in §151.198 of the county's code of ordinances.

(4) *Certificate of Survey and Accuracy.*

(a) *Certificate.*

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, of the county registry (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page ___, that the ratio of precision as calculated is _____; that this plat was prepared in accordance with G.S. § 47-30, as amended. Witness my original signature, registration number and seal this _____day of _____, _____.

(Seal or Stamp)

_____ _____

Surveyor Registration Number

(b) *Other contents.* The plat must contain a certificate prepared by the surveyor and shown on the plat attesting to one of the following statements:

1. The survey creates a subdivision of land within the area of a county that has an ordinance that regulates parcels of land;

2. The survey is located in a portion of the county that is unregulated as to an ordinance that regulates parcels of land;

3. Any one of the following:

a. The survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;

b. The survey is of an existing building, other structure or natural feature, such as a watercourse; or

c. The survey is a control survey.

4. The survey is of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to a definition of subdivision; and

5. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in divisions (B)(4)(b)1. through 4. above.

(c) *Additional contents.* However, if the plat contains the certificate of a surveyor as stated in divisions (B)(4)(b)1., 4. and 5. above, then the plat shall have, in addition to the surveyor's certificate, a certificate of approval from the review officer before the plat may be presented to the Register of Deeds for recordation.

(d) *Recordation.* If the plat contains the certificate of the surveyor as stated in divisions (B)(4)(b)2. and 3. above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(5) *Division of Highway District Engineer Certificate for Public Streets, if applicable.*

I hereby certify that the public streets shown on this plat are intended for dedication and have been completed in accordance with at least the minimum specifications and standards of the NC Department of Transportation for acceptance of subdivision streets on the NC highway system for maintenance.

_____ _____

Date District Engineer

(6) *Engineer Certificate for Private Streets, if applicable.*

I hereby certify that the private streets shown on this plat are intended for private use and will remain under the control, maintenance and responsibility of the developer and/or a homeowner's association and that they have been completed in accordance with at least the minimum specifications and standards of the State Department of Transportation.

_____ _____

Date Licensed Engineer

(7) *Additional statement.* If the subdivision is located within a State Coastal Area Management Act area of environmental concern, the preliminary plat shall contain a statement as follows, signed by the coastal area management permit officer:

This subdivision (or portions thereof) is located within an Area of Environmental Concern.

_____ _____

Date Coastal Area Management Permit Officer

(8) *Engineer Certification of Stormwater Improvements.*

In the subdivision entitled _____, stormwater drainage improvements have been installed (1) according to plans and specifications prepared by _____ _____, or (2) according to As-Built plans submitted by _____ _____and approved by the County. Camden County assumes no responsibility for the design, maintenance or the guaranteed performance of the stormwater drainage improvements and their effects.

_____ _____

Registered Land Surveyor/Civil Engineer Date

_____

Registration Number

(9) *Certificate of Review Officer.*

State of North Carolina

County of Camden

I, _____, Review Officer of Camden County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____

Review Officer Date

(10) *Health Department certificate.*

This subdivision, entitled _____, has been designed for the construction of individual sewage systems and meets the criteria and requirements of the District Health Department based on existing

conditions and regulations. The District Health Department reserves the right to require additional improvements to these properties and to limit the number of bedrooms and size of structure based on site conditions upon issuance of the final site improvements permits. This certification does not constitute a warranty and is issued based on this subdivision being serviced.

_____ _____

Date District Health Department

(11) *NCDOT compliance with rules and regulations.*

I hereby certify that these streets as installed (or as designed and guaranteed by the applicant) are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways for acceptance of subdivision streets onto the system for maintenance.

_____ _____

Date District Engineer NC Department of Transportation

Division of Highways

(12) *Subdivided property within floodplain.* If any portion of the property to be subdivided lies within a floodplain, the plat must show specific criteria in accordance with §§ 151.380 through 151.387 and contain in clearly discernable print the statement "Use of land within a floodplain is substantially restricted by the Camden County Code."

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06)

Statutory reference:

Plats, subdivisions, and mapping requirements, see G.S. § 47-30

§ 151.235 SKETCH DESIGN PLAN PROCEDURES.

(A) The purpose of the sketch plan application is to give the developer the option of securing approval for the design concept before committing substantial funds to the development of engineering detail for the preliminary plat application. The developer shall submit the application to the Administrator. The application will address natural features, existing conditions and proposed development plan in terms of number and types of units and general location.

(B) Applicants shall estimate the legally permitted density on the basis of a yield plan. The yield plan shall consist of conventional lot and street layouts and must conform to this chapter's conventional development standards governing lot dimensions, land suitable for development (for example, not including CAMA wetlands), street design and parking. Although the plans shall be conceptual in nature and are not intended to involve significant engineering costs, they must be realistic and not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.

(C) In order to prepare a realistic yield plan, applicants generally need to first map the primary conservation areas on their site. Typical yield plans would include, at minimum, location of wetlands, topographic information from at least USGS map and soils suitable for septic systems, as indicated on the county soil survey published by the USDA Soil Conservation Service or other more detailed mapping.

(D) On sites not served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. The planning staff and Health Department shall select 10% of the lots to be tested in areas considered to be marginal. Costs for the tests shall be the responsibility of the applicant. If tests on the sample lots pass the soil test as conducted by the local health department, the applicant's other lots shall also be deemed suitable for septic systems for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others of the county's choosing shall be tested until all the lots in a given sample pass.

(E) A pre-application conference between the subdivider and the Administrator shall occur prior to any presentation to the Planning Board. Any effort to secure this conference is the sole responsibility of the subdivider or his or her agent. The primary purpose of this conference is to provide assistance and guidance to the subdivider for the swift and least uninterruptible review of the proposed subdivision. To ensure an equal understanding, this conference will provide a mutual exchange of basic information that is needed to facilitate and clarify the requested review process for all major subdivisions.

(F) To carry out the purpose of the pre-application conference, the subdivider and the Administrator shall be responsible for the following actions:

(1) *Actions by the subdivider.*

(a) The subdivider shall present an outline, drawing, sketch or draft of the area to be subdivided that will accurately provide site information for reasonable discussion.

(b) The subdivider shall provide general site information regarding water supply, sewage disposal, surface and subsurface drainage, flood hazard areas, street dedications and soil erosion and sedimentation control requirements for the development of the tract.

(c) The subdivider shall conduct a public meeting with adjacent property owners within 500 feet (as measured from property lines) of proposed subdivision for community input. Planning Office can assist in providing the list of names and addresses of current residents.

(d) Any further supportive plans or information that may be required for the determination of this review status.

(2) *Actions by the Administrator.* The Administrator will provide to the subdivider all necessary guidance as to the required review process for the particular tract in question based upon the information given by the subdivider and the following points of public concern.

(a) The subdivider will be informed if a change in zoning shall be required for the subject tract or part thereof.

(b) The subdivider must initiate any necessary rezoning applications.

(c) In no event will any preliminary plat be presented for approval prior to the Board of Commissioners approval of the requested zoning change.

(d) Direct assistance to the subdivider to ensure full compliance with the subdivision regulations.

(e) Outline the other public agencies that the subdivider must approach for explicit direction.

(f) Any further information that will aid the subdivider to meet the requirements of the review process.

(g) Direct assistance to the subdivider to ensure full compliance with the floodplain regulations if applicable.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.236 SKETCH DESIGN PLAN REVIEW PROCESS.

(A) The subdivider/developer shall submit a completed application form and all supplementary materials to the Planning Department no later than 40 working days prior to the next regularly scheduled Planning Board meeting date. A fee shall be charged upon submission of the sketch design plans application as specified in the adopted fee schedule of the county.

(B) The subdivider must also submit a copy of the sketch plan and any accompanying material a minimum of 15 working days prior to the submittal date identified above to those public officials and agencies concerned with new development. Verification of meeting this requirement will be required. Review comments and recommendations from the technical review staff shall be submitted simultaneous with submittal to the Planning Department. The Administrator will help to advise the subdivider concerning which agencies are applicable for a given proposal.

(C) (1) The sketch plan shall be submitted to the Administrator prior to the Planning Board meeting at which time it will be reviewed. The staff shall review the sketch plan for general compliance with the requirements of this chapter and other official plans, ordinances and policies of the county.

(2) The technical review staff shall meet with the planning staff and other agencies as appropriate to make recommendations for the Planning Board and Board of Commissioners.

(3) The technical review staff at the sketch plan stage will generally consist of the County Water Department or water authority which is to service the proposed subdivision, local Health Department, local Volunteer Fire Department, Superintendent of Schools, State Department of Transportation, Sheriff, local cable television provider, United States Postal Service postmaster for the area encompassing the subdivision, Emergency Management Services (911), and local Soil Conservation Service.

(4) The Administrator shall review the application for completeness and indicate areas of insufficient information that shall be corrected.

(5) Nothing in this report shall constitute an acceptance of the plan of development.

(6) The developer shall cure any identified deficiencies with 180 calendar days of notice of same. Failure to provide sufficient information upon application may result in postponement of the Planning Board review date. Failure to cure identified deficiencies within 180 calendar days of notice shall render the application void.

(7) The Administrator shall also investigate requirements of the state and county concerning sanitary waste disposal. The results of this review, together with the indication of sufficiency of information, shall be presented to the applicant and to the Planning Board in writing at the scheduled meeting. The Administrator shall also file a formal report addressing the plan and its impacts and alternate measures that might be used to mitigate impacts, if any.

(D) The subdivider/developer or his or her agent must attend the Planning Board meeting and all subsequent Board meetings for presentation of the application to the appropriate boards and to answer any questions by Board members and others.

(E) The Planning Board shall discuss, with the subdivider/developer or his or her agent, changes deemed advisable, if any, and the kind and extent of improvements to be made.

(F) Upon hearing all remarks and recommendations by the subdivider/developer or his or her agent, county staff and technical review staff, the Planning Board shall recommend to approve, approve conditionally, disapprove or table the application.

(G) Within 60 days from the date of its first review of the sketch plan, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a recommendation for approval.

(H) During the first regularly scheduled monthly meeting of the Board of Commissioners following recommendations by the Planning Board, the Board of Commissioners will set a public meeting date to hear any and all remarks presented by the subdivider/developer, staff comments and recommendations, technical staff comments and others.

(I) During the second regularly scheduled monthly meeting of the Board of Commissioners following recommendations by the Planning Board, the Board of Commissioners will hear any and all remarks presented by the subdivider/developer, staff comments and recommendations, technical staff comments and others.

(J) The subdivider/developer or his or her agent must attend the Board of Commissioners meeting and all subsequent Board meetings, for presentation of the application and to answer any questions by Board members and others.

(K) The Board of Commissioners shall discuss with the subdivider/developer or his or her agent changes deemed advisable, if any, and the kind and extent of improvements to be made by him or her.

(L) (1) Upon conclusion of the public meeting, the Board of Commissioners may approve, approve conditionally, disapprove or table the request as set forth in the Board of Commissioner's rules of procedures and by state law.

(2) Because of the conceptual presentation involved, this shall not constitute an official action of approval of the subdivision for recordation, nor does approval of sketch plan constitute a vesting or development rights.

(M) Receiving approval from the Board of Commissioners shall allow the subdivider/developer to proceed with submission of all materials and information required for the preliminary plat review process, and to seek all permits as required under this subchapter, §§ 151.260 through 151.263 and 151.275 through 151.278.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.237 PRELIMINARY PLAT PROCEDURES.

(A) The purpose of the preliminary plat application is to provide the county with sufficient, detailed information to indicate exactly what the developer intends to construct so that potential consequences can be predicted and evaluated.

(B) For every subdivision which does not qualify for the abbreviated procedure outlined in §§ 151.260 through 151.263 and 151.275 through 151.278, the subdivider shall submit to the Administrator a special use permit application for preliminary plat, which must be reviewed by the technical review staff, county planning staff and the Planning Board, and approved by the Board of Commissioners, before any construction or installation of improvements can begin.

(C) The subdivider shall submit copies of the preliminary plat and any accompanying material to those

public officials and agencies concerned with new development. The Administrator will help to advise the subdivider concerning which agencies are applicable for a given proposal, but it will ultimately be the subdivider's responsibility to obtain the required permits and approvals.

(D) The preliminary plat shall be submitted to the Administrator 40 days prior to the Planning Board meeting, at which time it will be reviewed. The staff shall review the preliminary plat for general compliance with the requirements of this chapter and other official plans, ordinances and policies of the county. The technical review staff shall make recommendations to the planning staff and Planning Board including any recommendations received from other public officials and agencies reviewing the proposal that is concerned with new development.

(E) The technical review staff consists of: the County Water Department or water authority which is to service the proposed subdivision; local Health Department; local Volunteer Fire Department; Postal Service; Soil Conservation Service; Division of Coastal Management; U.S. Army Corps of Engineers; Superintendent of Schools; Department of Environment, Health and Natural Resources-Division of Land Resources-Land Quality Section; Division of Environmental Management-Groundwater Section, Air Quality Section; Division of Health Services (DHS); State Department of Transportation; Emergency Management Services (911); Eastern North Carolina Natural Gas, local power company; local phone company and local cable company, as applicable; and other agencies as needed or necessary.

(F) (1) All construction permits and approvals must be obtained by the subdivider/developer from all local, state and federal agencies requiring the approval of the development prior to submission of the preliminary plat for review by the Planning Board.

(2) The burden of obtaining all necessary permits and approvals are hereby the subdivider/developer's responsibility.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.238 PRELIMINARY PLAT REVIEW PROCESS.

(A) The subdivider/developer shall submit all supplementary materials required under this subchapter, §§ 151.260 *et seq*. and 151.275 *et seq*. and a completed application form to the Planning Department at least 30 working days prior to the next scheduled Planning Board meeting at which it can be reviewed. A fee shall be charged upon submission of the preliminary plat application, as specified in the adopted fee schedule of the county.

(B) The subdivider/developer or his or her agent must attend the Planning Board and all subsequent Board meetings for presentation of the application to the appropriate boards and to answer any questions by Board members and others.

(C) The Planning Board shall discuss with the subdivider/developer or his or her agent changes deemed advisable, if any, and the kind and extent of improvements to be made by him or her.

(D) Upon hearing all remarks and recommendations by the subdivider/developer or his or her agent, county staff and technical review staff, the Planning Board shall recommend approval, approve conditionally, disapprove or table the application.

(E) Within 60 days from the date of its first review of the preliminary plat, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a

recommendation for approval.

(F) During the first regularly scheduled monthly meeting of the Board of Commissioners following recommendations by the Planning Board, the Board of Commissioners will set a formal public hearing date to hear testimony and receive evidence presented by the subdivider/developer, staff technical staff and others.

(G) During the second regularly scheduled monthly meeting of the Board of Commissioners following recommendations by the Planning Board, the Board of Commissioners will hold a formal public hearing to hear testimony and receive evidence presented by the subdivider/developer, staff, technical staff and others. Upon the conclusion of the public hearing, the Board of Commissioners may approve, approve conditionally, disapprove or table the application, as set forth in the Board of Commissioner's rules of procedures and by state law.

(H) If the preliminary plat is approved or approved conditionally, it shall be noted on two copies of the plat by the Board of Commissioners' Chairperson or his or her designee. One copy shall be returned to the subdivider/developer and one copy shall be retained by the Planning Department. If the preliminary plat is disapproved, the Board of Commissioners' Chairperson or his or her designee shall specify the reasons for the action in writing. One copy will then be attached and forwarded to the subdivider/developer and one copy will be retained by the Planning Department.

(I) (1) Upon receiving approval of the preliminary plat by the Board of Commissioners, the subdivider will receive a construction permit/letter from the Planning Department. Construction permits/letters must be issued prior to any land disturbing activities commencing on the development. Construction permits/letters can be obtained when all required permits have been obtained by the subdivider, reviewed by the Administrator and meets or exceeds all requirements of this chapter. Failure to obtain the construction permit/letter prior to any land disturbing activities may be cause for revocation of preliminary plat approval by the Board of Commissioners.

(2) If the proposed plans substantially change, at the direction of the Administrator, modifications shall be reviewed by the Planning Board and Board of Commissioners, as a regular agenda item. The Planning Board may recommend and the Board of Commissioners may determine that the change is of significant nature that requires the amendment to be handled as a new application, which shall require a public hearing.

(J) Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this subchapter, §§ 151.260 et seq. and 151.275 et seq. Prior to approval of a final plat, the subdivider shall have installed the improvements in accordance with the approved preliminary plat and the requirements of this chapter or guaranteed their installation as provided in § 151.244.

(K) Except when specifically provided for in the approval of a plan for completing the development in phases as per § 151.511, preliminary plat approval will remain valid for two years following approval by the Board of Commissioners, after which it is null and void unless granted a written extension by the Board of Commissioners for a period not to exceed one year. The Board of Commissioners shall grant no more than one extension for a preliminary plat, or any phase thereof. No extension may be granted unless applied for before preliminary plat approval has expired.

(L) Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this subchapter, §§ 151.260 et seq. and 151.275 et seq.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06)

Statutory reference:

Plats, subdivisions, and mapping requirements, see G.S. § 47-30

§ 151.239 FINAL PLAT PROCEDURES.

(A) No final plat will be accepted for review by the Planning Board unless accompanied by written notice by the Administrator acknowledging compliance with § 151.237.

(B) The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time. The portion shall conform to all requirements of this chapter. No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this chapter or shall have guaranteed their installation, as provided in § 151.244.

(C) The subdivider shall submit the final plat to the Administrator not less than 20 working days prior to the regular Planning Board meeting at which it will be considered. Further, the plat shall be submitted not more than two years after the date on which the preliminary plat was approved, otherwise the approval shall be null and void unless a written extension of this time limit is granted by the Board of Commissioners on or before the two-year anniversary of the approval.

(D) The final plat shall be prepared by a surveyor licensed and registered to practice in the state. The final plat shall substantially conform to the provisions for plats, subdivisions and mapping requirements, as set forth in G.S. § 47-30, Plats and Subdivisions; Mapping Requirements, as amended.

(E) Final plats shall be of a size suitable for recording with the County Register of Deeds. Maps may be placed on more than one sheet with appropriate match lines.

(F) Submission of the final plat shall be accompanied by a filing fee as specified in the adopted fee schedule of the county.

(Ord. passed 12-15-97)

§ 151.240 FINAL PLAT REVIEW PROCESS.

(A) The subdivider/developer shall submit all supplementary materials required under this subchapter, §§ 151.260 through 151.263 and 151.275 through 151.278 and a completed application form to the Planning Department at least 20 working days prior to the Planning Board meeting at which it is to be heard.

(B) The subdivider/developer or his or her agent must attend the Planning Board and all subsequent Board meetings for presentation of the application to the Board and to answer any questions by Board members and others.

(C) Upon hearing all remarks and recommendations by the subdivider/developer or his or her agent, county staff and technical review staff, as needed, the Planning Board, shall approve, approve conditionally, disapprove or table the application. The Planning Board shall act on final plats in lieu of the Board of Commissioners, in accordance with G.S. § 153A-332.

(D) (1) If the final plat is approved or approved conditionally, it shall be noted on two copies of the plat by the Board of Commissioners' Chairperson or his or her designee. One copy shall be returned to the subdivider/developer and one copy shall be retained by the Planning Department. If the final plat is disapproved, the Board of Commissioners' Chairperson or his or her designee shall specify the reasons for the action in writing.

(2) One copy will then be attached and forwarded to the subdivider and developer and one copy will be retained by the Planning Department.

(Ord. passed 12-15-97)

§ 151.241 PLAT APPROVAL NOT ACCEPTANCE OF DEDICATION OFFERS.

(A) Approval of a plat does not constitute acceptance by the county or other public agency of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat.

(B) However, the county or other public agency may, to the extent of its statutory authority, accept the offer of dedication by resolution of the governing body or by actually exercising control over and maintaining the facilities.

(Ord. passed 12-15-97)

§ 151.242 PROTECTION AGAINST DEFECTS.

(A) Whenever, pursuant to § 151.243, occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the letter of credit or the surety that is posted, pursuant to § 151.243, shall guarantee that any defects in the improvements or facilities that appear within one year after the dedication of the facilities or improvements is accepted or within 18 months after the facilities are completed, whichever occurs first, shall be corrected by the developer. For purposes of this section, the Administrator shall determine the date of completion of the facilities.

(B) Whenever all public facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized, then the developer shall post a letter of credit or other sufficient surety guarantee that he or she will correct all defects in the facilities or improvements that occur within one year after the offer of dedication of the facilities or improvements is accepted or within 18 months after the completion of the facilities, whichever occurs first. For purposes of this section, the Administrator shall determine the completion date of the facilities.

(C) An architect or engineer retained by the developer shall certify to the county that all improvements have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the county of the offer of dedication of the facilities or improvements.

(D) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DEFECTS.

(a) Any condition in facilities or improvements offered for public dedication that requires the county or other public authority to make repairs in the facilities over and above the normal amount of maintenance that they would require.

(b) If the defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this chapter.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.243 IMPROVEMENT GUARANTEES.

In lieu of required completion of asphalt street paving, shoulder/ditch grading and seeding prior to final plat approval, the County of Camden may enter into an agreement with the developer whereby the developer shall agree to complete all asphalt street paving, shoulder/ditch grading and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Camden County Planning Board, if all other requirements of this chapter are met. To secure this agreement, the developer shall provide, subject to the approval of the Administrator any one or combination of the following guarantees.

(A) *Surety performance bond.* The developer shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the county and shall be in an amount equal to 1.25 times the entire cost, as estimated by the developer and approved by the Administrator, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond shall be until such time as the improvements are determined by the Administrator to be in compliance with the provisions of this chapter. All improvements must be made within 12 months of final plat approval. Certificate of Occupancy will not be issued until all improvements are installed.

(B) Cash bond with the Camden County Finance Officer named as trustee.

(Ord. 2005-02-02, passed 3-21-05)

§ 151.244 MAINTENANCE OF DEDICATED AREAS UNTIL ACCEPTANCE.

(A) All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until the offer of dedication is accepted by the appropriate public authority.

(B) The developer of any development containing streets intended for public dedication shall post a cash bond to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the State Department of Transportation.

(1) This maintenance guarantee may be combined with any provided under § 151.242.

(2) The amount of the security shall generally constitute 30% of the cost of the improvements. The developer shall provide information sufficient to determine the cost of the improvements.

(C) The Board may relieve the developer of the requirements of this section if it determines that a property owner's association has been established for the development and that this association has assumed and is capable of performing the obligations set forth in division (A) above.

(Ord. passed 12-15-97; Am. Ord. 2005-02-02, passed 3-21-05; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2012-12-01, passed 3-18-13)

§ 151.245 ACCEPTABLE BOND TERMS AND METHODS.

The following types of bonds/guarantees will be acceptable to the Board for the purpose of satisfying maintenance (30%) and performance guarantees (125%) prior to recording of the final plat:

(A) Surety bonds by a licensed surety bond company;

(B) Cash bond with the Finance Officer named as trustee; and

(C) Irrevocable letters of credit, on forms approved by the County Attorney, with a banking institution insured by the FDIC or other reputable institution, to be renewed annually until released by the county.

(Ord. passed 12-15-97; Am. Ord. 2005-02-02, passed 3-21-05; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2012-12-01, passed 3-18-13)

§ 151.246 AUTHORIZATION TO FILE.

(A) Upon approval of the final plat the subdivider shall have authorization to file the plat with the Register of Deeds.

(B) Approval shall be null and void for any plat not recorded within 90 days.

(Ord. passed 12-15-97)

§ 151.247 REPLATTING OR RESUBDIVISION OF LAND.

(A) For any replatting or resubdivision of land, the same procedures, rules and regulations contained in § 151.231 shall apply as prescribed for an original subdivision.

(B) (1) Lot sizes may, however, be varied on an approved plat after recording.

(2) No lot or tract shall be created or sold that is smaller than the size shown on the approved plat.

(3) Drainage easements shall not be changed; rights-of-way shall not be changed.

(4) Street alignment and block sizes shall not be changed.

(5) The rear portion of the lots shall not be subdivided from the front part.

(6) The character of the area shall be maintained.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03)

MINOR SUBDIVISION REQUIREMENTS; REVIEW AND APPROVAL PROCESS

§ 151.260 ABBREVIATED PROCEDURE FOR MINOR SUBDIVISIONS.

(A) The abbreviated procedure affords the sale of lots and/or tracts of land which qualify as subdivisions under the definition in the state statutes, but which have less impact on the county than would a subdivision which is larger or requires more extensive improvements.

(B) Subdivisions of land which involve no street right-of-way dedication, possible utility extension and where five or fewer lots, including the residual parcel, if any, result after the subdivision is completed require submission of a final plat in accordance with the contents requirements in § 151.261. A minor subdivision may be approved by a zoning permit so long as another lot (or lots) is not created on the original property within five years. If one or more additional lots are proposed to be created on the original property within five

years of recording the lot that was authorized by zoning permit, then any further lot or lots must be approved by special use permit.

(C) The abbreviated procedure may not be used on the same parcel a second time on the same parcel of land within five years on any contiguous property within 1,500 feet when measured from the original property boundaries, those in effect on the adoption date of this chapter, to the proposed newly created lot lines and rights-of-ways.

(D) A soil evaluation from the County Health Department (Albemarle Regional Health Services), which states that on-site wastewater treatment systems may be used of each parcel, must be obtained prior to approval of the minor subdivision plat. This requirement shall not apply when the applicant can demonstrate in writing that the parcel(s) will be served by a public sewer system.

(E) Plats of minor subdivisions may be approved by the Administrator; however, the Administrator may submit the plat to the technical staff for review prior to approval. The subdivider shall submit one signed Mylar (18-inch x 24-inch) and five copies of the surveyed plat to the Administrator who shall review the information for compliance with the standards of review of subdivisions. Where one tract of two acres or more is divided so as to create not more than two lots the subdivider shall only be required to submit five, 8½-inch x 14-inch copies of a plat provided that all requirements regarding contents of the plat are satisfied. One approved copy will be returned to the subdivider and must be recorded with any deed transferring a lot shown on the plat.

(F) A minor subdivision plat shall be prepared by a surveyor, licensed and registered to practice in the state. The plat shall be drawn at a scale not to exceed one inch equals 100 feet.

(G) No minor subdivision may be recorded until all required improvements have been installed and inspected by the Administrator.

(H) No minor subdivision may be recorded until written confirmation has been received by the administrator that the plat has been received by the United States Postal postmaster for the area encompassing the subdivision and the comments have been considered by the applicant.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2007-07-02, passed 7-16-07)

§ 151.261 DESIGN STANDARDS.

All minor subdivision plats shall be designed to meet the following requirements.

(A) *Streets and roads.* All lots shall meet or exceed minimum lot width on a state maintained street.

(B) *Wetlands.* Where any lot or site includes an area of CAMA wetland as determined by on-site evaluation of the Division of Coastal Management Staff, the wetland area may not be counted as part of the minimum square footage required of any lot for development and shall be shown on the plat. All 404 wetlands must be delineated and approved by U.S. Army Corps of Engineers and a statement entered on the plat stating the existence of 404 wetlands on the property. Minimum lot area can include 404 wetland areas.

(C) *Soils.* No lot requiring over 24 inches of fill to attain required separation from seasonal high water table for on-site septic system shall be developed or used for building purposes.

(D) *Zoning.* All lots will conform to the requirements of this chapter especially as to dimension of lots.

(E) *Water.* All applicants for a minor subdivision shall connect each newly created lot to a public water supply system if any boundary of a newly created lot is located within 1,000 feet of a public water supply

system. All water lines and related improvements shall be constructed pursuant to state and local laws and approved by the Administrator. This requirement shall not apply only if; 1) the newly created lots are over 1,000 feet from a public water supply system, and 2) the applicant provides a written statement signed by an official of each public water supply system in the county that the public water supply system does not plan to provide water service to the property within five years of the date of the minor subdivision application.

(F) *Drainage.*

(1) For residential minor subdivisions, drainage requirements in accordance with § 151.400 shall be required prior to minor subdivision plat approval.

(2) For non-residential subdivisions, drainage requirements in accordance with § 151.400 shall be required prior to commercial site plan approval for the proposed use.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2008-11-01, passed 11-17-08; Am. Ord. 2009-05-01, passed 6-1-09)

§ 151.262 CONTENTS.

(A) A minor subdivision plat shall depict or contain the following:

(1) Title information, including the name of the subdivision, the owner of the property, the township where the property is located, name and address of the preparer and vicinity map showing location to principal roads;

(2) Existing information, including boundaries of the tract to be subdivided, together with bearings and distances; location of property lines, streets, structures, water courses, railroads, utility

transmission lines and structures, water lines, bridges, culverts, storm drainage pipes, easements within the tract to be subdivided and within 50 feet of the property line and ownership of adjoining land;

(3) Natural features, including the location of wooded areas, swamps, wetlands and water bodies, including streams, sounds and the like; (Soil types and contour intervals of two feet may be required at the discretion of the Administrator. Floodplain information, as depicted on the flood insurance rate maps and other specific criteria in accordance with §§ 151.380 through 151.387 of this chapter, must be shown on the plat.)

(4) Development information, including proposed natural buffers, location(s) of existing cemeteries, pedestrian, bicycle and other rights-of-way and other easements, their location, width and purpose; layout of lot arrangements, including lot lines, lot dimensions; square footage; and lot and block numbers; layout of proposed utilities (sewer, water, drainage, gas, electricity, telephone) showing connection to existing systems or easements reserved for proposed or potential systems; (Where a development concept is approved which requires zero lot line development, alternative easements may be considered.)

(5) Site data, including acreage in total number of lots and average lots sizes and any proposed modifications to topography; and

(6) A statement certifying the following shall appear on all minor subdivisions.

The residual parcel(s), if any, meet or exceed the minimum lot size as specified within the Camden County Unified Development Ordinance.

Date Surveyor

(B) The following certifications are required on each plat:

(1) *Certificate of Approval.*

I hereby certify that the Minor Subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Camden County Unified Development Ordinance and that therefore this plat has been approved by the Camden County Administrator subject to its being recorded in the Office of the Camden County Register of Deeds within thirty (30) days of the date below.

_____ _____

Date Administrator

(2) *Certificate of Ownership and Rededication.*

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Camden County, that I hereby freely adopt this plat of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

_____ _____

Date Owner

(3) *Certificate of Survey and Accuracy.*

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision as calculated is _____; that this plat was prepared in accordance with G.S. § 47-30, as amended. Witness my original signature, registration number and seal this _____day of _____, _____.

(Seal or Stamp)

_____ _____

Surveyor Registration Number

(a) The plat must contain a certificate prepared by the surveyor and shown on the plat attesting to one of the following statements:

1. The survey creates a subdivision of land within the area of a county that has an ordinance that regulates parcels of land;

2. The survey is located in a portion of the county that is unregulated as to an ordinance that regulates parcels of land;

3. Any one of the following:

a. The survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;

b. The survey is of an existing building, other structure or natural feature, such as a watercourse; or

c. The survey is a control survey.

4. The survey is of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to a definition of subdivision; and

5. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in divisions (B)(3)(a)1. through 4. above.

(b) However, if the plat contains the certificate of a surveyor as stated in divisions (B)(3)(a)1., 4. and 5. above, then the plat shall have, in addition to the surveyor's certificate, a certificate of approval from the review officer before the plat may be presented to the Register of Deeds for recordation.

(c) If the plat contains the certificate of the surveyor as stated herein above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(4) *Certificate of Review Officer.*

State of North Carolina

County of Camden

I, _____, Review Officer of Camden County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____

Review Officer Date

(C) If any portion of the property to be subdivided lies within a floodplain, the plat must show specific criteria in accordance with §§ 151.380 through 151.387 of this chapter and contain in clearly discernable print the statement, “Use of land within a floodway or floodplain is substantially restricted by the Camden County Code.”

(D) If the minor subdivision is required to provide a connection to a public water supply system, then the plat shall contain the following statement: “The developer is required to install all water lines and related improvements.”

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.263 MINOR SUBDIVISION APPROVAL.

(A) The Administrator shall approve or disapprove minor subdivision final plats in accordance with the provisions of this chapter.

(B) (1) The applicant for minor subdivision plat approval may submit a sketch plat to the Administrator for a determination of whether the approval process authorized by this subchapter, §§ 151.230 *et seq*. and 151.275 *et seq*. can be and should be utilized.

(2) The Administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to a copy of the tax map showing the land being subdivided.

(C) (1) The Administrator shall take expeditious action on an application for minor subdivision plat approval, as provided herein.

(2) However, either the Administrator or the applicant may, at any time, refer the application to the major subdivision approval process.

(D) (1) Not more than a total of five lots, including a residual lot, may be created out of one tract using the minor subdivision plat approval process, regardless of whether or not the lots are created at one time.

(2) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TRACT. A separate tract in existence on the effective date of this chapter.

(E) The Administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision or the proposed subdivision fails to comply with division (D) above or any other applicable requirement of this chapter.

(F) At the discretion of the Administrator, minor subdivisions may be reviewed by other agencies and officials.

(G) If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement, when requested, of the reasons for disapproval.

(H) (1) Approval of any plat is contingent upon the plat being recorded within 30 days after the date the certificate of approval is signed by the Administrator.

(2) If a plat is not recorded within the 30-day period it shall become null and void.

(Ord. passed 12-15-97)

PRIVATE ACCESS SUBDIVISION REQUIREMENTS; REVIEW AND APPROVAL PROCESS

§ 151.275 ABBREVIATED PROCEDURE FOR PRIVATE ACCESS SUBDIVISIONS.

(A) The abbreviated procedure affords the sale of lots and/or tracts of land which qualify as subdivisions under the definition in the state statutes, but which have less impact on the county than would a subdivision which is larger or requires more extensive improvements.

(B) Subdivisions of land which involve street right-of-way dedication, possible utility extension and where five or fewer lots, including the residual parcel, if any, result after the subdivision is completed require submission of a final plat in accordance with § 151.276. A private access subdivision involving the creation of only one lot (including any residual) may be approved by zoning permit so long as another lot (or lots) is not created on the original property within five years. If one or more additional lots are proposed to be created on the original property within five years of recording the lot that was authorized by zoning permit, then any further lot or lots must be approved by special use permit.

(C) A subdivider will be allowed to add-on a lot or lots anytime provided the total lots subdivided does not exceed the number allowed by this subchapter, §§ 151.230 through 151.247 and 151.260 through 151.263 and the right-of-way and road is sufficiently upgraded to meet minimum standards.

(D) This procedure may not be used a second time within five years on any contiguous property within 1,500 feet when measured from the original property boundaries, those in effect on the effective date of this chapter, to the proposed newly created lots and right-of-way.

(E) A soil evaluation from the County Health Department (Albemarle Regional Health Services), which states that on-site wastewater treatment systems may be used of each parcel, must be obtained prior to approval of the private access subdivision plat. This requirement shall not apply when the applicant can demonstrate in writing that the parcel(s) will be served by a public sewer system.

(F) Plats of private access subdivisions of five lots or less, including the residual, may be approved by the Administrator; however, the Administrator may submit the plat to the technical staff for review prior to approval. The subdivider shall submit one signed Mylar (18 inches x 24 inches) and five copies of the surveyed plat to the Administrator who shall review the information for compliance with the standards of review of subdivisions. Where one tract of two acres or more is divided so as to create not more than two lots, the subdivider shall only be required to submit five, 8½-inch by 14-inch copies of a plat, provided that all requirements regarding contents of the plat are satisfied. One approved copy will be returned to the subdivider and must be recorded with any deed transferring a lot shown on the plat.

(G) A private access subdivision plat shall be prepared by a surveyor, licensed and registered to practice in the state. The plat shall be drawn at a scale not to exceed 1 inch equals 100 feet.

(H) Lots having a minimum lot width of 30 feet on a state maintained road or subdivision street meeting state standards for design and construction may be created provided all standards within this subchapter, §§ 151.230 through 151.247, and 151.260 through 151.263 are met.

(I) No minor subdivision may be recorded until all required improvements have been installed and inspected by the Administrator.

(J) No private access subdivision may be recorded until written confirmation has been received by the Administrator that the plat has been reviewed by the United States Postal postmaster for the area encompassing the subdivision and the comments have been considered by the applicant.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.276 DESIGN STANDARDS.

All private access subdivision plats shall be designed to meet the following requirements.

(A) *Streets and roads.*

(1) All lots shall have minimum lot width on state maintained or improved subdivision streets as specified in this chapter.

(2) On or after May 5, 2003, no private access subdivision may be approved or recorded where the right-of-way to one or more lots is wholly or in part located on property not owned by the person applying for the subdivision. Where the right-of-way is located wholly or in part on the property of another person, then the person submitting the application must have recorded a perpetual easement from the person owning the property and such easement must allow for the installation and maintenance of any and all improvements

required by law within the right-of-way. Private access subdivision final plats shall include the deed book and page reference of this perpetual easement.

(3) The purpose of this restriction is to ensure that the private right-of-way is paved and otherwise improved to NCDOT standards.

(B) *Wetlands.* Where any lot or site includes an area of CAMA wetland, as determined by on-site evaluation of the Division of Coastal Management Staff, the wetland area may not be counted as part of the minimum square footage required of any lot for development and shall be shown on the plat. All 404 wetlands must be delineated and approved by U.S. Army Corps of Engineers and a statement entered on the plat stating the existence of 404 wetlands on the property. Minimum lot area can include 404 wetland areas.

(C) *Soils.* No lot requiring over 24 inches of fill to attain required separation from seasonal high water table for on-site septic system shall be developed or used for building purposes.

(D) *Zoning.* All lots will conform to the requirements of this chapter especially as to dimension of lots.

(E) *Single ownership.* The original parcel is in single ownership and has frontage on a state maintained road or subdivision street meeting state standards for design and construction. Any lot not meeting the minimum lot width requirements of §§ 151.060 through 151.068 will be allowed to utilize the private access subdivision process provided all other requirements of this chapter can be met.

(F) *Right-of-way.* All private right-of-ways shall be constructed and maintained in accordance with the requirements for public streets as per § 151.080;

(G) *Single service.* No single right-of-way may serve more than one private access subdivision.

(H) *Multiple service.* No single right-of-way may serve more than five lots, including any residual parcels, regardless of size.

(I) *Signs.*

(1) Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the Planning Department. The subdivider shall be required to provide, erect and arrange for maintenance of street signs of a legible and durable construction. At least two street name signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction. Street name signs shall conform to county and State Department of Transportation standards.

(2) Traffic-control signs, and signals if deemed necessary by the State Department of Transportation, shall be erected and maintained by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state maintained road or access road. Signs shall comply with county and the Department of Transportation regulations with regards to size, shape, color, location and information contained thereon. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction.

(J) *Water.* All applicants for a minor subdivision must connect each newly created lot to a public water supply system if any boundary of a newly created lot is located within 1,000 feet of a public water supply system. All water lines and related improvements shall be constructed pursuant to state and local laws and approved by the Administrator. This requirement shall not apply if the applicant provides a written statement signed by an official of each public water supply system in the county that the public water supply system does not plan to provide water service to the property within five years of the date of the minor subdivision

application.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-01-02, passed 2-17-03; Am. Ord. 2003-04-01, passed 5-5-03)

§ 151.277 CONTENTS.

(A) A private access subdivision plat shall depict or contain the following:

(1) Title information: including the name of the subdivision, the owner of the property, the township where the property is located, name and address of the preparer and vicinity map showing location to principal roads;

(2) Existing information: boundaries of the tract to be subdivided, together with bearings and distances; location of property lines, streets, structures, water courses, railroads, utility transmission lines and structures, water lines, bridges, culverts, storm drainage pipes and easements within the tract to be subdivided and within 50 feet of the property line and ownership of adjoining land;

(3) Natural features: the location of wooded areas, swamps, wetlands and water bodies (streams, sounds and the like). Soil types and contour intervals of two feet may be required at the discretion of the Administrator. Flood zone designations, as depicted on "Flood Insurance Rate Maps," must be shown on the plat;

(4) Development information: proposed natural buffers, location(s) of existing cemeteries, pedestrian, bicycle and other rights-of-way and other easements, their location, width and purpose. Layout of lot arrangements, including lot lines, lot dimensions, square footage and lot and block numbers. Layout of proposed utilities (sewer, water, drainage, gas, electricity, telephone) showing connection to existing systems or easements reserved for proposed or potential systems. Where a development concept is approved which requires zero lot line development, alternative easements may be considered. Site data: acreage in total number of lots and average lot sizes. Any proposed modifications to topography;

(5) A statement certifying the following shall appear on all private access subdivisions:

The residual parcel(s), if any, meet or exceed the minimum lot size as specified within the Camden County Unified Development Ordinance.

_____ _____

Date Surveyor

(B) The following certifications are required on each plat:

(1) *Certificate of Approval.*

I hereby certify that the Private Access Subdivision shown on this plat does involve the creation of new streets but no change in existing public streets, that the subdivision shown is in all respects in compliance with the Camden County Unified Development Ordinance and that therefore this plat has been approved by the Camden County Administrator subject to its being recorded in the Office of the Camden County Register of Deeds within thirty (30) days of the date below.

_____ _____

Date Administrator

(2) *Certificate of Ownership and Dedication.*

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Camden County, that I hereby freely adopt this plat of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

_____ _____

Date Owner

I, _____, a notary public of _____County, North Carolina, do hereby certify that _____personally appeared before me this date and acknowledged the due execution of the foregoing certificate.

Witness my hand and official seal this _____day of _____, 20___.

_____

_____Notary Public

My commission expires _____

(3) *Certificate of Survey and Accuracy.*

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. § 47-30, as amended. Witness my original signature, registration number and seal this _____day of _____, _____, AD.

(Seal or Stamp) _____

Surveyor

Registration Number

(a) The plat must contain a certificate prepared by the surveyor and shown on the plat attesting to one of the following statements:

1. The survey creates a subdivision of land within the area of a county that has an ordinance that regulates parcels of land;

2. The survey is located in a portion of the county that is unregulated as to an ordinance that regulates parcels of land;

3. Any one of the following:

a. The survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;

b. The survey is of an existing building, other structure or natural feature, such as a watercourse; or

c. The survey is a control survey.

4. The survey is of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to a definition of subdivision; and

5. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in division (B)(3)(a)1. through 4. above.

(b) However, if the plat contains the certificate of a surveyor as stated in division (B)(3)(a)1., 4. and 5. above, then the plat shall have, in addition to the surveyor's certificate, a certificate of approval from the review officer before the plat may be presented to the Register of Deeds for recordation.

(c) If the plat contains the certificate of the surveyor as stated herein above, nothing shall prevent the recordation of the plat if all other provisions have been met.

(4) *Certificate of Review Officer.*

State of North Carolina

County of Camden

I, _____, Review Officer of Camden County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____

Review Officer Date

(C) A disclosure statement must be entered on the plat indicating that "Further subdivision of any lot shown on this plat as served by a road or street may be prohibited by the Camden County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for assumption of maintenance due to inadequate ROW and/or construction or lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain roads. Maintenance of the road or street as depicted on this plat shall be the responsibility of the developer and/or individual property owner(s)."

(D) If any portion of the property to be subdivided lies within a floodplain, the plat must show specific criteria in accordance with §§ 151.380 through 151.387 of this chapter and contain in clearly discernable print the statement, "Use of land within a floodway or floodplain is substantially restricted by the Camden County Code."

(E) If the minor subdivision is required to provide a connection to a public water supply system, then the plat shall contain the following statement: "The developer is required to install all water lines and related improvements."

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.278 PRIVATE ACCESS SUBDIVISION PLAT APPROVAL.

(A) The Administrator shall approve or disapprove minor subdivision final plats in accordance with the provisions of this chapter.

(B) The applicant for private access plat approval may submit a sketch plan to the Administrator for a determination of whether the approval process authorized by this subchapter, §§ 151.230*et seq*. and 151.260*et seq*. can be and should be utilized. The Administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to a copy of the tax map showing the land being subdivided.

(C) The Administrator shall take expeditious action on an application for private access subdivision plat approval as provided herein. However, either the Administrator or the applicant may, at any time, refer the application to the major subdivision approval process.

(D) The Administrator shall approve the proposed subdivision unless the subdivision is not a private access subdivision or the proposed subdivision fails to comply with § 151.263(B) or any other applicable requirement of this chapter.

(E) If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement, when requested, of the reasons for disapproval.

(F) Approval of any plat is contingent upon the plat being recorded within 30 days after the date the certificate of approval is signed by the Administrator. If a plat is not recorded within the 30-day period, it shall become null and void.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

COMMON OPEN SPACE SUBDIVISIONS

§ 151.290 PURPOSE.

(A) The purposes of common open space subdivision design are to preserve agricultural and forestry lands, natural and cultural features and rural character that would likely be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in design of the developments is encouraged.

(B) Specific objectives are as follows:

(1) To conserve areas of the county with productive soils for continued agricultural and forestry use by preserving large blocks of land large enough to allow for efficient operations;

(2) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate;

(3) To minimize site disturbance and erosion though retention of existing vegetation and avoiding development in sensitive areas;

(4) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways/non-encroachment areas;

(5) To protect scenic views and elements of the county's rural character and to minimize perceived density by minimizing views of new development from existing roads;

(6) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the county's social and architectural history;

(7) To provide for active and passive recreational needs of county residents, including implementation of associated county long range plans;

(8) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs and the amount of paving for development; and

(9) To create compact neighborhoods accessible to open space amenities and with a strong community identity.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.291 APPLICABILITY AND LOT SIZES.

(A) In any single-family residential subdivision, a developer may create open space subdivision lots that have or contain the minimum lot sizes as specified below, subject to Health Department approval, if the developer complies with the provisions of this subchapter.

(1) 20,000 square feet minimum, if there is no centralized water or sewer available to all of the lots;

(2) 15,000 square feet minimum, if there is either centralized water or centralized sewer available to all lots; or

(3) 10,000 square feet minimum, if there is both centralized water and centralized sewer available to all lots.

(B) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots using conventional subdivision standards as provided in §§ 151.060 through 151.068.

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OPEN SPACE. Those areas, as defined in §§ 151.195 through 151.200, except that subsurface waste water disposal fields and subsurface septic tanks, may, at the discretion of the Board of Commissioners, be counted as open space.

(D) All setbacks, building height and lot coverage standards established in §§ 151.060 through 151.068 for development on lots, shall apply in common open space subdivisions.

(E) (1) Previously approved subdivisions having valid sketch plan approval, may, at the discretion of the Board of Commissioners, request to develop the property in accordance with the common open space provisions at the density originally approved.

(2) Density bonuses shall not apply to subdivisions where the number of lots originally approved exceed current county density requirements.

(Ord. passed 12-15-97)

§ 151.292 RESERVED.

§ 151.293 DENSITY BONUS AND INCENTIVES FOR DEVELOPING A COMMON OPEN SPACE SUBDIVISION.

(A) Fractional numbers shall be dropped when determining density bonuses under this section.

(B) A density bonus of 5% above what the yield plan will allow is permissible for subdivisions developing under common open space standards.

(C) A density bonus shall be allowed when an Open Space Endowment Fund is established in accordance with the provisions below.

(1) The county may allow a 5% density bonus above what the yield plan will allow, in addition to the open space density bonus, to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space and recreation maintenance costs. Spending from this Fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund shall be at least 20 times the amount to maintain the open space and recreation. The amount used to determine the minimum costs of maintaining open space and recreation shall be calculated at $50 per acre per year for the first 20 acres and $25 per acre per year for each additional acre over 20. On the assumption that additional dwellings, over and above the maximum that would ordinarily be permitted on the site, are net of development costs and represent true profit, 25% of the net selling price of the additional lots may be retained by the developer, and the remaining funds shall be donated to the Open Space Endowment Fund for the preserved lands within the subdivision. This Fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, such as a homeowner's association or a land trust.

(2) Open space land actively being farmed and remaining under the ownership of the developer and/or farmer, but is protected from future development by a permanent conservation easement, does not need to be included when determining the amount of money needed for the Endowment Fund. In this case, the 5% density bonus shall be reduced proportionally to the percentage of open space actively being farmed and remaining under the ownership of the developer and/or farmer. In the event that open space is no longer farmed and is turned-over to a land trust or homeowner’s association, then a proportional share of the maximum density bonus that would have originally been permitted, may be reinstated with additional required endowment funds being allocated.

(D) Dedication of land for public use, including trails, active recreation, county utilities, boating access and the like, in addition to any public land dedication required under other provisions of this chapter, may be encouraged by the County Commissioners. The density bonus for open space that would be in addition to the public land dedication that may also be required shall be computed on the basis of a maximum of one dwelling unit per five acres of publicly accessible open space or county utility area. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the County Commissioners, who shall be guided by the recommendations contained in any county adopted long range plans.

(E) Streets serving five or fewer homes that are not intended to be dedicated to NCDOT shall be constructed up to state standards, but may reduce the paving width to 12 feet with six-inch deep and four-foot wide rock shoulder sections on each side of the paving.

(F) With approval from the local Health Department, individual septic systems and drain lines may be located within common open space provided:

(1) Easements shall be recorded showing the location of systems within common open space; and

(2) Restrictive covenants shall provide for access, maintenance and upkeep of systems located in common

open space. All septic systems shall be operated in compliance with state and local regulations.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.294 OWNERSHIP AND MINIMUM PERCENTAGE OF OPEN SPACE.

(A) Open space may be owned or administered by one or a combination of the following methods:

(1) Fee simple ownership by a unit of government or private non-profit land conservancy; or

(2) Owned by a homeowner's association.

(B) The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided and protected through ownership or a conservation easement held by a recognized land trust or conservancy or protected by covenants under control of a homeowner's association, shall be as specified below.

(1) A minimum of 50% of the total tract area, after deducting the following unbuildable land: CAMA and 404 wetlands (primary conservation areas); lands required for street rights-of-way (10% of the net tract) and land under permanent easement prohibiting future development, including easements for drainage, access and utilities. The above areas shall generally be designated as undivided open space.

(2) All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the county and duly recorded in the County Register of Deeds office or protected by covenants under control of a Homeowner's Association recorded in the County Register of Deeds office.

(3) No more than 50% of the minimum required open space, subject to division (B)(4) below, shall be utilized for active recreation, excluding golf course developments, in order to preserve a reasonable proportion of natural areas on the site. Acceptable modifications to natural areas include: reforestation, pasture or cropland use or buffer area, landscaping, shoreline protection and wetlands management. The purposes for which open space areas are proposed shall be documented by the applicant.

(4) A minimum of 2,000 square feet of open space per dwelling must be designated and improved for active recreation. Determination of suitable improved active recreation shall be based on: the character of the open space land; the estimated age and the recreation needs of persons likely to reside in the development; the costs of installation and maintenance of recreation facilities; and the proximity to existing recreational areas.

(Ord. passed 12-15-97)

§ 151.295 LOCATION OF OPEN SPACE.

(A) *Location.* The location of open space conserved through compact residential development shall be consistent with the policies contained in these provisions and other long range documents adopted by the County Board of Commissioners. Open space shall be comprised of two types of land: primary conservation areas and secondary conservation areas. All lands within both primary and secondary conservation areas required to be maintained as open space shall be protected by a permanent conservation easement, prohibiting further development and setting other standards safeguarding the site's special resources from negative changes.

(B) *Primary conservation areas.* The first category consists of CAMA and 404 wetlands and floodways.

These environmentally sensitive resources form the core of the open space that is required to be protected.

(C) *Secondary conservation areas.* In addition to the primary conservation areas, at least 50% of the remaining land, less 10% for roads, shall be designated and permanently protected. Secondary conservation areas shall consist of the following: soils unsuitable for septic systems, as identified by onsite analysis or by using the USDA Soil Conservation Survey for the county; mature woodlands; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; significant views into and out from the site; and aquifers and their recharge areas. Secondary conservation areas, therefore, typically consist of upland forest, meadows, pastures and farm fields, part of the ecologically-connected matrix of natural areas significant for wildlife habitat, water quality protection and other reasons. Although the resource lands listed as potential secondary conservation areas may comprise more than half of the remaining land on a development parcel, after primary conservation areas have been deducted, no applicant shall be required to designate more than 50% of that remaining land as a secondary conservation area. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state and federal regulations, so that their development potential is not reduced by this designation. The density credit may be applied to other unconstrained parts of the site.

(D) *General locational standards.* Subdivisions shall be designed around both the primary and secondary conservation areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This four-step design process is further described in these regulations.

(1) Both primary and secondary conservation areas required to preserved for open space shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.

(2) Undivided open space shall be directly accessible to the largest practicable number of lots within an open space development. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided, except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance. Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than three acres in area nor have a length-to-width ratio in excess of four to one, except the areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses or designed as trail links.

(E) *Interconnected open space network.*

(1) As these policies are implemented, the protected open space in each new subdivision will eventually adjoin each other, ultimately forming an inter-connected network of primary and secondary conservation areas across the county.

(2) To avoid the issue of the taking of land without compensation, the only elements of this network that would necessarily be open to the public are those lands that have been required to be dedicated for public use, never more than that required else where in these regulations; one acre of land for every 100 lots/units.

(Ord. passed 12-15-97)

§ 151.296 EVALUATION CRITERIA.

(A) In evaluating the layout of lots and open space, the following criteria will be considered by the county

as indicating design appropriate to the site's natural, historic and cultural features, and meeting the purposes of this chapter. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas.

(B) Accordingly, the county shall evaluate proposals to determine whether the proposed conceptual sketch plan:

(1) Protects and preserves all floodways and wetlands;

(2) Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses; (For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in divisions (B)(5) and (8) below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.)

(3) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads; (Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers, specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby roadside verge or hedgerow.)

(4) Maintains or creates an upland buffer of natural native species vegetation of at least 50 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds;

(5) Designs around existing hedgerows and treelines between fields or meadows; (Minimizes impacts on large woodlands, greater than five acres, especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields and the like) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.)

(6) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways; (For example, in open agrarian landscapes, a deep “no-build, no plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.)

(7) Avoids siting new construction on prominent ridges by taking advantage of lower topographic features;

(8) Protects wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. Environmental Protection Agency and/or by the State Department of Environment, Health and Natural Resources;

(9) Designs around and preserves sites of historic, archaeological or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including spring houses, barn foundations, cellar holes, earthworks, burial grounds and the like;

(10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads and establishes buffer zones along the scenic

corridor of rural roads with historic buildings, hedgerows and the like;

(11) Landscapes common areas (such as community greens), cul-de-sac islands and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value;

(12) Provides active recreational areas in suitable locations offering convenient access by residents and adequately screened from nearby house lots;

(13) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system; and (All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels or with existing open space on adjoining developed parcels, where applicable.)

(14) Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided unless the conservation feature is linear or unless the configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels and shall be designed as part of larger contiguous and integrated greenway systems.

(Ord. passed 12-15-97)

§ 151.297 SITE PLANNING PROCEDURES FOR OPEN SPACE SUBDIVISIONS.

(A) The pre-application meeting, sketch plan, preliminary plat and final plat process as established in §§ 151.230 through 151.247, 151.260 through 151.263 and 151.275 through 151.278 shall be followed.

(B) The yield plan shall be submitted prior to submittal of the sketch plan, preferably at the pre-application conference, in order to determine permissible density.

(C) Existing features (site analysis) plans analyzing each site's special features is required at the sketch plan stage for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments and lot lines. Detailed requirements for existing features plans at the minimum must include:

(1) A contour map based at least upon topographical maps published by the U.S. Geological Survey;

(2) The location of severely constraining elements such as wetlands, watercourses, intermittent streams and floodways and all rights-of-way and easements;

(3) Soil boundaries as shown on USDA Soil Conservation Service medium-intensity maps; and

(4) The location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, and existing structures, location(s) of existing cemeteries, roads, tracks and trails, significant wildlife habitat, prime agricultural farmland, historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories and aquifers and their recharge areas.

(D) (1) These existing features (site analysis) plans shall identify both primary conservation areas (floodways and wetlands) and secondary conservation areas, as described in § 151.295.

(2) Together, these primary and secondary conservation areas comprise the development's proposed open space, the location of which shall be consistent with the locational design criteria listed in these regulations.

(3) The existing features (site analysis) plan shall form the basis for the conceptual sketch plan, which shall show the tentative location of houses, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process described below.

(E) Each sketch plan shall follow a four-step design process as described below. When the conceptual sketch plan is submitted, applicants shall be prepared to demonstrate to the county that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots and greenway lands.

(1) *Designating the open space.* During the first step all potential conservation areas, both primary and secondary, are identified, using the existing features (site analysis) plan. Primary conservation areas shall consist of wetlands and floodways. Secondary conservation areas shall comprise 50% of the remaining land and shall include the most sensitive and noteworthy natural, scenic and cultural resources on that remaining half of the property.

(2) *Location of house sites.* During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the 14 evaluation criteria contained in § 151.296, subdivision applicants shall identify tentative house sites on the conceptual sketch plan and proposed house sites on the detailed final plan. House sites should generally be located not closer than 50 feet from primary conservation areas.

(3) *Street and lot layout.* The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the state and homeowner’s associations and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving five or fewer homes may be designed with “T” intersections facilitating three-point turns. Cul-de-sacs shall generally be designed with a central island containing indigenous trees and shrubs, either conserved on-site or planted. The county generally encourages lots on one side of the street (i.e. single-loaded lots), in order that the maximum number of homes in new developments may enjoy views of open space.

(4) *Lot lines.* The fourth step is simply to draw in the lot lines where applicable.

(F) Prior to approval of the conceptual sketch plan, the applicant shall submit to the Planning Board a preliminary engineering certification that the approximate layout of proposed streets, house lots and open space lands complies with the county regulations, particularly those sections governing the design of subdivision streets and stormwater management facilities. This certification requirement is meant to provide the county with assurance that the proposed plan is able to be accomplished within the current regulations of the county.

(G) Once the sketch plan is approved, the applicant shall follow the preliminary and final plat process as established in §§ 151.230 through 151.247.

(Ord. passed 12-15-97)

§ 151.298 PLANNED UNIT DEVELOPMENT.

(A) *General.* The Planned Unit Development ("PUD") district is a conditional use zoning district that allows multiple uses which make efficient use of land and other natural resources, subject to controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking and any other conditions established or imposed by the Camden County Board of Commissioners.

(1) *Uses authorized.* In a PUD district, the owner may make use of the land for any purpose specifically authorized by the Board of Commissioners in its approval of the PUD district. In considering the uses to be included in the PUD, the Board of Commissioners may permit any uses authorized in the Table of Permissible Uses subject to restrictions and conditions imposed by the Board of Commissioners in its approval of a PUD district and to the provisions of this section. In approving a PUD district or in making modifications thereto, the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements of this section.

(2) *Definition; intent.* A ***PUD*** is defined as the phased or unphased development of one parcel or multiple physically connected parcels consisting of at least 50 gross acres and at least 25 net acres (defined in division (C)(9)(a)(6) of this section). Through use of the PUD district, the county desires to foster development of land that has a higher degree of consideration of physical features and natural constraints to development than would be possible under general zoning or subdivision regulations. A PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible. Therefore, the development standards and conditions in PUD districts will be set through the conditions of the rezoning of property to PUD district and approval of the PUD master plan and conditional use permit.

(3) *PUD approval process under the Camden County Unified Development Ordinance.* PUDs shall be approved for development through a three-step process under the Camden County Unified Development Ordinance and the three steps may be combined if desired by an applicant. The first step of the process is rezoning the proposed PUD to the PUD conditional use zoning district. This process is addressed in division (B) of this section. The second step of the process is approval of a master plan and conditional use permit for a PUD. This process is addressed in division (C) of this section. The third step of the process is approval and recording of a final plat of the PUD (which may be done in multiple phases). This process is addressed in divisions (C)(4) through (C)(8) of this section. Until the first two steps have been completed with respect to any portion of a PUD, no construction of that portion of the PUD may begin.

(B) *Establishing a PUD district.* A petition to amend the zoning map to allow a PUD district may only be initiated by the owners of all property included within the PUD, or by one or more interested persons acting with the written consent of the owners of all property included in the PUD.

(1) *Pre-application meeting.* The applicant seeking to rezone property to a PUD district is strongly encouraged to schedule a pre-application meeting with county planning staff. No later than ten business days prior to the scheduled pre-application meeting, the applicant should submit a conceptual plan or some similar depiction to the county Planning Department of the PUD district which the applicant desires. The purpose of the pre-application meeting is:

(a) To determine whether the proposed PUD district presents issues seriously at odds with the provisions of this section;

(b) To confirm that the applicant understands all materials that must be submitted with the formal application; and

(c) To allow the applicant to receive early input from county planning staff on the proposed PUD zoning application.

(2) *Rezoning petition.* The owner(s), or those acting with written consent of the owner(s), of all the

property included in the petition to rezone to a PUD conditional use zoning district shall submit a completed application and conceptual plan to the county Planning Department at least four weeks prior to the Planning Board meeting at which the application is to be heard. Such application shall include all of the requirements pertaining to it in this division. Along with a completed PUD rezoning application and conceptual plan, the applicant shall submit to county planning staff a completed Smart Growth Score Card. Applications shall he accompanied by a fee set according to the Planning Department Fee Schedule.

(3) *Mandatory elements of PUD rezoning applications.* Every application for PUD conditional zoning district shall combine uses from at least two of the major use categories which are listed in § 151.334 (Table of Permissible Uses). Only uses authorized in the approval ordinance shall be allowed. Prohibited uses within PUDs include:

Use Number	***Description***
6.250	Automobile and motorcycle racing tracks
6.251	Competitive go-kart/ATV race track
6.260	Drive-in movie theater
6.270	Private campground
6.271	Travel trailers allowed
6.280	Petting zoo
6.300	Outdoor firing range facilities
7.400	Penal institutions
11.000	Scrap materials, salvage yards, junk yards and automobile graveyards (all subcategories)
12.200	Kennels
14.000	Agricultural, silvicultural, mining and quarrying operations
18.200	Wireless telecommunications facilities over 35 feet tall
19.000	Open air markets (all subcategories)
24.000	Crabshedding (all subcategories)
30.000	Stockyards
31.000	Agribusiness uses
34.000	Land application of commercial sludge and commercial liquid septage

(4) The conceptual plan shall include the uses proposed by the applicant and demonstrate the applicant's ability to comply with the minimum design and development criteria of this section.

(a) A completed zoning application form, which shall include:

1. Name, address and phone number of applicant.
2. Ownership information. If the applicant is not the owner of the property in question:
   a. The name, address and phone number of the owner(s);

b. An explanation of the legal relationship of the applicant to the owner that entitles the applicant to make application; and

c. Written consent from the owner(s) giving applicant authority to submit such zoning application.

3. The date of the application.

4. Identification of the property in question by street address, tax map reference and/or deed(s) reference.

5. The zoning district within which the property lies.

6. A boundary survey showing the dimensions and the number of square feet in or acreage of the property where the development is to take place.

7. Two sets of stamped envelopes addressed to all property owners of property within 150 feet of the property to which the rezoning petition applies and within 150 feet of all other contiguous property owned by the property owner/petitioner and/or all land contained within the parcel(s) to which the rezoning petition applies.

8. A copy of the neighborhood meeting sign-in sheet.

(b) *Existing site conditions.* Description and/or diagrams of existing natural, man-made and legal features including the following:

1. *Existing natural features:*

a. A general description and location of prevalent tree canopy and vegetation.

b. Streams, ponds, drainage ditches, swamps, boundaries of 100-year floodways and floodplains, and general location of wetlands.

c. Contour lines with no larger than two-foot contour intervals.

d. Unique land formations and features (i.e. endangered and threatened plants and animals, waterfalls, rock outcroppings, etc.).

2. *Existing man-made features:*

a. Streets, private roads, parking areas, sidewalks and other walkways as well as any curb, gutter, fire hydrants or any associated drainage structures.

b. Storm water or drainage facilities including manholes, pipes and drainage ditches.

c. Utility services, including water, sewer/septic, electric power, light poles, telephone, gas or other major-facilities.

d. Buildings, structures, signs including any historical structures.

3. *Existing legal features:*

a. Zoning of the property, including zoning district lines where applicable.

b. Property lines of the site to be developed (with dimensions identified), adjacent property lines (including corporate limits, town boundaries and county lines).

c. Street rights-of-ways.

d. Utility or other easement lines.

e. Deed book and page reference demonstrating ownership of property.

f. Zoning, use, pin number and ownership of all adjacent tracts.

(c) *Development conditions.* A set of conditions in compliance with the standards specified shall apply to development within the real property that is included in the zoning petition. The following shall be included:

1. *Development program.* A succinct statement of the nature and intent of the development proposed, the proposed phasing, the proposed land use categories and the permitted uses within each use category. This program shall specify the maximum density, maximum number of dwelling units and/or gross floor area of non-residential uses for each proposed use category for the entire PUD.

2. *Development standards table.* [The specificity of this item is open for discussion].

a. Dimensional standards for each use or use category, as appropriate:

(i) Maximum impervious lot coverage.

(ii) Maximum building/structure heights.

(iii) Minimum open space (area).

b. Graphic illustrations that depict typical standards, such as lot layouts, shall be included, if differing from standards specified within the Unified Development Ordinance.

3. Statement(s) regarding the treatment of known natural and man made features identified on the site.

4. Statement(s) regarding any public facilities, housing or improvements to be made as part of the development.

(d) *Conceptual plan.* A drawing or series of drawings that is intended to demonstrate the general design concept, character and intent for the development of the entire property, including the proposed mix of land uses within the property, general locations of such land uses, general location of storm water and drainage infrastructure and the overall transportation circulation pattern within the property. All conceptual plan submittals must meet the required drawing standards and must graphically include:

1. A general vicinity map indicating the location of the property in relation to its surroundings.

2. A summary table or list providing:

a. The total number of acres of the site.

b. The proposed net developable acres for the site.

c. The proposed use categories.

d. The proposed maximum number of dwelling units and/or gross floor area of non-residential uses for each proposed use category and maximum gross density (DUA and/or FAR) for the PUD.

3. The general location of all proposed commercial, industrial, office and/or retail uses.

4. The general location for all proposed residential types.

5. The general location and type of any proposed amenities including recreational facilities, trails and

other pedestrian circulation facilities or amenities.

6. The proposed transportation circulation patterns including general points of ingress/egress for the development from existing roads and the general location and identification of proposed local, sub-collector, collector and arterial streets within the site.

7. The general location of proposed primary project signage.

8. The general location of proposed open space.

9. The proposed perimeter buffer treatment(s), screening requirements and general landscape treatments.

10. The general location of primary proposed storm water management facilities (indicating approximate location of primary detention ponds, other facilities and best management practices to be employed).

11. The incorporation of any known historic structures or significant natural site features (i.e. rock outcroppings, waterfalls, etc.).

12. The general location of any other proposed major structures or facilities.

(e) Calculations demonstrating the estimated water and sewer capacity required to service the proposed project.

(f) Traffic Impact Analysis (TIA) study performed and prepared by a certified transportation or traffic engineer.

(g) A statement as to which, if any, streets are proposed for dedication to the state DOT.

(5) *Rezoning process.* The process and procedure for rezoning property to a PUD district shall be the same process and procedure as set forth in §§ 151.580 through 151.586 of this chapter.

(6) *Future development.* An applicant may request that a PUD district be adopted, notwithstanding that a portion of the PUD shall be reserved for future development. In the event a portion of a PUD district is reserved for future development, no construction may take place within such area until the PUD approval ordinance is amended and master plan conditional use permit is issued. In the event the applicant seeks to amend a PUD approval ordinance, such an amendment shall be regarded as a major amendment to the PUD district and shall be processed as if a new rezoning is being sought.

(7) *PUD approval ordinance to be issued.* Upon approval of a PUD conditional use district by the Board of Commissioners, the Board of Commissioners shall adopt a PUD approval ordinance in accordance with §§ 151.580 through 151.585. The PUD approval ordinance shall state the uses and conditions approved by the Board of Commissioners and authorize the owner to prepare a master plan; however, no construction activities shall begin until the Board of Commissioners has approved the PUD master plan. Every PUD approval ordinance shall be recorded promptly in the Camden County Register of Deeds and indexed under the name(s) of the owners of the property rezoned to the PUD district and under the county's name. A PUD approval ordinance shall not expire and shall remain in full force and effect unless the Board of Commissioners rezone the property subject to the PUD approval ordinance. Upon rezoning of the property, the county shall record a notice of cancellation of the PUD approval ordinance.

(8) Each PUD conditional-use district shall be designated on the Camden County zoning map as CUD-PUD-XX-YY with XX representing the last two digits of the year the rezoning was adopted and YY representing the number of the conditional-use district in the chronological order of its adoption during the

adoption year.

(C) *PUD master plan and conditional use permit.*

(1) No construction may commence in a PUD conditional use district prior to a PUD master plan being approved by the Board of Commissioners and a conditional use permit issued. A PUD master plan may be submitted with the applicant's PUD rezoning petition or may be submitted after the Board of Commissioners has approved a PUD conditional use district.

(2) A PUD master plan shall comply with all the requirements of this section and shall provide sufficient information for the Board of Commissioners to make the findings required by § 151.298(C)(12).

(3) At a minimum, a PUD master plan shall describe with reasonable certainty the type and intensity of use for each specific parcel or parcels of the PUD.

(4) A PUD master plan may provide for phased development and may show one or more initial phases in sufficient detail so as to satisfy the submission standards for a preliminary plat, while other phases may be shown with less detail. Upon approval of a PUD master plan, the applicant shall have the authority to begin construction activities on those phases shown on the PUD master plan in sufficient detail as to satisfy the submission standards for a preliminary plat in § 151.233. For those portions of the PUD master plan shown in sufficient detail as to satisfy the submission standards for a preliminary plat in § 151.233 (the "detailed areas"), no later than two years after approval of the PUD master plan, a final plat pertaining to at least a portion of the detailed areas shall be submitted for county review, unless a longer submittal period is approved by the county (e.g. pursuant to a development agreement).

(5) As to portions of the PUD master plan not shown in sufficient detail to satisfy the submission standards of a preliminary plat, the applicant will need to either submit a refinement of the PUD that satisfies the submission standards for a preliminary plat or amend the PUD master plan before beginning construction in those areas.

(6) In conjunction with approval of a PUD master plan, the Board of Commissioners may delegate future review and approval of refinements to the PUD master plan to the Planning Department. In a case where review and approval of future refinements to the PUD master plan have been delegated to the Planning Department and the Planning Department does not approve such refinements, the applicant may seek review of such refinements by, and a decision made thereon by, the Board of Commissioners. For purposes of this section, ***REFINEMENTS*** consist of submissions of additional detail consistent with prior approvals, and ***AMENDMENTS*** consist of requests to alter the type or intensity of use for one or more parcels within the PUD, other than minor modifications.

(7) Unless they constitute minor modifications, any amendments to a PUD master plan shall be reviewed by the Planning Department and approved by the Board of Commissioners. Review and approval of any refinement or amendment shall be restricted to only such parcels of the PUD as are made the subject of the applicant's request for refinement or amendment.

(8) All final plats of PUDs shall be reviewed and approved by the Planning Department based upon the standards and conditions established by the approved PUD master plan and conditional use permit. The general provisions relating to sketch plans shall have no applicability to PUDs and design standards applicable to preliminary and final plats shall not apply to plats submitted in furtherance of completion of a PUD master plan. Every PUD master plan shall be deemed a site specific development plan under G.S. § 153A-344.1. The applicant may request either simultaneously with the submittal of a PUD master plan or after its approval a certificate of vested rights as provided in G.S. § 153A-344.1.

(9) *Minimum design and development criteria.* The following are the minimum design and development

criteria which must exist and be addressed in every PUD master plan:

(a) *General site considerations*:

1. PUDs shall abut and have access to a publicly-maintained highway, road or street.

2. The existing publicly maintained roadway system shall have the ability to handle the anticipated increase in traffic volume from the PUD as it develops, or the owner of the PUD shall commit to upgrading the roadway system, such as, but not limited to, the addition of a turning lane.

3. Points of ingress and egress shall be reviewed by the Board of Commissioners, approved by NCDOT, and shall minimize traffic hazards, inconvenience and congestion.

4. Parking facilities or lots for uses other than detached single-family, duplex or triplex dwellings shall be generally shown on the PUD master plan and will be subject to approval of the Board of Commissioners as part of its consideration of the PUD master plan.

5. When a PUD abuts a residential district, there shall be a minimum 50-foot permanent vegetated buffer along all exterior boundaries abutting the residential district, except any street frontage. Regardless of the zoning district of adjoining properties, there shall be a vegetated buffer along all exterior PUD boundaries abutting public streets and at each entrance. This street frontage buffer shall be in keeping with the character of the neighborhood, shall serve to protect adjacent land uses from any adverse impact of the PUD and shall provide attractive presentation and entrance for the PUD. Where required buffers traverse ponds, wetlands, RPA buffers, lakes, rivers or other environmentally sensitive areas or golf courses, then installation of landscaping shall not be required in such areas. The Board of Commissioners (or in the case where the Planning Director is delegated the authority to review and approve PUD master plan refinements, the Planning Director) may, on a case-by-case basis, modify landscaping and buffering requirements or grant deviations from landscaping and buffering regulations when the purposes of those requirements and regulations have been satisfied through the proposed arrangement of uses, existing or proposed vegetation, existing or proposed topography (including installation of berms), or proposed improvements respecting the transition of uses, such as fencing or walls. This buffer may be included in the tally of acreage required for open space within the PUD.

6. *Land area.* Only an area of 50 or more contiguous gross acres and 25 or more net acres as determined pursuant to this paragraph, may be zoned as a PUD district. Net acreage of the property proposed for the PUD district shall be determined following submittal of the application for PUD district rezoning through either:

a. County staff review of delineations of all areas designated as wetlands or protected riparian areas within the proposed PUD by the North Carolina Department of the Environment and Natural Resources and/or the Army Corps of Engineers (where applicable); or

b. An on-site evaluation by technical staff (including technical staff of state and federal agencies where applicable), excluding all areas designated as wetlands or protected riparian areas under either federal or state law, including CAMA wetlands. CAMA wetlands are those lands which are subject to regular or periodic flooding and bear characteristic vegetation or, as defined in the State Administrative Code, any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides but excluding hurricane or tropical storm tides. PUD master plan approval shall require net and gross acreages to be shown by an actual survey.

7. *Open space.* At least 25% of the total net area of the PUD district shall be designated as open space.

a. Open space shall be designated on the PUD master plan as common area/open space to be held in separate ownership for the use and benefit of the users and residents of the PUD.

b. Alternatives to common ownership of open space may be considered such as open space easements across private land and third party ownership of facilities (golf courses, etc.) so long as common accessibility is maintained.

c. A portion of the required open space shall be designed for passive or active recreation, including but not limited to: walking, jogging, hiking, bicycling, golfing, swimming, tennis facilities and other uses that involve general pedestrian access. The remainder of the open space may include areas providing visual relief but not offering general pedestrian access, such as water courses or water bodies. Portions of this open space may be dedicated to the county by the developer or property owners' association to provide for the location of public facilities now or in the future.

d. A portion of the required open space may be covered by structures clearly ancillary to the recreation or common use area. Such structures may include tennis courts, pro shops, gazebos, clubhouses, swimming pools and the like.

e. If any portion of the land within a PUD is at any time requested for public dedication, such land shall be deemed a portion of the required open space for such PUD, even following dedication.

f. Constructive wetlands above what is existing on site can be counted towards the required open space.

8. *Dwellings.* Dwelling units may include any variation of single and multi-family units so long as applicable local, state and federal health, safety and fire regulations are observed in location and construction of units and configuration of lots in the PUD. In particular, emergency vehicle access must be provided to each dwelling unit and the provisions of the State Uniform Building Code and associated regulations of the Department of Insurance and National Fire Protection Association shall be observed.

9. *Lots.* Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use and surrounding area. Every lot shall front or abut a public road or paved privately maintained subdivision street constructed in accordance with the standards contained in divisions (C)(9) and (C)(10) of this section. Where any lot or site includes wetlands or protected riparian areas, the wetland or protected riparian area may not be counted as part of the minimum square footage required of any lot for development. All wetlands must be delineated and approved by the appropriate governmental agency.

10. *Streets and roads.*

a. Publicly maintained roads and streets shall be designed to DOT design standards and shall be paved in accordance with NCDOT or Camden County construction standards, as applicable.

b. In the event a PUD proposes private streets or roads, then at the time of submitting the PUD master plan for approval by the county with respect to any portion of the PUD that includes private streets or roads, then the applicant's submittal shall also include a proposed manual regarding construction and maintenance standards for private roads within that portion of the PUD (or in the PUD as a whole), which has been sealed by a North Carolina licensed engineer as sufficient, both as to design and construction standards, to accommodate the traffic anticipated to be generated by the PUD, subject to periodic maintenance and repair generally accepted in the industry. The maintenance responsibility for private streets and roads shall reside with the property owner or the applicable homeowners' association. The county reserves the right to require certain public roads where they are justified to improve county wide access.

c. Roads and streets shall be designed to create the minimum feasible amount of land coverage and

the minimum feasible disturbance to the soils, given the anticipated traffic. Variations in right-of-way standards shall be permitted in order to keep grading and cut/fill to a minimum while insuring that drainage and access for maintenance are provided.

d. One-way streets may be used in situations where the developer can show that public safety would be promoted.

e. Combinations of roadway, streets and driveway design, cluster parking areas and on-street parallel parking bays may be used to optimize the objectives of minimum soil disturbance, minimum impervious cover, traffic calming, excellence of design and aesthetic sensitivity.

f. The proposed street layout within a PUD shall be coordinated with the existing street system of the surrounding area.

g. Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property, and a temporary turn-around easement shall be provided. Landlocked parcels shall not be created.

h. Where a tract of land to be developed as a PUD adjoins an arterial street, the developer may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the arterial. A minimum ten-foot non-access buffer zone shall be required on the side of the lot abutting the arterial street.

i. Street names shall be described in the PUD master plan and approved by the Emergency Management Services (EMS).

j. Maintenance of streets within a PUD (i.e. public or private) shall be described in the PUD master plan and approved by the Board of Commissioners.

k. Collector and minor streets shall be laid out so that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools and other similar places and uses which are located in the PUD.

11. *Utilities and drainage.*

a. All development within a PUD shall be connected and serviced by a centralized sewer system and a centralized water system unless a different sewer or water system is approved by the Board of Commissioners.

b. Layouts and plans showing the public water service, central facilities for treatment of sewage as required by §§ 151.170 through 151.176 and storm drainage in accordance with § 151.400 shall be provided in the PUD master plan. All systems shall meet applicable federal, state and county requirements.

c. Stormwater retention and drainage facilities or structures shall use natural topography and natural vegetation where possible. Stormwater retention within a PUD shall be designed to retain a ten-year storm pre-development standard on site. All on-site stormwater facilities shall be properly maintained by the owner or property owners' association so that they do not become nuisances. Nuisance conditions shall include improper storage resulting in uncontrolled runoff and overflow, stagnant water with concomitant algae growth, insect breeding and odors. Compliance with the state stormwater permit shall be the responsibility of the property owners and homeowners association.

d. Provisions for the collection and disposal of garbage and refuse shall be described on the PUD master plan.

e. No buildings or structures shall be built in wetlands unless permitted by the applicable federal or state agency and approved by the county.

12. *Adequate public facilities.* Every PUD master plan shall address the matters contained in § 151.346 and Chapter 153 of the Camden County Code. In particular, every PUD master plan shall contain an economic impact analysis of the proposed PUD and demonstrate the means by which the PUD will comply with Chapter 153 of the Camden County Code.

13. *Phasing of development and schedule of non-residential development.* In the event the applicant desires to phase the development of a PUD, the PUD master plan shall address the phases of development and provide a proposed schedule for the development of the phases. In the event the PUD master plan contains non-residential development, the PUD master plan shall contain a schedule showing the relationship between the schedule of development of the residential and non-residential components.

14. *Historic and cultural preservation.* The applicant shall identify in its application for PUD master plan approval buildings or structures of cultural or historic significance which have been determined by county technical staff in consultation with state preservation officials and shall not destroy such buildings or structures without the prior approval of the Board of Commissioners.

(10) *Required elements and content of PUD master plans.*

(a) Every PUD master plan shall be prepared by a land planner, registered land surveyor or a professional engineer currently licensed and registered in the state of North Carolina by the state Board of Registration for Professional Engineers and Land Surveyors or by a landscape architect currently licensed and registered by the North Carolina Board of Landscape Architects. A PUD master plan shall contain the following elements and content:

1. Topography of the subject property, at contour intervals no greater than two feet.

2. Dimensions of the subject property.

3. Minimum lot size.

4. Minimum lot width.

5. Minimum setbacks and yards.

6. Project edge width(s) in each land use area.

7. Location and use of all principal buildings, other than detached single-family, duplex or triplex dwellings, proposed within the PUD with general dimensions and general ground area thereof.

8. Streets, drives, traffic circulation and parking facilities for uses other than detached single-family, duplex or triplex dwellings (provided striping details need not be shown in any case).

9. Service areas, off-street loading facilities, service drives and dimensions thereon.

10. All pedestrian ways.

11. Location of open space.

12. A title giving the names of the owners, the date, the scale of the plan and the person or firm preparing the plan.

13. Proposed landscaping with buffers between differing uses.

14. Criteria or guidelines regulating size and location of signs.

15. General location of proposed water system and fire fighting facilities such as hydrants or sprinkler connections.

16. General location of proposed wastewater systems.

17. General location and height of all proposed common fences or walls.

18. General location of proposed stormwater management facilities.

19. A general lighting plan, where applicable including range of lighting levels, spill over and overhead cutoff.

20. A draft of the articles of incorporation and restrictive covenants for the property owners' association or homeowners' association, if applicable.

21. A manual for construction and maintenance of private streets and roads, if private streets and roads are shown on the PUD master plan, in accordance with division (C)(11)(b) of this section.

22. A proposed phasing schedule for the PUD master plan, if phasing is desired by the applicant, at a minimum delineating the scheduling of residential versus non-residential uses.

(11) *PUD master plan approval process.* The process for review and approval of PUD master plans shall be the same as set forth in §§ 151.550 through 151.555 except as follows:

(a) PUD master plans shall be reviewed by the Planning Board, and the Planning Board within 60 days from submission of a proposed PUD master plan to the Planning Board (absent deferral with the consent of the applicant) shall make its recommendations to the Board of Commissioners. In the event the Planning Board fails to make recommendations to the Board of Commissioners within 60 days of the submission of a proposed PUD master plan to the Planning Board (absent deferral with the consent of the applicant), the proposed PUD master plan will be deemed to have been recommended for approval and transferred to the Board of Commissioners for review and consideration.

(b) Upon receipt of a proposed PUD master plan from the Planning Board, the Board of Commissioners shall conduct a public hearing within 30 days after the recommendation of the Planning Board is, or is deemed to be, made and shall approve or reject the proposed PUD master plan either at the close of evidence in the public hearing or within 60 days of the close of public hearing. In connection with the conducting a public hearing and considering the evidence presented at the public hearing, the Board of Commissioners should consider the required findings stated in division (C)(12) of this section. With regards to the required findings, the Board of Commissioners may identify additional conditions or matters, which in the opinion of the Board of Commissioners are necessary for the proposed PUD master plan to satisfy the required findings and may add, with the agreement of the applicant, these conditions or matters to the proposed PUD master plan.

(c) If the Board of Commissioners rejects the proposed PUD master plan, it shall enter a written separate order stating its findings and the evidence supporting its findings at its next regularly scheduled meeting. The order shall be recorded in the minutes of the meeting. No appeal may be taken from the action of the Board of Commissioners rejecting a proposed PUD master plan except by filing an appeal with the Camden County Superior Court within 30 days of the Board of Commissioners' meeting at which the Board enters its order.

(12) *Principles; findings.* To approve a PUD master plan, the Board of Commissioners shall find, with respect to the proposed PUD master plan:

(a) The proposed PUD master plan is consistent and complies with the PUD approval ordinance, conceptual plan and satisfies all of the required elements and content for a PUD master plan set forth in this section;

(b) The proposed PUD master plan complies with the adequate public facilities provisions of the Camden County Code of Ordinances;

(c) That the PUD will not materially endanger the public health or safety, if developed according to the conditions approved by the Board of Commissioners;

(d) That the PUD will not substantially injure the value of adjoining or abutting properties, or that the approved uses are public necessities; and

(e) That the location and character of the PUD shown on the proposed master plan will be in harmony with its surroundings and supportive of the principles and goals of the Camden County Unified Development Chapter.

(D) *Phasing and modifications of approved PUD master plans.* Approved PUD master plans may be phased and modified as provided hereafter.

(1) *Phased development.* PUDs may be developed in phases; however, when developed in phases, all infrastructure improvements necessary to provide access and public services to the portion(s) of the PUD which are ready for construction as well as stubs for future extension of access and utility services to the portions of the PUD which remain incomplete, must be completed or secured pursuant to the requirements of this paragraph. Should the owner desire to secure building permits prior to installation of all infrastructure improvements required by the foregoing sentence, the owner may deposit cash, an irrevocable letter of credit, surety bond or other instrument readily convertible to cash (the "deposit") at face value, in an amount equal to 125% of completion costs (as certified by an engineer of record), either in escrow with a financial institution designated as an official depository of Camden County, or directly in trust with the Planning Department, at the applicant's option. However, no certificate of occupancy for structures will be issued until all infrastructure improvements necessary to provide access and public services is complete for that portion(s) of the PUD or the phase in which the structure is located. In the event the deposit is:

(a) Made with an official depository, the owner shall file with the Board of Commissioners an agreement between the financial institution and the owner guaranteeing the following; or

(b) Held by the Planning Department, it shall be held subject to the following:

1. That the deposit shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the owner in any other manner during the term of the escrow; and

2. That in case of a failure on the part of the owner to complete the infrastructure improvements secured by the deposit in accordance with the applicable permits (following notification from the county to the owner and lapse of a cure period provided in the notice which shall be adequate in duration for the owner to effect a cure, but in no event less than 60 days), the financial institution shall, upon notification by the Board of Commissioners and submission by the Board to the financial institution of a North Carolina licensed engineer's estimate of the amount needed to complete the infrastructure improvements (copies of such notice and estimate also to be sent to the owners), immediately pay to Camden County the funds estimated to complete the infrastructure improvements up to the full amount of the deposit, or deliver to the county any other instruments fully endorsed or otherwise made payable in full to the county. If any portion of the deposit is not spent in completing the improvements, the county shall retain 10% of the cost of completing those improvements, as a fee to cover administrative costs associated with the deposit and return the balance of the deposit to the owner.

(2) *Modification.* Following approval of a PUD master plan by the Board of Commissioners, amendments to the PUD master plan shall be subject to the following procedures:

(a) The Planning Director's approval is required for the following modifications ("minor modifications"):

1. Changes that result in a decrease in density, either residential or non-residential.

2. Change in land use from multifamily to single-family or a change from any other use to open space/passive recreation.

3. Changes in major infrastructure features (e.g. roads, access, sewer, water, storm drainage) of the PUD that are clearly beneficial to the occupants of the PUD and surrounding properties.

4. Changes in the location of certain uses within the PUD, so long as the overall mix and intensity of uses within the PUD is unchanged.

5. Changes in the area of a parcel or parcels within the PUD by no more than 10%, so long as the area encompassed by the PUD is unchanged.

6. Changes in the density or intensity of a parcel or parcels within the PUD by no more than 10%, so long as the overall density and intensity of the PUD is unchanged.

7. In the event the Planning Department denies the minor modifications requested, the applicant shall have the right to request the Board of Commissioners to review and approve the proposed changes.

(b) The Board of Commissioners' approval is required for the following modifications ("major modifications"):

1. Changes in major infrastructure features.

2. Changes to the PUD that results in increased density, unless it constitutes a minor modification.

3. Changes in land use other than minor modifications.

(Ord. passed 12-15-97; Am. Ord. passed 9-18-00; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2008-01-02, passed 2-18-08)

SITE PLANS REQUIRED

§ 151.310 GENERAL.

Site plans shall be required from applicants prior to issuance of any permit (building, zoning, conditional use permit, floodplain development permit, special use permit, variance) by the county.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.311 RESIDENTIAL SITE PLAN REQUIREMENTS.

(A) Sketch site plans shall be drawn with as true an approximate scale as possible, which reviewing agents can determine that all requirements of this chapter are met. Professional renderings are not required.

(B) Applicant will be required to sign the zoning form as being a true reflection of what is existing and what is being proposed.

(C) The following minimum information shall be included on the site plan:

(1) Lot/parcel dimensions;

(2) Zoning designation;

(3) All property line setback requirements;

(4) All existing physical features, such as structures, buildings, streets, roads and the like;

(5) Location and dimensions of proposed construction;

(6) Flood zone, as determined by FIRM maps; and

(7) Location and dimensions of driveway and type of surface material;

(8) Topographic/grading plan (shown in one-foot intervals) shall be required when changes in the existing grade/natural grade of the property are proposed. At a minimum the plan shall indicate the location and depth of the changes to the existing grade/natural grade and contain the following certificate:

I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

Date:_____ Signature:_____

(9) All newly installed driveway culverts and the ditch section fronting the property shall be certified as being on grade with the existing roadside ditch as verified by upstream and downstream culvert inverts. When associated with new construction, the certification shall be submitted prior to the issuance of the Certificate of Occupancy.

(10) Any additional information as required by the reviewing agents.

(Ord. passed 12-15-97; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.312 COMMERCIAL SITE PLAN REQUIREMENTS.

(A) A site plan for all non-residential development shall be submitted to the county for review prior to issuance of required permits.

(B) All non-residential site plans shall be submitted at a scale of one inch equals 50 feet or larger with three black or blue line paper prints and drawn in a professional like manner showing true dimensions.

(C) Site plan review fees will be charged as reflected in the county's adopted fee schedule.

(D) Unless otherwise determined by the Zoning Administrator, site plans shall show the following minimum information:

(1) Site data, including vicinity sketch, north arrow, engineering scale ratio, acreage, title of development, date of plan, gross floor area of all buildings, name and address of owner/developer and person or firm preparing the plan;

(2) Zoning setback lines;

(3) Location(s) and dimension(s) of all vehicular entrances, exits, drives and fire lanes;

(4) Location, arrangement and dimension of all automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces;

(5) Location, arrangement and dimension of all truck unloading docks, ramps and spaces;

(6) Refuse collection (dumpster) container space(s) location;

(7) Location(s) of all building(s) with exterior dimensions;

(8) Location and dimensions of all fences, walls, docks, ramps, pools, patios and surfaces areas;

(9) Location of water tap(s) denoting size(s) of line(s) or well area;

(10) Location of sewer tap(s) denoting size(s) of line(s) and pole(s);

(11) Location of electrical service connection(s), meter(s) and pole(s);

(12) Existing and proposed fire hydrant location(s);

(13) Location and dimension of all easements and rights-of-way as determined by the State Department of Transportation;

(14) Location(s) and size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public rights-of-way and easements;

(15) Drainage plan shall be designated and certified in accordance with the requirements of §151.400;

(16) Curb and gutter alignment, including street widening and storm drainage, if necessary shall be required;

(17) Screening/landscaping plan with a species directory shall be required showing plants with common names, sizes and numbers of plants and trees;

(18) Sight distance triangle, 10 feet by 70 feet, shall be indicated at the intersection of all public right-of-way lines and 10 feet by 35 feet at the intersection of a right-of-way and driveway;

(19) Flood zone, as determined by FIRM maps; and

(20) Any additional information as may be required by the reviewing agents.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2008-11-01, passed 11-17-08)

PERMISSIBLE USES AND TABLE

§ 151.325 GENERAL.

(A) The table of permissible uses should be read in close conjunction with the definitions of terms set forth in § 151.600, the provisions of this subchapter and the other interpretative provisions set forth in this chapter.

(B) If located within a special flood hazard area, see §§ 151.380 through 151.387 for further permits and restrictive criteria.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.326 USE OF THE DESIGNATIONS "Z," "S" AND "C" IN TABLE.

(A) The letter "Z" means that the use is permissible in the indicated zone with a zoning permit issued by the Administrator, the letter "S" means a special use permit must be obtained from the Board of Commissioners and the letter "C" means a conditional use permit must be obtained from the Board of Adjustment.

(B) When used in connection with non-residential uses, the designation "ZS" or "ZC" means that the developments require a zoning permit if the lot to be developed is less than five acres in size and a special or conditional use permit, respectively, if the lot is five acres or larger in area.

(C) Use of the designation "Z," "S" and "C" for combination uses is explained in § 151.332.

(Ord. passed 12-15-97)

§ 151.327 BOARD OF ADJUSTMENTS JURISDICTION OVER USES OTHERWISE PERMISSIBLE WITH A ZONING PERMIT.

Whenever the table of permissible uses, interpreted in the light of § 151.326 and other provisions of this subchapter, provides that a use in a non-residential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the Administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public that is not otherwise addressed by the county or the state. In making this determination, the Administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.328 PERMISSIBLE USES AND SPECIFIC EXCLUSIONS.

(A) The presumption established by this chapter is that all legitimate uses of land are permissible within at least one zoning district within the county. Therefore, because the table of § 151.334 cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(B) All uses that are not listed in § 151.334 and that do not have impacts that are similar to those of the listed uses are prohibited. Nor shall § 151.334 be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(C) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(1) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed or other business is conducted, except that the following shall not be prohibited solely by this section:

(a) Retail sale of food products, with a local Health Department certification, from a vehicle that is removed from the site each day after completion of the sales;

(b) Retail sale of goods and merchandise manufactured, created or produced by the seller, so long as the vehicle is removed from the site each day after the completion of sales; or

(c) Use of a truck trailer for temporary purposes at a construction site, in accordance with § 151.211.

(2) Package treatment plant waste water disposal systems that discharge to surface waters;

(3) Use of a travel trailer as a permanent residence and use of a travel trailer as a temporary residence outside of a campground, except in accordance with § 151.210;

(4) Except as specifically provided herein, there shall be no more than one dwelling unit per lot; and

(5) No travel trailer, such as a camper or recreational vehicle, in which a person is regularly sleeping in, cooking in, bathing in or otherwise living in shall be allowed to remain parked in the same or similar location on the same premises for more than 30 days in any 45 day period without first obtaining a zoning permit. In obtaining such zoning permit the applicant must clearly show in writing (a) how potable water will be supplied to the travel trailer; (b) the means for disposing of wastewater; (c) the means for disposing of trash; and (d) an agreement by the property owner stating the length of time the travel trailer is allowed to be located on the premises. No travel trailer shall be allowed to remain parked in the same or similar location on the same premises for more than 90 days in any 115-day period. The administrator may grant a 30-day extension of the zoning permit providing that the trailer is otherwise in compliance with the law (e.g. 1 through 4 above and no other violations of law) and upon a written showing of good cause.

(D) The table of § 151.334 indicates that 4.000 classification uses generally are permissible in both the I-1 and I-2 zoning districts. Notwithstanding any contrary implication in that table, the following uses are permissible only within the I-2 district. The use descriptions are taken from the Standard Industrial Classification Manual, published by the U.S. Department of Commerce, to which reference may be made for a more complete description of each type of use.

S.I.C. Number		
Group No.	***Industry No.***	***Use Description***
201	2011	Meat packing plants
201	2013	Sausages and other prepared meat products
204	2047	Dog, cat and other pet food
207	2077	Animal and marine fats and oils
261	All	Pulp mills
262	All	Paper mills
281	All	Industrial inorganic chemicals
286	All	Industrial organic chemicals

287	All	Agricultural chemicals
289	All	Miscellaneous chemical products
291	All	Petroleum refining
295	All	Paving and roofing materials
299	All	Misc. products of petroleum and coal
324	All	Hydraulic cement
327	3273	Ready mixed concrete

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.329 ACCESSORY USES.

(A) (1) The table of § 151.334 classifies different principal uses according to their different impacts. Whenever an activity is conducted in conjunction with another principal use and the former use:

(a) Constitutes only an incidental or insubstantial part of the total activity that takes place on a lot; or

(b) Is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

(2) For example, a country club is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to the principal uses, even though the facilities, if developed apart from a residential development, would require a special use permit (use classification 6.210).

(B) For purposes of interpreting division (A) above:

(1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use; and

(2) To be commonly associated with a principal use it is not necessary for an accessory use to be connected with the principal use more times than not, but only that the association of the accessory use with the principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(C) Without limiting the generality of divisions (A) and (B) above, the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above.

(1) An accessory use home occupation that is conducted by a person on the same lot where the person resides provided that:

(a) The business activity is clearly incidental and subordinate to the residential use of the property;

(b) There is no substantial visible evidence that a business is being conducted on the premises;

(c) No vehicular or pedestrian traffic is generated in excess of that which is reasonable for a private residence;

(d) No open storage is maintained on the property; and

(2) Hobbies or recreational activities of a non-commercial nature;

(3) Yard sales or garage sales, as defined herein, so long as the sales are not conducted on the same lot for more than 3 days, whether consecutive or not, during any 60-day period;

(4) The sale of agricultural products, either in a roadside stand or on a pick your own basis, from property where such products were grown or from land that is all part of the same farm or farming operation as the land where the products were grown shall be regarded as accessory to an agricultural operation (use classification 14.100);

(5) A mobile home storage site may be permitted as an accessory use within a mobile home park under the conditions set forth in § 151.215;

(6) Storage of up to four boats with a valid state permit or license (if applicable for the boat) for personal use; storage of more than four boats with a valid state permit or license (if applicable for the boat) for personal use is permitted when there is at least one acre of land per each additional boat stored over four and the storage is completely screened from adjacent residential dwellings. Nothing in this subsection shall be deemed to permit uses that could be classified as junkyards;

(7) The placement of an accessory building on a lot where no residential dwelling is located, but where one is intended to be built, for the storage of equipment related to the upkeep of that lot; or

(8) (a) Horse stables, provided that, when located in an R-1, R-2 or R-3 zoning district, the following standards shall be met.

1. All horses boarded on that premises shall belong to or be leased by the individual who owns and/or leases the land on which the stable is located. Mares under breeding contract are exempt.

2. The land on which the stable is located is at least two acres in size.

3. No stable is within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining water source (well) being used for human consumption.

4. A dwelling is not required on the property where the stable is located.

5. Stables must be operated and maintained in a healthy and safe manner.

(b) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

HEALTHY AND SAFE. Fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

(9) Piers located on lots where no residential dwelling is located when used for the recreational enjoyment of the property owner shall be considered as an accessory use to the lot; and

(10) Fences, provided they do not exceed six feet in height for residential uses. Fences exceeding six feet in height for residential uses shall be prohibited. Barbed wire and electric fences are prohibited in residentially platted subdivisions not intended to accommodate livestock (such as residential farmettes whose restrictive covenants allow livestock and that conform to county zoning requirements shall not be subject to the barbed wire and electric fence provisions).

(D) The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

(1) No motor vehicle, which does not have a current license plate and inspection sticker, shall be stored outside of an enclosed structure, unless the same is raised up on blocks or stands to a distance of one foot above the ground and is completely covered by a waterproof covering material.

(2) The provisions and definitions of G.S. § 153A-132 is adopted as a part of this chapter by reference and by adoption abandonment of motor vehicles is hereby prohibited.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06) Penalty, see § 10.99

§ 151.330 PERMISSIBLE USES NOT REQUIRING PERMITS.

No zoning, special use or conditional use permit is necessary for the following uses:

(A) Streets;

(B) Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public street right-of-way;

(C) Neighborhood utility facilities located within a public street right-of-way with the permission of the owner of the right-of-way; and

(D) Electric power distribution lines located within a utility easement other than major transmission lines.

(Ord. passed 12-15-97)

§ 151.331 CHANGE IN USE.

(A) (1) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes.

(2) This occurs whenever:

(a) The change involves a change from one principal use category to another;

(b) If the original use is a combination use (use classification 27.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to an extent that the parking requirements for the overall use are altered;

(c) If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes;

(d) If the relative proportions of different types of dwelling units change; or

(e) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise may be classified under the same principal use or combination use category as the previous type of business).

1. For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification 2.111.

2. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed.

3. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

4. Further, reuse of an existing pier by a non-recreational type of boat to another non-recreational type boat shall not constitute a change of use.

(B) (1) A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use.

(2) Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

(C) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

(Ord. passed 12-15-97)

§ 151.332 COMBINATION USES.

(A) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use or conditional use), then the permit authorizing the combination use shall be:

(1) A conditional use permit if any of the principal uses combined requires a conditional use permit but none requires a special use permit;

(2) A special use permit if any of the principal uses combined requires a special use permit; and

(3) A zoning permit in all other cases.

(B) This is indicated in the table of § 151.334 by the designation “Z,” “S” and “C” in each of the columns adjacent to the 27.000 classification.

(C) Apartments, condominiums and townhouses are permitted in the CCD and MC districts pursuant to a special use permit. Dwelling units may only be located above spaces in the same building where the space below the dwelling unit is used for commercial purposes. In addition to any other requirements of law, such residential units are restricted as follows:

(1) No part of the dwelling unit shall be less than 12 feet above grade;

(2) No structure may be permitted where the space wholly or substantially in part underneath each and every dwelling unit is not designed and overtly intended to be used for commercial purposes.

(3) Minimum parking standards shall apply, except that the total number of parking spaces may be reduced up to 25% upon acceptance by the approving authority that the structure does not lend itself to needing all of the commercial and residential parking spaces at most times during the day and night.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.333 MORE SPECIFIC USE CONTROLS.

(A) (1) Subject hereto, whenever a development could fall within more than one use classification in the table of § 151.334, the classification that most closely and most specifically describes the development controls.

(2) For example, a small doctor's office or clinic might easily fall within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises).

However, classification 3.130, physicians' and dentists' offices and clinics occupying not more than 10,000 square feet of gross floor area more specifically covers this use and therefore is controlling.

(B) Barbed wire fencing, or similar, is prohibited in all zoning districts, except GUD.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2006-09-02, passed 11-20-06)

§ 151.334 TABLE OF PERMISSIBLE USES.

The following is the table of permissible uses.

TABLE OF PERMISSIBLE USES

Use No.	*Description*	*R-1*	*R-2*	*R-3*	*CCD*	*NCD*	*HC*	*MC*	*GUD*	*I-1*	*I-2*
1.000	**Residential**										
1.100	**Single-Family Detached; One Dwelling Unit Per Lot**										
1.111	Site built	Z	Z	Z					Z		
1.111.5	Modular	Z	Z	Z					Z		
1.112	Class A mobile home	Z	Z								
1.113	Class B mobile home	Z									
1.114	Class C mobile home, subject to §§ 151.210*et seq.*	Existing mobile homes and mobile home subdivisions, subject to §§ 151.210*et seq.*									
1.116	Class B mobile home, subject to § 151.347(J)	S									
1.200	**Two-Family Residences**										
1.210	Two-family conversion	S									
1.220	Primary residence with accessory apartment (Refer to § 151.347(J))	Z	Z	Z					Z		
1.230	Duplex	S									

1.240	Two-family apartment	S									
1.300	Multi-Family Residences										
1.310	Multi-family conversion				S		S	S			
1.320	Multi-family town homes				S		S	S			
1.330	Multi-family apartments				S		S	S			
1.340	Condominiums				S		S	S			
1.400	**Homes Emphasizing Special Services, Treatment or Supervision**										
1.410	Homes for handicapped, aged or infirm				S	S					
1.420	Nursing care and intermediate care homes				S	S					
1.430	Child care homes	S	S	S	S	S			S		
1.440	Halfway houses						S				
1.450	Family care home; provided there is a half-mile between them measured from lot lines				S	S	S	S			
1.460	Family care homes for the aged				S	S	S	S			
1.500	**Miscellaneous Rooms for Rent Situations**										
1.510	Rooming houses and boarding houses				S	S	S	S	S		
1.520	Bed and breakfast establishments				Z	Z	Z	Z	Z		
1.530	Tourist homes, rented by day or week				S	S		S			
1.540	Hotels, motels and similar businesses				S		S	S			
1.550	Hunting and fishing lodges					S	S	S	S		
1.600	Temporary emergency construction and repair of residences	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
1.700	Home occupations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
2.000	**Sales and Rental of Goods, Merchandise and Equipment**										
2.100	No storage/display of goods										

	outside fully enclosed structure										
2.110	High volume traffic generation				Z	Z	Z	Z		Z	Z
2.111	Convenience store				Z	Z	Z	Z			
2.120	Low volume traffic generation				Z	Z	Z	Z		Z	Z
2.130	Wholesale sales				S	S	Z	Z		Z	Z
2.200	**Storage and Display of Goods Outside a Fully Enclosed Building Allowed**										
2.210	High volume traffic generation				S	S	Z	S		Z	Z
2.220	Low volume traffic generation				S	S	Z	S		Z	Z
2.230	Wholesale sales				S	S	Z	S		Z	Z
2.230	Shopping center, subject to § 151.347(R)				S	S	S	S			
3.000	**Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise**										
3.100	**All Operations Conducted Entirely Within a Fully Enclosed Building**										
3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, stock brokers, travel agents and other professions				Z	Z	Z	Z		S	
3.100	**All Operations Conducted Entirely Within a Fully Enclosed Building (Cont'd)**										
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use				Z	Z	Z	Z		S	S
3.130	Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area				Z	Z	Z	Z		S	S
3.140	Government offices				Z	Z	Z	Z		Z	Z

3.200	**Operation Conducted Within or Outside a Fully Enclosed Building**										
3.210	Operations designed to attract and serve customers or clients on the premises				Z	Z	Z	S		S	S
3.220	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use				Z	Z	Z	S		S	S
3.230	Banks with drive-in windows				Z	Z	Z	Z		Z	
4.000	**Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment, Subject to Hereto**										
4.100	**All Operations Conducted Entirely Within a Fully Enclosed Building**										
4.110	Majority of dollar volume of business done with walk-in trade				Z	Z	Z	Z	Z	Z	Z
4.120	Majority of dollar volume business not done with walk-in trade				Z	Z	Z	Z	Z	Z	Z
4.200	Operations conducted within or outside a fully enclosed building				S	S	S	S		Z	Z
5.000	**Educational, Cultural, Religious, Philanthropic, Social and Fraternal Uses**										
5.100	**Schools**										
5.110	Elementary and secondary, including associate grounds, athletic and other facilities	S	S	S	S	S	S	S	S		
5.120	Trade or vocational				S	S	S	S		Z	Z
5.130	Colleges, community colleges, including associated facilities such as dormitories, office buildings, athletic fields and the like				S	S	S				
5.200	Churches, synagogues and temples, including associated residential structures for religious personnel	S	S	S	Z	Z	Z	Z	Z		
5.300	Libraries, Museums, Art Galleries, Art Centers and Similar Uses, Including Associated Educational and Instructional Activities										
	Located within a building designed and previously occupied										

5.310	as a residence or within a building having a gross floor area not in excess of 3,500 square feet	S	S	S	S	S	S	S			
5.320	Located within any permissible structure				S	S	S	S			
5.400	Social, fraternal clubs and lodges, union halls and similar uses				S	S	S	S			
6.000	**Recreation, Amusement and Entertainment**										
6.100	**Activity Conducted Entirely Within a Building or Substantial Structure**										
6.110	Bowling alleys, skating rinks, indoor tennis and racquetball courts, billiards and pool halls, indoor athletic and exercise facilities				Z	Z	Z	Z		S	
6.120	Movie theaters				Z	Z	Z	Z			
6.200	**Activity Conducted Primarily Outside an Enclosed Building or Structure**										
6.210	Privately-owned outdoor recreation facilities, such as golf and country clubs and the like, not including campgrounds, not constructed pursuant to a permit authorizing the construction of some residential development				Z	Z	Z	Z	Z	Z	
6.220	Publicly-owned outdoor recreational facilities, such as athletic fields, golf courses, tennis courts, swimming pools, parks, campgrounds, boat ramps and docks and the like not constructed pursuant to a permit authorizing the construction of another use (such as school)	Z	Z	Z	Z	Z	Z	Z	Z		
6.230	Golf driving ranges not accessory to golf courses, par three courses, miniature golf courses, skateboard parks, water slides and similar uses				Z	Z	Z	Z			
6.240	Horseback riding, schooling and boarding facilities, provided that, when it's in an AR district, a minimum of ten acres is required, and not constructed pursuant to a permit authorizing a residential						S		Z		

	development										
6.200	Activity Conducted Primarily Outside an Enclosed Building or Structure (Cont'd)										
6.250	Automobile and motorcycle racing tracks						S		S	S	S
6.251	Competitive go-kart/ATV race tracks						S		S	S	S
6.260	Drive-in movie theaters						S	S			
6.270	**Private Campgrounds**										
6.271	Travel trailers allowed						S	S	S		
6.272	Travel trailers prohibited						S	S	S		
6.280	Petting zoo						S	S			
6.290	Recreational grounds						S	S			
6.300	Outdoor firing range facilities, subject to §§151.347									S	S
7.000	**Institutional Residences or Care/Confinement Facilities**										
7.100	Hospitals, clinics, other medical, including mental health, treatment facilities in excess of 10,000 square feet in gross floor area				S	S	S	S			
7.200	Nursing care, intermediate care, handicapped, infirm or child care institutions				S	S	S	S			
7.300	Institutions, other than halfway houses, where mentally ill persons are confined						S				
7.000	**Institutional Residences or Care/Confinement Facilities (Cont'd)**										
7.400	Penal and correctional facilities									S	S
8.000	**Restaurants, Dance Halls, Bars and Night Clubs**										
8.100	**Restaurants**										
8.110	No substantial carry-out or delivery service, no drive-in service, no service or consumption outside a fully enclosed structure				Z	Z	Z	Z		Z	

8.120	No substantial carry-out or delivery service, no drive-in service, service or consumption outside a fully enclosed structure				Z	Z	Z	Z		Z	
8.130	Carry-out and delivery service, consumption outside a fully enclosed structure allowed, but no drive-in service				Z	Z	Z	Z		Z	
8.140	Carry-out and delivery service, drive-in service, service outside a fully enclosed structure, with drive-in and delivery service				Z	Z	Z	Z		Z	
8.200	Dance halls, bars and nightclubs				Z	Z	Z	Z			
9.000	**Motor Vehicle and Boat Related Sales and Service Operations**										
9.100	Motor vehicle and boat sales or rental or sales and service				Z	Z	Z	Z		Z	
9.200	Automobile service center				Z	Z	Z	Z	Z	Z	
9.300	Gas sales operations				Z	Z	Z	Z		Z	
9.400	Automobile repair shop or body shop, provided all wrecked vehicles and parts are visually screened from the exterior of the property lines and right-of-way lines				Z	Z	Z		Z	Z	
9.500	Car wash				Z	Z	Z	Z		Z	
10.000	**Storage and Parking**										
10.100	Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related				S		Z	Z		Z	Z
10.200	**Storage of Goods Not Related to the Sale or Use of Those Goods on the Same Lot Where They Are Stored**										
10.210	All storage within completely enclosed structures					Z	Z	Z		Z	Z
10.220	Storage inside or outside completely enclosed structures						Z	Z		Z	Z
	Parking of vehicles or storing of equipment outside enclosed structures where:										

10.300	1) Vehicles or equipment are owned by the person making use of the lot; and 2) Parking or storage is more than a minor or incidental part of the overall use made of the lot				S	S	S	S		Z	Z
10.400	Temporary indoor/outdoor, mobile offices and one dwelling for the caretaker, when associated with off-site construction of a public facility and when in accordance with applicable provisions of §§ 151.210 and 151.211									S	S
11.000	Scrap materials, salvage yards, junk yards and automobile graveyards									S	S
12.000	**Services and Enterprises Relating to Animals**										
12.100	Veterinarians				Z	Z	Z		Z		
12.200	Kennels					S	Z		Z		
13.000	**Emergency Services**										
13.100	Law enforcement stations	S	S	S	Z	Z	Z	Z	S	Z	Z
13.200	Fire stations	S	S	S	Z	Z	Z	Z	S	Z	Z
13.300	Rescue squad and ambulance service	S	S	S	Z	Z	Z	Z	S	Z	Z
13.400	Civil defense operations	S	S	S	Z	Z	Z	Z	S	Z	Z
14.000	**Agricultural, Silvicultural, Mining and Quarrying Operations**										
14.100	**Agricultural Operations; Farming, Not Exempt as Bona-Fide Farms**										
14.110	Excluding livestock	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
14.120	Including livestock								Z	Z	Z
14.100	**Agricultural Operations; Farming, Not Exempt as Bona-Fide Farms (Cont'd)**										
14.200	Silvicultural operations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

14.300	Mining or quarrying operations, including on-site sales of products								S	S	S
14.400	Reclamation landfill						S		S	S	S
15.000	**Miscellaneous Public and Semi-Public Facilities and Related Uses**										
15.100	Post office				Z	Z	Z	Z	Z		
15.200	**Airports and Air Strips**										
15.210	County-owned and operated airport	S	S	S						S	S
15.220	Privately-owned airport	S								S	S
15.230	Airstrip									S	S
15.300	**Sanitary Landfill and Convenience Centers**										
15.310	County-owned and operated	Z	Z	Z	Z	Z	Z	Z	S	Z	Z
15.320	Other									Z	Z
15.400	Demolition landfill									S	S
15.500	Incinerators										S
15.600	ABC stores				Z	Z	Z	Z	Z		
16.000	**Dry Cleaner and Laundromat**										
16.100	Dry cleaner				S	S	Z	Z			
16.200	Laundromat				Z	Z	Z	Z			
17.000	Utility Facilities										
17.100	Neighborhood	S	S	S	Z	Z	Z	Z	Z	Z	Z
17.200	Community or regional	S	S	S	S	S	Z	Z	Z	Z	Z
17.300	County-owned or operated	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
17.400	Solar farms (3 or more) - Refer to § 151.347(V)	S	S	S	S	S	S	S	S	S	S
17.410	Solar collector (maximum 2) as an accessory use - Refer to § 151.347(W)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
17.420	Solar collector (3 or more) as an accessory use	S	S	S	S	S	S	S	S	S	S

18.000	**Wireless Telecommunications Facilities (WTF), Towers and Other Related Structures**										
18.100	WTF, antennas, supporting structures, radio or television towers which are 35 feet or less and receive only earth stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
18.200	WTF, antennas, support structures and towers of all types that are over 35 feet tall, subject to §151.035						S	S	S	S	S
18.300	WTF, antennas, support structures and towers of all types that are over 300 feet tall, subject to § 151.065							S	S	S	
18.400	Wind Turbines	Refer to § 151.347(T) - Specific Standards									
18.410	Small turbines	S	S	S	Z	Z	Z	Z	Z	Z	Z
18.420	Medium turbines	S	S	S	S	S	S	S	S	S	S
18.400	**Wind Turbines (Cont'd)**										
18.430	Large turbines				S	S	S	S	S	S	S
19.000	**Open Air Markets**										
19.100	Farm and craft markets, produce markets not qualifying as an accessory use to use classification 14.100	S	S	S	Z	Z	Z	Z	Z		
19.200	Flea markets					S	S				
20.000	Funeral homes				S	S	Z	Z		Z	
21.000	**Cemetery and Crematoriums**										
21.100	Cemetery not on same property as church	S	S	S					S		
21.200	Cemetery on same property as church	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.300	Crematorium						S		S	S	S
22.000	Nursery school and day-care centers				Z	Z	Z	Z	Z	Z	
23.000	Temporary construction and sales offices	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

24.000	Crabshedding							Z			
24.100	Home-based commercial fishing		S								
25.000	**Commercial Greenhouses or Nurseries**										
25.100	On-premises sales permitted				Z	Z	Z	Z	Z	Z	Z
26.000	Special events	S	S	S	Z	Z	Z	Z	Z	Z	Z
27.000	Combination uses	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC
28.000	Off-premises signs				S	S	S	S	S	S	S
29.000	**Subdivisions**										
29.100	Major – Preliminary Plat	S	S	S	S	S	S	S	S	S	S
29.200	Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
29.300	Private access subdivision (see § 51.260 for zoning permit authority when one lot created)	S	S	S	S	S	S	S	S	S	S
30.000	Stockyards, slaughterhouses, rendering plants									S	S
31.000	Agribusiness uses	S	S			S	S	Z	Z	Z	Z
32.000	**Miscellaneous Water-Related Uses**										
32.100	Boat Ramps										
32.110	Publicly-owned	S	S	S	Z	Z	Z	Z	Z	Z	Z
32.120	Privately-owned, but open to the public on a fee basis				S	S	S	S	S	S	S
32.200	Marinas, not associated with a residential development							Z	Z		
33.000	Adaptive reuse of historic property	S	S	S	Z	Z	Z	Z	Z	Z	Z
34.000	Land application of commercial sludge and commercial liquid septage									S	S
35.000	Adult and sexually-oriented businesses, subject to § 151.216										S

NOTES TO TABLE:

Z - Zoning permit required.

C - Conditional use permit required.

S - Special use permit required.

- The underpinning of a modular home shall be masonry with bricks covering all of the exposed masonry underpinning.

(Ord. passed 12-15-97; Am. Ord. passed 4-2-01; Am. Ord. 2002-04-02, passed 4-15-02; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2007-02-02, passed 5-7-07; Am. Ord. 2007-07-02, passed 7-16-07; Am. Ord. 2007-09-01, passed 9-17-07; Am. Ord. 2008-01-01, passed 2-18-08; Am. Ord. 2008-09-03, passed 9-15-08; Am. Ord. 2010-01-02, passed 3-1-10; Am. Ord. 2010-02-01, passed 3-1-10; Am. Ord. 2010-09-01, passed 11-1-10; Am. Ord. 2011-02-01, passed 4-4-11; Am. Ord. 2012-01-01, passed 1-3-12; Am. Ord. 2013-08-01, passed 9-16-13)

CONDITIONAL AND SPECIAL USES

§ 151.345 PURPOSE OF THE CONDITIONAL AND SPECIAL USE PERMIT.

(A) Conditional and special use permits allow flexibility to this chapter. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the conditional and special use permit procedure, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects that they might have on the surrounding properties.

(B) Sections 151.325 through 151.334 sets forth uses that may be established as a matter of right in each district. Some land uses, however, have a particular impact on the surrounding land that cannot be determined and controlled by general regulations. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development, their establishment shall not be as a matter of right, but only after review and approval as hereinafter provided.

(Ord. passed 12-15-97)

§ 151.346 GENERAL STANDARDS.

(A) Subject to division (B) below, the Board of Adjustment or the Board of Commissioners, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

(1) The requested permit is not within its jurisdiction according to the table of permissible uses;

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter, not including those the applicant is not required to comply with under the circumstances specified in §§ 151.360 through 151.368.

(B) Even if the permit-issuing board finds that the application complies with all other provisions of this chapter, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:

(1) Will materially endanger the public health or safety;

(2) Will substantially injure the value of adjoining or abutting property;

(3) Will not be in harmony with the particular neighborhood or area in which it is to be located (even though the proposed use and surrounding uses are generally permissible in the same district and therefore usually compatible);

(4) Will not be in general conformity with the land use plan, thoroughfare plan or other plan officially adopted by the board; or

(5) Will exceed the county's ability to provide adequate public facilities, including, but not limited to schools, fire and rescue, law enforcement and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. The facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan, preliminary plat (special use permit) or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with § 151.510.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.347 SPECIFIC STANDARDS.

(A) In addition to complying with the general standards of § 151.346, uses listed under this section shall comply with the provisions contained herein.

(B) Home occupation not considered an accessory use home occupation, as defined in §§ 151.325 through 151.334:

(1) A sign may not exceed six square feet (two feet by three feet);

(2) Open or exterior storage, including storage in structures not constructed with similar materials as that of the principle structure, must be fenced with opaque fencing;

(3) A permit to construct an accessory building or addition must conform in appearance to existing primary or accessory structures and may not have a commercial appearance;

(4) The use does not disturb or intrude upon the residential character of the subject property or the surrounding neighborhood; and

(5) The following is prohibited:

(a) Any on-premises retail sales of goods not produced on-site;

(b) More than two persons not a resident on the premises are employed in connection with the purported home occupation;

(c) The use creates objectionable noise, fumes, odor, dust or electrical interference;

(d) More than one motor vehicle that is used in connection with the purported home occupation is regularly kept on the property or the adjacent street; and

(e) More than 25% of the total gross floor area of residential buildings, plus other buildings housing the purported home occupation or more than 1,000 square feet of gross floor area, whichever is less, is used for

home occupation purposes.

(C) Recreation grounds, but not a recreation campground, may be permitted, provided that the following conditions are met:

(1) Minimum area for creation of a recreation ground shall be 20 acres under single ownership or control.

(2) Recreation grounds must be operated by a non-profit group.

(3) Cottages, cabins or dormitory buildings must be constructed of such a nature that they will not be feasiblely adaptable for year round occupancy.

(4) The minimum size of cottage, cabin or dormitory building shall be not less than 640 square feet.

(5) There shall be a buffer of not less than 100 feet between all building and the nearest property line.

(6) The facilities shall not accommodate more than ten persons per acre for overnight occupancy.

(7) A site plan drawn to scale shall be presented to the Board of Commissioners with other supporting materials for approval.

(D) Recreation campgrounds:

(1) Recreation campgrounds are permitted only with a special use permit in accordance with § 151.334. The following uses are permitted:

(a) Use of transportable recreational housing, other than for long term occupancy or dwelling units; and

(b) Establishments for the sale or rental of supplies or for provisions or services, for the satisfaction of daily or frequent needs of campers. The establishments include those providing groceries, ice, sundries, bait, fishing equipment, self-serving laundry equipment and the like, designed to serve only the needs of campers within the campground, but shall not, including the associated parking area(s), occupy more than 2% of the area of the campground and shall not be so located as to attract patronage from outside the grounds, nor to have adverse effects on surrounding land uses.

(2) Minimum dimensional requirements:

(a) Minimum area for creation of a recreational campground shall be ten acres under single ownership or control. At the opening of any recreational campground for occupancy by units, all required facilities and improvements shall have been completed and the minimum number of spaces available and ready for occupancy shall be 20. Minimum size for a single camper space shall be 3,000 square feet.

(b) Recreation area shall be not less than 8% of the area of the recreational campground shall be devoted to recreational area. The recreation area may include space for common walkways and related landscaping in block patterns (passive recreational area), provided that the common open space is at least 20 feet in width. At least half of the total required recreational area shall be improved with facilities for active recreation such as swimming pools or beaches, ballfields, shuffleboard courts, play lots for small children and the like, or of a nature so designed to serve the type of campers anticipated and so located as to be readily available from all spaces and free from traffic hazards.

(3) Camping is a permitted use of land only in recreation campgrounds.

(E) Conditional and special use standards for light industrial zoned districts.

(1) A 20-foot buffer, in addition to the side and rear setbacks, shall be required where the use abuts residential use or a residential zone. The buffer may be reduced to ten feet where substantial vegetation or

opaque fencing at least six feet high is present.

(2) Buffer and setback areas in the side and rear may not be used for parking.

(3) No open storage shall be permitted. All materials, supplies or products shall be stored under roof or shall be screened from view with opaque fencing. This shall not apply to finished products presented in the open for display and sale.

(4) Light industrial use must include retail sales on the premises.

(5) The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured or monitored from the closest property line. In cases where the monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the Board of Commissioners.

(6) In no case shall any use listed in the table set forth in § 151.334, as permissible only within the I-2 zoning district, be permissible within any commercial zoning district.

(F) (1) Within 500 feet of any building that houses the 4.100 use there are no residences that are occupied or held ready for occupancy or under construction on the day the permit is issued.

(2) An opaque (Type A) screen shall be installed to shield neighboring property from the view of any building that houses the 4.100 use. If a fence is used to accomplish the opaque screen, evergreen vegetation shall be planted outside of the screen such that, within six years, the fence will not be visible from a distance of at least ten feet. A semi-opaque (Type B) screen shall be required along all street rights-of-way. Existing vegetation shall be preserved to the maximum extent possible.

(3) The proposed use will not require and will not allow truck pick-up or delivery traffic before 7:00 a.m. or after 7:00 p.m. All parking and loading areas shall be located on the side or rear of the structure. All parking and loading areas shall be setback a minimum of 15 feet from any side or rear property line. Only one driveway shall be permitted per site unless public safety would be better served with a second driveway.

(4) The total gross floor area of any buildings that house the 4.100 use may not exceed 2,000 square feet. However, cabinet shops may exceed 2,000 square feet.

(5) The maximum square footage of sign surface area advertising the proposed use shall be 16 square feet for a wall mounted sign and ten square feet for a freestanding sign. Not more than one sign may be erected on the site. The maximum height for a freestanding sign shall be five feet.

(6) The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to § 151.551, and stating that the property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the Board may make the required finding.

(7) All structures shall be constructed in a manner so as to blend in with the character of the area taking into consideration height, size, exterior materials, windows, doors and other related exterior features. All applications must be accompanied by building elevations of proposed structures and a lighting plan.

(8) No retail sales of products shall be permitted.

(9) Structures shall be setback a minimum of 75 feet from any street right-of-way and 25 feet from all other property lines.

(10) All refuse containers shall be located at the rear of the structure.

(11) In no case shall any use listed in the table set forth in § 151.334, as permissible only within the I-2 zoning district, be permissible within any R-1, R-2, R-3 or GUD zoning district.

(G) (1) Utility buildings or buildings used to house equipment or facilities owned by a public utility, as defined in G.S.§ 62-3(23), are permissible in the R-1, R-2, R-3 and GUD district with a conditional use permit or special use permit according to the table of § 151.334. Storage of vehicles or equipment outside the storage building shall be permitted only within the area that is screened as provided in division (G)(2) below.

(2) Except as provided in division (G)(3) below, the utility building authorized by this section shall be fully screened on all sides by opaque fencing from the ground to a height of at least eight feet. The opaque screening may consist of a wall, fence, retained vegetation or planted vegetation. If planted vegetation is used, it must satisfy the standard set forth herein within three years after planting. Continued maintenance of the screening (including replanting, if necessary) shall be a continuing condition of the permit.

(3) The screening specified in division (G)(2) above shall not be required if there is no outside storage of vehicles or equipment and if the building is designed and constructed (including types of exterior materials) so that it is compatible with other residences in the subdivision is not intended to limit the authority of the Board of Adjustment to consider and apply the general standards set forth herein.

(4) Four feet by four feet by four feet or smaller utility buildings will be allowed to setback five feet from all side and rear property lines. All utility buildings 100 square feet or less may be located ten feet from all side and rear property lines. All others will comply with the setbacks as contained within this chapter.

(H) Bed and breakfast located within a residential district:

(1) The building that houses the dwelling unit may not be expanded by more than 10% of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.

(2) Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where the use is located. No side of this sign may exceed six square feet in surface area nor be located within a street right-of-way. The sign may not be internally illuminated.

(3) The building was designed and used as a single-family detached dwelling prior to the effective date of this chapter.

(I) (1) In deciding whether a permit for a special event should be denied for any reason specified herein or in deciding what additional conditions to impose under §§ 151.495 through 151.518, the Board of Commissioners shall ensure that:

(a) The hours of operation allowed shall be compatible with the uses adjacent to the activity;

(b) The amount of noise generated shall not disrupt the activities of adjacent land uses;

(c) The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county; and

(d) The Board of Commissioners shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.

(2) In cases where it is deemed necessary, the Board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.

(3) If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

(J) The following standards shall apply to all accessory apartments located within Camden County.

(1) If the property for which the application for the accessory apartment is being made is subject to restrictive covenants prohibiting more than one dwelling unit per lot, that evidence shall serve as prima facie evidence of incompatibility with the surrounding neighborhood resulting in denial of the permit.

(2) No manufactured housing shall be utilized as an accessory apartment.

(3) Accessory apartments shall be detached from the principal dwelling.

(4) Only one accessory apartment shall be permitted per lot.

(5) Accessory apartment shall not exceed a maximum 40% of the total square feet of the livable area of the principal structure or 800 square feet whichever is less. Minimum square footage shall be no less than 400 square feet.

(6) Where there is no public sanitary sewer service available to the accessory apartment, the applicant shall provide approval from the Albemarle Regional Health Department prior to issuance of the Zoning/Building Permit.

(7) For stormwater purposes total lot coverage shall not exceed 24% of impervious surfaces.

(8) The accessory apartment shall not be served by a driveway separate from that serving the principal dwelling.

(9) Accessory apartment shall observe a ten foot side setback and the minimum front setback shall be equal to the front of the dwelling or 50 feet whichever is greater.

(10) Accessory apartments shall carry the same address as the principal structure followed by an alphanumeric letter (i.e., 384-A Barnett Street).

(11) The following building design standards shall apply:

(a) Accessory apartment shall be limited to a maximum of two bedrooms and shall have one full bathroom and kitchen with an optional living room.

(b) The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, roof-pitch, window detailing, roofing materials, and foundation.

(K) In the event that a Building Inspector has found a site built home as being unfit for human habitation, the dwelling unit may be replaced with a Class B mobile home subject to the following:

(1) A special use permit must be obtained from the Board of Commissioners. If granted, the special use permit shall be in the applicant’s name and shall not run with the land. The right to maintain a Class B mobile home under these provisions shall not be transferred to another owner or occupant.

(2) The special use permit shall be valid for one year and may be renewed annually by the Administrator provided the replacement home has not been completed. The Administrator may renew the permit up to a maximum of two times after which the mobile home must be removed from the property.

(3) The Class B mobile home shall be removed within 30 days after the replacement home is occupied.

(4) The Class B mobile home shall meet the following appearance criteria.

(a) The roofing material must be compatible with residential construction within the area in which it is to be located.

(b) The exterior materials shall be of a color, material and scale comparable with those existing in residential construction and in no case shall the degree of reflection of exterior finishes exceed that of gloss white paint. Siding, trim and features should be compatible with residential construction.

(c) The wheels shall not be removed.

(d) Transportation lights shall be removed.

(e) The mobile home shall be underpinned with removable materials to allow easy removal of the mobile home from the lot.

(L) Agribusiness uses are permissible within the GUD district pursuant to a special use permit, if not otherwise permitted by a zoning permit, only if the proposed use satisfies the following requirements:

(1) No building or structure that houses any part of the agribusiness use may be located within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy or under construction on the date the permit is issued.

(2) The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant hereto, and stating that the property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the Board may make the required finding.

(3) The maximum square footage of sign surface area advertising the proposed use shall be 32 square feet, and not more than one freestanding sign may be erected.

(M) The Board of Commissioners may issue a special use permit to allow the adaptive reuse of historic property whenever it concludes that:

(1) The tract for which the special use permit is sought contains property that is listed on the National Register of Historic Places;

(2) Any property proposed to be covered in the special use permit that is not part of the tract listed on the Register is integrally related to the property such that its coverage under the special use permit is warranted for aesthetic and planning, or economic reasons;

(3) Uses otherwise permissible in the district where the property is located do not seem to provide a practical opportunity or offer sufficient incentive to renovate and reuse the historic property; and

(4) The property can be developed for the use proposed without creating any substantially adverse impact on surrounding properties, or any adverse impact is outweighed by the benefits of preserving the historic character of the property.

(N) (Reserved).

(O) (1) Junkyards shall be allowed in light and heavy industrial districts only with a special use permit. A junkyard is not permitted in any other zoning district.

(2) A junkyard may not be placed within 1,000 feet of a primary highway right-of-way.

(3) Junkyards shall be screened so as not to be visible from:

(a) Any state-maintained road using a minimum six-foot privacy fence; or

(b) Screening from adjacent residential or non-residential properties is also required.

(4) Specific conditions:

(a) Burning of non-vegetative matter shall not be permitted.

(b) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.

(c) Disposal of toxic/hazardous matter is prohibited anywhere in the county without a state permit and a special use permit from the county, in an approved site.

(d) Stock piling of tires and batteries is prohibited.

(e) Drainage of junkyards shall be adequate to assure that no standing water shall exist.

(f) Weeds and vegetation shall be kept at a height not to exceed 12 inches.

(g) Storage of vehicles shall be so arranged as to permit easy access to all junk for fire-fighting purposes.

(h) A soil erosion and sedimentation control plan shall be submitted according to the State Erosion and Sedimentation Control Act and a copy must be kept on file in the Administrator's office.

(P) Flea markets:

(1) Off-street parking shall be provided with a minimum of three spaces per stand or rented space.

(2) Sanitary facilities shall be provided with facilities for both the male and female gender.

(3) There shall be provisions for garbage or trash removal for each day the flea market is open to the public.

(4) Hours of operation shall be determined by the Board of Commissioners.

(5) All rental spaces and buildings shall maintain a 50-foot setback from all residentially used property lines and meet the setbacks for principle uses along all other property lines.

(Q) Land application of commercial sludge and commercial septage is permitted only with a special use permit in I-1 and I-2 districts, provided the following conditions are met.

(1) A permit must be obtained by the applicant from the appropriate county or state agency which has authority to issue required permits prior to land application of sludge or septage.

(2) All conditions stated in the appropriate county or state permit shall be strictly adhered to.

(3) The special use permit may or may not be issued by the Board of Commissioners, after conducting an advertised public hearing to hear all matters regarding this application.

(4) This special use permit requirement shall be limited to commercial operations of land application of sludge and septage.

(5) The site shall be inspected by the local Health Department every two months. Further, septage operations shall have soil tested annually. Soil shall be tested semi-annually if lime is used for stabilization.

(6) "No Trespassing" signs shall be posted at access roads or paths crossing or leading to the disposal area and a legible sign of at least two feet by two feet stating, "Septage" or "Sludge Disposal Area" shall be posted at the entrance to the disposal area.

(7) Land application of sludge shall occur only during daylight hours. Septage shall be applied so as to have no standing surface collection of liquid within 24 hours after application.

(8) Upon issuance of the special use permit, the property owner shall record the special use permit in the County Registry and have it indexed under the record owner's name as grantor.

(9) The applicant must notify the local Health Department at least ten days prior to beginning land application of sludge and at least ten days prior to beginning further sludge operations if operations are conducted on an intermittent basis and have ceased for more than 30 days.

(10) The applicant shall submit to the local Health Department copies of all reports submitted to the appropriate state permitting agency concerning land application operations.

(11) The special use permit will be non-transferable.

(12) Failure to properly abide by the aforementioned conditions will result in the immediate revocation of the special use permit.

(13) In addition to the setbacks required by the appropriate state agency, the following setbacks and other standards are required:

(a) For commercial sludge:

1. Within 1,000 feet to 1,500 feet of an existing residential or commercial structure: 1,000 feet setback with appropriate vegetated/woodland buffer as deemed suitable by the Board of Commissioners.

2. Within 1,500 feet to 2,000 feet of an existing residential or commercial structure: vegetated/woodland buffer may be required by the Board of Commissioners.

3. Greater than 2,000 feet to an existing residential or commercial structure: no buffer required.

4. From a private or public water well: 1,000 feet.

5. From any property line: 100 feet.

(b) For commercial septage:

1. Five hundred feet from an existing residential or commercial structure; however, if excessive complaints from neighbors, then setback of 1,000 feet or lime stabilization may be required;

2. One hundred feet from any property line under separate ownership or control and any public right-of-way;

3. Five hundred feet from potable water (well or spring); wells other than monitoring: 200 feet; abandoned wells: 50 feet;

4. Setbacks from surface waters shall be in accordance with 15A NCAC 13B.0815 through 13B.0827, Septage Management Rules of the state;

5. Ground water lowering ditches and devices: 100 feet;

6. Septage disposal sites shall not be located on a slope greater than 12%;

7. Soil texture, soil wetness and depth to rock standards shall be in accordance with 15A NCAC 13B.08105 through 13B.0827, Septage Management Rules of the state;

8. No hazardous wastes shall be disposed of on-site; industrial or solid wastes shall not be disposed of on-site without prior approval by the state; and

9. Soil pH shall be maintained at 6.5 or greater at all times. Soil erosion and runoff for the site shall be in accordance with 15A NCAC 13B.0815 through 13B.0827, Septage Management Rules of the state.

(R) (1) The purposes of these regulations is to encourage the effective and timely development of land for shopping centers; to assure suitable design in order to protect public and private investment; to ensure compatibility with neighboring uses; and to minimize traffic congestion.

(2) The permitted uses are all uses as found in the HC and MC zoning districts.

(3) Development standards:

(a) Minimum tract size: four acres.

(b) Maximum lot coverage: 30% of the tract inclusive of any lot located within the development.

(c) Setback lines:

1. Street setback for building: in accordance with the provisions of § 151.063;

2. Street setback for vehicular accommodation area: in accordance with the provisions of § 151.063; and

3. Side and rear lot boundary setback for buildings and all other uses of property (such as parking, storage, mechanical equipment and the like: 20 feet, except where provisions of this code require greater setbacks. Setbacks do not apply to side and rear lot lines located within the interior of the tract provided all fire codes are met and all lots are provided with adequate utility easements.

(d) The tract shall be separated from adjoining streets by a curb.

(e) One driveway per street front having less than 600 feet of street frontage; two driveways per street front for tracts having between 600 feet of street frontage and 800 feet of street frontage; and three driveways per street for tracts having more than 800 feet of street frontage provided the original tract is not a corner lot. These provisions apply to the boundaries of the original tract and are inclusive of any out-parcels created. Further, depending upon the traffic impact analysis, deceleration lanes may be required. All accesses shall be located in a way as to prevent traffic hazards, congestion or other negative impacts.

(f) Driveways: 36 feet maximum width; setback from street intersections a minimum of 150 feet; located a minimum of 50 feet from any exterior property line of the tract; and minimum 400 feet between driveways providing access to the tract. This distance may be reduced when aligning driveways with streets or driveways on the opposite side of the road to promote safety. However, in no case may the separation between driveways be less than 150 feet.

(g) All parking areas and access ways shall be floodlighted at night during business hours. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience or hazardous interference of any kind on adjoining streets or residential properties.

(h) Along all street rights-of-way and along all exterior property lines that adjoin a non- residential zone and/or a permitted non-residential use: Type "C" broken screen landscaping; along all exterior property lines that adjoin a residential zone and/or a permitted residential use: Type "A" opaque screen landscaping; parking lot shading shall be in accordance with the standards established in this chapter.

(i) Except as specifically provided in this section, all other regulations established in this chapter that are applicable to the proposed development shall be met.

(4) A traffic impact analysis shall be submitted containing the following information:

(a) General site and land use description;

(b) Trip generation: number of trips to be generated; the volume of existing/background traffic on roads adjacent to and within ½ mile of the tract; the heaviest hourly volume of traffic expected to be generated by the site; and the volume ratio of inbound and outbound trips to the site;

(c) Directional distribution of the vehicle trips;

(d) Assignment of vehicle trip volumes to the roadway network; and

(e) Capacity analysis to include among other things a discussion on traffic volumes, driveway locations, spacing between intersection signals, thoroughfare plans, internal traffic flow and parking layout, pedestrian access, steps taken to alleviate traffic circulation problems and any other information as deemed necessary by the Planning Department.

(5) A market analysis shall be submitted containing the following information:

(a) Trade area of the proposed shopping center;

(b) Population of the trade area, present and projected;

(c) Effective buying power in the trade area;

(d) Net potential customer buying power for stores in the proposed shopping center and on the basis of the buying power, the recommended store types and store floor area; and

(e) Fiscal analysis of projected sales revenue and projected sales tax revenue.

(6) Signs:

(a) Freestanding signs: one freestanding sign announcing the name of the shopping center and/or tenants per street frontage; 20 feet above road bed maximum height but in no case over 25 total height; 200 square feet maximum area for signs that are setback at least ten feet from any right-of-way and 30 feet setback from any adjoining property line; signs 100 square feet in area and under that are no higher than ten feet in total height shall not be required to observe setbacks from street rights-of-way, but shall be subject to a 10-foot by 35-foot sight triangle.

(b) Wall signs: one and one-half square feet of sign area per one foot of building width were the use is located provided the sign is placed on a wall that is oriented towards a public street, public vehicular access, public drive aisle leading to public parking or public entrance all uses allowed at least a 50 square foot minimum wall sign; no wall sign may project more than three feet from the structure to which it is attached nor may it extend above the roof line.

(7) Information required/submittal requirements:

(a) Applicants shall provide all information listed in § 151.312, in addition to the following:

1. Location and dimensions of pedestrian entrances, exits, walks and walkways;

2. Architectural sketches of the proposed building(s);

3. Location and dimensions of all vehicular entrances, exits and drives opposite of the proposed site;

4. Location, size, height and orientation of all signs other than those located on the facade of the building;

5. The stages, if any, to be followed in the construction of the shopping center; and

6. Natural features existing on the site prior to and after development.

(b) Applicants shall submit, along with all other required information, ten black or blueline copies of the map at a scale of one inch equals 50 feet or larger along with one, 8½-inch by 11-inch reduced copy.

(c) All required information shall be submitted to the Planning Department no later than 30 working days prior to the Planning Board meeting date at which it is scheduled to be heard.

(S) The following minimum development standards shall apply to commercial shooting ranges which utilize firearms:

(1) Use is only permitted with the issuance of a special use permit.

(2) The use is allowed within the I-1 and I-2 districts with the issuance of a special use permit.

(3) The design criteria cited in the Military Handbook - Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B), as amended or superseded or the National Rifle Association Range Manual, as amended or superseded shall be met. For those ranges constructed in accordance with the National Rifle Association Range Manual, the downrange safety area shall not apply, but the permit holder shall provide documentation of approval of the ranges by the NRA-sponsored team of inspectors annually.

(4) The proposed shooting range shall be reviewed by and comments received from the County Sheriff's Department.

(5) Hours of firing activities and number of ranges shall be set as conditions of the Special Use Permit.

(6) Alcohol consumption shall be prohibited before and during range operations, but shall be allowed after the range is closed provided proper permits are obtained.

(7) The adjacent areas to the proposed range shall be predominantly undeveloped.

(8) All areas within the proposed range, including, but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas and the like shall be under uniform control or ownership. The downrange safety area shall be essentially fan-shaped, with its vertex being 100 meters each side of the end firing point and extending to the maximum range of the type of firearm being used as shown on Table 4 of the MIL-HDBK-1027/3B, ten degrees from the firing line, plus an additional 100 meters running parallel to the ten degree line, as shown in Figure 2.2-1 of MIL-HDBK-1027/3B or as approved in accordance with the NRA manual and inspections per division (S)(3) above. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.

(9) The operators of an outdoor range must provide proof of coverage by adequate accident and liability insurance. A minimum coverage of $2,000,000 shall be established.

(10) The site or area used as a shooting range shall be enclosed by a six-foot high fence or otherwise

restricted by natural physical features (such as swamps, bodies of water, and the like) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along the fence every 100 feet.

(11) All shooting stations and backstops, when utilized, shall be at least 900 feet from any property line regardless of the direction of fire unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable.

(12) All parking areas, vehicle accommodation areas, driveways and the like shall meet standards for parking as stated in this chapter.

(13) Weapon types will be restricted to pistol, rifle and shotgun or similar unless authorized in accordance with division (S)(19) below. No automatic assault type weapon shall be used by the general public, but will be allowed by any law enforcement, military or federal agency group, or any holder of a Federal Firearms License of a class and type that authorizes NFA weapons, duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK-1027/3B/ or National Rifle Association Range Manual subject to the physical constraints of the property.

(14) No concussion type of explosives shall be permitted unless authorized in accordance with division (S)(19) below.

(15) No military, para-military or militia type activities or maneuvers, including, but not limited to hand-to-hand combat training, swamp or guerrilla warfare techniques, no incendiary type firings, infiltration course type training and the like be permitted unless authorized in accordance with division (S)(19) below.

(16) All actual firing activities will be directed toward either moving or stationary targets only.

(17) Any overnight or temporary storage of weapons, ammunition and/or explosives must meet the Bureau of Alcohol, Tobacco, Firearms and Explosives storage and stand-off safety standards.

(18) Each commercial firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.

(19) Any commercial firing range activity not specifically mentioned within the foregoing shall be prohibited unless set as a condition of the special use permit.

(T) The following development standards and procedures shall apply to all Wind Turbines.

(1) The following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICANT. The person or entity filing an application under this section.

ENVIRONMENTAL ASSESSMENT. A detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.

FACILITY OPERATOR. The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

FACILITY OWNER. The entity or entities having controlling or majority equity interest in the wind energy facility, including their respective successors and assigns.

FORCE MAJEURE. Any event or act resulting from acts of God; terrorism; fire; explosion; vandalism; local, state, or federal governmental action; unusual shortage of materials; labor strikes or other unusual labor unavailability; riots; war; or any other similar cause beyond the facility owner and/or facility operator's

reasonable control that delays, hinders, or prevents the generation of electricity from the wind energy facility.

NON-PARTICIPATING LANDOWNER. A landowner not under agreement with the applicant, facility owner or operator.

OCCUPIED BUILDING. A business, school, hospital, church, public library or other permanent structure used regularly for public gathering that is occupied or in use and connected to water, sewer and electric utilities when the permit application is submitted pursuant to this section. For purposes of this section, an ***OCCUPIED BUILDING*** shall not include residences (as defined below), barns, sheds, grain bins, and any similar farm structure or accessory structure.

PARTICIPATING LANDOWNER. A landowner under lease or agreement with the facility owner or operator pertaining to the wind energy facility. For the purposes of this section, a waiver of setback, sound, and/or shadow flicker provisions constitutes an agreement with the facility owner or operator.

PUBLIC ROAD. A full passage right-of-way.

RESIDENCE. A permanent dwelling that is continuously occupied and is connected to water, electric, and sewer utilities when the permit application is submitted pursuant to this section.

SHADOW FLICKER. The visible flicker effect when rotating turbine blades cast shadows causing the repeating pattern of light and shadow.

WIND ENERGY FACILITY. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. For the purposes of this section, the term does not apply to roof- mounted or building integrated roof-mounting systems.

(1) ***WIND ENERGY FACILITY, LARGE.*** A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW.

(2) ***WIND ENERGY FACILITY, MEDIUM.*** A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW but not greater than 100 kW.

(3) ***WIND ENERGY FACILITY, SMALL.*** A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

WIND TURBINE. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer.

WIND TURBINE HEIGHT. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

(2) *Permit requirement.*

(a) No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed unless a permit has been issued to the applicant, facility owner, or facility operator approving construction of the facility under this section. Permitting of an expanded wind energy facility shall be based on the total rated capacity of the expanded wind energy facility, including the existing wind energy facility, but

excluding like-kind replacement.

(3) *Permit application.*

(a) Permit application materials. An application for a permit shall contain the following:

1. A narrative describing the proposed wind energy facility, including an overview of the project.

2. The proposed total rated capacity of the wind energy facility.

3. The proposed number, representative types and height or range of heights of wind turbines to be constructed, including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

4. Identification and location of the property or 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, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all occupied buildings, residences, and other features sufficient to demonstrate compliance with the setbacks required by this section.

6. If the facility will transfer power back to a power service provider, include the following:

A. The electrical cabling from the wind energy facility to the substation indicated on the site plan.

B. Documentation of an approved interconnection feasibility study.

7. Decommissioning plans that describe the anticipated life of the wind energy facility, the estimated decommissioning costs in current dollars, the salvage value of the equipment, and the anticipated manner in which the wind energy facility will be decommissioned and the site restored.

8. Documentation of agreement between participating landowner(s) and the applicant, facility owner, or operator.

9. Signature of the applicant.

10. Any relevant studies reports, certifications and approvals as may be reasonably requested by the county to ensure compliance with this section.

(b) Throughout the permit process, the applicant shall promptly notify the Zoning Administrator of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.

(c) Changes to the approved application that do not materially alter the initial site plan may be adopted administratively by the Zoning Administrator.

(d) 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 two years and may be renewable in the event that more data is needed by the applicant in order to determine the viability of a wind energy facility.

(4) *Setbacks.*

(a) *Minimum setback requirements.* The setback 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 the public road right-of-way, or nearest point on the foundation of a residence or occupied building.

Wind Energy Facility Type	Occupied Buildings	Residences	Property Line of Non-Participating Landowner	Public Roads
Small	0.0	1.5	1.1	1.5
Medium	1.1	2.0	1.5	1.5
Large	1.1	2.5	1.5	1.5

(b) Setback requirements may be waived if the following conditions are met:

1. Each property owner(s) affected by the applicable setback requirements may waive the setback requirements by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.

2. Any such waiver shall be in writing and signed by the applicant and the affected property owner(s) and recorded in the office of the county register of deeds.

(5) *Sound and shadow flicker.*

(a) This section shall apply to large wind energy facilities. Sound and shadow flicker issues for small and medium wind energy facilities are addressed by setbacks.

(b) Audible sound from a large wind energy facility shall not exceed 55 dBA, as measured at any occupied building or residence on the property of a non-participating landowner.

(c) Shadow flicker on any occupied building or residence of a non-participating landowner caused by a large wind energy facility must not exceed 30 hours per year.

(d) Sound and/or shadow flicker provisions may be waived if the following conditions are met:

1. Each property owner(s) affected by the sound and/or shadow flicker provisions of this section may waive the sound and/or shadow flicker provisions by signing a waiver that sets forth the applicable sound and/or shadow flicker provisions) and the proposed changes.

2. Any such waiver shall be in writing and signed by the applicant and the affected property owner(s) and recorded in the office of the county register of deeds.

(6) *Installation and design.*

(a) Prior to issuance of any building permits for medium and large scale wind energy facilities, the applicant shall provide documentation of compliance, and all studies and reports if required, from all applicable state and federal agencies, including, but not limited to N.C. Department of Environment and Natural Resources, Coastal Resources Commission, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the N.C. Wildlife Resources Commission.

(b) The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.

(c) All structural, electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.

(d) Any on-site collector system shall, to the extent commercially reasonable, be placed underground.

(e) The visual appearance of a wind turbine shall at a minimum:

1. Be a non-obtrusive color such as white, off-white or gray:

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

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

(7) *Decommissioning.*

(a) The wind energy facility owner shall have 12 months to complete decommissioning of the wind energy 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.

(b) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.

(c) Applicant shall provide prior to approval of building permits, an irrevocable letter of credit in favor of the county in an amount equal to the estimated removal cost of the wind energy facility, less the salvage value of the equipment, which shall be issued by a federally chartered bank with a branch office in northeastern North Carolina at which the letter of credit may be drawn and paid in full in immediately available funds in the event the wind energy facility owner fails to decommission the wind energy facility pursuant to the requirements of this section.

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

(U) *Reserved for future use.*

(V) The following standards shall apply to all solar farms located in Camden County:

(1) The minimum lot size for all solar farms shall be five acres.

(2) All structures shall meet the minimum setback for the zoning in which located.

(3) There shall be 50 foot buffer from routine view from public rights of way or adjacent residentially zoned property.

(4) Solar power electric generation structures shall not exceed a height of 25 feet.

(5) The solar farm shall conform to the NAICS 22119 description of a ground mounted solar powered energy system.

(6) Solar farms located within FEMA's 100 year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).

(7) All collectors shall be surrounded by a lockable minimum height six foot fence.

(W) The following standards shall apply to ground or pole mounted solar collectors utilized as an accessory

use and permanently connected and providing power to the principal or accessory use on the property.

(1) Solar collectors located within FEMA's 100 year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).

(2) Solar collectors shall be located behind principal structure on the property.

(3) This section shall not apply to:

(a) Solar collectors installed as part of a residential or commercial structure, which shall be regulated through the State Building Code; or

(b) Temporary or portable solar powered electrical or mechanical devices or equipment.

(Ord. passed 12-15-97; Am. Ord. passed 3-21-00; Am. Ord. passed 4-2-01; Am. Ord. 2002-08-01, passed 8-5-02; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2006-09-02, passed 11-20-06; Am. Ord. 2007-09-01, passed 9-17-07; Am. Ord. 2009-04-01, passed 5-4-09; Am. Ord. 2010-02-01, passed 3-1-10; Am. Ord. 2010-09-01, passed 11-1-10; Am. Ord. 2011-02-01, passed 4-4-11; Am. Ord. 2012-01-01, passed 1-3-12; Am. Ord. 2013-05-01, passed 6-17-13; Am. Ord. 2013-08-01, passed 9-16-13)

NONCONFORMING SITUATIONS

§ 151.360 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

EFFECTIVE DATE OF THIS CHAPTER. Whenever referred to in this subchapter, the reference shall be deemed to include the effective date of any amendments to this chapter if the amendment, rather than this chapter, as originally adopted, creates a nonconforming situation.

EXPENDITURE. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

NONCONFORMING LOT. A lot existing at the effective date of this chapter and not created for the purposes of evading the restrictions of this chapter that does not meet the minimum area requirement of the district in which the lot is located, except that a lot created pursuant to a provision of this chapter or any prior ordinance allowing the creation of lots smaller than normal minimums shall not constitute a ***NONCONFORMING LOT***.

NONCONFORMING PROJECT. Any structure, development or undertaking that is incomplete on the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING SIGN. A sign that on the effective date of this chapter does not conform to one or

more of the regulations set forth in this chapter.

NONCONFORMING SITUATION. A situation that occurs when, on the effective date of this chapter, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a ***NONCONFORMING SITUATION*** may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land, in such matters as density and setback requirements, is not in conformity with this chapter, because signs do not meet the requirements of §§ 151.415 through 151.418, or because land or buildings are used for purposes made unlawful by this chapter.

NONCONFORMING STRUCTURE. Any structure which does not conform to the regulation of structures for this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter, but was either conforming or not subject to regulation previously.

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.

(Ord. passed 12-15-97)

§ 151.361 CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS.

(A) Unless otherwise specifically provided in these regulations and subject to the restrictions and set forth in this subchapter, nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued.

(B) Nonconforming projects may be completed only in accordance with the provisions of this subchapter.

(C) Within Camden County, property that is subject to active or expired conditional use permits or variance approval issued prior to December 31, 2004, which:

(1) Allow temporary placement of mobile homes with the condition the property owner and permit holder shall construct a modular or site built home within a specific time period;

(2) Where that property owner and permit holder has not satisfied the condition that a modular or site built home be built within a certain time frame;

(3) Shall be considered to be a legal non-conforming use; and

(4) No new building permit shall be issued for replacement of a manufactured home with another, except as permitted in the underlying zoning.

(Ord. passed 12-15-97; Am. Ord. 2009-09-03, passed 9-21-09)

§ 151.362 NONCONFORMING LOTS.

(A) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with § 151.365.

(B) When a nonconforming lot can be used in conformity with all of the regulations (other than the area and width requirements) applicable to the district in which the lot is located, then the lot may be used as proposed just as if it were conforming. However, no use (such as a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(C) When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements cannot reasonably be complied with, then the entity authorized by this chapter to issue a permit for the proposed use (the Administrator, Board of Adjustment or Board of Commissioners) may allow deviations from the applicable setback requirements if it finds that:

(1) The property cannot reasonably be developed for the use proposed without the deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

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

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

(E) Any subdivision having been given a minimum of preliminary plat approval from the Planning Board prior to the effective date of this chapter, shall be subject to the subdivision design standards in effect as of January 1, 1998. This provision shall not apply to sections of those subdivisions reserved as future development sites where no lot lines are shown. In addition, development of lots within subdivisions subject to January 1, 1998, design standards, shall be in accordance with the provisions of these regulations. In areas where multifamily housing was designated, but no building layout was shown, the density as indicated on the most recently approved plat shall be allowed provided the developer meets current standards to the greatest extent possible.

(Ord. passed 12-15-97)

§ 151.363 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS.

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

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

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

(B) Subject to division (D) below, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate the use. However, a nonconforming use may not be extended to additional

buildings or to land outside the original building.

(C) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (such as a sand pit) may be extended to the boundaries of the lot where the use was established at the time it became nonconforming if 10% or more of the earth products had already been removed on the effective date of this chapter.

(D) The volume, intensity or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other divisions of this section occur.

(E) Notwithstanding division (A) above:

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

(2) A nonconforming Class "B" or "C" mobile home (located outside a mobile home park) may be replaced with a Class "B" mobile home so long as:

(a) The replacement mobile home is moved onto the lot within 60 days of removal of the original mobile home;

(b) All necessary permits have been issued by the local Health Department relating to the installation and operation of a satisfactory sewage treatment system; and

(c) Underpinning of all-weather base material is placed around the mobile home.

(F) Notwithstanding division (A) above, the Administrator may issue a zoning permit authorizing a permanent addition to a nonconforming mobile home if all other requirements of this chapter are met.

(G) (1) Notwithstanding division (A) above, whenever:

(a) There exists a lot with one or more structures on it;

(b) A change in use that does not involve any enlargement of a structure is proposed for the lot; and

(c) The parking or loading requirements of §§ 151.110 through 151.123 that would be applicable as a result of the proposed change cannot be satisfied on the lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation.

(2) However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with § 151.119 if:

(a) Parking requirements cannot be satisfied on the lot with respect to which the permit is required; and

(b) The satellite parking is reasonably available.

(3) If the satellite parking is not reasonably available at the time the zoning or special use or conditional use permit is granted, then the permit recipient shall be expected to provide satellite parking upon its

availability. This requirement shall be a continuing condition of the permit.

(H) Notwithstanding any other provision of this chapter, additional right-of-way along an existing street may be condemned, and a property owner may at the request of the county or state, dedicate or convey additional right-of-way even if the condemnation, conveyance or dedication results in the creation of a nonconforming situation.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.364 REPAIR, MAINTENANCE AND RECONSTRUCTION.

(A) With respect to structures located on property where nonconforming situations exists:

(1) Repair and maintenance are encouraged;

(2) Subject to the remaining provisions of this section, renovation, restoration or reconstruction work is permissible so long as the work seeks only to refurbish or replace what previously existed and no violation of this subchapter occurs; (The fact that renovation, restoration or reconstruction work may require a permit under §§ 151.495 through 151.518 shall not make the work impermissible so long as the work is otherwise consistent with this section.)

(3) Renovation, restoration or reconstruction shall be allowed if:

(a) The work is estimated to not cost more than 25% of the appraised value of the structure to be renovated, restored or reconstructed; and

(b) The need for the work is not the result of damage to the structure intentionally caused by a person with an ownership interest in the structure.

(4) Renovation, restoration or reconstruction work estimated to cost more than 25% of the appraised value of the structure to be renovated, restored or reconstructed shall only be permissible if the permittee or property owner complies to the extent reasonably possible with all provisions of this chapter applicable to the existing use, except that the right to continue a nonconforming use or maintain a nonconforming level of density shall not be lost.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPRAISED VALUATION. Either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation or the valuation determined by a professionally recognized property appraiser.

COST. The total cost of all intended work and no person may seek to avoid the intent of division (A) above by doing the work incrementally.

COST OF RENOVATION, RESTORATION OR RECONSTRUCTION. The fair market value of the materials and services necessary to accomplish the renovation, restoration or reconstruction.

(C) Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting the requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

(D) The limitations of this section shall not apply to structures used for single-family residential purposes, which structures may be reconstructed, renovated, restored or replaced subject to the provisions of § 151.363(E) and (F).

(Ord. passed 12-15-97)

§ 151.365 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS.

(A) A change in use of property, as described in §§ 151.325 through 151.334, where a nonconforming situation exists, that is sufficiently substantial to require a new zoning, special use or conditional use permit in accordance with §§ 151.495 through 151.518 may not be made, except in accordance with divisions (B) through (E) below. However, this requirement shall not apply if only a sign permit is needed.

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

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

(1) The intended change will not result in a violation of § 151.361; and

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

(D) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized by this chapter to issue a permit for that particular use (the Administrator, Board of Adjustment or Board of Commissioners) issues a permit authorizing the change. The permit issuing authority may issue the permit if it finds, in addition to other findings that may be required by this chapter, that:

(1) The use requested is one that is permissible in some zoning district with either a zoning, special use or conditional use permit;

(2) All of the conditions applicable to the permit authorized in division (C) above are satisfied; and

(3) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

(E) If a nonconforming use is changed to any use other than a conforming use without obtaining a permit

pursuant to this section, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in § 151.366.

(Ord. passed 12-15-97)

§ 151.366 DISCONTINUANCE OF NONCONFORMING SITUATIONS.

(A) When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes.

(B) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of 180 days, then that property may thereafter be used only in conformity with all of the regulations applicable to the pre-existing use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit issuing authority finds that eliminating a particular nonconformity is not reasonably possible (such as, cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

(C) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

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

(E) (1) For purposes of this section, the question of the property owner's or other person's intent is irrelevant and discontinuance of the required period shall conclusively be presumed to constitute an abandonment of the right to continue the nonconforming situation.

(2) However, when a valid building or zoning permit has been issued within the 180-day period, the use shall not be considered discontinued so long as the permit remains valid even though the particular use may not begin within the 180-day period.

(Ord. passed 12-15-97; Am. Ord. 2011-02-01, passed 4-4-11)

§ 151.367 COMPLETION OF NONCONFORMING PROJECTS.

(A) When a building permit has been validly issued for construction of a nonconforming project, the project shall be permitted to develop in accordance with the terms of that permit provided the building permit remains unrevoked and unexpired. Further, when approval is giving to develop a project and more than 5% of the cost of that project is spent on reliance of that approval, the project shall be permitted to develop in accordance

with the terms of that permit.

(B) Nothing in this section shall be deemed to conflict with vested rights provisions as found in §§ 151.495 through 151.518.

(Ord. passed 12-15-97)

§ 151.368 AMORTIZATION OF NONCONFORMING SITUATIONS.

(A) Within one year after the effective date of this chapter, any violation of § 151.328 shall cease and thereafter any situation in violation of that section shall no longer be regarded as a lawful nonconforming situation.

(B) Within six months after the effective date of this chapter, any violation of § 151.328(C)(1) shall cease and thereafter any situation in violation of that section shall no longer be regarded as a lawful nonconforming situation.

(Ord. passed 12-15-97)

FLOODPLAIN MANAGEMENT

§ 151.380 FLOOD DAMAGE PREVENTION.

(A) *Findings of fact.*

(1) The flood prone areas within the jurisdiction of Camden County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(B) *Statement of purpose.* It is the purpose of this subchapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(C) *Objectives.*

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business losses and interruptions;

(5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(7) To insure that potential buyers are aware that property is in a Special Flood Hazard Area.

(Ord. 2004-09-01, passed 10-4-04)

§ 151.381 RESERVED.

§ 151.382 GENERAL PROVISIONS.

(A) *Lands to which this subchapter applies.* This subchapter shall apply to all special flood hazard areas within the county.

(B) *Basis for establishing the special flood hazard areas.* The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Camden County dated October 5, 2004, which, with accompanying supporting data, and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this subchapter. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to:

(1) Detailed flood data generated as a requirement of § 151.383 of this subchapter;

(2) Preliminary FIRMs where more stringent than the effective FIRM; or

(3) Post-disaster flood recovery maps.

(C) *Establishment of Floodplain Development Permit.* A Floodplain Development Permit shall be required in conformance with the provisions of this subchapter prior to the commencement of any development activities within special flood hazard areas as determined in § 151.382(B).

(D) *Compliance.* No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

(E) *Abrogation and greater restrictions.* This subchapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this subchapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(G) *Warning and disclaimer of liability.* The degree of flood protection required by this subchapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This subchapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This subchapter shall not create liability on the part of Camden County or by any officer or employee thereof for any flood damages that result from reliance on this subchapter or any administrative decision lawfully made hereunder.

(H) *Penalties for violation.* Violation of the provisions of this subchapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this subchapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Camden County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2004-09-01, passed 10-4-04)

§ 151.383 ADMINISTRATION.

(A) *Designation of Floodplain Administrator.* The County Building Inspector or his or her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this subchapter.

(B) *Floodplain development application, permit and certification requirements.*

(1) Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items/information shall be presented to the Floodplain Administrator to apply for a floodplain development permit.

(2) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development.

(a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as

determined in § 151.382(B) or a statement that the entire lot is within the special flood hazard area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 151.382(B);

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 151.382(B);

(e) The Base Flood Elevation (BFE) where provided as set forth in § 151.382, § 151.383 or § 151.384;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(g) Certification of the plot plan by a registered land surveyor or professional engineer.

(3) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(4) If floodproofing, a floodproofing certificate along with detailed back-up computations and operational plans that specify the location on a FIRM panel, and entity responsible for maintenance and operation of such plans. Floodproofing certificate and back-up computations and operational plans shall be certified by a registered professional engineer or architect to ensure that the non-residential floodproofed development will meet the floodproofing criteria in § 151.384.

(5) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this subchapter are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

(b) Openings to facilitate the unimpeded movements of floodwaters, in accordance with § 151.384, when solid foundation perimeter walls are used;

(6) Usage details of any enclosed space below the regulatory flood protection elevation.

(7) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(8) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (i.e. wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.)

(9) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure § 151.384 of this subchapter are met.

(10) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(C) *Permit requirements.* The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit issuance.

(2) The special flood hazard area determination for the proposed development per available data specified in § 151.382.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material shall encroach into the floodway or nonencroachment area of any watercourse, if applicable.

(7) The minimum foundation opening requirements, when applicable.

(D) *Certification requirements.*

(1) An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, in relation to mean sea level. Elevation certification shall be prepared by, or under direct supervision of, a registered land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.

(2) An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is completed. Within ten calendar days of establishment of

the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to mean sea level. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the ten-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(3) A Final As-Built Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to

submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(4) If a manufactured home is placed within an A, AE, or AI-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per § 151.384(B).

(5) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(6) *Certification exemptions.* The following structures, if located within A, AE or AI-30 zones, are exempt from the elevation/floodproofing certification requirements specified in divisions (a) and (b) below:

(a) Recreational vehicles meeting requirements of § 151.384(B);

(b) Temporary structures meeting requirements of § 151.384(B); and

(c) Accessory structures less than 150 square feet meeting requirements of § 151.384(B).

(E) *Duties and responsibilities of the Floodplain Administrator.* The Floodplain Administrator shall perform the following duties, including but not be limited to:

(1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this suchapter have been satisfied.

(2) Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.) may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions are met.

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with § 151.383(B).

(7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with § 151.383(B).

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with § 151.383(B).

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with § 151.383(B) and § 151.384(B).

(10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this subchapter.

(11) When Base Flood Elevation (BFE) data has not been provided in accordance with § 151.382(B), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to § 151.384(D), in order to administer the provisions of this subchapter.

(12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 151.382(B), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this subchapter.

(13) When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. Maintain a copy of the Letter of Map Amendment issued from FEMA in the floodplain development permit file.

(14) Permanently maintain all records that pertain to the administration of this subchapter and make these records available for public inspection.

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this subchapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s)for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(19) Follow through with corrective procedures of § 151.383(D).

(F) *Corrective procedures.*

(1) Violations to be corrected. When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

(2) Actions in event of failure to take corrective action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) That the building or property is in violation of the Flood Damage Prevention Ordinance;

(b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(3) Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(4) Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(5) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(G) *Variance procedures.*

(1) The Board of Adjustment as established by Camden County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this subchapter.

(2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(3) Variances may be issued for:

(a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Functionally dependant facilities if determined to meet the definition as stated in § 151.600 of this chapter.

(c) Any other type of development, provided it meets the requirements stated in this section.

(4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant

factors, all standards specified in other sections of this subchapter, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location as a functionally dependant facility, where applicable;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions in including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this subchapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this subchapter.

(7) Variances shall not be issued within any designated floodway or nonencroachment area if any increase in flood levels during the base flood discharge would result.

(8) Conditions for variances:

(a) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(c) Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the

public, or conflict with existing local laws or ordinances.

(d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

(e) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(9) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the Special Flood Hazard Area.

(c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.

(d) The use complies with all other applicable federal, state and local laws.

(e) The County of Camden has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.

(Ord. 2004-09-01, passed 10-4-04)

§ 151.384 GENERAL STANDARDS.

(A) In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i,e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or

contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this subchapter, shall meet the requirements of "new construction " as contained in this subchapter.

(9) Nothing in this subchapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this subchapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this subchapter.

(10) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas, except by variance as specified in § 151.383(E)(9). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to § 151.383(B)(3) of this subchapter.

(11) All development proposals shall be consistent with the need to minimize flood damage.

(12) All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(13) All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(14) Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

(B) *Specific standards.* In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in § 151.382(B), or § 151.383 , the following provisions are required:

(1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.600, Definitions.

(2) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A and AE Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required food protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 151.383(B)(3).

(3) *Manufactured homes.*

(a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 151.600, Definitions.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(c) All foundation enclosures or skirting shall be in accordance with § 151.383(B)(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

(4) *Elevated buildings.* Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection.

(a) Shall not be designed or used for human habitation, but shall only be designed and used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

(b) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(c) Shall include measures to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

2. The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding;

3. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to enter directly;

4. The bottom of all required openings shall be no higher than one foot above the adjacent grade;

5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

6. Foundation enclosures:

a. Made of vinyl or other flexible skirting are not considered an enclosure for regulatory purposes, and, therefore, does not require openings.

b. Made of masonry or wood underpinning, regardless of structural status, are considered an enclosure and therefore require openings as outlined above.

(5) *Additions/improvements.*

(a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(6) *Recreational vehicles.* Recreational vehicles placed on sites within a Special Flood Hazard Area shall either:

(a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(b) Meet all the requirements for new construction, including anchoring and elevation requirements of § 151.383(B) and § 151.384(A) and (B)(3).

(7) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i. e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

(e) Designation, accompanied by documentation of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored in accordance with this subchapter or by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over the top ties are used a minimum of two ties with a force adequate to secure the building is required; and

(e) All service facilities such as electrical and heating equipment shall be installed in accordance with § 151.384(A)(4); and

(f) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with § 151.384(B)(4)(a).

(g) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 151.383(B)(3).

(C) *Standards for floodplains without established base flood elevations.*

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) The base flood elevation shall be determined based on one of the following criteria set in priority order:

(a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this subchapter and shall be elevated or floodproofed in accordance with elevations established in accordance with § 151.383.

(b) All subdivision, manufactured home park and other development proposals located within Special Flood Hazard Areas shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per § 151.382(B) to be utilized in implementing this subchapter.

(c) When Base Flood Elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade (natural grade if known).

(D) *Standards for riverine floodplains with BFE but without established floodways or non-encroachment areas.* Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be

permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(E) *Floodways and non-encroachment areas.* Located within the special flood hazard areas established in § 151.382(B) are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit.

(2) If § 151.384 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this subchapter.

(3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

(a) The anchoring and the elevation standards of § 151.384(B)(3); and

(b) The no encroachment standards of § 151.384 are met.

(Ord. 2004-09-01, passed 10-4-04)

§ 151.385 LEGAL PROVISIONS.

(A) *Effect on rights and liabilities under the existing Flood Damage Prevention Ordinance.* This subchapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 5, 1973 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this subchapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Camden County enacted on November 5, 1973, as amended, which are not reenacted herein are repealed.

(B) *Effect upon outstanding building permits.* Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this subchapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to passage of this subchapter or any revision thereto, construction or use shall be in conformity with the provisions of this subchapter.

(Ord. 2004-09-01, passed 10-4-04)

§ 151.386 SPECIAL PROVISIONS FOR SUBDIVISIONS.

(A) An applicant for a special use permit authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the Administrator of the use and construction restrictions contained in §§ 151.381 through 151.383 if any portion of the land to be subdivided lies within a floodplain.

(B) Subject to the following sentence, a major development permit for a major subdivision and final plat approval for any subdivision may not be given if:

(1) The land to be subdivided lies within a zone where residential uses are not permissible and it reasonably appears that the subdivision is designed to create residential building lots;

(2) Any portion of one or more of the proposed lots lies within a floodway or floodplain; and

(3) It reasonably appears that one or more lots described in divisions (B)(1) and (2) above could not practicably be used as a residential building site because of the restrictions set forth in §§ 151.381 through 151.383. The foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the authority issuing the permit or approving the final plat that the proposed lots are not intended for sale as residential building lots.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03)

§ 151.387 WATER SUPPLY AND SANITARY SEWER SYSTEMS IN FLOODWAYS AND FLOODPLAINS.

(A) Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the county the adequacy of the water supply and sewage disposal systems for the development shall be informed by the developer that a specified area within the development lies within a floodplain.

(B) Thereafter, approval of the proposed system by that agency shall constitute a certification that:

(1) The water supply system is designed to minimize or eliminate infiltration of flood waters into it;

(2) The sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters; and

(3) Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

(Ord. passed 12-15-97)

DRAINAGE, EROSION CONTROL AND STORMWATER MANAGEMENT

§ 151.400 DRAINAGE.

(A) *Stormwater drainage*. Each residential/non-residential subdivision or commercial site plan shall provide adequate storm drainage certified by a North Carolina registered engineer or a North Carolina Licensed Surveyor, (with proven experience in stormwater drainage) for all areas in the subdivision. A combination of storage and controlled release of stormwater run-off is required. The release rate of stormwater

from all developments shall not exceed the ten-year stormwater run-off from the area in its natural state (post-development vs. pre-development). All free-flowing storm drainage systems shall be designed to accommodate the run-off generated by a ten-year design storm or North Carolina Department of Transportation (NCDOT) standards if more restrictive. The following information must be provided:

(1) Elevation survey of entire tract with topo lines at one-foot intervals;

(2) All culvert inverts (including driveway culverts);

(3) Direction of flows;

(4) Downstream analysis (cross-sections) of drainage way to outlet (creek, stream, river and the like);

(5) Stormwater storage analysis (storing the differential between the outlet ditch capacity at bank full and the 100-year storm event throughout the proposed development area) and show minimum lot elevations;

(6) Drainage calculations for drainway design within boundaries of proposed subdivision and off-site, if appropriate;

(7) Show total pre-development and post-development run-off in CFS (cubic feet per second) volume leaving development area;

(8) Along all existing drainage ways within proposed development areas, swales (minimum 6:1 side slopes) are preferred over traditional ditches. Maintenance easements the width of the swale shall be centered over the swale;

(9) If swales are not utilized, then all ditches and canals will require minimum of 30 feet of open space from the top of bank on one side or the other (maintenance area); and

(10) Developer will be responsible for upgrading drainage system to outlet subject to obtaining permission from all property owners adjacent to the watercourse outlet.

(B) Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by County Technical Staff members.

(Ord. passed 12-15-97; Am. Ord. 2007-03-04, passed 4-16-07; Am. Ord. 2008-03-02, passed 3-17-08; Am. Ord. 2009-02-02, passed 3-16-09)

§ 151.401 DEVELOPMENTS MUST DRAIN PROPERLY.

(A) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage unless the retention presents a danger to health or safety.

(B) No surface water may be channeled or directed into a sanitary sewer.

(C) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(D) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in §§ 151.170 through 151.184. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of the roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require the construction.

(E) Construction specifications for drainage swales, curbs and gutters and storm drains are contained in Appendix C to this chapter.

(Ord. passed 12-15-97)

§ 151.402 STORMWATER MANAGEMENT.

(A) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of the developments. More specifically:

(1) No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, thereby unreasonably causing substantial damage to the higher adjacent properties; and

(2) No development may be constructed or maintained so that surface waters from the development are unreasonably collected and channeled onto lower adjacent properties at the locations or at the volumes as to cause substantial damage to the lower adjacent properties.

(B) Any development that requires a CAMA major development permit or a sedimentation and erosion control plan shall be subject to the state stormwater runoff policies promulgated in 15A NCAC 02H.0101 *et seq.*, unless exempted by those regulations.

(Ord. passed 12-15-97)

§ 151.403 SEDIMENTATION AND EROSION CONTROL.

(A) No zoning, special use or conditional use permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the State Sedimentation Control Commission under G.S. § 113A-57(4) unless the Commission has certified to the county, either that:

(1) An erosion and sedimentation control plan has been submitted to and approved by the Commission; or

(2) The Commission has examined the preliminary plans for the development and it reasonably appears that an erosion and sedimentation control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Commission approves the erosion and sedimentation control plan.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LAND DISTURBING ACTIVITY. Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural grade and may cause or contribute to sedimentation, except activities that are exempt under G.S. § 113A-52(6). Sedimentation occurs whenever solid particulate matter, mineral or organic,

is transported by water, air, gravity or ice from the site of its origin.

(Ord. passed 12-15-97)

Statutory reference:

Mandatory standards for land disturbing activity, see G.S. § 113A-57(4)

§ 151.404 MANDATORY STANDARDS FOR LAND DISTURBANCE ACTIVITIES.

(A) The provisions of this section shall apply to any application for a building permit where any land disturbing activity is proposed regardless of the size of disturbed area. A fill permit is required when filling/grading above any adjacent grade is proposed.

(B) Land disturbing activities, excluding clearing, grubbing and vegetable gardens, shall not be permitted within ten feet from any property line with the exception of drainage and stormwater improvements and underground utilities. Landscaping and fences located within this area are permitted as long as they do not impede the flow of stormwater. Land disturbance on front (street) property lines for driveways shall be limited to culvert, drainage, and driveway improvements and shall comply with all provisions of this section.

(C) Fill is not allowed within ten feet of any side or rear property line. Fill is not allowed with ten feet of the front (street) property line except for driveway improvements and as approved by the county.

(D) Stormwater ponds, either wet or dry, shall not be located within the ten foot no fill zone, except as approved by the county.

(E) A lot shall not be filled/graded higher than the adjacent grade except for the following:

(1) When Albermarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function property, the fill area shall be limited to the septic system and drainfield areas and the maximum fill shall not exceed 24 inches.

(2) An additional 12 inches of fill above the septic system and drainfield fill may be allowed for the house pad to ensure adequate flow from the building to the septic system.

(3) When fill is required to raise the lot elevation to the base flood elevation.

(4) When fill is essential to meet the required pad elevation as shown on an approved preliminary plat/grading plan.

(F) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one foot vertical rise). The toe of the slope shall meet the ten foot setback requirement from all property lines. A permanent ground cover, sufficient to prevent erosion, must be established on all fill slopes as follows:

(1) Prior to issuance of the certificate of compliance for construction projects; or

(2) For projects where land disturbance activity has ceased for more than six months, whichever occurs first.

(G) Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except bulkheads established for the purpose of shoreline protection and as otherwise permitted by the county. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.

(H) Any lot requiring a fill permit shall install erosion and sediment control measures to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.

(I) In the cases of natural grade differences greater than nine inches between adjoining lots of the subject property, the county may require (based on size and shape of lot) a stormwater management plan prepared by a state licensed engineer, land surveyor, or landscape architect that deviate from these requirements. The stormwater plan shall verify that the proposed development will not create flooding or nuisance conditions on the lower adjacent lots. In no case shall the rear and side yard no fill zones be encroached upon with fill.

(J) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.

(K) A fill permit issued by the U.S. Army Corps of Engineers shall be required to fill any 404 wetlands.

(Ord. 2012-12-01, passed 3-18-13)

SIGN REGULATIONS

§ 151.415 DEFINITIONS.

All definitions should be taken from the most current State DOT Outdoor Advertising Manual.

(Ord. passed 12-15-97)

§ 151.416 GENERAL PROVISIONS.

(A) No permanent sign larger than 16 square feet shall be erected or attached to or supported on a building or structure until a building permit is issued by the County Building Inspector.

(B) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter into or exit from public or private roads.

(C) No sign may obstruct ingress or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress from any room or building, as required by law.

(D) No sign may be erected so that by its location, color, size, shape, illumination, nature or message would be confused with official traffic signs or signals or other signs erected by governmental agencies, or would tend to be confused with a flashing light of an emergency vehicle.

(E) No new structure shall be constructed within 7½ feet horizontal, 8 feet vertical of any existing power line.

(F) All signs shall be constructed and designed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in the State Building Code.

(G) Signs advertising activities that are illegal under federal or state law or the location of those activities are prohibited.

(H) (1) All signs in which electrical wiring and connections are to be used shall require a permit and shall comply with the State Electrical Code and be approved by the County Building Inspector.

(2) Sign illumination of an intensity and brilliance as to cause glare and to impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle shall be shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of public roads or public right-of-way.

(I) (1) If the property line of a parcel where an on-premise sign is proposed to be erected is located within 200 feet of an existing off-premise sign, then an applicant for an on-premise sign on such property must not place the on-premise sign on the same half of the property closest to the existing off-premise sign. If an existing off-premise sign is located within 200 feet of both sides of the property, then the proposed on-premise sign shall be located as near the middle of the property as practicable.

(2) This division shall not apply to any on-premise sign having a height less than or equal to 25% of the height of the nearby off-premise sign.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02) Penalty, see § 10.99

§ 151.417 SIGNS PERMITTED IN THE R-1, R-2 AND R-3 RESIDENTIAL DISTRICTS.

(A) No off-premise sign is allowed in R-1, R-2, or R-3 districts unless specifically allowed below.

(B) An indirectly lighted name plate or professional sign not over 16 square feet in area may be permitted with an approved home occupation.

(C) Temporary real estate signs, not exceeding two square feet in area, directing the way to premises which are for sale, rent or lease; provided the signs shall be neatly painted or printed and shall be removed promptly when the property has been sold, rented or leased.

(D) Directional signs not over four square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places.

(E) One name sign or bulletin board not exceeding 12 square feet for any permitted church, school or other non-commercial institution.

(F) Temporary real estate signs, not exceeding 16 square feet in area, advertising the sale, rent or lease of the premises on which located. However, these signs shall not be less than 15 feet from any side lot line or state right-of-way, shall not be illuminated, shall be neatly painted and maintained and shall be removed promptly when the property has been sold, leased or rented.

(G) Temporary non-illuminated signs advertising the contractor, architect or other professional persons or organizations engaged in or associated with the lawful construction, alteration, remodeling or demolition of any building or use. However, these signs shall be limited to one for each organization involved and shall be set back from the side property line at least 15 feet, shall not be located on state right-of-way, and shall be removed within 30 days after the completion of the general contract. The total area of all signs on one site shall not exceed 16 square feet. An individual sign shall not exceed 16 square feet in area unless that sign is a composite of advertising for three or more entities' participation in the project.

(H) Non-illuminated signs not over 12 square feet in area announcing the name of a subdivision or group housing project located on the premises at major entrances. However, these signs must be neatly constructed and maintained, limited to announcing only the name of the subdivision or group housing project and must not

obstruct corner visibility.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.418 OFF-PREMISE SIGNS.

(A) Off-premise signs are allowed in accordance with the table of § 151.334. These districts shall be considered commercial and/or industrial districts for purposes of enforcement by the State Department of Transportation of its outdoor advertising regulations.

(B) (1) The regulations of the current State DOT Outdoor Advertising Manual, being 19A NCAC 2E.0202 and 2E.0203 regarding the size, lighting, and other matters not in conflict with this chapter of off-premise signs on federal aid highways shall apply to all off-premises signs in the county.

(2) All off-premise signs shall meet the requirements of the State Building Code.

(3) No off-premise sign may be located within 500 feet of any other off-premise or on-premise sign.

(4) Signs and sign locations becoming non-conforming at the time of adoption of this chapter shall be allowed to continue to exist.

(5) A nonconforming sign may be replaced on the same location so long as application for a permit to erect a new sign is made within 180 days after the existing nonconforming sign is destroyed or removed.

(6) Off-site advertising shall be erected so that all parts of the structure shall be not less than 15 feet from the edge of the nearest public street or right-of-way.

(7) To provide for a consistent and aesthetically pleasing appearance, all off-premise signs shall be of a monopole style or three steel poles. The bottom of the sign area may not be less than 12 feet above grade and the height of the structure may not exceed 35 feet, except that a sign may extend above the billboard structure for a temporary advertising display, for six months or less, up to a height of 50 feet.

(8) To provide for a consistent and aesthetically pleasing appearance, all off-premise signs shall have framing using pressure-treated wood and MDO plywood panels, or similar-looking materials.

(9) No off-premise sign may have a sign size greater than 800 square feet.

(C) (1) Sign location must be within the territorial or zoning jurisdiction of the public officials or public agencies.

(2) Sign locations must be off highway right-of-way.

(3) Sign structure must be adopted by the public officials or public agencies as an official sign. Documentation must include the location of the structure and a copy of the documentation provided to the District Engineer of the Department of Transportation.

(4) Signs shall not obscure or otherwise interfere with the effectiveness of an official sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.

(5) No minimum or maximum size structure.

(6) Message content of sign may not contain any advertisement.

(D) Non-profit signs (service clubs and/or religious notices):

(1) Sign area may not exceed 16 square feet and shall otherwise conform to all regulations of the NCDOT Outdoor Advertising Manual.

(2) Sign location must be off the highway right-of-way and no additional setback from the right-of-way shall be required.

(3) Message content of sign may not contain any advertisement.

(4) No more than one non-profit sign per organization may be erected in each township.

(E) Those signs erected on the highway right of way do not fall under the controls of this chapter. However, they are in violation of G.S. §§ 136-18(10) and 136-30 or 19A NCAC 2E.0415.

(Ord. passed 12-15-97; Am. Ord. passed 7-20-01; Am. Ord. 2002-08-01, passed 8-5-02)

BUILDING INSPECTIONS AND PERMITS

§ 151.430 REGULATORY CODES ADOPTED BY REFERENCE.

The following state regulatory codes are hereby incorporated herein by reference as if set forth herein word for word:

(A) Volume I: General Construction;

(B) Volume I-A: Administration and Enforcement Requirements;

(C) Volume I-C: Accessibility;

(D) Volume II: Plumbing;

(E) Volume III: Mechanical;

(F) Volume IV: Electrical;

(G) Volume V: Fire Prevention;

(H) Volume VI: Gas;

(I) Volume VII: Residential;

(J) Volume VIII: Modular Construction Regulations;

(K) Volume IX: Existing Buildings;

(L) Volume X: Energy; and

(M) Regulations for Manufactured/Mobile Homes.

(Ord. passed 12-15-97)

§ 151.431 INSPECTION PROCEDURE.

The inspection procedure is as follows:

(A) Excavation for footing: request inspection after footing has been dug, grade stakes have been installed and before foundation is poured;

(B) Foundation: foundation/piers must be visible and free from all dirt and debris;

(C) Floor joist: call before concealment (elevation certificate required if in flood zone within ten days of inspection);

(D) Nailing/sheathing:

(1) Nailing pattern: six-inch vertical seams, three-inch horizontal, blocking and gable seams;

(2) Twelve-inch field, three-inch stitch pattern, if wall sheathing is used as structural tie;

(E) Rough in: includes framing, electrical, plumbing and mechanical; request inspection before concealment (the air/water tests must be active for this inspection);

(F) Insulation: after all rough ins have been inspected and approved, insulate and request inspection before concealment;

(G) Pre-final: all work complete, ready for permanent power (elevation certificate required if in flood zone within ten days of inspection); and

(H) Final: inspector will test all electrical circuits and issue certificate of occupancy.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.432 ADMINISTRATIVE.

(A) A building permit may be purchased after:

(1) Septic permit has been obtained from the local Health Department;

(2) All taxes on the property due have been paid;

(3) Zoning approval has been obtained from the County Planning Department; and

(4) Plan acceptance.

(B) Required permits are as stated in the State Building Code. The only structures exempt are storage and accessory buildings 144 square feet or less that may not be used as living space. Any plumbing fixture or electrical wiring of the structure shall require a permit. At no time may these structures be attached to a dwelling.

(C) Failure to obtain the required permit prior to beginning work shall result in a fine equaling $50.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06)

PLANNING BOARD

§ 151.445 APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS.

(A) (1) There shall be a planning board consisting of seven members appointed by the Board of Commissioners, one of whom shall be an at-large member.

(2) The Board of Commissioners will make every attempt to appoint at least two members from each of the county's three townships (South Mills, Courthouse and Shiloh), and the remaining member shall be designated as an at-large appointee and shall reside within the county.

(B) Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Terms shall be on a yearly basis (July 1 through June 30). Vacancies shall be filled by the Board of Commissioners for the unexpired terms only.

(C) Members may be appointed to a maximum of two successive terms or may continue to serve at the pleasure of the Board of Commissioners.

(D) Planning Board members may be removed by the Board of Commissioners, at any time, for failure to attend three consecutive meetings or for failure to attend 30% or more of the meetings within any 12-month period or for any other cause. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.

(E) If a Planning Board member changes his or her residence to a location outside the township that the member represents or outside the county, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Board.

(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.446 MEETINGS OF THE PLANNING BOARD.

(A) The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with § 151.516.

(B) Since the Planning Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi judicial procedures set forth for the Board of Adjustment. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(C) Minutes shall be kept of all Planning Board proceedings.

(D) All Planning Board meetings shall be open to the public, and whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.

(Ord. passed 12-15-97)

§ 151.447 QUORUM AND VOTING.

(A) A quorum for the Planning Board shall consist of four members. A quorum is necessary for the Board to take official action.

(B) All actions of the Planning Board shall be taken by majority vote, a quorum being present.

(C) A roll call vote shall be taken upon the request of any member.

(Ord. passed 12-15-97; Am. Ord. 200-08-01, passed 8-5-02)

§ 151.448 PLANNING BOARD OFFICERS.

(A) At its July meeting of each year, the Planning Board shall elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only.

(B) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

(Ord. passed 12-15-97)

§ 151.449 POWERS AND DUTIES OF THE PLANNING BOARD.

(A) The Planning Board may:

(1) Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the county;

(2) Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;

(3) Make recommendations to the Board of Commissioners concerning proposed special use permits and proposed zoning map and text changes; and

(4) Perform any other duties assigned by the Board of Commissioners.

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

(Ord. passed 12-15-97)

§ 151.450 PLANNING ISSUE ADVISORY COMMITTEES.

(A) From time to time, the Board of Commissioners may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, the Board of Commissioners may appoint advisory committees to consider thoroughfare plans, housing plans, economic development plans and the like.

(B) Members of the advisory committees shall sit as nonvoting members of the Planning Board when the issues are being considered and lend their talents, energies and expertise to the Planning Board. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Board.

(C) Nothing in this section shall prevent the Board of Commissioners from establishing independent advisory groups, committees or commissions to make recommendations on any issue directly to the Board of Commissioners.

(Ord. passed 12-15-97)

BOARD OF ADJUSTMENT

§ 151.460 APPOINTMENT AND TERMS OF BOARD OF ADJUSTMENT.

(A) There shall be a Board of Adjustment consisting of five regular members and two alternates, all appointed by the Board of Commissioners. One regular member shall reside in each of the county's three townships (South Mills, Courthouse and Shiloh). The remaining regular member shall be designated as an at-large appointee. The at-large appointee and both alternates shall reside within the county.

(B) Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. At the adoption of this chapter, the Board of Commissioners shall make appointments at their discretion to fulfill statutory requirements of three-year terms. Terms shall be on a calendar year basis, January 1 through December 31. Vacancies may be filled by the Board of Commissioners for the unexpired terms only.

(C) Members may be appointed to a maximum of two successive terms or may continue to serve at the pleasure of the Board of Commissioners.

(D) Regular Board of Adjustment members may be removed by the Board, at any time, for failure to attend three consecutive meetings or for failure to attend 30% or more of the meetings within any 12-month period or for any other cause. Alternate members may be removed for repeated failure to attend or participate in meetings.

(E) If a regular or alternate member moves outside the county or outside the township represented by that member, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

(F) An alternate member may sit in lieu of any regular member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

(Ord. passed 12-15-97; Am. Ord. 200-08-01, passed 8-5-02)

§ 151.461 MEETINGS OF THE BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with §§ 151.516 and 151.534.

(B) The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth herein.

(C) Minutes shall be kept of all Board of Adjustment meetings.

(D) All meetings of the Board of Adjustment shall be open to the public, and whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.

(Ord. passed 12-15-97)

§ 151.462 QUORUM.

(A) A quorum for the Board of Adjustment shall consist of four members, including alternates sitting in lieu

of regular members. A quorum is necessary for the Board to take official action.

(B) A member who has withdrawn from the meeting without being excused, as provided in § 151.463, shall be counted as present for purposes of determining whether a quorum is present.

(Ord. passed 12-15-97)

§ 151.463 VOTING.

(A) The concurring vote of four-fifths of the members (regular members or alternates sitting in lieu thereof) shall be necessary to reverse any order, requirement, decision or determination of the Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, including the issuance of a conditional use permit or to grant any variance. All other actions of the Board shall be taken by majority vote, a quorum being present.

(B) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with division (C) below or has been allowed to withdraw from the meeting in accordance with division (D) below.

(C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

(1) If the member has a direct financial interest in the outcome of the matter at issue;

(2) If the matter at issue involves the member's own official conduct;

(3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

(4) If a member has close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

(D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

(F) A roll call vote shall be taken upon the request of any member.

(G) For the purposes of this section, vacant positions on the Board, and members who are disqualified from voting on a quasi-judicial matter, shall not be considered members of the Board for calculation of the requisite supermajority, if there are no qualified alternates available to take the place of such members.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.464 BOARD OF ADJUSTMENT OFFICERS.

(A) At its first regular meeting in January of each year, the Board of Adjustment shall elect one of its regular members to serve as Chairperson and preside over the Board's meetings and one regular member to serve as Vice-Chairperson. The persons so designated shall serve in these capacities for terms of one year.

Vacancies may be filled for the unexpired terms only.

(B) The Chairperson or any member temporarily acting as Chairperson may administer oaths to witnesses coming before the Board.

(C) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

(Ord. passed 12-15-97)

§ 151.465 POWERS AND DUTIES OF BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from any order, decision, requirement or interpretation made by the Administrator, as provided §§ 151.530 through 151.536;

(2) Applications for conditional use permits, as provided in §§ 151.495 through 151.518;

(3) Applications for variances, as provided in §§ 151.495 through 151.518;

(4) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in §§ 151.495 through 151.518; or

(5) Any other matter the Board is required to act upon by any other county ordinance.

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

(Ord. passed 12-15-97)

ADMINISTRATOR

§ 151.475 ADMINISTRATOR.

(A) (1) Primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the County Manager.

(2) The person or persons to whom these functions are assigned shall be referred to in this chapter as the Administrator.

(3) The term staff or planning staff is sometimes used interchangeably with the term Administrator.

(B) Any function or responsibility assigned by this chapter to the Administrator may be delegated by the person to another employee or agent acting under the Administrator's control or at his or her direction unless the delegation is prohibited by the County Manager.

(Ord. passed 12-15-97)

BOARD OF COMMISSIONERS

§ 151.485 BOARD OF COMMISSIONERS.

(A) The Board of Commissioners, in considering special use permit applications, acts in a quasi judicial capacity and, accordingly, is required to observe the procedural requirements set forth herein.

(B) In considering proposed changes in the text of this chapter or in the zoning map, the Board acts in its legislative capacity and must proceed in accordance with the requirements of §§ 151.580 through 151.586.

(C) In acting upon special use permit requests or in considering amendments to this chapter or the zoning map, the Board shall follow the quorum, voting and other requirements as set forth in G.S. Ch. 153A and other provisions of law.

(Ord. passed 12-15-97)

ZONING, SPECIAL USE AND CONDITIONAL USE PERMITS

§ 151.495 PERMITS REQUIRED.

(A) Subject to §§ 151.415 through 151.418, the use made of property may not be substantially changed, substantial clearing, grading, filling or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered, except in accordance with and pursuant to one of the following permits:

(1) A zoning permit issued by the Administrator (letter Z in the Table of Permissible Uses);

(2) A conditional use permit issued by the Board of Adjustment (letter C in the Table of Permissible Uses); or

(3) A special use permit issued by the Board of Commissioners (letter S in the Table of Permissible Uses).

(4) A conditional use permit for a PUD master plan issued by the Board of Commissioners.

(B) Zoning permits, special use permits, conditional use permits and sign permits are issued under this chapter only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this chapter if completed as proposed. The plans and applications as are finally approved are incorporated into any permit issued and, except as otherwise provided in this subchapter, all development shall occur strictly in accordance with the approved plans and applications.

(C) Physical improvements to land to be subdivided may not be commenced, except in accordance with a special use permit or conditional use permit for a PUD master plan issued by the Board of Commissioners for major subdivisions or after final plat approval by the Administrator for minor subdivisions.

(D) A zoning permit, conditional use permit, special use permit or sign permit shall be issued in the name of the applicant, except that applications submitted by an agent shall be issued in the name of the principal, shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted and shall contain any special conditions or requirements lawfully imposed by the permit issuing authority.

(E) No application for a zoning permit, conditional use permit, special use permit, sign permit, or any other permit authorized under this code may be accepted by the Administrator or the Planning Department until the applicant has shown evidence to the Planning Department that all property taxes due on the property for which the application is sought shall have been paid.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2008-01-02, passed 2-18-08)

§ 151.496 NO OCCUPANCY, USE OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED.

(A) (1) Issuance of a conditional use, special use or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or, subject to obtaining a building permit, to commence work designed to construct, erect, move or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision.

(2) However, except as provided in this subchapter, the intended use may not be commenced, no building may be occupied and no streets may be paved, until all of the requirements of this chapter, and all additional requirements imposed pursuant to the issuance of a conditional use or special use permit, have been complied with.

(3) In the case of subdivisions, no lots may be sold until all of the requirements of this chapter, and all additional requirements imposed pursuant to the issuance of a conditional or special use permit, have been complied with, except as in accordance with G.S. § 153A-334.

(B) For purposes of this section, a lot is sold when title is transferred.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.497 WHO MAY SUBMIT PERMIT APPLICATIONS.

(A) Applications for zoning, special use, conditional use or sign permits or minor subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the minor subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this subchapter, or the agents of the persons, who may make application in the name of the owners, lessees or contract vendees. Agents acting as agents shall disclose the name of the principal and shall disclose the fact that they are acting as an agent in the application.

(B) The Administrator may require an applicant to submit evidence of his or her authority to submit the application in accordance with division (A) above whenever there appears to be a reasonable basis for questioning this authority.

(C) Application and review procedures pertaining to PUD approval ordinances and PUD master plans are specified in § 151.298. Sections 151.498 through 151.510 shall not apply to PUD approval ordinances.

(Ord. passed 12-15-97; Am. Ord. 2008-01-02, passed 2-18-08)

§ 151.498 APPLICATIONS TO BE COMPLETE.

(A) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit issuing authority is required to consider the application. All special use permit applications, with the exception of a SUP for a major subdivision, and all conditional use permit applications shall be submitted no later than 20 working days prior to the scheduled meeting at which they are to be heard.

(B) Subject to division (C) below, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter.

(C) (1) Detailed or technical design requirements and construction specifications relating to various types of improvements (such as streets) are set forth in one or more of the appendices to this chapter. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information to allow the permit issuing authority to evaluate the application in the light of the substantive requirements set forth in the text of this chapter.

(2) However, whenever this chapter requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, then no construction work on the element may be commenced until detailed construction drawings have been submitted to and approved by the Administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval or other penalty as provided in §§ 151.565 through 151.570.

(D) The presumption established by this chapter is that all of the information set forth in Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Commissioners or Board of Adjustment, the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information than that set forth in Appendix A should be submitted.

(E) The Administrator shall develop application forms, instructional sheets, checklists or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the Administrator to determine compliance with this subchapter, such as applications for zoning permits to construct single-family houses or applications for sign permits, the Administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.499 STAFF CONSULTATION BEFORE FORMAL APPLICATION.

(A) To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this chapter, pre-application consultation between the developer and the planning staff is encouraged or required as provided in this chapter.

(B) Before submitting an application for a special use permit authorizing a development that consists of or contains a major subdivision, the developer shall submit to the Administrator a sketch plan of the subdivision, drawn approximately to scale. The developer shall submit the number of sketch plan copies that the Administrator deems reasonably necessary to facilitate the sketch plan review process as set forth herein.

(C) Following submittal of the sketch plan and other materials to the Administrator, the Administrator shall meet with the developer to review the sketch plan. The application for a project requiring sketch plan review may not be submitted until after the meeting.

(D) Before submitting an application for any other permit, developers are strongly encouraged to consult with the Administrator concerning the application of this chapter to the proposed development.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.500 STAFF CONSULTATION AFTER APPLICATION SUBMITTED.

(A) Upon receipt of a formal application for a zoning, special use or conditional use permit, or minor plat approval, the Administrator shall review the application and confer with the applicant to ensure that he or she understands the planning staff's interpretation of the applicable requirements of this chapter, that he or she has submitted all of the information that he or she intends to submit and that the application represents precisely and completely what he or she proposes to do.

(B) If the application is for a special use or conditional use permit, the Administrator shall place the application on the agenda of the appropriate Board when the applicant indicates that the application is as complete as he or she intends to make it. However, as provided in this subchapter, if the Administrator believes that the application is incomplete, he shall recommend to the appropriate Board that the application be denied on that basis.

(Ord. passed 12-15-97)

§ 151.501 ZONING PERMITS.

(A) A completed application form for a zoning permit shall be submitted by filing a copy of the application in the office of the Administrator.

(B) The Administrator shall issue the zoning permit unless he or she finds, after reviewing the application and consulting with the applicant, as provided in this subchapter, that:

(1) The requested permit is not within his jurisdiction according to the Table of Permissible Uses;

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter, not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified herein.

(C) (1) Prior to the issuance of zoning and building permits, verification must be submitted by the applicant that the lot will be served by either a state-approved package plant or public sewer facility or a waste treatment system complying with the requirements of the local Health Department where applicable. This requirement shall not apply to camper lots in existence on the effective date of this chapter, where the electrical power is interrupted on a seasonal basis and an electrical permit is required prior to resumption of power.

(2) Evidence of the securing of an improvements permit shall not constitute evidence of compliance with requirements of any district or zone in this chapter or the overlay zones.

(D) Zoning permits for commercial site plans consisting of an area 40,000 square feet or more, may, at the discretion of the Administrator, be referred to the Planning Board and Board of Commissioners.

(Ord. passed 12-15-97)

§ 151.502 AUTHORIZING USE OR OCCUPANCY BEFORE COMPLETION OF DEVELOPMENT

UNDER ZONING PERMIT.

In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient, exclusive of financial hardship, it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this chapter prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient is issued a temporary certificate of occupancy from the Inspections Department or, if he or she complies with the requirements of § 151.242 to the satisfaction of the Administrator to ensure that all of the requirements of this chapter will be fulfilled within a reasonable period, not to exceed six months, as determined by the Administrator.

(Ord. passed 12-15-97)

§ 151.503 SPECIAL USE PERMITS AND CONDITIONAL USE PERMITS.

(A) An application for a conditional use permit shall be submitted to the Board of Adjustment by filing a copy of the application in the office of the Administrator.

(B) An application for a special use permit shall be submitted to the Planning Board and the Board of Commissioners by filing a copy of the application in the office of the Administrator.

(C) The Board of Adjustment or the Board of Commissioners, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

(1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses;

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter, including the provisions found in §§ 151.345 through 151.347, not including those the applicant is not required to comply with under the circumstances specified in §§ 151.360 through 151.368.

(D) No application shall be processed unless all required fees are submitted.

(Ord. passed 12-15-97)

§ 151.504 BURDEN OF PRESENTING EVIDENCE; BURDEN OF PERSUASION.

(A) (1) The burden of presenting a complete application required by this subchapter to the permit-issuing board shall be upon the applicant.

(2) However, unless the Board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete. The presumption herein created shall not preclude the Administrator or any Board from re-evaluating any application based upon inadequacies revealed at a later date.

(B) (1) Once a completed application has been submitted, the burden of presenting evidence to the permit-issuing board sufficient to lead it to conclude that the application should be denied for any reasons stated in

this subchapter shall be upon the party or parties urging this position unless the information presented by the applicant in his or her application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.

(2) However, nothing herein shall require the Board to approve any application unless the same shall be in the best interests of the county.

(C) (1) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains, at all times, on the applicant.

(2) The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in this subchapter rests on the party or parties urging that the requested permit should be denied.

(Ord. passed 12-15-97)

§ 151.505 RECOMMENDATIONS ON CONDITIONAL USE PERMIT APPLICATIONS.

(A) When presented to the Board of Adjustment at the hearing, the application for a conditional use permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with this subchapter and the other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Adjustment.

(B) If the staff proposes a finding or conclusion that the application fails to comply with this subchapter or any other requirement of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

(C) The Board of Adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the Planning Board to obtain its recommendations.

(Ord. passed 12-15-97)

§ 151.506 RECOMMENDATIONS ON SPECIAL USE PERMITS.

(A) (1) Before being presented to the Board of Commissioners, an application for a special use permit shall be referred to the Planning Board for action in accordance with this section. The Board of Commissioners may not hold a public hearing on a special use permit application until the Planning Board has had an opportunity to consider the application pursuant to standard agenda procedures. The Planning Board shall have 60 days from the date of its first hearing by the Planning Board to forward its recommendation to the Board of Commissioners.

(2) Failure to transmit their recommendation within the allotted time shall have the same effect as a recommendation for approval. In addition, at the request of the Planning Board, the Board may continue the public hearing to allow the Planning Board more time to consider or reconsider the application.

(B) When presented to the Planning Board, the application shall be accompanied by a written report setting forth the Administrator's proposed findings concerning the application's compliance with this subchapter and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board. If the staff report proposes a finding or conclusion that the application fails to comply with this Article or any other requirement of this chapter, it shall identify the requirement in question and

specifically state supporting reasons for the proposed findings or conclusions. For purposes of this section, the term staff includes the departments and agencies to which the application is referred for comment.

(C) The Planning Board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public.

(D) After reviewing the application, the Planning Board shall report to the Board of Commissioners whether it concurs in whole or in part with the staff's proposed findings and conditions, and to the extent there are differences, the Planning Board shall propose its own recommendations and the reasons therefor.

(E) In response to the Planning Board's recommendations, the applicant may modify his or her application prior to submission to the Board of Commissioners and the staff may likewise revise its recommendations.

(Ord. passed 12-15-97)

§ 151.507 BOARD OF COMMISSIONERS ACTION ON SPECIAL USE PERMITS.

In considering whether to approve an application for a special use permit, the Board of Commissioners shall proceed according to the following format.

(A) (1) The Board shall consider whether the application is complete.

(2) If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the Board that the application is complete.

(B) The Board shall consider whether the application complies with all of the applicable requirements of this chapter. If a motion to this effect passes, the Board shall make findings supporting the motion. If a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this chapter. A motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Board to be unsatisfied through this process.

(C) If the Board concludes that the application fails to comply with one or more requirements of this chapter, the application shall be denied. If the Board of Commissioners conclude that all requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth within this chapter. A motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

(Ord. passed 12-15-97)

§ 151.508 BOARD OF ADJUSTMENT ACTION ON CONDITIONAL USE PERMITS.

(A) In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed in the same manner as the Board of Commissioners when considering special use permit applications, except that the format of the Board of Adjustment's proceedings will differ as a result of the four-fifths voting requirement.

(B) (1) The Board shall consider whether the application is complete. If the Board concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall

be denied.

(2) A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete.

(3) A concurred vote by two members of the Board, shall constitute the Board's finding on this issue.

(4) If a motion to this effect is not made and concurred in by at least two members, this shall be taken as an affirmative finding by the Board that the application is complete.

(C) (1) The Board shall consider whether the application complies with all of the applicable requirements of this chapter. If a motion to this effect passes by the necessary four-fifths vote, the Board shall make findings supporting the motion. If a motion fails to receive the necessary four-fifths vote or is not made, then a motion shall be made that the application be found not in compliance with one or more requirements of this chapter. A motion shall specify the particular requirements the application fails to meet.

(2) A separate vote may be taken with respect to each requirement not met by the application, and the vote of the number of members equal to more than one-fifth of the Board membership (excluding vacant seats) in favor of such a motion shall be sufficient to constitute the motion a finding of the Board. It shall be conclusively presumed that the application complies with all requirements not found by the Board to be unsatisfied through this process. If the Board concludes that the application fails to meet one or more of the requirements of this chapter, the application shall be denied.

(D) (1) If the Board concludes that all requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in § 151.504.

(2) A motion shall propose specific findings, based upon the evidence submitted, justifying a conclusion.

(3) Since a motion is not in favor of the applicant, it is carried by a simple majority vote.

(Ord. passed 12-15-97)

§ 151.509 ADDITIONAL REQUIREMENTS ON SPECIAL USE AND CONDITIONAL USE PERMITS.

(A) Subject to division (B) below, in granting a conditional or special use permit, the Board of Adjustment or Board of Commissioners, respectively, may attach to the permit reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location:

(1) Will not endanger the public health or safety;

(2) Will not injure the value of adjoining or abutting property;

(3) Will be in harmony with the area in which it is located;

(4) Will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board; and

(5) Will not exceed the county's ability to provide adequate public facilities, including, but not limited to schools, fire and rescue, law enforcement and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. The facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan.

(B) The permit-issuing board may not attach additional conditions that modify or alter the specific

requirements set forth in this chapter unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(C) The Board may attach to a permit a condition limiting the permit to a specified duration.

(D) In the case of subdivision and multifamily development at the sketch plan, preliminary plat/special use or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available.

(E) All additional conditions or requirements shall be entered on the permit.

(F) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(G) A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in this subchapter.

(Ord. passed 12-15-97)

§ 151.510 AUTHORIZING USE, OCCUPANCY OR SALE BEFORE COMPLETION OF DEVELOPMENT UNDER SPECIAL USE OR CONDITIONAL USE PERMITS.

(A) In cases when, because of weather conditions or other factors beyond the control of the special use or conditional use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision (with the exception of water and sewer plant systems as noted in division (B) below), the permit-issuing board may authorize the commencement of the intended use or the occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this chapter are concerned) if the permit recipient meets the conditions hereof in a manner satisfactory to the county to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed six months).

(B) With respect to centralized water and sewer treatment plant construction, a performance bond may be posted with the county for a period of one year from final plat approval (first final plat approval granted if developed in phases or sections) to guarantee construction of the system. Further, the permit issuing Board may grant up to two 1-year extensions provided the applicant prepare and present to the permit-issuing board a report outlining the current status of the system and development prior to the expiration date of the currently held bond. If the extension request is denied by the permit-issuing board, the permit recipient shall be granted a six-month period from denial date to complete installation of the required improvements provided the recipient extends the currently held bond to cover this period. Failure to extend the bond prior to expiration date shall give cause for the county to execute the bond.

(C) When the Board imposes additional requirements upon the permit recipient in accordance with this subchapter or when the developer proposes in the plans submitted to install amenities beyond those required by this chapter, the Board may authorize the permittee to commence the intended use of the property or to occupy any building or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one or more of the following:

(1) The permit recipient complies with the conditions of § 151.242 in a manner satisfactory to the Board;

(2) A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made; or

(3) The nature of the requirements or amenities is such that sufficient assurance of compliance is given as contained in §§ 151.565 through 151.570.

(Ord. passed 12-15-97)

§ 151.511 COMPLETING DEVELOPMENTS IN PHASES.

(A) If a development is constructed in phases or stages in accordance with this section, then, subject to division (C) below, the provisions of §§ 151.496 and 151.510 shall apply to each phase as if it were the entire development.

(B) As a prerequisite to taking advantage of the provisions of division (A) above, the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this chapter that will be satisfied with respect to each phase or stage.

(C) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his or her application for development approval, the developer shall submit a proposed schedule for completion of the improvements. The schedule shall relate completion of one or more phases or stages of the entire development. Open space requirements shall be met proportionally in each phase at or above the same percentage as that phase relates to the total lots in the entire subdivision. Once a schedule has been approved and made part of the permit by the permit issuing authority, no land may be used, no buildings may be occupied and no subdivision lots may be sold, except in accordance with the schedule approved as part of the permit, provided that:

(1) If the improvement is one required by this chapter, then the developer may utilize the provisions of § 151.510; and

(2) If the improvement is an amenity not required by this chapter or is provided in response to a condition imposed by the Board, then the developer may utilize the provisions of § 151.510(B).

(Ord. passed 12-15-97)

§ 151.512 EXPIRATION OF PERMITS.

(A) Zoning permits shall expire automatically if, within one year after the issuance of the permit:

(1) The use authorized by the permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition or similar work is necessary before commencement of the use; or

(2) Less than 5% of the total cost of all construction, erection, alteration, excavation, demolition or similar work on any development authorized by the permit has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase.

(B) If, after some physical alteration to land or structures begins to take place, the work is discontinued for a period of one year, then the zoning permit authorizing the work shall immediately expire. However, expiration of the permit shall not affect the provisions of § 151.514.

(C) Special use and conditional use permits shall expire automatically if, within two years after the issuance of the permits:

(1) The use authorized by the permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition or similar work is necessary before commencement of the use;

(2) A preliminary plat, if required, has not been filed for approval and less than 5% of the total cost of all construction, erection, alteration, excavation, demolition or similar work on any development authorized by the permits has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase; or

(3) In the case where a preliminary plat is not required, less than 5% of the total cost of all construction, erection, alteration, excavation, demolition or similar work on any development authorized by the permits has been completed on the site.

(D) (1) The permit issuing authority may extend one time for a period up to one year the date when a permit would otherwise expire pursuant to divisions (A)(1) and (2) and (C)(1) through (3) if it concludes that:

(a) The permit has not yet expired;

(b) The permit recipient has proceeded with due diligence and in good faith; and

(c) Conditions have not changed so substantially as to warrant a new application.

(2) Successive extensions shall not be granted. All extensions may be granted without resort to the formal processes and fees required for a new permit.

(E) For purposes of this section, the permit within the jurisdiction of the Board of Commissioners or the Board of Adjustment is issued when the Board votes to approve the application and issue the permit. A permit within the jurisdiction of the Administrator is issued when the earlier of the following takes place:

(1) A copy of the fully executed permit has been signed-off by the Administrator; or

(2) The Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required hereunder.

(F) This section shall not be applicable to permits issued prior to the effective date of this chapter.

(Ord. passed 12-15-97; Am. Ord. 2001-10-04, passed 10-1-01)

§ 151.513 ZONING VESTED RIGHT.

(A) A zoning vested right shall be deemed established upon the valid approval, or conditional approval by the Board of Commissioners or the Board of Adjustment, as applicable, of a site specific development plan, following notice and public hearing.

(B) For purposes of these regulations, a site specific development plan shall constitute any one of the following approvals:

(1) Conditional use permit granted by the Board of Adjustment;

(2) Conditional use permit for a PUD master plan granted by the Board of Commisioners;

(3) Special use permit granted by the Board of Commissioners, except for subdivisions;

(4) For subdivisions requiring approval by the Board of Commissioners, a preliminary plat; and

(5) Approval of a commercial site plan by the Board of Commissioners.

(C) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto. A zoning right that has been vested, as provided in divisions (B)(1), (B)(3) and (B)(4) of this section, shall remain vested for a period of two years. A zoning right that has been vested, as provided in division (B)(2) of this section, shall remain vested for a period of five years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(D) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type and intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the county, including, but not limited to building, fire, plumbing, electrical and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.

(E) A zoning vested right is not a personal right, but shall be attached to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise the right while applicable.

(F) A zoning right that has been vested as provided in this subchapter shall terminate:

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

(2) With written consent of the affected landowner;

(3) Upon findings by the Board of Commissioners, by ordinance after notice and public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as contemplated in the site specific development plan;

(4) Upon payment to the affected landowner of compensation for all costs, expenses and other losses incurred by the landowner, including, but not limited to all fees paid in consideration of financing and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by the county, together with interest thereon at the legal rate until paid; (Compensation shall not include any diminution in the value of the property which is caused by the action.)

(5) Upon findings by the Board of Commissioners, by ordinance after notice and a hearing, that a landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval authority of the site specific development plan; and

(6) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and hearing.

(G) Nothing in this section is intended or shall be deemed to create any vested right other than those

established pursuant to G.S. §§ 153A-344.1 and 160A-385.1.

(H) In the event that G.S. §§ 153A-344.1 and 160A-385.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

(I) This section shall be effective upon adoption of this chapter and shall only apply to site specific development plans approved on or after that date.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2008-01-02, passed 2-18-08)

Statutory reference:

Vesting rights, see G.S. §§ 153A-344.1 et seq.

§ 151.514 EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS.

(A) Zoning, special use, conditional use and sign permits authorize the permittee to make use of land and structures in a particular way. The permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

(1) No person, including successors or assigns of the person who obtained the permit, may make use of the land or structures covered under the permit for the purposes authorized in the permit, except in accordance with all the terms and requirements of that permit; and

(2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice, as provided in division (B) below, of the existence of the permit at the time they acquired their interest.

(B) Whenever a special use or conditional use permit is issued to authorize development (other than single-family or two-family residences) on a tract of land in excess of five acres, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the County Registry and indexed under the record owner's name as grantor.

(Ord. passed 12-15-97)

§ 151.515 AMENDMENTS TO AND MODIFICATIONS OF PERMITS.

(A) Minor changes from the permit, including approved plans, issued by the Board of Commissioners, the Board of Adjustment or the Administrator are permissible and the Administrator may authorize minor changes. A change is minor if it has no discernible impact on neighboring properties, the general public or those intended to occupy or use the proposed development. Examples of minor changes are reduction in density, increase of open space, slight lot line realignments, slight relocation of streets and changes that have no substantial impact on neighboring properties. This is not intended to be an all-inclusive listing.

(B) Major design modifications or changes in permits, including approved plans, are permissible with the

approval of the permit issuing authority. The permission may be obtained without a formal application, public hearing or payment of any additional fee. For purposes of this section, major design modifications or changes are those that have substantial impact on neighboring properties, the general public or those intended to occupy or use the proposed development, increase in density, decrease of open space, major shifting of lot lines and major shifting of streets. This is not intended to be an all-inclusive listing.

(C) All other requests for changes in approved plans will be processed as new applications. If the requests are required to be acted upon by the Board of Commissioners or Board of Adjustment, new conditions may be imposed in accordance with § 151.510, but the applicant retains the right to reject additional conditions by withdrawing his or her request for an amendment and may then proceed in accordance with the previously issued permit.

(D) The Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in division (A) through (C) above.

(E) A developer requesting approval of changes shall submit a written request for the approval to the Administrator, which request shall identify the changes. Approval of all changes must be given in writing.

(Ord. passed 12-15-97)

§ 151.516 RECONSIDERATION OF BOARD ACTION.

(A) Whenever:

(1) The Board of Commissioners disapproves a special use permit application; or

(2) The Board of Adjustment disapproves an application for a conditional use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, the action may not be reconsidered by the respective Board at a later time unless the applicant clearly demonstrates that:

(a) Circumstances affecting the property that is the subject of the application have substantially changed; or

(b) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Administrator within the time period for an appeal to Superior Court. However, such a request does not extend the period within which an appeal must be taken.

(B) (1) The Board of Commissioners or Board of Adjustment may at any time consider a new application affecting the same property as an application previously denied.

(2) A new application is one that differs in some substantial way from the one previously considered.

(Ord. passed 12-15-97)

§ 151.517 APPLICATIONS TO BE PROCESSED EXPEDITIOUSLY.

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the county shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this chapter.

(Ord. passed 12-15-97)

§ 151.518 MAINTENANCE OF COMMON AREAS, IMPROVEMENTS AND FACILITIES.

The recipient of any zoning, special use, conditional use or sign permit, or his or her successor, shall be responsible for maintaining all common areas, improvements or facilities required by this chapter or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, this means that private roads and parking areas, water and sewer lines and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping or shading must be replaced if they die or are destroyed.

(Ord. passed 12-15-97)

APPEALS, VARIANCES AND INTERPRETATIONS

§ 151.530 APPEALS.

(A) An appeal from any final order or decision of the Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the grounds therefor. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the office of the Administrator and the date and time of filing shall be entered on the notice by the staff.

(B) An appeal must be taken within 30 days after the date of the decision or order appealed from.

(C) Whenever an appeal is filed, the Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.

(D) An appeal stays all actions by the Administrator seeking enforcement of or compliance with the order or decision appealed from unless the Administrator sends a written notice to the Chairperson of the Board of Adjustments setting forth detailed reasons, which written notice shall constitute the certificate requirement of state law that a stay would, in his or her opinion, cause imminent peril to life or property. If, after the Administrator has sent the written notice to the Chairperson of the Board of Adjustment and has allowed the violator a reasonable opportunity to comply with this chapter, the violation persists and there is imminent peril to life or property, the Administrator may immediately seek injunctive relief from the courts. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Administrator.

(E) (1) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion should be made in the case before it. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

(2) In reversing or modifying the order, requirement, decision or determination of the Administrator, the Board of Adjustment shall make detailed written findings of fact and conclusions arising from the facts which explain and justify the decision, which written findings and conclusions shall be incorporated into the minutes of the meeting.

(Ord. passed 12-15-97; Am. Ord. 2013-08-01, passed 9-16-13)

§ 151.531 VARIANCES.

(A) An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application in the office of the Administrator. Applications shall be handled in the same manner as applications for conditional use permits.

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

(1) Unnecessary hardship would result from the strict application of this chapter. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(2) The hardships results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis of granting a variance;

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(4) The requested variance is consistent with the spirit, purpose, and intent of this chapter, such that public safety is secured, and substantial justice is achieved.

(C) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this section. In granting a variance, the Board of Adjustment shall make detailed written findings of fact and conclusions arising from the facts which explain and justify the decision, which written findings and conclusions shall be incorporated into the minutes of the meeting.

(D) A variance may be issued for an indefinite duration or for a specified duration only. However, the variance from the terms of the chapter shall continue, last or exist for so long as the principal structure shall remain habitable.

(E) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All conditions are enforceable in the same manner as any other applicable requirement of this chapter.

(F) No application for a variance may be accepted by the Administrator, Planning Department or the Board of Adjustment until the applicant has shown evidence to the Planning Department that all property taxes due on the property for which the application is sought shall have been paid.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2013-08-01, passed 9-16-13)

§ 151.532 VARIANCES FROM FLOODPLAIN REQUIREMENTS.

(A) In addition to the other requirements of § 151.531, a variance from any of the requirements set forth in §§ 151.380*et seq.* may be granted by the Board of Adjustment if:

(1) The variance is the minimum necessary to afford relief, considering the flood hazard; and

(2) The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud or victimization of the public or conflict with existing local laws or ordinances.

(B) Any applicant to whom a variance from the requirements set forth in §§ 151.380*et seq.* is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The notification shall be maintained with a record of all variance actions.

(C) The Administrator shall, for actions and variances involving the requirements set forth in §§ 151.380*et seq.*, maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(D) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.533 INTERPRETATIONS.

(A) The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If the questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as provided in § 151.530.

(B) An application for an zoning map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application in the office of the Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

(C) Where uncertainty exists as to the boundaries of districts as shown on the official zoning map the following rules shall apply.

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow the centerlines.

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following the lines, limits or boundaries.

(3) Boundaries indicated as approximately parallel to the centerlines of streets or other rights-of-way shall be construed as being parallel thereto and at the distance therefrom or as indicated on the zoning atlas.

(4) Boundaries indicated as following shorelines shall be construed to follow the shorelines, and in the event of change in the shoreline shall be construed as following the shorelines.

(5) Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurement, using the scale of the official zoning map.

(6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of the street or alley added thereto by virtue of vacation or abandonment.

(D) Interpretations of the location of floodplain boundary lines may be made by the Floodplain Administrator as provided in §§ 151.380 through 151.387 and 151.400 through 151.403.

(Ord. passed 12-15-97; Am. Ord. 2004-09-01, passed 10-4-04)

§ 151.534 REQUESTS TO BE HEARD EXPEDITIOUSLY.

The Board of Adjustment shall hear and decide all appeals, variance requests and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with §§ 151.550 through 151.555, and obtain the necessary information to make sound decisions.

(Ord. passed 12-15-97)

§ 151.535 BURDEN OF PROOF IN APPEALS AND VARIANCES.

(A) When an appeal or variance is taken to the Board of Adjustment in accordance with § 151.530, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

(B) The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in § 151.531(B), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

(Ord. passed 12-15-97)

§ 151.536 BOARD ACTION ON APPEALS AND VARIANCES.

(A) With respect to appeals, a motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by more than one member, (such as regular member or alternate sitting in lieu thereof).

(B) Before granting a variance, the Board must take a separate vote and vote affirmatively, by a four-fifths majority, on findings stated in § 151.531(B). A motion to make an affirmative finding on the requirements set forth in § 151.531(B) shall include a statement of the specific reasons or findings of fact supporting the motion. In granting a variance, the Board shall make detailed written affirmative findings of the requirements set forth in § 151.531(B), which written findings shall be incorporated into the minutes of the meeting during which the variance was granted.

(C) A motion to deny a variance may be made on the basis that any one or more of the six criteria set forth in § 151.531(B) are not satisfied or that the application is incomplete. A motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by more than one member, which is one regular member or alternate sitting in lieu thereof.

(D) Each decision of the Board is considered a final decision when the decision has been typed by the

office of the Administrator and signed by the Administrator, his or her staff or designee.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

§ 151.550 HEARING REQUIRED ON APPEALS AND APPLICATIONS.

(A) Before making a decision on an appeal or an application for a variance, special use permit, conditional use permit, or a petition from the administrator to revoke a special use permit, conditional use permit or zoning permit, the Board of Adjustment or the Board of Commissioners, as the case may be, shall hold a hearing on the appeal or application.

(B) Subject to division (C) below, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence, offer testimony and arguments and ask questions of persons who testify.

(C) The Board of Adjustment or Board of Commissioners may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

(D) The hearing Board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of eight weeks or more elapses between hearing dates.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.551 NOTICE OF HEARING.

(A) In the case of a request for a special use permit, the applicant will provide a mailed notice to all adjacent property owners within 150 feet of the subject property at least ten days prior to the Planning Board meeting at which the request is to be heard. Proof of mailing shall be furnished to the Planning Department.

(B) The Administrator shall give notice of any hearing required by § 151.550 as follows.

(1) Notice shall be given to the appellant or applicant and any other person who makes a written request for the notice by mailing to such persons a written notice not later than ten days before the hearing.

(2) Notice shall be given to neighboring property owners by mailing a written notice not later than ten days before the hearing to those persons who have listed for taxation real property any portion of which is located within 150 feet of the lot that is the subject of the application or appeal.

(3) In the case of conditional and special use permits, notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the area one time not less than ten nor more than 25 days prior to the date fixed for the hearing.

(4) The notice required by this section above shall state the date, time and place of the hearing, reasonably identify the lot that is the subject of the application or appeal and give a brief description of the action requested or proposed.

(5) The planning staff shall post a notice of the hearing in the vicinity of the property in question.

(6) The Administrator shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is not the Board's intention that failure to comply with any of the notice provisions that are not statutorily required shall render any decision invalid.

(Ord. passed 12-15-97)

§ 151.552 EVIDENCE.

(A) The provisions of this section apply to all hearings for which a notice is required by § 151.550.

(B) All persons who intend to present evidence to the permit issuing board shall be sworn..

(C) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable, relevant and competent evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable and the matter at issue is not seriously disputed.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.553 MODIFICATION OF APPLICATION AT HEARING.

(A) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Commissioners or Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.

(B) Unless the modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

(Ord. passed 12-15-97)

§ 151.554 RECORD.

(A) A tape recording shall be made of all hearings required by § 151.550 and the recordings shall be kept for at least two years. Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

(B) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the county for at least two years.

(Ord. passed 12-15-97)

§ 151.555 WRITTEN DECISION.

(A) Any decision made by the Board of Adjustment or Board of Commissioners regarding an appeal or variance or issuance or revocation of a conditional use permit or special use permit shall be reduced to writing and mailed by certified mail return receipt requested to the applicant or appellant and all other persons who make a written request for a copy.

(B) In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts, whenever this chapter requires the same as a prerequisite to taking action.

(Ord. passed 12-15-97)

ENFORCEMENT AND REVIEW

§ 151.565 COMPLAINTS REGARDING VIOLATIONS.

Whenever the Administrator receives a written, signed complaint alleging a violation of this chapter, he or she shall investigate the complaint, take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

(Ord. passed 12-15-97)

§ 151.566 PERSONS LIABLE.

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

(Ord. passed 12-15-97)

§ 151.567 PROCEDURES UPON DISCOVERY OF VIOLATIONS.

(A) (1) If the Administrator finds that any provision of this chapter is being violated, he or she shall serve written notice to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

(2) Additional written notices may be sent at the Administrator's discretion.

(B) The final written notice, and the initial written notice may be the final notice, shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment in accordance with §§ 151.530 through 151.536.

(C) In cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in § 151.568.

(Ord. passed 12-15-97)

§ 151.568 PENALTIES AND REMEDIES FOR VIOLATIONS.

(A) Violations of the provisions of this chapter 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 or conditional use permits, shall constitute a misdemeanor, punishable by a fine of up to $500 or a maximum 30 days imprisonment, as provided in G.S. § 14-4.

(B) Any act constituting a violation of the provisions of this chapter 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 or conditional use permits, shall also subject the offender to a civil penalty of $100 for each day the violation continues. If the offender fails to pay this penalty within ten 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 § 151.567 and did not take an appeal to the Board of Adjustment within the prescribed time.

(C) This chapter may also be enforced by any appropriate equitable action.

(D) Each day that any violation continues after notification by the Administrator that the violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(Ord. passed 12-15-97; Am. Ord. 2003-01-02, passed 2-17-03)

§ 151.569 PERMIT REVOCATION.

(A) A zoning, special use or conditional use permit may be revoked by the permit issuing authority, in accordance with the provisions of this section, if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter or any additional requirements lawfully imposed by the permit-issuing board.

(B) Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of §§ 151.550 through 151.555 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation:

(1) The burden of presenting evidence sufficient to authorize the permit issuing authority to conclude that a permit should be revoked for any of the reasons set forth in division (A) above shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

(2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

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

(D) No person may continue to make use of land or buildings in the manner authorized by any zoning,

special use or conditional use permit after the permit has been revoked in accordance with this section.

(Ord. passed 12-15-97)

§ 151.570 JUDICIAL REVIEW.

(A) Every decision of the Board of Commissioners granting or denying a special use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of the county by proceedings in the nature of certiorari.

(B) The petition for the writ of certiorari must be filed with the County Clerk of Court within 30 days after the later of the following occurrences:

(1) A written copy of the Board's decision has been filed in the office of the Administrator; and

(2) A written copy of the Board's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for the copy at the hearing of the case.

(C) A copy of the petition for writ of certiorari shall be served upon the county.

(Ord. passed 12-15-97)

AMENDMENTS

§ 151.580 AMENDMENTS IN GENERAL.

(A) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this subchapter.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MAJOR MAP AMENDMENT. An amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other amendments to the zoning district map shall be referred to as ***MINOR MAP AMENDMENTS***.

(Ord. passed 12-15-97)

§ 151.581 INITIATION OF AMENDMENTS.

(A) An amendment to the text of this chapter or to the zoning map may be initiated by the Board of Commissioners, the Planning Board, the Administrator or any other interested person.

(B) Any petition for rezoning property must be signed by the petitioner who shall indicate the capacity in which he or she filed the petition. In the event the party filing the petition is someone filing the same on behalf of the owner, the party shall attach his or her authority to execute the petition on behalf of the owner to

the petition.

(C) Notice of the Board of Commissioners's consideration of a proposed minor map amendment shall be sent to the owner of the property to be rezoned and to adjoining property owners as provided in § 151.583.

(D) Unless the Board of Commissioners find that there have been substantial changes in conditions or circumstances bearing on the application, the county shall not accept for consideration a petition for a text or map amendment:

(1) Within one year prior to the date the petition is submitted, the Board of Commissioners has denied a previous rezoning request for the same property or has approved a rezoning to a more restrictive classification than requested or the applicant has withdrawn a previous request after consideration of the request by the Planning Board; or

(2) Within one year prior to the date the petition is submitted, the Board of Commissioners has denied a substantially similar request for a text amendment.

(E) No property will be accepted for a rezoning request within any zoning district unless and until an appropriate certification from the local Health Department has been obtained and submitted along with the application for rezoning.

(Ord. passed 12-15-97)

§ 151.582 PLANNING BOARD CONSIDERATION OF PROPOSED AMENDMENTS.

(A) Every proposed map or text amendment shall be referred to the Planning Board for its consideration.

(B) The applicant will provide a mailed notice to all adjacent property owners within 150 feet of the subject property at least ten days prior to the Planning Board meeting at which the request is to be heard. Proof of mailing shall be furnished to the Planning Department.

(C) The Planning Board shall endeavor to review the proposed amendment in a timely fashion that any recommendations it may have can be presented to the Board at the public hearing on the amendment. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the Board to delay final action on the amendment until the time as the Planning Board can present its recommendations.

(D) The Board of Commissioners may not take final action approving a proposed amendment until it has received the recommendation of the Planning Board or until 60 days have passed since the Planning Board's initial hearing on the request where the applicant or authorized representative is in attendance, whichever occurs first. However, the Board of Commissioners are not bound by the recommendations, if any, of the Planning Board.

(Ord. passed 12-15-97)

§ 151.583 HEARING REQUIRED; NOTICE.

(A) No ordinance that amends any of the provisions of this chapter, including the zoning map, may be adopted until a public hearing has been held on the ordinance.

(B) (1) The Administrator shall publish a notice of the public hearing on any request that amends the

provisions of this chapter, including the zoning map, once a week for two successive weeks in a newspaper having general circulation in the county.

(2) The notice shall be published for the first time not less than ten days nor more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

(C) With respect to minor map amendments, the Administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 150 feet of the property rezoned by the amendment. The person mailing the notices shall certify the fact of the mailing to the Board of Commissioners.

(D) The planning staff shall also post notices of the public hearing in the vicinity of the property rezoned by a proposed minor map amendment and may take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing on any amendment.

(E) The notice required or authorized by this section shall:

(1) State the date, time and place of the public hearing;

(2) Summarize the nature and character of the proposed change;

(3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;

(4) State that the full text of the amendment can be obtained from the Planning Department; and

(5) State that substantial changes in the proposed amendment may be made following the public hearing.

(F) The Administrator shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is not the Board's intention that failure to comply with any of the notice provisions that are not statutorily required shall render any amendment invalid.

(Ord. passed 12-15-97)

§ 151.584 BOARD ACTION ON AMENDMENTS.

(A) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, defer action to a subsequent meeting or take any other action consistent with its usual rules of procedure.

(B) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(C) Voting on amendments to this chapter shall proceed in the same manner as other ordinances.

(Ord. passed 12-15-97)

§ 151.585 ULTIMATE ISSUE BEFORE BOARD ON AMENDMENTS.

(A) In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare.

(B) All other issues are irrelevant and all information related to other issues at the public hearing may be declared irrelevant by the Chairperson and excluded.

(C) In particular, when considering proposed map amendments:

(1) The Board shall not rely upon any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

(2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at-large.

(3) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan, and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

(Ord. passed 12-15-97; Am. Ord. 2006-01-02, passed 5-1-06)

§ 151.586 MAP AMENDMENTS ALONG MAJOR ARTERIALS.

Areas zoned for non-residential purposes along the county's major arterials have been carefully selected, taking into account existing needs and uses. Additional areas along these major arterials shall not be rezoned to non-residential districts, except upon an extraordinary showing of public need or demand and then only to expand an adjacent zoning district of the same classification as the district requested.

(Ord. passed 12-15-97)

DEFINITIONS

§ 151.600 DEFINITIONS OF BASIC TERMS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). For floodplain management purposes in accordance with §§ 151.380 through 151.387 , a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use of a building and located on the same lot or building.

ACREAGE. Total acreage shall mean gross acres.

ADAPTIVE REUSE OF HISTORIC PROPERTY. Any use of a structure or tract of land that is listed on the National Register of Historic Places, together with surrounding grounds, that would not generally be permissible in the district where the property is located, but which the Board concludes, pursuant to the standards set forth in §§ 151.345 through 151.347, allows the property to be used in a manner that is economically viable while still preserving its historic character. See definition for "Historic Structures" below as it pertains to floodplain management.

ADJOINING PROPERTY. When used in connection with a notice requirement under this chapter, this term shall refer to any tract having a border that touches at any point the border of the property that the subject of a proposed permit, appeal, variance or rezoning, as well as any tract that would have a common border point with the subject property if one were to disregard:

(1) Any intervening street or other public or utility right-of-way; and

(2) Any intervening property that is under the same ownership as the subject property.

ADMINISTRATOR. The County Planning Director or other designee whose responsibility is to enforce the regulations contained within this chapter. See § 151.383 for Floodplain Administrator designation.

AGGRIEVED PERSON. Any person or group of persons of common interest directly or indirectly affected substantially in his or its person, property, or employment by an administrative decision.

AGRIBUSINESS. A commercial operation that:

(1) Involves the processing or distribution of farm products or the sale or repairs of farm machinery, equipment or supplies; and

(2) Is not otherwise specifically listed in the table of § 151.334.

AGRICULTURAL LAND. Including the woodland and wasteland which form a contiguous part thereof constituting a farm unit.

AIRCRAFT. Any contrivance used or designed for navigation of or flight in the air by one or more persons.

AIRPORT. An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, except that an airstrip shall not be considered an ***AIRPORT***.

AIRSTRIP. An area of land or water, located on private property, which the owner of the land uses, or authorizes the use of, for the landing and take-off of:

(1) Not more than two aircraft owned or leased by the owner of the property; or

(2) Aircraft engaged in crop-dusting of land owned or leased by the owner of the property.

ANTENNA. Equipment designed to transmit or receive electronic signals.

APPEAL. For floodplain management purposes in accordance with § 151.383, a request for a review of the Floodplain Administrator's interpretation of any floodplain management provision of this subchapter.

ARBOR. A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.

AREA OF ENVIRONMENTAL CONCERN. An area designated as such by the State Coastal Resources Commission, pursuant to G.S. § 113A-113 of the Coastal Area Management Act.

AUTOMOBILE REPAIR SHOP OR BODY SHOP. The repair, rebuilding or reconditioning of motor vehicles or motor vehicle parts, including minor repair, major mechanical and body work, steam cleaning, painting, tire recapping, regrooving and welding.

AUTOMOBILE SERVICE STATION. A retail establishment engaged in selling gasoline, diesel fuel, oil and similar automobile accessories or services and which may conduct the following accessory automobile repair services: muffler service, engine tune-ups, greasing, brake and radiator repair and electrical service and tire replacement and other minor automobile repairs, excluding body work, major mechanical work, steam cleaning, painting, tire recapping or regrooving and welding.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. Also known as the ***100-YEAR FLOOD***.

BASE FLOOD ELEVATION (BFE). A determination as published in the Flood Insurance Study of the water surface elevations of the base flood. This elevation combined with the "Freeboard" creates the "Regulatory Flood Protection Elevation".

BASEMENT. For floodplain management purposes in accordance with § 151.383, any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST. A use:

(1) That takes place within a building that, before the effective date of this chapter, was designed and used as a single-family detached dwelling;

(2) That consists of a single dwelling unit together with the rental of one or more dwelling rooms on a daily or weekly basis to tourists, vacationers or similar transients;

(3) Where the provision of meals, if provided at all, is limited to the breakfast meal; and

(4) Where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one full-time employee.

BILLBOARD. An off-premises sign owned by a person, corporation or other entity that engages in the business of selling or leasing the advertising space on that sign.

BOARD. The Board of Commissioners of Camden County.

BOARDING HOUSE. A residential use:

(1) That consists of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units;

(2) Where the rooms are occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests; and

(3) Where the dwelling unit is permanently occupied by the owners or operators of the ***BOARDING HOUSE***.

BONA FIDE FARM. For purposes of this chapter, any tract or tracts of land, one of which must contain at least ten acres which meets the following criteria:

(1) On the property an owner or leasee is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry; and

(2) The property has produced or yielded, during each of the three immediately preceding years, a gross income from the above-described commercial production or growing of crops, plants, livestock or poultry, including payments received under Soil Conservation or Land Retirement Programs, but not land rents paid to a non-resident owner, of at least $1,000.

BUFFER STRIP. A strip of land which by width or vegetation or fencing or a combination of these protects adjoining properties from incompatible views, noises, fumes, lighting and other disturbances.

BUILDING. A structure having a roof and designed to be used as a place of occupancy, indoor employment, storage or shelter. For floodplain management purposes, see the definition for "Structure" in lieu of this definition.

BUILDING, ACCESSORY. A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. For floodplain management purposes, see the definition for "Accessory Structure" in lieu of this definition.

BUILDING, PRINCIPAL. The primary building on a lot or a building that houses a principal use.

BUILDING SETBACK LINE. As used in this chapter, the distance between the nearest position of any building and a street or highway right-of-way line when measured perpendicularly thereto.

CAMP. A temporary shelter (cabin, tent or camper) or open air area where one or more persons camp.

CAMPER. A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping (see also ***MANUFACTURED HOUSING***). For floodplain management purposes, see the definition for "Recreational Vehicle" in lieu of this definition.

CAMPING. To live temporarily in a camp or outdoors.

CERTIFY. Whenever this chapter requires that some agency certify the existence of some fact or circumstance to the county, the county may require that the certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the county may accept certification by telephone from some agency when the circumstances warrant it or the county may require that the certification be in the form of a letter, sealed certification or other document.

CHEMICAL STORAGE FACILITY. A building, portion of building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE HOME. A home for not more than nine orphaned, abandoned, dependent, abused or neglected children, together with not more than two adults who supervise the children, all of whom live together as a single housekeeping unit.

CHILD CARE INSTITUTION. An institutional facility housing more than nine orphaned, abandoned, dependent, abused or neglected children.

CIRCULATION AREA. The portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas, other than parking aisles, comprise the circulation area.

COMBINATION USE. A use consisting of a combination on one lot of two or more principal uses separately listed in the table of § 151.334 . Under some circumstances, a second principal use may be regarded as accessory to the first and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot and all enterprises fall within the

same principal use classification, this shall not constitute a combination use.

COMMUNITY SERVICE FACILITY. Includes, but is not limited to facilities for the provision of water, sewer, transportation, law enforcement, fire prevention and suppression, telecommunications and any other public service provided to the community by the county or other governmental agency.

CONDITIONAL USE PERMIT. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this chapter, as well as any additional requirements imposed by the Board of Adjustment.

CONDOMINIUM. A building or group of buildings in which dwelling units, offices or floor area are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional undivided basis.

CONVENIENCE STORE. A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items, in contrast to a supermarket. It is designed to attract and depends upon a large volume of "stop and go" traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare," "7-11" and "Pantry" chains.

COUNTY. Camden County, North Carolina.

DANCE HALLS, BARS and ***NIGHTCLUBS.*** An establishment whose principal business involves facilities providing live or recorded music and as part of the business involves the sale of food and beverage for consumption on the premises, and which, as part of its regular method of operation, allows into the establishment a number of patrons or customers which exceeds by 25% or more the seating capacity provided in the establishment. This definition shall not include ***DANCE HALLS, BARS*** or ***NIGHTCLUBS*** that are an accessory use to a full service restaurant, hotel or similar use which shall be subject to the provisions of the principal use.

DAY-CARE CENTER. As defined in G.S. § 110-86(3), as well as a center providing day care on a regular basis for more than two hours per day for more than five senior citizens or children.

DEVELOPER. A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit or sign permit.

DEVELOPMENT. That which is to be done pursuant to a zoning permit, special use permit, conditional use permit, floodplain development permit or sign permit. For floodplain management purposes, ***DEVELOPMENT*** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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.

DISPOSAL. Defined as in G.S. § 130A-290(a)(6).

DRIPLINE. A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

DRIVEWAY. The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.

DUPLEX. Same as ***RESIDENCE, DUPLEX***.

DWELLING UNIT. An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

ELEVATED BUILDING. For floodplain management purposes in accordance with § 151.380, a non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT. For floodplain management purposes in accordance with § 151.380, the advance or infringement of uses, fill excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. For floodplain management purposes in accordance with § 151.380, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

EXPENDITURE. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in positions.

FAMILY. One or more persons living together as a single housekeeping unit and who are related to each other by blood, adoption or marriage.

FAMILY CARE HOME FOR THE AGED. An establishment with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six residents who are elderly and who do not otherwise fit the definition of handicapped as found in G.S. § 168-21.

FAMILY CARE HOME FOR THE HANDICAPPED. An establishment with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six residents who are handicapped.

FLAG LOT. An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.

FLEA MARKETS. An open air market for second hand articles and antiques where booths or spaces may or may not be rented to individuals to conduct sales from tables, from the back of vehicles or from covers spread on the ground which general location is used for the purposes for more than three days during any 90-day period.

FLOOD or ***FLOODING.*** For floodplain management purposes in accordance with § 151.383, a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An officialmap of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are

delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY. An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones and other flood date in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMS) and Flood boundary and floodway maps (FBFMs), if publishes.

FLOOD ZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN or ***FLOODPRONE AREA.*** Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. Individual appointed to administer and enforce the floodplain management regulations in accordance with § 151.383.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of § 151.383, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. For floodplain management purposes in accordance with § 151.380, the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN REGULATIONS. In accordance with §§ 151.380 through 151.387 of this subchapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood- prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR. The top surface of an enclosed area in a building, including basement, such as, top of

slab in concrete slab construction or top of wood flooring in frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR, LOWEST. The lowest floor of the lowest enclosed area, including basement. An unfurnished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

FLORIDA ROOM. A prefabricated room designed and manufactured specifically for mobile homes.

FREEBOARD. The additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. The ***FREEBOARD*** plus the Base Flood Elevation equals the "Regulatory Flood Protection Elevation".

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

GARAGE SALES. A sale conducted by a occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. The sales are usually conducted from a garage associated with the residence or from the yard of the residence. ***GARAGE SALES*** may be distinguished from flea markets by the number of days of sale during a 90-day period. ***GARAGE SALES*** and ***YARD SALES*** may not be conducted at the same location more than three days for any 90-day period.

GROSS FLOOR AREA. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

HALFWAY HOUSE. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to the persons, all of whom live together as a single housekeeping unit.

HANDICAPPED, AGED OR INFIRM HOME. A residence within a single dwelling unit for at least seven, but not more than nine persons who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to the persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

HANDICAPPED, AGED OR INFIRM INSTITUTION. An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in the homes, including the aged or disabled, principally need residential care rather than medical treatment.

HANDICAPPED PERSON. A person with a temporary or permanent physical, emotional or mental disability including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments but not including mentally ill persons who are dangerous to others. ***DANGEROUS TO OTHERS*** means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another or has acted in a way as to create a substantial risk of serious bodily harm to another or has engaged in extreme destruction of property and that there is reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

HAZARDOUS WASTE MANAGEMENT FACILITY. A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste defined in G.S. Chapter 130A, Article 9.

HEIGHT. The vertical distance measured from the finished grade surrounding the building to the highest point of the building provided that the highest point of the finished grade shall not be calculated to be more than six inches above the natural grade.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HIGH VOLUME TRAFFIC GENERATION. All uses in the 2.000 classification other than low volume traffic generation uses.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places;

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:

(a) By an approved state program as determined by the Secretary of Interior, or

(b) Directly by the Secretary of Interior in states without approved programs.

HOME OCCUPATION.

(1) A commercial activity conducted by a person on the same lot, in a residential district, where the person resides and that can be conducted without any significantly adverse impact on the surrounding neighborhood.

(2) The following is a non-exhaustive list of examples of enterprises that may be ***HOME OCCUPATIONS***:

(a) The office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher or similar professional;

(b) The office of an electrician, plumber, carpenter, contractor or other person employed in a similar trade;

(c) Workshops, greenhouses or kilns,

(d) Tailoring or hairdressing studios.

HORTICULTURAL LAND. Agricultural land.

HOTELS and ***MOTELS.*** A building or group of buildings wherein temporary lodging is provided on a regular basis to persons who seek to rent rooms or dwelling units on a day-to-day basis, except that the following are excluded from this definition:

(1) Tourist homes;

(2) Bed and breakfast establishments;

(3) Single-family and two-family residences, regardless of the basis on which they are rented; and

(4) Multi-family residences unless at least 10% of the dwelling units within a multi-family development

are regularly rented or offered for rent on a day-to-day basis.

HUNTING AND FISHING LODGES. An enterprise consisting of one or more buildings wherein there are located not more than 15 lodging units designed to provide short term accommodations primarily to persons intending to participate in hunting or fishing activities. A ***HUNTING AND FISHING LODGE*** may not operate a restaurant open to the general public in connection with or on the same premises as the lodge, if a restaurant is so operated, the enterprise must be classified as a hotel or motel.

INCINERATOR. A furnace or container for the purpose of burning waste or non-waste materials.

INTERMEDIATE CARE HOME. A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution, but at a higher level than that provided in institutions for the handicapped or infirm.

INTERMEDIATE CARE INSTITUTION. An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

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

JUNKYARD. A lot, land or structure or part thereof, used primarily for the collecting, processing, storage and/or sale of salvage paper, animal hides, rags, rubber, glass, scrap metal, lumber or other building materials or for the dismantling of parts thereof. Any lot with more than two vehicles stored without current registration plates or having an amount of trash, either burnable or nonburnable, considered as excessive in the judgment of the Administrator shall be classified as a ***JUNKYARD*** and will require the appropriate zoning and permits.

KENNEL.

(1) A commercial operation that:

(a) Provides food and shelter and care of animals for purposes not primarily related to medical care; a kennel may or may not be run by or associated with a veterinarian; or

(b) Engages in the breeding of animals for sale.

(2) Incidental breeding and offering the resultant litter for sale shall not constitute the operation of a ***KENNEL***.

LANDFILL, DEMOLITION. A tract of land used as a permanent dumping place for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or similar materials that are generated by the construction or demolition process. A ***DEMOLITION LANDFILL*** is differentiated from a reclamation landfill in that the primary purpose of the latter is to raise the elevation of the land and no stumps, limbs or other biodegradable materials are allowed in a reclamation landfill.

LANDFILL, RECLAMATION. An operation consisting of the dumping of dirt, sand, gravel, rocks, concrete or similar materials that are not biodegradable on a tract of land for the purpose of raising the elevation of the land.

LANDFILL, SANITARY. A tract of land used as a permanent dumping place for garbage, trash and other miscellaneous types of solid waste, whether or not such wastes are biodegradable.

LOADING AND UNLOADING AREA. See § 151.120.

LOT. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title:

(1) If a public body or any authority with the power of eminent domain condemns, purchases or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition or a private road is created across a parcel of land otherwise characterized as a lot by this definition and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot; and

(2) Subject to § 151.362, the permit issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this chapter.

LOT AREA. The total area circumscribed by the boundaries of a lot, except that:

(1) When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way then the lot boundary for purposes of computing the lot area shall be the street right-of-way line or if the right-of-way line cannot be determined, then an approximation of the right-of-way shall be determined in accordance with the provisions of § 151.063;

(2) Dedicated rights-of-way or easements, whether public or private, intended for vehicular and/or pedestrian access shall not be included in lot area; and

(3) Land under water or regularly under water, as described in § 151.060, shall not be counted towards the lot area.

LOT, CORNER. A lot which has frontage on two or more intersecting streets.

LOT COVERAGE. Lot coverage shall be defined as that area covered by principal and accessory structures, decks, walkways, pools, stairs and other impervious areas, excluding parking lots and other vehicular areas.

LOT DEPTH. The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front lot line to midpoint of the rear lot line.

LOT OF RECORD. A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of the county or a lot described by metes and bounds the description of which has been so recorded and which at the time of recordation and the time it was originally subdivided met all applicable subdivision and zoning regulations then in effect. In addition, this definition shall include lots for which a plat and/or deed is recorded in the Office of the Register of Deeds and the lot was created prior to the adoption of the county's first subdivision regulations or a lot upon which an existing structure is located provided a valid building permit was obtained for the construction or a lot which at the time of creation met all subdivision and zoning requirements provided a plat is approved by the Administrator and recorded with the Register of Deeds containing a certification as to having met the then existing regulations in effect.

LOT WIDTH. The distance between side lot lines measured at the front building set-back line.

LOW VOLUME TRAFFIC GENERATION. Uses such as furniture stores, carpet stores, major appliance stores and the like that sell items that are large and bulky, that need a relatively large amount of storage or

display area for each unit offered for sale and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

LOWEST ADJACENT FLOOR (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. For Zone A, use the natural grade elevation prior to construction.

LOWEST FLOOR. For floodplain management purposes in accordance with §§ 151.380 through 151.387 , the subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this subchapter.

MAIN TRAVELED ROADWAY. The principal traveled way of a highway on which through traffic is earned. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled roadway. Not included are such facilities as frontage roads, turning roads or parking areas.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term ***MANUFACTURED HOME*** does not include a "recreational vehicle".

MARINAS. Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and which provides any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. ***MARINAS*** for ten boats or less shall be classified as privately-owned outdoor recreation facilities, use category #6.210.

MARKET VALUE. The building value, excluding the land, established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

MEAN SEAL LEVEL. For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are references. Refer to each FIRM panel to determine datum used.

MINING. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid manner. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils and other solid manner from its original location. The preparation, washing, cleaning, other treatment of minerals, ores or other solid matter so as to make them suitable for commercial, industrial or construction use.

MOBILE HOME. A dwelling unit that:

(1) Is not constructed in accordance with the standards set forth in the State Building Code;

(2) Is composed of one or more components each of which were substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and

(3) Exceeds 40 feet in length including the tongue and 8 feet in width.

MOBILE HOME, CLASS A. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in

effect at the time of construction and that satisfies each of the following additional criteria:

(1) The home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

(2) The pitch of the home's roof has a minimum vertical rise of 2 2/10 feet for each 12 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(3) The exterior siding consists of wood, hardboard, vinyl or aluminum (or 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;

(4) A continuous, permanent masonry curtain wall, unpierced, except for required ventilation and access, is installed under the home after placement on the lot and before final occupancy, if placed outside of a mobile home park or mobile home subdivision;

(5) The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before final occupancy, if placed outside of a mobile home park or mobile home subdivision;

(6) All roof structures shall provide an eave projection of no less than six inches, which may include the gutter;

(7) The manufactured home, stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed in accordance with the standards set by the State Department of Insurance and the State Building Code; and

(8) For floodplain management, see the definition for “manufactured homes” in lieu of this definition.

MOBILE HOME, CLASS B. A mobile home constructed after July 1, 1994, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home. For floodplain management, see the definition for “manufactured homes” in lieu of this definition.

MOBILE HOME, CLASS C. Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home. Class C mobile homes are mobile homes constructed prior to July 1, 1994, and may not be relocated within any zoning district, but may be relocated to an established mobile home park or mobile home subdivision within the county. ***CLASS C MOBILE HOMES*** are further defined as including only those mobile homes located within the boundaries of the county as of January 1, 1998. No ***CLASS C MOBILE HOME*** from an area outside the county shall be permitted in the county after the effective date of this chapter. For floodplain management, see the definition for “manufactured homes” in lieu of this definition.

MOBILE HOME PARK. A residential use in which more than one mobile home is located on a single lot, tract or parcel of land.

MOBILE HOME SUBDIVISION, EXISTING.

(1) A subdivision that:

(a) Was in existence prior to the effective date of this chapter and contained 60% Class B mobile homes; or

(b) Received either Preliminary or Final Plat approval prior to the effective date of this chapter and was platted or intended to be platted as a mobile home park subdivision.

(2) Mobile home park subdivisions shall include, but are not limited to: Lamb's MHP, Powell's Trailer Park and Croom Acres.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the 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 or more sections transported to the site in a manner similar to a mobile home, except that the modular home meets State Building Code, or a series of panels or room sections transported on a truck and erected or joined together on the site.

MOTOR VEHICLE. Every self propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle.

NEW CONSTRUCTION. For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of the original version of Ordinance 2004-09-01 and includes any subsequent improvements to such structures.

NONCONFORMING BUILDING OR DEVELOPMENT. For floodplain management purposes, any legally existing building or development which fails to comply with the current provisions of §§ 151.380 through 151.387 of this chapter.

NONCONFORMING LOT. A lot existing at the effective date of this chapter, and not created for the purposes of evading the restrictions of this chapter, that does not meet the minimum area requirement of the district in which the lot is located, except that such a lot created pursuant to a provision of this or any prior ordinance allowing the creation of lots smaller than normal minimums shall not constitute a nonconforming lot.

NONCONFORMING PROJECT. Any structure, development or undertaking that is incomplete on the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned. For floodplain management purposes, see the definition for "nonconforming building or development" in lieu of this definition.

NONCONFORMING SIGN. A sign that on the effective date of this chapter does not conform to one or more of the regulations set forth in this chapter, particularly §§ 151.415 through 151.418. For floodplain management purposes, see the definition for "nonconforming building or development" in lieu of this definition.

NONCONFORMING SITUATION. A situation that occurs when on the effective date of this chapter 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 possibilities are: a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, because signs do not meet the requirements of §§ 151.415 through 151.418 or because land or buildings are used for purposes made unlawful by this chapter. For floodplain management purposes, see the definition for "nonconforming building or development" in lieu of this definition.

NONCONFORMING STRUCTURE. Any structure which does not conform to the regulation of structures for this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter, but was either conforming or not subject to regulation previously. For floodplain management purposes, see the definition for "nonconforming building or development" in lieu of this definition.

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***.

NON-ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

NURSING CARE HOME. A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

NURSING CARE INSTITUTION. An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

OPEN SPACE. An area that is used to provide for either environmental, buffer, scenic or recreational purposes. Open space shall be subject to the provisions found in §§ 151.195 through 151.200.

OWNER. The person firm or organization in whom is vested the ownership, dominion or title of property. The person firm or organization who is recognized and held responsible by the law as the owner of property.

PACKAGE TREATMENT PLANT. A privately- or publicly-owned facility, other than a conventional residential septic tank system, that is constructed for the purpose of treating sewage and discharging treated effluent.

PARKING AREA. The portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

PARKING SPACE. A portion of the vehicle accommodation area set for the parking of one vehicle.

PERSON. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

POST-FIRM. Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the other area.

PRE-FIRM. Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the other area.

PRIVATE ROAD. A road or way for the use of private individuals.

PROPERTY OWNERS. Those listed as owners of property on the records in the County Tax Office.

PUBLIC SAFETY AND/OR NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC WATER SUPPLY SYSTEM. Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

RECEIVE-ONLY EARTH STATION. An antenna and attendant processing equipment for reception of electronic signals from satellites.

RECREATIONAL VEHICLE. A motor vehicle that is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home. For floodplain management purposes, a vehicle, a ***RECREATIONAL VEHICLE*** is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Not designed for use as a permanent primary dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REFERENCE LEVEL. The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of this subchapter. For structures within special flood hazard areas designated as zones AE or A, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

REGULATORY FLOOD PROTECTION ELEVATION. The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within special flood hazard areas must be protected. Residential construction within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot of freeboard. Commercial construction required to meet or exceed BFE. In areas where no BFE has been established, residential construction elevation shall be at least four feet above the highest adjacent grade. (Note: four feet above highest adjacent grade includes freeboard.) Commercial construction elevation shall be two feet above highest adjacent grade with no freeboard required in areas where no BFE has been established.

REMEDY A VIOLATION. For floodplain management purposes, to bring the structure or other development into compliance with state or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this subchapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

RESIDENCE, DUPLEX. A two-family residential use in which the dwelling units share a common wall, including without limitation the wall of an attached garage or porch, and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

RESIDENCE, MULTI-FAMILY. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall, even the wall of an attached garage or porch.

RESIDENCE, MULTI-FAMILY AND TWO-FAMILY CONVERSION. A multi-family residence that contains not more than nine bedrooms, not more than six dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence prior to January 1, 1998.

RESIDENCE, MULTI-FAMILY APARTMENTS. A multi-family residential use other than a multi-family conversion or multi-family townhouse.

RESIDENCE, MULTI-FAMILY TOWNHOUSE. A multi-family residential use in which each dwelling unit shares a common wall, including without limitation the wall of an attached garage or porch, with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

RESIDENCE, PRIMARY WITH ACCESSORY APARTMENT. A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25% of the gross floor area of the building nor more than a total of 750 square feet.

RESIDENCE, SINGLE-FAMILY DETACHED, ONE DWELLING UNIT PER LOT. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

RESIDENCE, TWO-FAMILY. A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

RESIDENCE, TWO-FAMILY APARTMENT. A two-family residential use other than a duplex, two-family conversion or primary residence with accessory apartment.

RESIDENT MANAGER/CARETAKER DWELLING. A single-family dwelling (use #1.111 and 1.112) occupied by someone who owns or is a manager/caretaker of a non-residential use for the purpose of protecting the use.

RESTAURANT, DRIVE-IN. Restaurant where food is purchased by motorist from inside their vehicle to be consumed off the premises or on the premises.

RIVERINE. For floodplain management purposes in accordance with Article 15, Part I, relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROAD. A highway or a open way for public or private passage; a strip of land appropriated and used for purposes of travel and transportation between different places.

ROAD, PUBLIC. A road or way established and adopted, or accepted as a dedication, by the proper authorities for the use of the general public and over which every person has a right to pass and to use it for all purposes of travel and transportation to which it is adapted and devoted.

ROOMING HOUSE. A residential use:

(1) That consists of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units;

(2) Where the rooms are occupied by short term residents, less than month-to-month tenants, as opposed to overnight or weekly guests; and

(3) Where the dwelling unit is permanently occupied by the owners or operators of the boarding house.

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

SAND-LINED TRENCH WASTE WATER TREATMENT SYSTEMS. A method of disposing of wastewater where unsuitable soils are removed and replaced with sandy or suitable soils to allow for proper infiltration. These systems are installed under the authority of the PPCC District Health Department.

SHOOTING RANGE FACILITY.

(1) Any portion of land or facility designed and/or constructed for commercial use as a shooting range for the purpose of discharge of rifle, shotgun, pistol or any other sport shooting. The facility must be open to the

public and/or law enforcement for training and shooting. Facilities meeting this definition of a shooting range shall be held to state and local laws that govern such facilities.

(2) The above definition of a shooting range will not apply to:

(a) Private ranges constructed for personal non-commercial use, to include target and recreational shooting (discharge of rifles, shotguns, pistols and other sport shooting); and

(b) Charitable organization which run events for the purpose of charity, to include turkey shoots, marksman shoots and the like, not withstanding the provisions of § 130.01.

SHOPPING CENTER. A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four acres in area. A group of commercial establishments that are located on a tract of land less than four acres in area shall be subject to the standards established for the district in which they are located and the combination use requirements of this chapter.

SIGN. Any device that:

(1) Is sufficiently visible to persons not located on the lot where the device is located to accomplish either of the objectives set forth in subdivision two of this definition; and

(2) Is designed to attract the attention of the persons or to communicate information to them.

SIGN EXTERNALLY ILLUMINATED. A sign lighted by an external source that casts light on the face of the sign.

SIGN, FREESTANDING. A sign that is attached to, erected on or supported by some structure, such as pole, mast, frame or other structure, that is not itself an integral part of a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as sandwich sign, is also a ***FREESTANDING SIGN***. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

SIGN, INTERNALLY ILLUMINATED. Sign where the source of the light is inside the sign and light emanates through the message of the sign, rather than being reflected off of the face of the sign.

SIGN, NONCONFORMING. Any sign that does not meet one or more of the requirements of this chapter as of the effective date of this chapter.

SIGN, OFF-PREMISE. Any sign that directs one's attention to a service, commodity, entertainment or business that is offered elsewhere than on the premise where the sign is displayed.

SIGN, ON-PREMISE. Any sign that directs one's attention to a service, commodity, entertainment or business offered on the premise where the sign is located.

SIGN PERMIT. A permit issued by the Administrator that authorizes the recipient to erect, move, enlarge or substantially alter a sign.

SIGN, PORTABLE. A sign that rests on the ground or another surface, but that is not bolted to or otherwise affixed to the ground or a permanent structure in some other substantially permanent way.

SIGN, TEMPORARY. A sign that:

(1) Is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or

(2) Is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

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

SOLAR ENERGY. Radiant energy from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. ***SOLAR ENERGY SYSTEMS*** may include, but not be limited to, solar farms and any of the devices that absorb and collect solar radiation for use as a source of energy.

SOLAR FARM. A use where a series of ground mounted solar collectors (minimum 3) are placed in an area for the purpose of generating photovoltaic power for resale purposes.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE. Defined in G.S. § 130A-290(a)(36).

SPECIAL EVENTS. Circuses, fairs, carnivals, festivals or other types of special events that:

(1) Run for longer than one day, but not longer than two weeks;

(2) Are intended to or likely to attract substantial crowds; and

(3) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year.

SPECIAL USE PERMIT. A permit issued by the Board of Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this chapter, as well as any additional requirements imposed by the Board of Commissioners.

START OF CONSTRUCTION. For floodplain management purposes, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction or substantial improvement of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STREET. A public street or a street with respect to which an offer of dedication has been made.

STREET, ARTERIAL. A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, US 168 and NC 343.

STREET, ARTERIAL ACCESS. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

STREET, COLLECTOR. A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

STREET, CUL-DE-SAC. A street that terminates in a vehicular turnaround.

STREET, LOCAL. A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.

STREET, LOOP. A street that has its beginning and points on the same road.

STREET, MAJOR ARTERIAL. The following arterials that are part of the state's primary road system: US 158, US 168 and NC 343.

STREET, MINOR ARTERIAL. All arterials other than major arterials.

STRUCTURE. Any form or arrangement of a building or construction materials involving the necessity or precaution of providing proper support, bracing, tying, anchoring or other protection against the pressure of the elements. For floodplain management purposes, a ***STRUCTURE*** is a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBDIVISION. The division of a tract of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter;

(2) The division of land into parcels greater than ten acres where 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 whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter; or

(5) At this time, the BOC has specifically found that the BOC has been summoned by the Camden County tax-payers to retain the rural atmosphere. Many landowners in Camden County operate businesses and it has proven difficult for their children to come home to keep those businesses running due to the high cost of living in Camden County. As such, the BOC feels that due to the aid an exemption for parent to child and grandparent to grandchild transfers would provide to the economic structure of Camden County, coupled with the fact that the occurrence of these transfers are infrequent. Therefore, an exemption is provided for the gift

by a property owner of a single lot to each of the property owner's children, parents, grandparents or grandchildren which is large enough to meet all applicable state and local health codes and all other local ordinances.

SUBDIVISION, EXISTING MOBILE HOME. See ***MOBILE HOME SUBDIVISION, EXISTING***. For floodplain management purposes, see definition for "existing manufactured home park or manufactured home subdivision" in lieu of this definition.

SUBDIVISION, MAJOR. Any subdivision other than a minor subdivision, six lots or more.

SUBDIVISION, MINOR. A subdivision that does not involve any of the following:

(1) The creation of more than a total of five lots, including the residual; or

(2) The creation of any new public street.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement".

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCE. A residence that is:

(1) Located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster;

(2) Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in the permanent residence when the work is completed; or

(3) Located on a non-residential construction site and occupied by persons having construction or security responsibilities over construction site.

TOURIST HOME. A use:

(1) That consists of at least one dwelling unit together with one or more rooms that are rented out on a daily or weekly basis (with or without board) to tourists, vacationers or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units; or

(2) Where the dwelling unit is occupied by the owners or operators of the tourist home business.

TOWER. Any structure whose principal function is to support an antenna.

TRACT. A lot. The term ***TRACT*** is used interchangeably with the term ***LOT*** particularly in the context of

subdivisions, where one ***TRACT*** is subdivided into several ***LOT***.

TRAVEL TRAILER. A structure that is:

(1) Intended to be transported over the streets and highways, either as a motor vehicle or attached to or hauled by a motor vehicle;

(2) Is for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home;

(3) For floodplain management purposes, see the definition for "recreational vehicle" in lieu of this definition.

UNSUBDIVIDED DEVELOPMENT. All construction of structures upon land under common singular ownership where such construction does not involve the sale of individual lots or parcels of land and the streets and ways are intended for use by the public or occupants of the development.

USE. The activity or function that actually takes place or is intended to take place on a lot.

USE, PRINCIPAL. A use listed in the table of § 151.334 .

UTILITY FACILITIES. Any above or below ground structures or facilities, other than buildings unless the buildings are used as storage incidental to the operation of the structures or facilities, owned by a governmental entity, a non-profit organization, corporation or any entity defined as a public utility for any purpose by specified by G.S. § 62-3(23) and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals. Excepted from this definition are utility lines and supporting structures listed in § 151.330.

UTILITY FACILITIES, COMMUNITY OR REGIONAL. All utility facilities other than neighborhood facilities.

UTILITY FACILITIES, NEIGHBORHOOD. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where the facilities are proposed to be located.

VARIANCE. A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he or she could not otherwise legally do.

VEHICLE ACCOMMODATION AREA. The portion of a lot that is used by vehicles for access, circulation parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas, spaces and aisles. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

VIOLATION. For floodplain management purposes, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§ 151.380 through 151.387m is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. ***WATERCOURSE*** includes specifically designated areas in which substantial flood damage may occur.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level, of floods of carious magnitudes and frequencies in the floodplains of coastal or riverine areas.

WETLANDS, CAMA. Those areas of land, marsh or swamp which are frequently saturated or covered with water designated by various state agencies as CAMA Wetlands.

WHOLESALE SALES. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WIRELESS TELECOMMUNICATION FACILITIES. A wireless communication transmission and/or reception devices that is affixed to a structure erected to support the devices. Included in this definition are lattice towers, monopoles, guyed towers, antennas, arrays, satellite dishes or other structures intended for use in connection with transmission or receipt of radio or television signals or any other spectrum-based transmissions/receptions.

WOODED AREA. An area of contiguous wooded vegetation where trees are at a density of at least one 6-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

YARD. An open space on the same lot with a principal building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD SALE. Same as ***GARAGE SALE***.

ZONING PERMIT. A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of this chapter. Other permits may also be required to conform to specific provisions of this chapter.

(Ord. passed 12-15-97; Am. Ord. 2003-04-01, passed 5-5-03; Am. Ord. 2004-09-01, passed 10-4-04; Am. Ord. 2004-11-01, passed 1-3-04; Am. Ord. 2006-01-02, passed 5-1-06; Am. Ord. 2008-01-05, passed 2-18-08; Am. Ord. 2009-04-01, passed 5-4-09; Am. Ord. 2010-02-01, passed 3-1-10; Am. Ord. 2011-02- 01, passed 4-4-11; Am. Ord. 2012-01-01, passed 1-3-12)

APPENDICES

APPENDIX A: INFORMATION REQUIRED WITH APPLICATIONS

Section

§ A-1 IN GENERAL.

(A) It is presumed that all of the information listed in this appendix must be submitted with an application for a zoning, sign, special use or conditional use permit to enable the permit issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of this chapter. As set forth in the chapter, applications for variances are subject to the same provisions. However, the permit-issuing authority may require more information or accept less sufficient information according to the circumstances of the particular case. A developer who believes information required by this appendix is unnecessary shall contact the Administrator for an interpretation.

(B) The Administrator shall develop application processes, including standard forms, to simplify and expedite applications for simple developments that do not require the full range of information called for in this appendix. In particular, developers seeking only permission to construct single-family or two-family residences or to construct new or modify existing signs should contact the Administrator for standard forms.

(Ord. passed 12-15-97)

§ A-2 WRITTEN APPLICATION.

Every applicant for a variance or a zoning, sign, special use or conditional use permit shall complete a written application containing at least the following information:

(A) The name, address and phone number of the applicant;

(B) If the applicant is not the owner of the property in question:

(1) The name, address and phone number of the owner; and

(2) The legal relationship of the applicant to the owner that entitles the applicant to make application.

(C) The date of the application;

(D) Identification of the particular permit sought;

(E) A statement of the nature of the development proposed under the permit or the nature of the variance;

(F) Identification of the property in question by street address and tax map reference;

(G) The zoning district within which the property lies;

(H) The number of square feet in the lot where the development is to take place;

(I) The gross floor area of all existing or proposed buildings located on the lot where the development is to take place; and

(J) If the proposed development is a two-family or multi-family residential development or a common open space subdivision, the number of one, two, three or four bedroom dwelling units proposed for construction.

(Ord. passed 12-15-97)

§ A-3 DEVELOPMENT SITE PLANS.

Subject to § A-1, every application for a variance or a zoning, sign, special use, conditional use or major subdivision permit shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question, all in conformity with §§ A-4 through A-6 of this appendix.

(Ord. passed 12-15-97)

§ A-4 GRAPHIC MATERIALS REQUIRED FOR PLANS.

(A) The plans shall include a location map that shows the location of the project in the broad context of the county. This location map may be drawn on the development site plans or it may be furnished separately using reduced copies of maps of the county available at the Planning Department or Tax Department.

(B) Development site plans shall be drawn to scale, using a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resort to plans that are so large as to be cumbersome or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the permit issuing authority shall make the final determination whether the plans submitted are drawn to the appropriate scale, but the applicant for a major subdivision permit or special use permit may rely in the first instance on the recommendations of the Administrator.

(C) Development site plans should show on the first page the following information:

(1) Name of applicant;

(2) Name of development, if any;

(3) North arrow;

(4) Legend; and

(5) Scale at one inch equals 100 feet.

(D) All of the features required to be shown on plans by §§ A-5 and A-6 may be included on one set of plans so long as the features are distinctly discernible.

(Ord. passed 12-15-97)

§ A-5 EXISTING NATURAL, MAN-MADE AND LEGAL FEATURES.

(A) Development site plans shall show all existing natural, man-made and legal features on the lot where the development is to take place. In addition, the plans shall also show those features indicated below by an asterisk that are located within 50 feet in any direction of the lot where the development is to take place and shall specify, by reference to the table of § 151.334, the use made of adjoining properties.

(B) Existing natural features:

(1) Tree line of wooded areas;

(2) Individual trees 18 inches in diameter or more, identified by common or scientific name;

(3) Orchards or other agricultural groves by common or scientific name;

(4) Streams, ponds, drainage ditches, swamps, wetlands, both CAMA and 404, and boundaries of floodways and floodplains;

(5) If the proposed development is a subdivision or mobile home park of more than 50 lots or if more than five acres of land are to be developed, base flood elevation data; and

(6) Contour lines (shown as dotted lines) with no larger than two-foot contour intervals. As indicated in § A-6(B)(20), proposed contour lines shall be shown as solid lines.

(C) Existing man-made features:

(1) Vehicle accommodation areas, including parking areas, loading areas and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles or driveways;

(2) Streets, private roads, sidewalks and other walkways all designated by surface material;

(3) Curbs and gutters, curb inlets and curb cuts and drainage grates;

(4) Other storm water or drainage facilities, including manholes, pipes and drainage ditches;

(5) Underground utility lines, including water, sewer, electric power, telephone, gas, cable and television;

(6) Above ground utility lines and other utility facilities;

(7) Fire hydrants;

(8) Buildings, structures and signs, including dimensions of each;

(9) Location of exterior light fixtures; and

(10) Location of dumpsters, if necessary.

(D) Existing legal features:

(1) The zoning of the property, including zoning district lines where applicable;

(2) Property lines, with dimensions identified;

(3) Street right-of-way lines; and

(4) Utility or other easement lines.

(Ord. passed 12-15-97)

§ A-6 PROPOSED CHANGES IN EXISTING FEATURES OR NEW FEATURES.

(A) Development site plans shall show proposed changes in:

(1) Existing natural features;

(2) Existing man-made features; and

(3) Existing legal features.

(B) Development site plans shall also show proposed new legal features, especially new property lines,

street right-of-way lines, buffer areas and utility and other easements, as well as proposed man-made features, including, but not limited to the following:

(1) The number of square feet in every lot created by a new subdivision;

(2) Lot dimensions, including lot widths measured in accordance with §§ 151.060 through 151.068;

(3) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines;

(4) Principal sides, building elevations for typical units of new buildings or exterior remodelings of existing buildings, showing building heights and proposed wall sign or window sign area;

(5) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures;

(6) Elevation in relation to mean sea level to which any non-residential structure will be flood- proofed;

(7) Description of the extent of which any water course will be altered or relocated as a result of the proposed development;

(8) The location and dimensions of all recreational areas provided in accordance with §§ 151.195 through 151.200 , with each area designated as to type of use;

(9) Areas intended to remain as usable open space or designated buffer areas; (The plans shall clearly indicate whether the open space areas are intended to be offered for dedication to public use or to remain privately owned.)

(10) Streets, labeled by classification and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths; (Private roads in subdivisions shall also be shown and clearly labeled as such.)

(11) Curbs and gutters, curb inlets and curb cuts, drainage grates;

(12) Other stormwater or drainage facilities, including manholes, pipes, drainage ditches, retention ponds and the like;

(13) Sidewalks and walkways, showing widths and surface material;

(14) Bridges;

(15) Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with §§ 151.170 through 151.184;

(16) Underground utility lines, including water, sewer, electric power, telephone, gas, cable and television; (Water and sewer pipe line signs shall be labeled.)

(17) Above ground utility lines and other facilities;

(18) Fire hydrants;

(19) Number of dumpsters and dumpster site locations, if required;

(20) New contour lines resulting from earth movement, shown as solid lines, with no larger than two-foot contour intervals; (Existing lines should be shown as dotted lines.)

(21) Scale drawings of all signs requiring permits, pursuant to §§ 151.415 through 151.418 , together with

an indication of the location and dimensions of all signs;

(22) Vehicle accommodation areas, including parking areas, loading areas and circulation areas, all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles and driveways; and

(23) Proposed plantings or construction of other devices to comply with the landscaping requirements of §§ 151.135 through 151.145, as well as proposed plantings of trees to comply with the shading requirements of §§ 151.155 through 151.159. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns and indicate the height at the time of planting. Major trees shall be drawn at diameter of 30 feet; dwarf or decorative trees shall be drawn at their actual mature crown.

(Ord. passed 12-15-97)

§ A-7 DOCUMENTS AND WRITTEN INFORMATION IN ADDITION TO PLANS.

(A) In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, documents or information shall be provided.

(B) The following is a representative list of the types of information or documents that may be requested:

(1) Documentation confirming that the applicant has a sufficient interest in the property proposed for development to use it in the manner requested or is the duly appointed agent of a person;

(2) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in §§ 151.170 through 151.184, and that all necessary easements have been provided;

(3) For proposed non-residential, flood-proofed structures or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in §§ 151.380 through 151.387 and 151.400 through 151.403;

(4) Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway, if permitted under §§ 151.380 through 151.387 and 151.400 through 151.403, shall not result in any increase in flood levels during occurrence of the base flood discharge;

(5) Certifications from a registered professional engineer or architect, where applicable, as required in §§ 151.380 through 151.387 and 151.400 through 151.403;

(6) Detailed description of play apparatus or other recreational facilities to be provided in order to satisfy the provisions of §§ 151.195 through 151.200 ;

(7) Legal documentation establishing homeowner's associations or other legal entities responsible for control over required common areas and facilities;

(8) Bonds, letters of credit or other surety devices;

(9) Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with §§ 151.495 through 151.518, 151.550 through 151.555 and 151.580 through 151.586;

(10) Complete documentation justifying any requested deviation from specific requirements established by this chapter as presumptively satisfying design standards;

(11) Written evidence of permission to use satellite parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to §§ 151.110 through 151.123;

(12) Written evidence of good faith efforts to acquire satellite parking under the circumstances set forth in §§ 151.110 through 151.123;

(13) Verification that 4.000 classification uses will meet the performance standards set forth in §§ 151.345 through 151.347 ; (Verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that expert verification is unnecessary.)

(14) Time schedules for the completion of phases in staged development, as required by §§ 151.230 through 151.247, 151.260 through 151.263, 151.275 through 151.278 ans 151.290 through 151.298; and

(15) The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

(Ord. passed 12-15-97)

§ A-8 NUMBER OF COPIES OF PLANS AND DOCUMENTS.

With respect to all plans and other documents required by this appendix, the developer shall submit the number of copies that the Administrator reasonably deems necessary to expedite the review process and to provide necessary permanent records.

(Ord. passed 12-15-97)

APPENDIX B: SPECIFICATIONS ON DRIVEWAY ENTRANCES

Section

§ B-1 DRIVEWAY ENTRANCES.

All driveway entrances and other openings onto public streets shall, at a minimum, conform to the requirements set forth in the current edition of the State Department of Transportation's Manual on Driveway Entrance Regulations.

(Ord. passed 12-15-97)

APPENDIX C: SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

Section

§ C-1 DOT STANDARDS APPLICABLE.

All public streets shall be constructed in accordance with the design construction standards promulgated by the State Department of Division of Highways unless a more restrictive standard is herein, in which case the more restrictive standard shall apply. A copy of the DOT standards shall be available for inspection in the Planning Department.

(Ord. passed 12-15-97)

APPENDIX D: VEHICLE ACCOMMODATION AREA SURFACES

Section

§ D-1 PAVED SURFACES.

Vehicle accommodation areas paved with asphalt shall be constructed in the same manner as street surfaces. If concrete is used as the paving material, vehicle accommodation areas shall be similarly constructed, except that six inches of concrete shall be used instead of two inches of asphalt. The county may allow other paving materials to be used so long as the equivalent level of stability is achieved.

(Ord. passed 12-15-97)

§ D-2 UNPAVED SURFACES.

Vehicle accommodation areas without paving shall be constructed in the same manner as paved areas, except that material approved by the county may be used in lieu of asphalt, concrete or other paving materials.

(Ord. passed 12-15-97)

APPENDIX E: SCREENING AND TREES

Section

E-7 Small trees for partial screening

E-8 Large trees for evergreen screening

E-9 Large trees for shading

E-10 Small shrubs for evergreen screening

E-11 Large shrubs for evergreen screening

E-12 Assorted shrubs for broken screens

§ E-1 GUIDE FOR PROTECTING EXISTING TREES.

(A) Sections 51.135 through 151.145 and 151.155 through 151.159 provides for the retention and protection of large trees when land is developed.

(B) In order to better ensure the survival of existing trees, the developer should heed the following guidelines:

(1) Protect trees with fencing and armoring during the entire construction period; (The fence should enclose an area ten feet square with the tree at the center.)

(2) Avoid excavations beneath the crown of the tree;

(3) Avoid compaction of the soil around existing trees due to heavy equipment; (Do not pile dirt or other materials beneath the crown of the tree.)

(4) Keep fires or other sources of extreme heat well clear of existing trees;

(5) Repair damaged roots and branches immediately; (Exposed roots should be covered with topsoil. Severed limbs and roots should be painted. Whenever roots are destroyed, a proportional amount of branches must be pruned so that the tree doesn't transpire more water than it takes in. Injured trees must be thoroughly watered during the ensuing growing year.)

(6) All existing trees which will be surrounded by paving should be pruned to prevent dehydration; and

(7) No paving or other impermeable ground cover should be placed within the dripline of trees to be retained.

(Ord. passed 12-15-97)

§ E-2 STANDARDS FOR STREET AND PARKING LOT TREES.

(A) Trees planted in compliance with the requirements of §§ 151.135 through 151.145 and 151.155 through 151.159 should have most or all of the following qualities.

(B) The trees recommended herein represent the best combinations of these characteristics.

(1) Hardiness:

(a) Resistance to extreme temperatures;

(b) Drought resistance;

(c) Resistance to storm damage;

(d) Resistance to air pollution; and

(e) Ability to survive physical damage from human activity.

(2) Life cycle:

(a) Moderate to rapid rate of growth; and

(b) Long life.

(3) Foliage and branching:

(a) Tendency to branch high above the ground;

(b) Wide spreading habit; and

(c) Relatively dense foliage for maximum shading.

(4) Maintenance:

(a) Resistance to pests;

(b) Resistance to plant diseases;

(c) Little or no pruning requirements; and

(d) No significant litter problems.

(Ord. passed 12-15-97)

§ E-3 FORMULA FOR CALCULATING 20% SHADING OF PAVED VEHICLE ACCOMMODATION AREAS.

(A) Following is an elementary formula for determining the number of shade trees required in and around paved parking lots in order to presumptively satisfy the shading requirements of §§ 151.135 through 151.145 and 151.155 through 151.159.

(1) Calculate square footage of the vehicle accommodation area, including parking spaces, driveways, loading areas, sidewalks and other circulation areas, but not including building area and any area which will remain completely undeveloped;

(2) Multiply by .20 square feet;

(3) Area to be shaded, in square feet; and add:

(4) Area shaded by existing trees to be retained in and around the vehicle accommodation area in square feet;

(5) Area shaded by required screening trees, if any;

(6) Area shaded by required street trees, if any;

(7) Subtotal, in square feet; (If division (7) is greater than division (3), then the shading requirement has been met. If not, go on to division (8).)

(8) Enter the difference between division (7) and division (3), in square feet;

(9) Divide division (8) by 707 square feet;

(10) Total number of shade trees required within the vehicle accommodation area, in number of trees.

(B) Existing trees retained in compliance with § 151.158 will be credited according to their actual crown radius. Shaded area may be calculated as follows: 3.14 x (crown radius) 2 = shaded area. Trees planted within the vehicle accommodation area are credited with shading 707 square feet, based on crown radius of 15 feet. New or existing trees on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area (such as, new perimeter trees will be crediting for shading 354 square feet.) Generally all trees planted in compliance with the screening requirements of §§ 151.135 through 151.145 and the street tree requirements of § 151.156 will be considered perimeter trees. When smaller trees such as Dogwoods are planted, the credited shading area will be adjusted downward to 314 square feet for interior trees and 157 square feet for perimeter trees, based on a crown radius of ten feet.

(Ord. passed 12-15-97)

§ E-4 GUIDE FOR PLANTING TREES.

(A) The trees recommended in § E-10 have minimal maintenance requirements.

(B) However, all trees must receive a certain degree of care especially during and immediately after planting. In order to protect an investment in new trees the developer and his or her agents should follow these guidelines when planting.

(1) The best times for planting are early spring and early fall. Trees planted in the summer run the risk of dehydration.

(2) All trees shall be planted at least 3½ feet from the end of head-in parking spaces in order to prevent damage from car overhangs.

(3) The tree shall be dug at least one foot wider than the root ball and at least six inches deeper than the ball's vertical dimension.

(4) Especially in areas where construction activity has compacted the soil, the bottom of the pit should be scarified or loosened with a pick ax or shovel.

(5) After the pit is dug, observe sub-surface drainage conditions. Most soils in the area are poorly drained. Where poor drainage exists, the tree pit should be dug at least an additional 12 inches and the bottom should be filled with coarse gravel.

(6) Backfill should include a proper mix of soil, peat moss and nutrients. All rooms must be completely covered. Backfill should be thoroughly watered as it is placed around the roots.

(7) Immediately after it is planted, the tree should be supported with stakes and guy wires to firmly hold it in place as its root system begins to develop. Staked trees will become stronger more quickly. Remove stakes and ties after one year.

(8) Spread at least three inches of mulch over the entire excavation in order to retain moisture and keep

down weeds. An additional three-inch saucer of mulch should be provided to form a basin around the trunk of the tree. This saucer helps catch and retain moisture.

(9) The lower trunks of new trees should be wrapped with burlap or paper to prevent evaporation and sun scald. The wrapping should remain on the tree for at least one year.

(10) Conscientious post-planting care, especially watering, pruning and fertilizing, is a must for street and parking lot trees. Branches of new trees may be reduced by as much as a third to prevent excessive evaporation.

(Ord. passed 12-15-97)

§ E-5 GUIDE FOR PLANTING SHRUBS.

(A) Shrubs planted for screening purposes should be given a proper culture and sufficient room in which to grow. Many of the guidelines for tree planting listed in § E-5 also apply to shrubs. However, because specific requirements vary considerably between shrub trees, this appendix does not attempt to generalize the needs of all shrubs.

(B) For detailed planting information or individual species, refer to *Landscape Plants of the Southeast*, by R. Gordon Halfacre and Anne R. Shawcroft.

(Ord. passed 12-15-97)

§ E-6 LISTS OF RECOMMENDED TREES AND SHRUBS.

(A) The following lists indicate plantings which will meet the landscaping and shading requirements of §§ 151.135 through 151.145 and 151.155 through 151.159. The lists are by no means comprehensive and are intended for landscaping and shading purposes only. Plants were selected for inclusion on these lists according to four principal criteria: general suitability for the coastal section of the state, ease of maintenance, tolerance of county conditions and availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the types of plants which are thriving on or near that site. Accordingly, native state species should often be favored. However, if an introduced species has proven highly effective for landscaping or shading in coastal areas, it too may be a proper selection.

(B) Sections E-10 through E-12 contain descriptions of the trees and shrubs listed here.

(1) Small trees for partial screening:

(a) River Birch;

(b) American Hornbeam;

(c) Eastern Redbud;

(d) Flowering Dogwood;

(e) Washington Hawthorn;

(f) Russian Olive;

(g) Mountain Silverbell;

(h) American Holly;

(i) Golden Rain Tree;

(j) Crape Myrtle;

(k) Sourwood;

(l) Carolina Cherry-Laurel; and

(m) Gallery Pear.

(2) Large trees for evergreen screening:

(a) Deodar Cedar;

(b) Southern Magnolia;

(c) Carolina Hemlock;

(d) Long Leaf Pine;

(e) White Pine;

(f) Scotch Pine; and

(g) Loblolly Pine.

(3) Large trees for shading:

(a) Norway Maple;

(b) Red Maple;

(c) Ginkgo;

(d) Honeylocust;

(e) Sweet Gum;

(f) London Plane-Tree;

(g) Sycamore;

(h) Eastern Red Oak;

(i) Willow Oak;

(j) Scarlet Oak;

(k) Laurel Oak; and

(l) Little-leaf Linden.

(4) Small shrubs for evergreen screening:

(a) Glossy Abelia;

(b) Warty Barberry;

(c) Wintergreen Barberry;

(d) Dwarf Horned Holly;

(e) Little-leaf Japanese Holly;

(f) Convexa Japanese Holly;

(g) Indian Hawthorn;

(h) Azaleas and Rhododendrons; and

(i) Japanese Yew.

(5) Large shrubs for evergreen screening:

(a) Hedge Bamboo;

(b) Thorny Elaengus;

(c) Burford Holly;

(d) Yaupon Holly;

(e) Laurel or Sweet Bay;

(f) Japanese Privet;

(g) Fortune Tea Olive;

(h) Red Photinia; and

(i) Lauretinus Viburnum.

(6) Assorted shrubs for broken screens:

(a) Japanese Barberry;

(b) Fringetree;

(c) Border Forsythia;

(d) Vernal Witch Hazel;

(e) Common Witch Hazel;

(f) Pfitzer Juniper;

(g) Drooping Leucothoe;

(h) Winter Honeysuckle;

(i) Star Magnolia;

(j) Northern Burberry;

(k) Judd Viburnum; and

(l) Doublefile Viburnum.

(Ord. passed 12-15-97)

§ E-7 SMALL TREES FOR PARTIAL SCREENING.

(A) The following trees are recommended for use in all types of screens. Though smaller than the trees listed in planting lists §§ E-11 and E-12, each of these trees will reach a height of at least 20 feet.

(B) Selections marked with an asterisk (*) are also recommended as shade trees and may be credited for meeting the 20% shading requirement for paved parking lots.

(1) *River Birch (Betula Nigra).* Height: 20 to 40 feet; spread: eight to 16 feet. The River Birch is a native tree which usually grows along stream banks. In landscape design, it is adaptable to either high or low locations but still requires a lot of moisture. This tree has an interesting, papery bark and a graceful branching habit. It has no special pest or maintenance problems.

(2) *American Hornbeam (Carpinus Carolinia).* Height: 20 to 30 feet; spread: 15 to 20 feet. This native tree has a natural yet refined appearance. It is slow growing, but at maturity it serves as an excellent small shade tree. Its fluted, muscular trunk is an interesting feature. In the wild, the American Hornbeam is common in moist rich soil, yet, when used in landscape design, it is soil tolerant and does not require an unusual amount of water. It has no pests and no special maintenance problems.

(3) *Eastern Redbud (Cercis Canadensis).* Height: 20 to 30 feet; spread: 12 to 25 feet. This native tree is covered by beautiful pink flowers in the spring and develops a dense round crown when allowed to grow in direct sunlight. The Redbud has some pests, and its fruits pods may present a litter problem, but it recommends itself for being drought resistant and tolerant of polluted county air.

(4) *Flowering Dogwood (Cornus Florida).* Height: 15 to 30 feet; spread: 15 to 20 feet. The Dogwood is a native woodland tree which is very popular for landscape planting. It is considered to be a fairly hardy tree, but, when planted in direct sun, it must be frequently watered. A healthy Dogwood will develop attractive horizontal branches and a bushy crown. Dogwoods look best when planted in groups or when used as an accent in borders. These trees should be guarded against borers and other pests.

(5) *Washington Hawthorn (Crataegus Phaenophyrum).* Height: 25 to 30 feet; spread: 25 to 30 feet. Hawthorns generally require spraying to prevent disease and insect infestation. However, they are an excellent choice for screening because of their extremely dense and thorny branches. They have proved to be excellent as a headlight screen on highway medians and, when planted close together, they form an impenetrable living fence. They prefer sun and are tolerant of most types of soil. The Washington Hawthorn is generally considered to be the best of the Hawthorns.

(6) *Russian Olive (Elaengus Augustifolia).* Height: 15 to 20 feet; spread: 20 to 30 feet. The Russian Olive can withstand severe exposure and will grow in almost any soil. Its toughness and wide spreading habit make it an exceptional screening plant. The foliage is an attractive silver-gray color and its flowers, thought inconspicuous, are very fragrant. The Russian Olive is especially notable for its rapid growth. It has no pest problems, but it may require periodic trimming of dead twigs.

(7) *Mountain Silverbell (Halesia Monticola).* Height: 20 to 40 feet; spread: 20 feet. Silverbells are attractive multi-stem trees which are native to the southeastern United States. They are excellent plants for a natural effect and are best placed where their small flowers and pods will be closely observed. Compared to other trees on this list, its crown is more open and irregular. The Mountain Silverbell has no pests, no maintenance problems, and no special soil requirements.

(8) *American Holly (Ilex Opaca).* Height: 15 to 30 feet; spread: ten to 20 feet. This familiar native tree

possesses a pyramidal evergreen crown with abundant red berries in the winter. It grows best in full sun and prefers moist yet well drained soils. If the lower limbs are allowed to grow naturally, they will branch to the ground. Hollies should be protected from high winds. The American Holly is a relatively slow grower.

(9) *Golden Rain Tree (Koelreuteria Paniculata)*. Height: 20 to 30 feet; spread: 15 to 20 feet. This is an extremely hardy tree, tolerant of county conditions, drought resistant and capable of growth in most kinds of soil. It bears beautiful yellow flowers and interesting seed pods on its rounded crown. The Golden Rain Tree is a rapid grower, but is relatively short lived.

(10) *Crape Myrtle (Lagerstroemia Indica)*. Height: 15 to 25 feet; spread: 15 to 20 feet. This popular flowering tree is decorative and interesting in all seasons. However, it should not be expected to stand alone as a screen. It is most effective against an evergreen background. It grows best in direct sun and may develop mildew problems when planted in shade. Crape Myrtle may be pruned to a desired shape, but when left on its own it will form a densely branching crown.

(11) *Sourwood (Oxyndrum Arboreum)*. Height: 20 to 30 feet; spread: ten to 15 feet. Sourwoods are handsome native trees which are most effective in landscape design when planted in groups. They are easy to transplant and, as each tree matures, it assumes a slender form with upright branches. Sourwood prefers relatively dry acid soils. Its only special maintenance problems may be infestations of webworms.

(12) *Carolina Cherry-Laurel (Prunus Caroliniana)*. Height: 20 to 30 feet; spread: 15 to 20 feet. This tree is prized for its dense evergreen foliage. It may be trimmed as a hedge, but also serves as an excellent screen in its natural form. The Cherry-Laurel grows rapidly and has no pests. However, it may not be as cold hardy as other trees on this list.

(13) **Callery Pear (Pyrus Callery ana)*. Height: 20 to 40 feet; spread: 20 to 30 feet. The Callery Pear has recently gained popularity as a county road tree because it is impervious to air pollution. Furthermore, it will grow in relatively infertile soils. It is a beautiful, upright tree which grows rapidly and is long lived. However, it may be subject to an assortment of pests and diseases. The Bradford variety is recommended for its vigorous habit of growth.

(Ord. passed 12-15-97)

§ E-8 LARGE TREES FOR EVERGREEN SCREENING.

(A) The following trees are ideal for screening large scale areas such as shopping centers and industrial sites.

(B) They are also effective in combination with other, smaller screening plants. All are moderate to fast growers. They are not considered to be shade trees.

(1) *Deodar Cedar (Cedrus Deodara)*. Height: 40 to 150 feet; spread: 30 feet and up. The Deodar Cedar is a useful and attractive evergreen. It should be allowed plenty of room in order to assume its beautiful natural form. Its pendulous branches should be allowed to touch the ground. It prefers relatively dry soils, grows rapidly, and is easy to maintain. True Cedars, such as the Deodar, are not native to North America, but they have become quite popular in the south as a landscape tree.

(2) *Southern Magnolia (Magnolia Grandiflora)*. Height: 40 to 60 feet; spread: 25 feet and up. Magnolias are striking trees which serve well as screens when their branches are allowed to grow to the ground. Generally, this tree does well in county conditions, but it should be planted in quite rich acidic soils and it requires a lot of moisture. Furthermore, Magnolias require ample space for growth. If planted in full sunlight, they will grow rapidly. Because it drops large waxy leaves, seed pods, and flowers, the Magnolias

may present a litter problem.

(3) *Carolina Hemlock (Tsuga Caroliniana)*. Height: 30 to 70 feet; spread: 20 feet and up. This native of rocky locations in the state mountains adapts well to county locations. It may be sheared or pruned to any shape, but when it grows naturally, its graceful branches form an excellent high screen. The Hemlock prefers cooler, partially shaded locations and does best in highly fertile soils. It grows quite rapidly.

(4) *Long-leaf Pine (Pinus Palustris)*. Height: 80 to 100 feet; spread: 30 feet and up. Excellent in mass or as specimen for suburban areas, roadsides or lawns. Ascending branches and open, round head. Deep taproot which is difficult to transplant, except when young. Planting is at medium depth and requires well-drained soils with medium fertility and moisture.

(5) *White Pine (Pinus Strobus)*. Height: 100 to 150 feet; spread: 50 feet and up. Excellent in mass or as specimen for suburban areas, roadsides or lawns. Ascending branches and open, round head. Deep taproot which is difficult to transplant, except when young. Planting is at medium depth and requires well-drained soils with medium fertility and moisture.

(6) *Scotch Pine (Pious Sylvestris)*. Height: 60 to 150 feet; spread: 40 feet and up. Valued for its picturesque character; useful as specimen or in masses. Symmetrically pyramid with short spreading branches in youth. At maturity, lower branches die off and specimen becomes picturesque and open. Deep taproot with wide-spreading laterals. Planting is at medium depth and requires well-drained, soils with medium fertility and moisture.

(7) *Loblolly Pine (Pious Taeda)*. Height: 90 to 100 feet; spread: 30 feet and up. Useful in masses or free-standing as specimen and shade tree. Ascending branches and rounded head. Extensive laterals and difficult to transplant. Planting is at medium depth and requires well-drained soils with medium fertility and moisture.

(Ord. passed 12-15-97)

§ E-9 LARGE TREES FOR SHADING.

(A) The following trees may be used for screening, but they are recommended especially for shading trees and parking lots.

(B) Unless otherwise noted, they will grow rapidly. Each species will attain a mature spread of at least 30 feet.

(1) *Norway Maple (Acer Platanoides)*. Height: 40 to 50 feet; spread: 50 feet and up. Maples as a group are not particularly tolerant to county conditions. The Norway Maple is an exception, however, as it is relatively invulnerable to air pollution and has no special maintenance requirements. This tree assumes a wide spreading form and provides very dense shade. In the autumn, the leaves are a brilliant red and yellow. The Norway Maple grows rapidly, but it is subject to ice and wind damage. Plenty of room should be available for its shallow roots and it should be given ample water.

(2) *Red Maple (Acer Rubrum)*. Height: 40 to 50 feet; spread: 25 feet and up. This tree is an example of a Maple which is not recommended where there will be high concentrations of air pollution. However, with its excellent shading characteristics and beautiful colors, it should not be ignored. This tree grows rapidly, but, unlike the Norway Maple, it does not become brittle with age. The Red Maple is a native tree which is usually found in moist, even swampy areas, but it adapts well to a variety of situations. Although subject to Maple insects and diseases, it is usually a long lived tree.

(3) *Ginkgo or Maidenhair Tree (Ginkgo Biloba).* Height: 40 to 80 feet; spread: 30 feet and up. The Ginkgo is a tree which is recommended for several outstanding reasons. It is one of the oldest surviving species of trees. It is adaptable to any soil, climate or degree of exposure to the sun. It does quite well in the county. It has no pests, no diseases and no pruning requirements. In sum, it is a tree of exceptional vitality. The State Department of Forest Resources calls the Ginkgo, "probably the best all around street tree." Two reservations are worth stating; however, first, only male trees should be planted because female Ginkgos bear a messy, malodorous fruit and second, the Ginkgo is a slow grower. When young, it has a rather gangly appearance. It takes 25 to 30 years to assume its mature, symmetrically spreading form.

(4) *Honeylocust (Gleditsia Triacanthos).* Height: 50 to 75 feet; spread: 25 feet and up. Its open, spreading form and feathery leaves may give the Honeylocust a frail appearance, but it is in fact a quite sturdy tree, notable for its resistance to county conditions. Grass and shrubs thrive beneath a Honeylocust because it casts light shade. This tree is especially useful for its ability to be transplanted at a relatively advanced age. Accordingly, it may be used for immediate effect in a landscape design. The Honeylocust has its own pests and diseases, but it is fairly hardy. Thornless and fruitless varieties, such as "Moraine," are recommended.

(5) *Sweet Gum (Liquidambar Styraciflua).* Height: 60 to 100 feet; spread: 50 feet and up. The Sweet Gum is a native bottomland tree which adapts to a variety of soils. Its dense foliage and balanced form make it an excellent shade tree for large open areas. The Sweet Gum needs sun and plenty of room to achieve maximum size and beauty. In the fall, its leaves turn a brilliant wine and gold color. Other than clean up of its prickly seed balls, the Sweet Gum poses no special maintenance problems.

(6) *London Plane Tree (Platanus Acerifolia).* Height: 70 to 100 feet; spread: 30 feet and up. The London Plane Tree is excellent for streets and parking lots for a variety of reasons. It puts out its branches high enough above the ground so as not to obstruct traffic. Its 20 broadly spreading crown makes it especially useful along wide roads. The London Plane is one of the world's hardiest trees in polluted air. Although it needs plenty of sun and moisture, it is undemanding about soil. Finally, it is very long lived. The London Plane Tree is a hybrid of the Sycamore, and like the Sycamore, it may suffer from certain diseases. However, it is more resistant to leaf blight than the Sycamore.

(7) *Sycamore (Platanus Occidentalis).* Height: 70 feet to 100 feet; spread: 60 feet and up. The Sycamore is probably the fastest growing shade tree on this list. Within ten years, it can grow to a height of between 30 and 40 feet. It is easily transplanted, but it needs plenty of space. As one of nature's most massive trees, Sycamores have been known to grow to a height of 170 feet with a trunk ten feet across. The Sycamore is a native tree which typically grows in flood plains, but it thrives in a variety of situations. Its tolerance of severe conditions has long made it a favorite choice as a street tree. Sycamores are susceptible to fungi and leaf blight and their large leaves and seed balls may present a litter problem.

(8) *Eastern Red Oak (Quercus Rubra).* Height: 50 to 70 feet; spread: 40 feet and up. This tree grows faster than any other Oak, two feet or more per year. It is prized as a tree because its high branching habit gives it an ideal shape. The Red Oak grows in almost any average soil and presents no special maintenance problems.

(9) *Willow Oak (Quercus Phellos).* Height: 60 to 80 feet; spread: 30 feet and up. This is another rapidly growing Oak. It has proven to be quite successful as a street and parking lot tree. Its slender leaves give it a finer texture than that of other Oaks, but it still casts excellent shade. The Willow Oak is native to bottomland soils, and thus it needs plenty of moisture. It often spreads majestically as it matures so it should be given ample room to grow. No significant pests or diseases afflict the Willow Oak.

(10) *Scarlet Oak (Quercus Coccinea).* Height: 60 to 80 feet; spread: 40 feet and up. This is a third Oak which grows rapidly and is easy to maintain. The Scarlet Oak is more difficult to transplant than the Red or the Willow but it may be a worthwhile selection for its excellent foliage.

(11) *Laurel Oak (Quercus Laurifolia).* Height: 40 to 60 feet; spread: 30 feet and up. The Laurel Oak grows more slowly than the other Oaks listed above, but it has the advantage of being nearly evergreen in coastal sections of the state. It has proven to be a good street tree and does quite well under county conditions. It presents no special maintenance problems.

(12) *Little-leaf Linden (Tilia Cordata).* Height: 30 to 50 feet; spread: 25 feet and up. Lindens are notable for their exceptional symmetry and their ability to grow in poor soils. The Little-leaf Linden requires plenty of moisture, but it has proven to be useful for county planting and is especially recommended as a street tree. With its many thick branches and abundant foliage, the Linden provides very dense shade. It should be sprayed for aphids in order to prevent sticky droppings from the leaves.

(Ord. passed 12-15-97)

§ E-10 SMALL SHRUBS FOR EVERGREEN SCREENING.

(A) The following shrubs are recommended for informal (unclipped) hedges or screens.

(B) Each species grows to a height of less than six feet; therefore, these shrubs are appropriate for semi-opaque screens.

(1) *Glossy Abelia (Abelia Grandiflora).* Height: four to six feet; spread: three to five feet. Abelia is quite common in local nurseries and tends to be less expensive than other shrubs on this list. It bears pale pink flowers throughout the summer. Although it has proven popular for informal hedges, it has several drawbacks. Abelia should be pruned and thinned to maintain its best form. It may drop its leaves due to low temperatures, lack of pruning or starvation.

(2) *Warty Barberry (Barberis Verruculosa).* Height: three to four feet; spread: three to four feet. Barberries as a group have proven to be excellent as hedge plants. With their dense, spiny limbs, they are effective barriers in public places. The Warty Barberry is a shrub with a neat, compact habit. It is soil tolerant and has no special maintenance requirements. It grows slowly, but it will reach a height of three to four feet within five years.

(3) *Wintergreen Barberry (Berberis Julianae).* Height: four to six feet; spread: two to five feet. This is another Barberry which forms an impenetrable thorny hedge. In fact, it grows even more densely than the Warty Barberry. It is pest resistant and is very hardy. No pruning is required. Because it is fairly slow growing, it will take eight to ten years to reach a height of five to six feet.

(4) *Dwarf Horned Holly (Ilex Cornuta 'rotunda').* Height: three feet; spread: three to four feet. This shrub is an excellent selection for a low hedge. It is soil tolerant and requires no pruning or other special care once established. With its spiny leaves, this plant appears to be and is in fact rugged. Like all Hollies, it grows best in full sun, but unlike others of its species, it produces bright red berries without both sexes being present.

(5) *Little-leaf Japanese Holly (Ilex Crenata' microphylla').* Height: four to six feet; spread: five feet and up. This Holly is a good substitute for the more finicky and often more expensive Boxwood. It withstands pruning, but is quite attractive in its natural form. Although considered to be slow growing, it will form a stiff six feet tall hedge within ten years. The Little-leaf Japanese Holly grows well in both sun and shade and does well in county conditions.

(6) *Convexa Japanese Holly (Ilex Crenata 'Convexa').* Height: four to six feet; spread: three to five feet. The Convexa Japanese Holly is another good Boxwood substitute. This shrub is considered to be one of the most attractive, hardy and serviceable Hollies for landscape use. It is attractive in either a clipped or unclipped form. It grows faster than the Little-leaf Japanese Holly.

(7) *India Hawthorn (Raphiolepis Indica)*. Height: three to four feet; spread: four to five feet. With its spreading, irregularly branching, the India Hawthorn makes an excellent informal hedge. It is tolerant of a variety of soils and is fairly drought resistant. However, it may not be as cold tolerant and pest resistant as other shrubs on this list.

(8) *Azaleas* and *Rhododendrons (Rhododendron Species)*. Height: three feet and up; spread: three feet and up. Many varieties of Azaleas and Rhododendrons are dense and evergreen and are, therefore, good screening material. The universal popularity of this large shrub family belies the fact that its members must not be planted indiscriminately. As a group, Rhododendron species prefer cool, moist, well drained, acidic soil which has a fairly high organic content. They do best in shade or partial shade particularly when they are planted in extremely hot or windy locations. If planted in full sun, they should receive plenty of water. In spite of these requirements, once established in good soil with the correct culture and water, both Rhododendrons and Azaleas tend to take care of themselves. Some relatively hardy and vigorous species are: *Kurume Azaleas (R. obtusum), Snow Azaleas (R. mucronatum), Indian Azaleas (R. indicum), and the native Carolina Rhododendron (R. carolinianum).*

(9) *Japanese Yew (Taxus Cuspidata)*. Height: four to six feet; spread: five to seven feet. The versatile Yew is commonly available from local nurseries in a wide variety of sizes and shapes. The Japanese Yew serves as excellent screening material in either a clipped or unclipped form. It tolerates poor growing conditions and flourishes in almost any kind of soil. Soggy soil may hamper its growth, however. It is comparatively pest free and is hardy under trying winter conditions. The Yew's best feature is its rich shiny green needles which grow densely on all varieties.

(Ord. passed 12-15-97)

§ E-11 LARGE SHRUBS FOR EVERGREEN SCREENING.

(A) The following shrubs are recommended for high hedges or screens.

(B) Each species grows to a height of more than six feet; therefore, these shrubs are appropriate for opaque screens.

(1) *Thorny Elaengus (Elaengus Pungens)*. Height: eight to ten feet; spread: six to ten feet. This shrub is tolerant of many adverse conditions. It will grow rapidly in relatively infertile, dry soils. Its dense thorny branches form an excellent natural hedge. It is one of the most common evergreen shrubs in the south.

(2) *Burford Holly (Ilex cornuta Burfordii)*. Height: 8 to 15 feet; spread: 6 to 8 feet. The Burford Holly has been called, “one of the best and most serviceable of all broad leafed evergreens for general planting in the south.” It is soil tolerant, grows rapidly, requires no pruning, and usually has no pest problems. Its dark green leaves lack the usual Holly spines.

(3) *Yaupon Holly (Ilex Vomitoria)*. Height: 5 to 15 feet; spread: 6 to 12 feet. This is another versatile Holly, slower growing than the Burford, but equally as adaptable to adverse conditions. It is a native shrub which has proven to be one of the most drought resistant of all Hollies. It may be clipped to maintain any desired height. The Yaupon Holly is very heavily fruited and will attract birds.

(4) *Laurel* or *Sweet Bay (Lauris Nobilis)*. Height: 10 to 12 feet; spread: 8 to 10 feet. Laurel is a tough low maintenance shrub which does best in fertile, well drained soils. Pruning is not required but it may be sheared to any desired form. It screens well with a single raw planting. The Laurel has been a popular landscaping plant since ancient times.

(5) *Japanese Privet (Ligustrum Japonicum)*. Height: six to ten feet; spread: five to six feet. The Japanese

Privet will survive almost any adversity including heat, cold, drought, air pollution and poor soil. Accordingly, it is one of the most popular hedge plants in America. This and other Ligustrum are fast growing and remarkably pest free. They are ideal as a high screen in large scale areas. It has been said that if a Ligustrum will not grow in a particular location, then nothing will.

(6) *Fortune Tea Olive (Osmanthus Fortunei)*. Height: 9 to 12 feet; spread: 5 to 7 feet. This Osmanthus hybrid is a popular, though non-descript, shrub. With its vigorous growth, it will form an excellent screen or border. It is soil tolerant. The Fortune Tea Olive is most notable for its inconspicuous yet highly fragrant flowers.

(7) *Red Photinia (Photinia Glabra)*. Height: six to ten feet; spread: four to five feet. This low maintenance shrub is often selected for its glossy saw toothed leaves which are a bright red when they first appear. Photinia forms a good hedge when planted in full sun. It has somewhat looser foliage than other plants on this list. In recent years, Red Photinia has become very popular in the Southeast.

(8) *Laurestinus Viburnum (Viburnum Onus)*. Height: 10 to 12 feet; spread: 10 to 12 feet. This Viburnum is prized for its luxuriant dark green foliage. It is valuable for screens and, though sometimes clipped as a formal hedge, it can remain uncut for years and still keep its good form. It grows best in medium fertile soils and prefers dry conditions in the late summer. All Viburnums withstand county conditions well.

(Ord. passed 12-15-97)

§ E-12 ASSORTED SHRUBS FOR BROKEN SCREENS.

(A) The following is a sampling of shrubbery which would be appropriate in a broken screen.

(B) Because many of these plants are deciduous, they are not suitable for opaque and semi-opaque screens.

(1) *Japanese Barberry (Barberis Thunbergii)*. Height: three to five feet; spread: three to five feet. The following is a extremely common deciduous shrub and is considered to be one of the toughest members of the Barberry family. It survives drought, poor soils, exposure and the worst county conditions. With its many thorns, the Japanese Barberry is often used as an impenetrable barrier but is attractive enough to stand alone as a specimen plant. It requires no special maintenance and when planted singly, needs no pruning.

(2) *Fringetree (Chioanthus Virginicus)*. Height: 10 to 30 feet; spread: 8 to 10 feet. The Fringetree is known for its profusion of beautiful flowers. It is considered to be one of the most striking native American shrubs. It is relatively difficult to transplant, but once established it does well in counties as it endures heavy smoke and dust. The mature Fringetree's only drawback is that its leaves appear rather late in the Spring.

(3) *Border Forsythia (Forsythia Intermedia)*. Height: eight to ten feet; spread: seven to ten feet. Forsythias are well known shrubs which bloom bright yellow quite early in the spring. There are two commonly available forms of this shrub: the weeping Forsythia suspends and the more upright Forsythia intermedia. The latter is preferred for screening purposes. With its graceful branches, the Border Forsythia presents a good deciduous foliage mass and should be given plenty of room to grow. It transplants easily and withstands poor growing conditions. It should be thinned occasionally to ensure vigorous growth.

(4) *Vernal Witch Hazel (Hamamelis Vernalis)*. Height: four to six feet; spread: two to three feet. This rapidly growing native shrub is excellent for bordering and naturalizing. It assumes a dense, upright form, thriving in even the most polluted air. Other than plenty of watering the vernal Witch Hazel requires no special maintenance.

(5) *Common Witch Hazel (Hamamelis Virginiana)*. Height: 8 to 15 feet; spread: 7 to 14 feet. This shrub

is a larger version of Vernal Witch Hazel with many of the same qualities. It is another native woodland plant which has adapted well to landscaping uses. The Common Witch Hazel is recommended for shady areas, but when planted in the sun it grows to be a splendid well rounded specimen. It is especially useful in large areas.

(6) *Pfitzer Juniper (Juniperus Chinensis 'Pfitzeriana').* Height: four to six feet; spread: six to nine feet. This evergreen is recommended for broken screens rather than full fledged hedges because its form lends itself to massing rather than row planting. Pfitzer Juniper has been known to grow 6 feet high and spread 10 to 15 feet within 10 years. Thus it should be given plenty of room to grow. Despite its exotic appearance, it is a commonly used landscape plant. Junipers, as a group, withstand hot, poor, dry soils of county areas probably better than any other evergreens. However, they do suffer from certain pest problems and should therefore be watched closely once they are planted.

(7) *Drooping Leucothoe (Leucothoe Fontanesiana).* Height: three to four feet; spread: four to six feet. Drooping Leucothoe is a mound-like shrub which is good for planting in front of and between other flora and beneath trees. It is hardy in county conditions and gives a natural effect when planted along borders. This native evergreen is graceful and attractive in all seasons. It is easy to transplant but requires a heavy mulch and should be provided with at least partial shade. Old branches should be pruned occasionally to stimulate new growth.

(8) *Winter Honeysuckle (Lonicera Fragrantissima).* Height: six to eight feet; spread: six to eight feet. The only resemblance between this shrub and the more familiar Honeysuckle vine is its extremely fragrant flowers. The Winter Honeysuckle has a leathery semi-evergreen leaves and assumes a globe shape as it rapidly grows. It is a tough plant, soil tolerant and virtually maintenance free.

(9) *Star Magnolia (Magnolia Stellata).* Height: 10 to 12 feet; spread: 8 to ten feet. This handsome specimen shrub is considered to be the hardiest of all the Magnolias. It forms a broad, rounded mass. It becomes tree-like with age but continues to branch to the ground. Early in the spring, it produces numerous fragrant white flowers. The Star Magnolia should not be planted adjacent to shallow rooting trees. It should be allowed plenty of sun.

(10) *Northern Bayberry (Myrica Pensylvanica).* Height: three to six feet; spread: three to eight feet. This shrub, often used for windbreaks at the beach, is also effective for shrub masses in coastal areas. Its ability to tolerate salt and sands translates into a quality for withstanding the rigors of county life. Bayberry normally forms a dense, spreading mound. While it is evergreen at the shore it may annually drop its leaves in less temperate climates.

(11) *Judd Viburnum (Viburnum Juddii).* Height: eight feet; spread: six feet. Viburnums are sturdy shrubs which are commonly available in area nurseries. The Judd Viburnum is rounded and dense. It bears loose clusters of fragrant white flowers in the early spring. If given plenty of water, it will grow rapidly. Its fall fruit is attractive to birds.

(12) *Doublefile Viburnum (Viburnum Plicatum Tomentosum).* Height: eight to ten feet; spread: eight to ten feet. The Doublefile Viburnum grows larger than the Judd and is noted for its strong horizontal branching habit. It is a very serviceable accent plant in shrub borders. The Doublefile Viburnum should be carefully watered in periods of extended drought.

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