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Article 1:
Zoning Ordinance Constitution

A. Title

The regulations embraced in this and the following articles constitute what shall be designated "The Zoning Ordinance of Washington County, North Carolina," and may be further cited as the "Zoning Ordinance".

B. Purpose and Intent

The Zoning Ordinance of Washington County, North Carolina (hereinafter "Ordinance") is intended to promote the health, safety and general welfare of the public and to implement the County's adopted Land Use Plan for the orderly and controlled development of the County.

To accomplish these ends, the Ordinance is designed to achieve the following goals and objectives:

1. To promote the health, safety, morals, and general welfare of the citizens of the Washington County and to create and maintain conditions under which the citizens and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic, and other requirements of present and future generations;
2. To facilitate the creation of a convenient, attractive and harmonious community; to provide for adequate light, air, convenience of access and safety from fire, flood and other dangers; and to reduce or prevent congestion in the public streets;
3. To provide for County growth that is consistent with the efficient and economic use of public funds and environmental quality;
4. To recognize the needs of housing, industry and business in the County's future growth;
5. To promote the creation and expansion of land uses that will be developed with adequate highway, utility, health, education and recreational facilities;
6. To provide residential areas with healthy surroundings for family life;
7. To protect against destruction of or encroachment of incompatible uses and buildings upon the County's historic areas and tourism corridors;
8. To encourage economic development activities that provide desirable employment and a broad tax base;
9. To promote the conservation of sensitive environmental areas and the preservation of the County's waterfront resources;
10. To encourage the preservation of stream valleys, steep slopes, lands of natural beauty, scenic vistas, and other similar areas and to ensure that development in such areas is well-controlled;
11. To protect against the following: overcrowding of land; undue intensity of noise; air and water pollution; undue density of population in relation to community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; and loss of life, health, or property from fire, flood, panic or other dangers;
12. To promote housing of such type, size and cost as will allow County residents of various economic conditions to reside in safe, sanitary dwellings units; and
13. To encourage innovative and desirable approaches to designed development; and to promote the distinctive sense of urban and suburban places as well as the sense of community within the County.

The zoning regulations and districts herein set forth in this Ordinance have been prepared in concert with the Washington County Growth Opportunities Plan for the expressed purpose to promote the orderly development of the County. In so doing, the health, safety and general welfare of the county may be served by limiting problems associated with vehicular traffic congesting; securing safety from the potential dangers of fire, panic or natural disaster; providing light and air for all citizens; prohibiting the unsafe, unhealthy over crowding of land; and promoting the facilitation of proper services inclusive of transportation, water, sewer, electricity, schools, parks in such a manner that the overall plan will be served and properly implemented. Also, thought the application of this Ordinance, those areas having environmental qualities (Area of Environmental Concern) which should be preserved or developed in a judicious manner will be guided to insure their existence for future generations. Within the context of this purpose, all requirements and/or restrictions have been developed with reasonable consideration of all factors inclusive of the suitability of use of land, value of property and buildings and the general needs of the populace.

C. Authority

To accomplish all other objective and exercise all other powers set forth in Chapter 153A, Section 340 of the General Statutes of the State of North Carolina.

D. Severability

Should any article, section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

E. Interpretation, Purpose and Conflict

In its interpretation and application, the provision of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this Ordinance are at variance with other requirement of the lawfully adopted rules, regulations, Ordinance, deed restrictions or covenants, the most restrictive or that imposing the highest standards shall govern.

F. Jurisdiction

The provisions of this Ordinance shall be application within the corporate limits of Washington County with the exception of Town's corporate limits and their extraterritorial limits as adopted under the General Statutes 160A-360 of the State of North Carolina.

G. Adoption

The Washington County Board of Commissioners do hereby adopt the following:

1. An ordinance properly regulating and restricting the height, size, location and use of buildings; location, use and the size of lots, yards, courts and other open land spaces; the location and standards of certain land use activities inclusive of commercial, industrial and residential uses through the creation of districts with recognized boundaries and regulatory controls fort the expressed stated purpose (Article I) to promote orderly development for the general welfare of the citizens of Washington County, North Carolina.
2. In so doing, the Washington County Board of Commissioners does accept this ordinance and the accompanying official map as the instruments of interpretation and enforcement.

3. Furthermore, the Washington County Board of Commissioners provides for a Board of Adjustment, appeals procedures and the imposition of penalties in order to assure the equitable enforcement of this ordinance and its intent.

This Ordinance shall take effect on the First day of January 2004.

Duly adopted by the Board of Commissioners of the County of Washington, North Carolina, this the 2nd day of September



W.R. Sexton, Chairman
Board of County Commissioners

ATTEST:

Lois C. Askew, Clerk
Board of County Commissioners

Article 2:
General Regulations

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Article 2:
General Regulations

A. Purpose and Intent: General Effect of Zoning Ordinance

No building or structure hereafter shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this Ordinance. Any building or structure shall be located on an approved lot of record, and, in no case, shall there be more than one principal building on one lot unless otherwise provided in this Ordinance. All new construction or use of land shall conform with the use and dimensional requirement for the district in which it is to be located. The following regulations are applicable to all uses of land and structures in the jurisdiction and shall be enforceable upon the effective date of this Ordinance.

B. Prior Approvals

Nothing in this Ordinance shall be deemed to require any change to the plans, plats, lots or buildings previously approved prior to the effective date of this Ordinance.

C. Equability

The regulations contained in this Ordinance for each district shall be applied in an equal and impartial manner to all property within each district throughout Washington County.

D. Farm Exception

The terms of this Ordinance shall regulate the use of every building and land within the areas of jurisdiction except for bona fide farms outside the corporate limits of the jurisdiction except that any use of such property for non-farm purposes shall be subject to such regulations.

E. Conforming Use

Land and structures or the uses of land and structures that conform with the regulations for the district in which it is located may be continued provided that any structural change or alteration or change in use shall conform with the provisions of this Ordinance.

F. Nonconforming Use

Land or structures or uses of land and structures that would be prohibited under the regulation for the district in which it is located shall be considered as nonconforming uses. Nonconforming uses or structures shall be allowed to continue under the appropriate provisions spelled out in this Ordinance.

G. One Principal Building

No lot shall be occupied by more than one principal building. No portion of a yard,

court or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. A residence shall always be considered the principal use of a lot.

H. Lot Reduction

No yard or lot existing at the time of the passage of this Ordinance shall be permitted to be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

I. Adjoining/Vacant Lots of Record

If two (2) or more adjoining lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the applicable district, such lots shall be considered as a single lot or several lots which meet the minimum requirements of the district in which the lots are located.

J. Newly Incorporated Areas

All territory which may hereafter be included within the zoning jurisdiction of Washington County shall within one (1) year after formal designation by the Board of Commissioners be appropriately zoned by the Washington County Planning Board. Until such time all property herein described shall be placed in the RA, Rural Areas Zoning District and those regulations governing that district shall apply.

K. Building Permits

1. A building permit is required in advance of the initiation of any building construction activity including erecting, constructing, enlarging, structurally altering, converting or relocating any building or structure. All applications for building permits shall be accompanied by building plans, specifications and site plans as required by the County Code, plus additional information deemed necessary by the Planning Coordinator to enforce the provisions of this Ordinance.

2. It shall be unlawful for any person to erect, construct, enlarge, extend, structurally alter or use any building except in conformance with plans approved by the Planning Coordinator, or her designee, as required by this article.\

L. Certificates of Use and Occupancy

1. A building hereafter erected under the expressed conditions of a building permit, with the exception of accessory buildings not intended for human occupancy, shall not be occupied in whole or in part until a certificate of use and occupancy has been issued by the County. The occupancy permit shall also certify applicable compliance with current zoning regulations as attested by the Planning Coordinator.

2. An existing building hereafter enlarged, structurally altered, and/or changed in use under the expressed conditions of a building permit, with the exception of accessory buildings not intended for human occupancy, shall not be occupied in whole or in part until an occupancy permit has been issued by the County Building Official and the Planning Coordinator under applicable State and County regulations. For the purpose of zoning interpretation, the conversion of

single-family residential dwelling to multi-family or other residential tenant (for lease) facility shall constitute a change in use.

3. The Planning Coordinator and the Building Official shall be responsible for determining whether applications for certificates of use and occupancy as defined in the North Carolina State Building Code are in accord with the requirements of this Ordinance.

4. No certificates of use and occupancy or temporary certificate of use and occupancy shall be issued by the Building Official unless the Planning Coordinator has certified that all applicable provisions of this Ordinance have been met.

5. The Planning Coordinator shall not approve any temporary certificate of use and occupancy where the applicable provisions of this Ordinance are not met, except in such instances where lack of compliance is of a temporary nature and involve site related improvements, such as landscaping, vegetative screening and paving which cannot reasonably be completed due to seasonal or weather conditions. In such instances the Planning Coordinator shall, before approving such temporary certificate of use and occupancy, be satisfied that the premises involved is physically suitable for use and occupancy in terms of access, parking and other site-related improvements.

6. If the provisions of this Ordinance are violated, the certificate of use and occupancy shall become null and void, and a new certificate shall be required for any further use of such building, structure or land.

M. Zoning Districts

The entire territory of Washington County shall be divided into classes of residential, commercial, industrial, and special overlay zoning districts as presented in Article 3. The location and boundaries of the zoning districts established by this Ordinance are as indicated on the map entitled "Official Zoning Map of Washington County, North Carolina," as approved by the County Board of Commissioners as part of this Ordinance, endorsed by the Clerk to the County Board of Commissioners, and filed in the office of the Planning Coordinator and Clerk of the Board.

N. Interpretation of Zoning District Boundaries

In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where zoning district boundaries of Washington County appear to follow streets, alleys, railroads or highways, such boundaries shall be construed as the centerlines of those streets, alleys, railroads or highways.

2. Where zoning district boundaries appear to follow lines of lots or parcels of record, such lot or parcel lines shall be construed to be such boundary.

3. Where a zoning district divides a parcel of land, the location of such boundary shall be determined by the use of the Zoning Map scale as measured to the nearest foot unless such line can be more accurately determined by geometric or land surveying computations.

4. Where indicated district boundaries are approximately following corporate

boundaries, such corporate boundaries shall be construed to be the district boundaries.

5. Where district boundaries are indicated as approximately following a river, stream, or marsh, the centerline of the river, stream or other water body shall be construed to be the district boundary.

6. The Flood Boundary and Floodway Maps, as amended, prepared by the Federal Emergency Management Administration, shall be incorporated into the Official Zoning Map to delineate the boundaries of the Floodplain Overlay District (FP-O District). This map is filed in the office of the Planning Coordinator.

7. All areas of the County which are under water are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, with reference to physical features, County corporate limits or straight line projection of the district boundaries.

O. Interpretation of District Regulations

1. Permitted uses and special permit uses are listed for the various zoning districts governed by this Ordinance. Any use not specifically permitted in a specified district or districts as a by right use or a special permit use may be prohibited.

2. Where a reference is made to specific prohibitions it is for the purpose of clarification or guidance and no further inference may be drawn therefrom.

3. No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a by right use or a special permit use as regulated by the provisions for such use and the applicable district requirements of this Ordinance.

4. No use of a structure or land that is designated as a special permit use in any district shall be established or hereafter changed to another use designated as a special use, unless a special use permit has been secured from the County Board of Commissioners.

5. No sign, fence, wall, accessory use or structure, or home occupation shall be hereafter established, altered, or enlarged unless in accordance with the provisions of this Ordinance.

6. Within each zoning district there are additional regulations referenced that are directly applicable to development permitted in the district.

7. If any property in the County is not shown on the Official Zoning Map as being located within a zoning district, such property shall be classified as R-A, Rural Areas Zoning District, until the property zoning designation has been changed in accord with the provisions of this Ordinance.

P. District Size

1. Where no minimum district size is specified, the minimum lot areas and width requirements for that zoning district shall define the minimum district size.

2. In administering the provisions of this article, the County Manager shall

have the authority to interpret the definitions of qualifying physical land uses to be used for open space or landscaped open space ratios in a given district.

3. Lands in common open space shall be so covenanted and perpetually maintained, managed and owned by a non-profit organization or other legal entity established under the laws of the State of North Carolina. Such entity shall be approved by the County Attorney or designated agent as a condition of final plan approval.

Q. Areas of Environmental Concern

The following areas outlined below are those Areas of Environmental Concern as defined in General Statute 113A affected by the application of this Ordinance within the jurisdiction of Washington County. The enforcement of this Ordinance within these designated area or land affecting such area should be wholly consistent with the development policies and regulations prescribed in the Coastal Area Management Act of North Carolina. All development standard and permits required under the Act will take precedence over the standards and regulations set forth in this Ordinance.

1. Estuarine Waters

Estuarine waters are defined in General Statute 113A - 113(b) as "all the water of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and tributaries thereto seaward of the dividing line between coastal fishing waters and inland fishing waters as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Natural Resources and Community Development filed with the Secretary of State, entitled "Boundary Lines, North Carolina Commercial Fishing – Inland Fishing Waters" revised to March 1, 1965.

2. Estuarine Shorelines

Estuarine Shorelines constitute those non-ocean shorelines which are especially vulnerable to erosion, flooding or other adverse effects of wind and water and are intimately connected to the estuary. This area extends from the mean high water level or normal water level along the estuaries, sounds, bays and brackish waters as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Natural Resources and Community Development for a distance of seventy-five (75) feet landward.

3. Public Trust Areas

Public Trust Areas are all waters of the Atlantic Ocean and the lands thereunder from the mean high water mark to the seaward limit of state jurisdiction; all natural bodies of water subject to measurable lunar tides and lands thereunder to the mean high water mark; all navigable natural bodies of water and land thereunder to the mean high water level or mean water level as the case may be, except privately-owned lakes to which the public has no right of access; all water in artificially created bodies of water containing significant public fishing resources or other public resources which are accessible to the public by navigation; and all water in artificially created bodies of water in which the public has acquired right by prescription, custom, usage, dedication or any other means. In determining whether the public has acquired rights in artificially created bodies of water, the following factors shall be considered.

- i. Use of the body of water by the public;
- ii. Length of time the public has used the area;
- iii. Value of public resources in the body of water; and
- iv. Whether the public resources in the body of water are mobile to the extent that they can move into natural bodies of water.

R. Condominiums

Notwithstanding the specific minimum lot size requirements and minimum yard requirements specified for a given zoning district, a single family detached or attached dwelling condominium development and other forms of real estate condominiums may be permitted under the Condominium Laws of North Carolina. Condominium developments shall comply with the density and other provisions of the zoning district in which they are located.

S. Accessory Uses and Structures

1. Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately in the following section.
2. In residential districts, no motor homes, recreational vehicles, trailers or boats shall be parked on the public street right of way. No parking of any of the above cited vehicles shall be permitted in a front yard of a residential lot.
3. All accessory uses and structures shall be placed in rear yards and shall cover no more than twenty (20) percent of the area of the rear yard.
4. No accessory structure shall be located in a front yard, except for flagpoles, fences and walls.
5. Accessory buildings on lots in commercial and industrial districts which abut a residential district shall be located a minimum of fifty (50) feet from such residential district line.
6. No accessory building may be placed within the limits of a recorded easement, alley or required fire lane.
7. No accessory structure other than garages shall exceed twenty-four (24) feet in height. Garages may exceed twenty-four (24) feet in height with a special use permit provided that the height of the garage shall not exceed the height of the primary residential structures.
8. Swimming pools may occupy a required rear or side yard, provided that such pools are not located closer than ten (10) feet to a rear lot line or ten (10) feet to an interior or side lot line. A pedestrian space at least three (3) feet in width shall be provided between pool walls and the protective fences or barrier walls of the pool. Seasonal, non-permanent, above ground pools are exempt from this provision.

9. Home occupations are permitted only as an accessory use. Home occupations shall be permitted subject to the following limitations:

- (i). No display of products shall be visible from the street;
- (ii). No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radio and television reception.

10. Dwellings may be accessory uses in any residential district if:

- (i). The use is located inside the principal dwelling; or
- (ii). The use is detached as a garage apartment; or
- (iii). The use is occasional sleeping accommodations ancillary to the principal dwelling as a guesthouse.

11. Setbacks must be in accordance with the district in which the accessory use is located. No single family dwelling unit shall be divided into more than two (2) units.

12. Retail uses and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops and cafeterias. In institutional settings, office buildings, hotels, country club houses and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, proshops and beauty and barber shops.

T. Walls and Fences

Walls and fences, berms and similar items which may restrict passage or vision or simply enhance private property may be located within required yards as defined by building setbacks except as restricted herein:

1. No walls or fences located within front and side yards shall exceed a height of forty-eight (48) inches as measured from the grade at the point of placement. No walls or fences or similar items other than landscaping within side and rear yards shall exceed a height of eight (8) feet. Barbed wire will be allowed only in non-residential districts on walls or fences not to exceed eight (8) feet.

2. In Commercial/Industrial districts, walls and fences that are clearly used for safety or security purposes may supersede other height regulations.

3. In all use districts, walls and fences, hedgerows and other dense landscaping and other items which occur on corner lots, which exceed three and one-half (3 1/2) feet in height, and present an obstruction to vision^o, shall be in accordance to NC Department of Transportation's Site Distance regulations.

4. In all use districts, walls and fences, hedgerows and other dense landscaping and other items which exceed four (4) feet in height and present an obstruction of vision to traffic ingress and egress on property shall be reduced in height or relocated in a manner which negates the obstruction as determined by the North Carolina Department of Transportation (hereinafter referred to as "NCDOT") or the Planning Coordinator.

5. In all residential districts, walls and fences, which adjoin property lines, shall not be electrified or otherwise secured in a manner inappropriate or dangerous to the neighborhood.

6. Trellises and trellis work, play equipment, outdoor furniture, mailboxes, ornamental entry columns and gates are allowed within required yards.

7. Walls, fences and other enclosures for uses such as swimming pools, refuse enclosures, transformers and substations may be restricted by other regulations which shall supersede this section.

U. Home Occupations

1. A home occupation permit shall be approved by the Planning Coordinator prior to commencement of business operations.

2. The home occupation shall be clearly incidental to the use of the premises for dwelling purposes.

3. The home occupation shall be conducted only by direct family members residing on the premises and not more than one person who is not a direct member of the family.

4. The home occupation shall not result in the alteration of the appearance of the residential dwelling unit or the lot on which it is located. There shall be no storage or display of goods outside of a completely enclosed structure.

5. The home occupation shall be conducted within the dwelling or fully enclosed accessory building, shall not require external alterations to the appearance of the dwelling, and shall involve no equipment which is deemed to be in conflict with the intent of the residential nature of the community.

6. The home occupation shall not involve the use or storage of explosives, flammable or hazardous materials and may not involve any process that produces smoke, dust, odor, noise, vibration, or electrical interference, which in the opinion of the Planning Coordinator, is deteriorative or harmful to surrounding properties.

7. The home occupation shall not involve the delivery and storage of materials at a frequency beyond that which is reasonable to the residential use of the property.

8. There shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a residential dwelling. Advertising shall be limited to within the structure.

9. A home occupation shall comply with all applicable County, State and Federal laws and regulations governing the intended use, including applicable business licenses and permits.

10. Home occupation applicants shall permit reasonable inspections of the premises by the Planning Coordinator or other County official to determine compliance with this Ordinance and the conditions attached to the granting of a home occupation permit.

11. Any home occupation, which in the opinion of the Planning Coordinator, has violated the provisions of the home occupation permit or becomes a burden to the neighborhood due to excessive traffic, noise, hours of operation, lighting, or use intensity, shall have its permit revoked and the home occupation shall discontinue or correct operations within ten days upon notification.

12. Any person aggrieved by the action of the Planning Coordinator in granting, denying or revoking a home occupation permit or in stipulating conditions or corrections thereto may appeal the decision to the Board of Adjustment.

13. Within the context of the above requirements, home occupation uses include, but are not limited to, the following:

- a. Artist, sculptor, graphic designer or photographer, limited to one employee.
- b. Author or composer, limited to one employee.
- c. Computer programmer, internet service provider or individual conducting a computer-oriented technology services, limited to one employee.
- d. Home care provider (babysitting for not more than 5 non-related children.)
- e. Tailor or seamstress, limited to one employee.
- f. Professional office, limited to one employee with no client interaction on the site.
- g. Tutoring, limited to two students at any one time.
- h. Salesperson, provided that no retail or wholesale transactions occur on premises and limited to one employee.
- i. Telephone answering service, limited to one employee.
- j. Music teacher, limited to two students at any one time.
- k. Caterer, limited to one employee.

14. Specifically prohibited home occupation uses include, but are not limited to, the following:

- a. Auto repair or auto paint shop.
- b. Day care provider (babysitter serving more than five non-related children).
- c. Gift shops.
- d. Adult entertainment businesses and massage parlors.
- e. Medical and dental clinics.
- f. Veterinary activities and kennels.
- g. Wrecking and towing service.
- h. Welding and machine shop.
- i. Nursing homes, convalescent homes, and adult care facilities (4 adults or more).
- j. Child day care provider.
- k. Eating establishments.
- l. Antique shops.
- m. Tourist homes.
- n. Fortune tellers.
- o. Small machinery repair shop.
- p. Other similar uses.
- q. Commercial (non-charitable) door-to-door sales

V. Lot and Yard Requirements and Modifications

1. No structure or part thereof shall hereafter be constructed or moved on a

lot which does not meet all of the minimum lot area and yard requirements established for the zoning district in which the structure is or is planned to be located except when allowed by special use permit.

2. The minimum lot width shall be measured at the minimum front yard setback line approved on the final subdivision plat. For lots fronting curved streets, the front yard setback will be established parallel to the street as measured constructing tangent points from the street. Each lot must maintain a minimum street frontage of at least twenty-five (25) feet.
3. Pipestem lots (also known as "flag lots") are not permitted in any residential district.
4. Cornices, awnings, eaves, Americans with Disabilities Act (ADA) ramps, gutters, and other similar structural overhangs at least eight feet above grade shall comply with the NC State Building Codes.
5. Uncovered and unenclosed decks, porches, patios, terraces and other similar features not covered by a roof or canopy may extend or project into a front, side or rear yard setback line not more than six (6) feet.
6. Swimming pools may project into required side and rear yards, provided that these projections be at least ten (10) feet from any side or rear property line. Swimming pools are not permitted in front yards. Swimming pools shall be fenced and/or landscaped in accordance with the NC State Building Code.
7. Corner lots shall provide a setback equal to the required front setback for all yards adjoining a public street.
8. Where the frontage on one side of a street between two (2) intersecting streets is improved with buildings having a setback greater or less than one setback heretofore permitted, no building shall project beyond the average setback line of the existing buildings of the same zoning classification so established.
9. No commercial above ground fuel storage tanks may be located less than one hundred (100) feet from any residential district. Canopies and pump operations are not classified as accessory buildings and shall comply with standard principal building setbacks for the district concerned.

W. Public Hearings

1. Public hearings held by the Planning Board or the Board of Adjustment or other duly appointed authority, shall be held in accordance with State law.
2. In accordance with applicable regulations, before such hearings, the following is required:
 - a. Notice of the intended action shall be published once a week for two successive weeks in a newspaper of general circulation in Washington County; provided that such notice for matters to be considered by more than one board or commission may be published concurrently. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views. The public hearing shall take place not less than six days or more than twenty-one days after the second advertisement appears in such newspaper, with not less than six days elapsing between the first and second publication.
 - b. The applicant for action requiring a public hearing shall bear the cost of said notice.

The applicant shall be required to supply the names of those persons that are required to be notified. Any person entitled to such notice may waive such right in writing.

(1) Applications for Appeals, Special Exceptions, Variances, Special Use Permits, vested rights and amendments to the Zoning Ordinance involving a change in zoning classification of twenty-five or fewer parcels of land, require, in addition to the advertising required herein, written notices to be given at least five days before the hearing to the owner (the last known address as shown on the current real estate assessment records of the Washington County) of each parcel involved, the owners of all abutting property and the owners of property immediately across the street or road from the property affected. If such notice is sent by an applicant other than a representative of the County, it shall be sent by registered or certified mail and the return receipts shall be filed with the records of the case. If such notice is sent by a representative of the Council, the notice may be sent by first class mail; provided that the representative make affidavit that such mailings have been made and file such affidavit with the records of the case.

(2) When a proposed amendment to the zoning Ordinance involves a change in the zoning classification of five hundred or more parcels of land, written notice to the owners of each parcel is not required. Notice shall be advertised as required herein.

(3) The Planning Staff shall have a minimum of thirty (30) days and a maximum of sixty (60) days to prepare any case for public hearing.

Article 3:
Zoning Districts

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Article 3:
Zoning Districts

A. Purpose and Intent

The Planning Board of Washington County, North Carolina has established and adopted zoning districts in order to classify, regulate and restrict the location and use of buildings, structures, land, wetlands and water; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces around buildings; to regulate the intensity and density of land uses and to regulate historic areas and major entrance corridors within the geographical territory of the County.

B. Zoning District Classifications

The eight zoning districts are organized into two general zoning categories: (1) Residential Districts, and (1) Commercial and Industrial Districts

| | | |
|---------|--|-----|
| Article | Residential Districts | |
| 3.A | Rural Areas Single Family Residential District | R-A |
| 3.B | Corridor Commercial Retail Commercial District | C-C |

Article 3.A:
Rural Areas Single Family Residential District

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Article 3A:
R-A, Rural Area
Single Family Detached Residential District

A. Purpose and Intent

The R-A, Rural Area Single Family Residential District is intended to supplement the County's subdivision ordinance by providing a means by which rural residential development can be most efficiently accommodated while existing agricultural, aquaculture, fishing, forestry uses and open space can be maintained in the status quo in the near term.

It is the intent of this district to offer options for landowners to preserve existing natural features and vegetation promote sustainable agricultural and forestry activities and encourage the conservation and maintenance of sensitive environmental areas of Washington County. At the same time, the R-A district offers the flexibility for the intelligent management of large parcels for future residential development until a point in time when they are most attractive in the marketplace and urban infrastructure becomes available.

In the County's designated rural areas, new residential subdivisions are not encouraged where it is currently infeasible to extend public water and sewer systems. However, there are many locations where long-range residential development could be desirable if public water and public sewer or accepted septic systems were available. On the other hand, it is recognized that limited family subdivisions and other minor subdivisions of land with large lots with private water and septic service are in the best interests of the County's citizens. This district is designed to accommodate these types of residential development as well. For small subdivisions, landowners are encouraged to cluster the siting of residences in order that the larger remaining portions of a property can be employed for agricultural, forestry or other forms of open space use.

In the future, when it is feasible for the taxpayers to fund the extension of public utilities and infrastructure capable of serving higher density land uses, these rural lands may be reclassified to another residential zoning district or some other more intensive use.

B. Permitted Uses

- a. General farming, agriculture, aquaculture, dairying, fishing, and forestry
- b. Conservation areas
- c. Single family detached dwellings
- d. Accessory uses to residential structures, limited to detached carport and garages, tool sheds, children's playhouses and play structures and animal houses (designed for a single animal).
- e. Yard sale and/or garage sale (temporary)
- f. Public parks and playgrounds
- g. Schools and colleges (public or private)
- h. Private swimming pools and tennis courts
- i. Noncommercial outdoor recreational activities, including hiking, hunting, boating, horseback riding, swimming, skeet and trap shooting, shooting preserves, and fishing.
- j. Home occupations.
- k. Irrigation wells
- l. Country store (retail, limited to 4,000 square feet maximum)
- m. Private boat docks serving a single residential dwelling

- n. Churches and places of worship
- C. Uses Permitted by Special Use Permit
- a. Lodges, social clubs, hunting clubs and boat clubs
 - b. Commercial plant nurseries, with sales transactions performed on the site
 - c. Bed and breakfast lodgings
 - d. Temporary sawmills
 - e. Veterinary clinics and hospitals
 - f. Livestock sales facilities
 - g. Open air markets and stands for farm, horticulture, craft, and produce sales
 - h. Hogging
 - i. Poultry houses
 - j. Cemeteries
 - k. Commercial kennels and horse stables
 - l. Communication towers or antennae
 - m. Golf Courses and golf driving ranges
 - n. Group homes and nursing homes
 - o. Day care centers (for both adults and children)
 - p. Drive-in Movie and other open air theaters
 - q. Commercial outdoor recreational activities, including hiking, hunting, boating, horseback riding, swimming, skeet and trap shooting, shooting preserves and fishing.
 - r. On-site commercial operations for agricultural and forestry product sales and services
 - s. Minimum lot area may be reduced to 15,000 square feet for single-family detached dwellings with public water service and an approved septic system.
- D. Maximum Density for Rural Area Development
- Residential Subdivision Lots: Two (2.0) unit per developable acre
- E. Lot Size Standards for Rural Area Development
- a. Minimum Lot Area: 20,000 square feet
 - b. Minimum Lot Width:
 - i. Interior lot: 100 feet
 - ii. Corner lot:
 - 1. Fronting and access on existing public road - 200 feet
 - 2. Fronting and access on New Public or Private Road – 125 feet
 - iii. Minimum lot depth: 200 feet
- F. Yard and Height Standards for Rural Area Development
- a. Building Height
 - i. Residential building height: 45 feet
 - ii. Public or semi-public building 55 feet
 - iii. Cupolas, spires, and steeples 90 feet
 - iv. Accessory buildings: 34 feet
 - b. Minimum yard requirements
 - i. Front yard: 35 feet
 - ii. Side Yard: 15 feet
 - iii. Rear Yard: 10 feet
 - iv. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage rations. A maximum floor area ratio equal to 0.25 shall apply to such uses and structures, with a maximum percentage of lot coverage equal to 20%. The location of all such uses shall be subject to site plan approval.

- G. Additional Regulations
- a. Refer to the Flood Damage Prevention Ordinance, where applicable
 - b. Refer to the County Subdivision Ordinance, where applicable
 - c. Refer to Sign Regulations for signage provisions, where applicable
 - d. Refer to the Junk Vehicle Ordinance, where applicable
 - e. Refer to the County Mobile Home, Travel Trailers and Mobile Home Parks Ordinance, where applicable
 - f. Refer to the County Water Regulation Policy, where applicable
 - g. Refer to State and BOCA Building Codes, where applicable
 - h. Refer to Coastal Management Act Regulations, where applicable
 - i. Refer to State Environmental Regulations, where applicable
 - j. Recreational vehicle parking shall be located outside of the front yard setbacks
 - k. All public road and street engineering design, pavement sections, access locations and other transportation criteria shall be subject to NCDOT review and approval
 - l. A site plan shall be required for non-residential uses
 - m. Refer to Landscaping Regulations for screening and buffer yard provisions, where applicable
 - n. Any subdivision or lot which is proposed to be developed on shrink/swell soils or soils with engineering limitations shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until the County has reviewed a foundation engineering report.

All recorded plats for lots containing soils with engineering limitations shall bear the following note:

“This lot contains soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”

Article 3.B:
Corridor Commercial District

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| B. | Permitted Uses | 2 |
| C. | Special Permit Uses | 3 |
| D. | Lot Size Requirements | 3 |
| E. | Bulk Regulations | 4 |
| F. | Additional Regulations | 4 |

Article 3A:
C-C District

Corridor Commercial District

A. Purpose and Intent

The Corridor Commercial District provides for the establishment of land use techniques and regulations regarding suitable locations along the County's heavily traveled routes where commercial development may occur. These guidelines are intended for those commercial areas on routes oriented to vehicle traffic requiring major access, including interchanges on the planned US Route 64. Best management practices and storm water management shall be included in planned developments. Fees and/or costs associated with testing, surveying, and design shall be the responsibility of the individual, builder, or developer.

It is the intent of this district to offer options to developers and/or owners of tracts lying within the district as well as to infill parcels at selected locations to provide for commercial uses and subsequent on-site parking and pedestrian traffic, public water and sewer, public street frontage, safe access, storm drainage, storm water management facilities, outdoor lighting, high quality site planning and landscape design. Developments are encouraged in areas where existing public water and sewer exists or it is feasible to extend public water and sewer systems. This district encourages reduction to driveway access to public roads. This district does not allow for domestic wells and septic systems for commercial developments.

B. Permitted Uses

- a. Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use).
- b. Banks and Financial institutions
- c. Business services and office supply establishments
- d. Car Washes
- e. Churches and places of worship
- f. Convenience stores (with or without gasoline sales)
- g. Fast-food restaurants
- h. Funeral Homes
- i. Gasoline sales establishments with no repair services and no vehicle storage
- j. Health club, spa, or fitness center
- k. Hotels and motels
- l. Commercial Kennels
- m. Laundromats/Dry Cleaners
- n. Light intensity wholesale trade
- o. Medical office facilities
- p. Mini-Storage warehouses, with no exterior storage
- q. Movie theaters
- r. Offices (general and professional)
- s. Parking lots (public and private)
- t. Personal service establishments (adult businesses are prohibited)
- u. Plant nurseries
- v. Private post office and delivery services
- w. Public uses
- x. Repair service
- y. Restaurants
- z. Retail sales and leasing establishments
- aa. Shopping Centers
- bb. Veterinary Clinics (with no outdoor kennels)

- C. Special Use Permits
- a. Any use incorporating a drive-thru facility
 - b. Auction establishments
 - c. Bed and Breakfast, inn or tourist home
 - d. Communication towers and antennas
 - e. Commercial recreation facilities (indoor and outdoor)
 - f. Conference Centers
 - g. Frozen food lockers
 - h. Hospitals and health care facilities (inpatient and out-patient services)
 - i. Light warehousing
 - j. Research and Development activities
 - k. Daycare (Adult and Child)
 - l. Private clubs and lodges
 - m. Schools, colleges and universities (public or private)
- D. Lot Size Requirements
- a. Minimum district size: Not Regulated
 - b. Minimum lot area: 30,000 sq. ft.
 - c. Minimum lot width:
 - i. Interior lot – As regulated by the Subdivision Ordinance
 - ii. Corner lot – As regulated by the Subdivision Ordinance
 - d. Minimum lot depth:
 - i. Interior lot – As regulated by the Subdivision Ordinance
 - ii. Corner lot – As regulated by the Subdivision Ordinance
- E. Bulk Regulations
- a. Building Height
 - i. Building Height 35 feet
 - ii. Public or semi-public housing 45 feet
 - iii. Cupolas, spires and steeples 90 ft (Special Permit)
 - iv. Accessory buildings 16ft (24 ft by special permit for single family)
 - b. Minimum yard requirements Refer to Subdivision Ordinance
 - i. Front Yard 20 ft (with frontage and access on existing public road)
 - ii. Side Yard 20 feet
 - iii. Rear Yard 25 feet
- F. Additional Regulations:
- a. Paving must meet minimum standards set by the Planning Board
 - b. All travel-ways and parking shall be constructed with curb and gutter
 - c. All new or upgraded subdivisions or development shall be engineered and designed in accordance with the standards, criteria, and recommendations of NCDOT.
 - d. All uses in the C-C District shall require a site plan.
 - e. Refer to the Flood Damage Prevention Ordinance, where applicable
 - f. Refer to the County Subdivision Ordinance, where applicable
 - g. Refer to Sign Regulations for signage provisions, where applicable
 - h. Refer to the County Mobil Home, Travel Trailers, and Mobile Home Parks and Travel Trailer Parks Ordinance, where applicable
 - i. Refer to the Junk Vehicle Ordinance, where applicable
 - j. Refer to the County Water Regulation Policy, where applicable
 - k. Refer to State and BOCA Building Codes, where applicable
 - l. Refer to Coastal Management Act Regulations, where applicable
 - m. Refer to State Environmental Regulations, where applicable
 - n. Refer to NCDCM General Development Standards, where applicable

- o. Any subdivision or lot which is proposed to be developed on shrink/swell soils or soils with engineering limitations shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until the County has reviewed a foundation engineering report.

All recorded plats for lots containing soils with engineering limitations shall bear the following note:

“This lot contains soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”

Article 4:
Zoning Amendments

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Article 4:
Zoning Amendments

A. Initiation of Zoning Amendments and Changes:

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Washington County Board of Commissioners may by Ordinance amend, supplement or change (a) the text of the Zoning Ordinance, (b) the zoning district boundaries of the Official Zoning Map or (c) the zoning district classification of property.

Any such amendment may be initiated by:

1. County Board of Commissioners on its own motion;
2. Recommendation by the Planning Board to the County Board of Commissioners;
3. Petition of the owner(s), contract purchaser with the owner's written consent, or the owner's agent with the owner's written consent, of the property which is the subject of the proposed amendment.

B. Requirements for Zoning Amendment Application:

For zoning amendment applications initiated by a property owner's petition in accord with paragraph A.3. above, the applicant shall be responsible for the preparation and cost of all materials, exhibits, notifications, fees and other considerations related to the application. All petitions for zoning map amendment (rezoning) or zoning Ordinance text change related thereto shall include a complete and signed rezoning application as well as other materials as specified hereinafter. The Planning Coordinator or designee will be available to assist with the preparation of zoning amendment applications.

Ten (10) copies of the application must be submitted to the office of the Planning Coordinator and shall include, at a minimum, the following:

1. Names, addresses and relationship to the land of all owners and applicants for rezoning of the property described in the application or who may have an interest in the development of the subject property. Where the application is filed by an agent, contract purchaser or lessee, a written and notarized statement shall be provided signed by the title owner or owners indicating endorsement of the application by the owner or owners and authorizing the applicant to seek the rezoning on their behalf.
2. A notarized affidavit, signed by the applicant(s), stating whether or not any member of the Planning Board or the County Board of Commissioners has any interest in the land to be rezoned either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settler of an irrevocable trust or whether any member of their immediate household has any such interest in the outcome of the decision.
3. Tax map of the property to be rezoned.
4. A certified plat showing the metes and bounds of the property to be rezoned, with the seal and signature of the Certified Land Surveyor preparing the plat.

5. A legal description of property and area (in square feet or acres) of the property to be rezoned.
6. Location of all existing buildings and structures.
7. Statement of purpose, feasibility and justification of the proposed amendment, to include:
 - a. A statement addressing the relationship of the proposed zoning to the Land Use Plan or any adopted Ordinance, land use plan, facility plan or other County document which may be related to the application.
 - b. A statement addressing the physical, transportation, public infrastructure, community facilities, schools and environmental impact of the proposed land use(s) for the property to be rezoning.
 - c. Description of areas having environmental or historic significance.
 - d. Description of proposed development, including a statement addressing the impact of the development on adjoining properties and neighborhoods.
 - e. A statement addressing the adequacy of public services and infrastructure to serve the proposed land uses.
 - f. A statement addressing special amenities and improvements to be included with the proposed development.
 - g. A statement setting forth the timing and phasing of the proposed development.
 - h. Any conditional elements and additional information that the applicant may desire to proffer in the consideration of the zoning amendment (see Conditional Zoning and Proffers, Article 5).
8. A General Development Plan which graphically depicts the scope and intent of the proposed development to include the following:
 - a. Schematic land use plan (to be prepared on an accurate base map and a horizontal scale of 1" = 50' or other appropriate scale to be approved by the Planning Coordinator prior to submission of application).
 - b. Proposed location and height of building and other physical improvements including parking and loading spaces.
 - c. Proposed location, type, size and area of open spaces, recreational areas and other community facilities.
 - d. Proposed density of development, maximum floor area coverage, dwelling unit count and estimate of net developable areas in accord with the provisions of the applicable zoning district(s).
 - e. Plan of vehicular and pedestrian circulation.
 - f. Environmental features (including 100 year flood plain, wetlands, soils with high shrink/swell characteristics, sinkholes, quarried and filled land and other sensitive environmental areas).
 - g. Schematic plan for public water and sewer services.

h. Schematic plan depicting how adjacent and neighboring properties shall be protected from any adverse effects of the proposed development, including screening, buffering, fencing and related landscape treatments.

i. Schematic development and/or subdivision plan depicting the phasing of the proposed development if the project is to be developed in more than one phase.

9. The names, addresses and tax map identification numbers of all owners of abutting property and property immediately across the street from the property requested to be rezoned and any abutting property or property immediately across the street from the property requested to be rezoned which lies in the County.

10. An application fee as provided for in Planning Coordinator's Schedule of Fees.

C. Pre-Application Conference Requirement:

1. A Pre-Application Conference shall be conducted with the Planning Coordinator and the Staff Review Committee prior to the submission of an application for zoning amendment.

2. An application for zoning amendment shall not be deemed "complete" unless and until the Pre-Application Conference has been conducted.

D. Action on Application by the Planning Coordinator:

1. The application for zoning amendment shall be reviewed for completeness by the Planning Coordinator and designated members of the County staff. A determination of completeness of the application shall be made within fourteen (14) days from date of submission. If the applicant is not deemed "complete", it shall be returned to the applicant with correspondence provided which outlines the nature and areas in which the applicant is incomplete. No further review shall be conducted on an application which is deemed incomplete.

2. Within thirty (30) days of the receipt of a complete application, the Planning Coordinator shall prepare a staff report outlining the review findings and other relevant comments and recommendations related to the proposed zoning amendment. This report shall be forwarded to the Planning Board prior to the first public meeting on the application.

E. Action on Application by Planning Board:

1. Upon receipt of the staff review report of a complete application, the Planning Coordinator shall set a time and place for a public hearing by the Planning Board on said amendment and direct that the public notice for said amendment be given as required in the State Code.

2. No zoning amendment or change shall be adopted, amended or reenacted unless a complete application on the proposed amendment has been reviewed by the Planning Board.

3. The Board shall hold at least one (1) public hearing on such proposed amendment after required notice have been given. A notice of the public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in Washington County. Such notice shall be published the first time not less than ten (10) days prior to the date fixed for such public hearings. The notice shall contain all pertinent information related to the change, indicating the area affected by recognizable landmarks and the exact change being requested citing the sections

of this ordinance so affected. Following the hearing, the Planning Board shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing and shall report such recommendations, together with any explanatory matter and the Board's statement, by motion or resolution, indicating the public purposes to the County Board of Commissioners.

4. Failure of the Planning Board to report within thirty-five (35) days after the first meeting of the Board after the proposal has been referred to the Board shall be deemed a recommendation for approval, unless such proposal has been withdrawn by the applicant prior to the expiration of such time period.

F. Posting of Property by Applicant or County:

1. A "Public Notice" sign or signs indicating the zoning case number and other information required by the Planning Coordinator shall be posted in a prominent place on the property subject to the application and such sign shall be visible from a public street. The sign or signs, as provided by the Planning Coordinator, shall be erected by the applicant and shall be located within ten (10) feet of a boundary which abuts a public street.

2. The sign or signs shall be posted fourteen (14) days prior to the scheduled Planning Board public hearing and shall remain on the property until action on the application has been taken on the application by the County Board of Commissioners.

3. The applicant shall be responsible for ensuring that the sign is maintained during this period. It shall be unlawful for any person, except the applicant or the Planning Coordinator to remove or tamper with any sign during the period it is required to be maintained.

G. Action on Application by County Board of Commissioners:

1. Before approving and adopting any amendment to this chapter, the Board of Commissioners shall hold at least one (1) public hearing thereon (whether or not jointly held with the Planning Board), after public notice and written notice as required in State Statutes of North Carolina, after which the Board of Commissioners may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public notice and written notice as required in State Statutes of North Carolina.

2. If a joint public hearing is not held on the matter (i.e. only the Planning Board oversees the initial public hearing), the Washington County Board of Commissioners shall consider the application at the next regularly scheduled meeting following its presentation to the Planning Board unless the application was presented less than five (5) days prior to such meeting at which time the application will be placed upon the next regularly scheduled meeting's agenda.

3. A simple majority of the Washington County Planning Board of Commissioners shall be required to amend this Ordinance when such recommendations by the Planning Board are favorable

H. Reconsideration of Request:

1. No consideration of a new request for amendment or change initiated by a property owner's petition in accord with paragraph A.3. hereinabove and as further provided for in this Article, including any change to the boundaries or designations on the Official Zoning Map, which is deemed substantially the same request as an earlier application filing, shall be considered within three

hundred sixty-five (365) calendar days of the date of the earlier filing acted upon by the County Board of Commissioners.

2. The provision of paragraph H.1. hereinabove shall not impair the right of either the Planning Board or the County Board of Commissioners to propose any amendment to this Ordinance on their own motion at any time.

I. Withdrawal of Application:

1. Applications for a change in zoning may be withdrawn from consideration by the applicant at any time prior to any vote by the Planning Board or County Board of Commissioners, provided that no new application concerning any or all of the same property shall be filed within three hundred and sixty-five (365) days of the date of action by the Planning Board or County Board of Commissioners unless the body approving the withdrawal specifies that the time limitation shall not apply and, thereby, permits the application to be withdrawn "without prejudice."

2. The applicant shall not be entitled to any refund of application fees upon withdrawal of an application.

J. Amendments and Variations of Conditions:

There shall be no amendment, change or variation of any condition created pursuant to the provisions of this Article until after a public hearing before County Board of Commissioners advertised pursuant to the provisions of the state Statutes of North Carolina.

Article 5:
Special Use Permits

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Article 5:
Special Use Permits

A. Purpose and Intent

Special use permits add flexibility to the Zoning Ordinance by allowing uses which would otherwise be undesirable to be established in designated districts under conditions imposed by the Board of Commissioners. Such permits are authorized under the terms of this article to provide for certain uses which cannot be well adjusted to their environment in particular locations in Washington County with full protection offered to surrounding properties by only the application of the underlying zoning district regulations. Further, special permit uses are those uses which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a special use permit by the Board of Commissioners, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this article.

B. General Standards and Criteria for Special Use Permit Review

All applications for special use permit shall be reviewed using the following criteria:

1. The proposed use shall be:

- a. In harmony with the adopted Land Use Plan and the Growth Opportunities Plan;
- b. In harmony with the intent and purpose of the zoning district in which the use is proposed to be located and
- c. In harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

2. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water, and sewer facilities, where applicable.

3. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

4. The proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

5. The proposed use does not affect adversely the general plans for the physical development of the County as embodied in these regulations and in any plan or portion thereof adopted by the Planning Board.

6. The proposed use will not affect adversely the health and safety of residents and workers in the County.

7. The proposed use will not be adversely affected by the existing uses.
8. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
9. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use said facility, vehicular movement, noise or fume generation or any type of physical activity.
10. The standards set forth for each particular use for which a permit may be granted have been met.
11. The Planning Board or Board of Commissioners may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of property in the general neighborhood.
12. The proposed use will not be contrary to the purposes stated for these regulations.
13. Whenever the Board of Commissioners shall find in the case of any permit granted pursuant to the provisions of the regulations that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

C. Special Conditions

1. In granting any special use permit, the Board of Commissioners may impose any conditions necessary to assure that the proposed use will conform with the requirements of this section and will continue to do so. The Board of Commissioners may take all necessary actions to ensure compliance with the conditions imposed.
2. The Board of Commissioners may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
 - a. More restrictive sign standards.
 - b. Additional open space, landscaping or screening requirements.
 - c. Additional yard requirements.
 - d. Special lighting requirements.
 - e. Time limitations on hours of operation.
 - f. Additional off-street parking and loading requirements.
 - g. Additional utility, drainage and public facility requirements.
 - h. Additional right-of-way and public access requirements.
 - i. Additional requirements to ensure compatibility with the Land Use Plan.
 - j. Conditions for renewal, extension, expiration, and/or revocation of the permit.

3. The Board of Commissioners may specify time limits or expiration dates for a special use permit, including provisions for periodic review and renewal.

D. Application Requirements for Special Use Permit

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Planning Coordinator, and shall be accompanied by the filing fee as established by the Board of Commissioners.

2. If the request for a special use permit has been denied by the Board of Commissioners, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.

3. The application shall include the following information:

a. A preliminary site plan in accordance with the Site Plan Regulations outlined in Article 10.

b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.

c. A written statement of proposed project compatibility with the following:

- (1). The Land Use Plan.
- (2). The Growth Opportunities Plan.
- (3). The applicable zoning district.
- (4). The surrounding properties.
- (5). Current and future neighborhood conditions.
- (6). Pedestrian and vehicular traffic patterns, on-site and off-site.
- (7). Adequate public facilities.

d. When requested by the Planning Coordinator, the Planning Board, or the Board of Commissioners, the following information shall be provided by the applicant:

- (1). The architectural elevations and floor plans of proposed building(s).
- (2). Traffic impact analysis.
- (3). Fiscal impact analysis.
- (4). Parking and site circulation analysis.
- (5). Photographs of property and surrounding area.
- (6). Environmental impact statement.

E. Action by Planning Board

1. No special use permit shall be approved unless the proposal has been reviewed by the Planning Board. The Planning Board shall conduct at least one (1) public hearing in accordance with this Ordinance. Following the public hearing, the Planning Board shall prepare and by motion adopt its recommendations, which may include changes in the applicant's original proposal resulting from the hearing, and shall report such recommendations, together with any explanatory material, to the County Commissioners.

2. Failure of the Planning Board to report within thirty-five (35) days after the first

meeting of the Planning Board after the proposal has been referred to the Planning Board shall be deemed approval, unless the proposed special use permit has been withdrawn by the applicant prior to the expiration of such time period or the time period has been extended by mutual agreement by the County and the applicant.

F. Action by Board of Commissioners

1. Before approving a special use permit, the Board of Commissioners shall hold at least one (1) public hearing in accordance with this Ordinance after which the Board of Commissioners may make appropriate changes to or impose appropriate conditions upon the proposed special use. Nothing herein shall preclude the Board of Commissioners from holding a joint public hearing with the Planning Board.

2. A concurring vote of a majority of the members of Board of Commissioners shall be required to approve a special use permit.

G. Extension, Renewal, Expiration, Revocation

1. Extension

a. An extension shall be for the purpose of administratively extending timeframes established by the Board of Commissioners for the implementation and/or completion of certain improvements which were stipulated as a condition of original special use permit approval. A request for extension may be initiated by the property owner.

b. Upon initiation of property owner's request for extension, or upon any other initiative, the Planning Coordinator shall inspect the special use permit, review the record of compliance with those conditions and restrictions previously imposed by the Board of Commissioners; and make a determination on whether the special use permit satisfies other conditions of approval and the provisions of the article.

c. Upon a favorable finding, the Planning Coordinator shall approve an extension of the original special permit for a period of time not to exceed one (1) year or for such timeframe as may have been otherwise specified for future extension by the Board of Commissioners at the time of approval of original special permit.

d. If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the Board of Commissioners, the Planning Coordinator shall, depending on the nature of the noncompliance, either deny the extension or require the remedy of any violation within a specified time. If the extension is denied or the property owner fails to correct the violation within the time specified, the special permit shall expire. The approval of a new special permit shall be required prior to any subsequent reinstatement of the use.

2. Renewal

a. A renewal shall be for the purpose of allowing a new period of time for the operation of a currently valid special use permit; provided, however, that the County Board of Commissioners shall not approve a renewal application for a use which is no longer allowed as a special use permit in the zoning district in which the special use permit is located. The owner shall have thirty (30) days to apply for a renewal.

b. The procedure for the renewal of a special use permit shall be the same as specified

herein for the approval of the original permit, except that the Planning Coordinator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.

c. The Board of Commissioners shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this Article.

d. Any special use permit that is not renewed prior to the established time shall expire without notice and become null and void.

3. Expiration

a. Whenever a special use permit is approved by the Board of Commissioners, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the Board of Commissioners may have specified, or, if no such time has been specified, then within eighteen (18) months from the approval date of such permit.

b. If the special use or construction has not commenced in accordance with the above provisions, then the special use permit shall automatically expire without notice and become null and void.

4. Revocation

a. Unless a time limit is specified for a special use permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two (2) years or more, the special permit shall automatically terminate without notice and become null and void.

b. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

c. A special use permit shall be revocable upon written order of the Board of Commissioners at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were imposed in issuing the same. A revoked permit shall become null and void.

H. Other Provisions

The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Ordinance.

I. Effect Upon Conditional Uses

Those uses which existed prior to the effective date of this Ordinance or any amendment thereto and permitted only as Conditional Uses in the district in which they are located or had received a Conditional Use Permit from the Board of Adjustment shall be considered to be legally established Conditional Uses. Any expansion, addition or other change for which a zoning certificate is required shall be heard, considered and approved or disapproved by the Board of Adjustment in the same manner as an original application for

conditional approval.

J. Permitted Conditional Uses

The Board of Adjustment may grant permission for the establishment of the following uses in any district except as noted and with any specific conditions set forth by said Board.

Any use as deemed appropriate by the board.

Article 6:
NONCONFORMING USES

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Article 6:
NONCONFORMING USES

A. Purpose and Intent

1. Land use objectives: The objective of this article is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance. Certain nonconformities may continue, but the provisions of this article are intended to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this article and the desired character for Washington County. The application of this Ordinance should in no way encourage their existence or perpetuate them as nonconforming uses of land.

2. Conditions for continuation: Any nonconforming use, structure or lot which lawfully existed as of the effective date of this Ordinance and which remains nonconforming, and any use, structure or lot which has become nonconforming as a result of the adoption of this Ordinance or any subsequent reclassification of zoning districts or other amendment to this Ordinance, may be continued or maintained only in accordance with the terms of this article.

3. Variances and special exceptions: The limitations of this article shall not apply to structures or lots whose nonconforming features are the subject of a variance or a special exception that has been granted by the Board of Adjustment or a modification or condition that was approved by the Board of Commissioners.

4. Change in title or possession: If any change in title or possession of a lot or building, or renewal of a lease of a nonconforming building or use occurs, the existing nonconforming use or building may continue so long as a other applicable provisions of this article are met.

B. Nonconforming Uses: Change, Discontinuation & Expansion

1. Change of nonconforming use to more restrictive use: If no structural alternatives are made to a nonconforming use of land or building, a nonconforming use of land or of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

2. Expansion of nonconforming use: Except as provided for herein, a nonconforming use shall not be expanded or extended beyond the floor area or lot area it occupied on the effective date of this Ordinance.

3. Moving nonconforming uses: No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance.

4. Discontinuation of nonconforming use: If a nonconforming use is discontinued or abandoned for a continuous period of more than two (2) years, including any period of discontinuation before the effective date of this Ordinance, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall conform to the

regulations of this Ordinance. When any nonconforming use is replaced by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.

5. Change of a conforming use to a conforming use: Any nonconforming use of land may be changed to a conforming use, or with the approval of the Board of Adjustment to any use more in character with the uses permitted in the particular district under question.

C. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption of amendment of this Ordinance that could not be built under the terms of this Ordinance as determined by the Planning Coordinator based upon reason of restrictions of an area, lot coverage, height, yard, its location on the lot or other requirements that may be included within this Ordinance, the structure may be continued so long as it remains otherwise lawful subject to the following provisions and conditions.

1. Repair or reconstruction of nonconforming structure: Should a nonconforming structure or a nonconforming portion of a structure be destroyed by any means to an extent which exceeds sixty-five percent (65%) of its replacement cost at the time of destruction as determined by the Inspections Office, it shall not be reconstructed except in conformance with the provisions of this Ordinance. Any replacement involving work equaling less than sixty-five (65%) of the cost at time of destruction shall be completed within one (1) year of that date. Should this replacement not take place within this time period, the rights under provision of this section will not be valid and no building permit be granted for purposes other than for activities in conformance with this Ordinance.

2. Alteration or enlargement of nonconforming structure: No such nonconforming structure may be enlarged upon or altered in any manner unless such actions can be proven to reduce the nonconforming characteristics of the structure as determined by the Planning Coordinator.

3. Relocation of nonconforming structure: Should a structure (nonconforming or conforming) be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. Preexisting structures with prior approvals ("grandfather" clause): Nonconforming buildings for reasons other than use which have been issued a building permit prior to annexation or amendments to this Ordinance shall be permitted under the conditions of said permit but thereafter held to the conditions herein.

5. Maintenance and Routine Repair: Normal maintenance and routine repair of a nonconforming structure will be permitted as long as the maintenance or repair cannot be construed to add, extend or intensify the nonconforming use.

6. Mobile Homes: Nonconforming mobile homes may be removed and replaced where both the real property on which the mobile home is located and the mobile home are owned by at least one (1) of its occupants provided that such mobile home is removed and replace within thirty (30) calendar days.

D. Nonconforming Lots

1. Usage of nonconforming lot of record: If a lot was approved on a subdivision plat

and duly recorded prior to the effective date of this Ordinance and if such lot met the requirements of the Subdivision Ordinance in effect at the time of recordation, then, such lot may be used for any use permitted under the current zoning district designation even though the lot does not meet the lot area or lot width and depth requirements of the district, provided that all other regulations (including setbacks, yards requirements, density, screening, etc.) of this Ordinance can be satisfied.

2. Prohibition on establishment of nonconforming lot: A lot may only be established after the effective date of this Ordinance if such lot conforms with all requirements of this Ordinance.

3. Boundary line adjustments: Notwithstanding the provisions hereinabove, boundary line adjustments may be permitted between nonconforming lots provided the Planning Coordinator finds that the degree of nonconformity is not increased due to such adjustment.

4. Right-of-way dedication, eminent domain and condemnation: Any lot which, by reason of realignment of a County, State or Federal highway, street or other public improvement which is implemented by reason of public land acquisition or condemnation proceedings related thereto, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth herein; and any lawful use or structure existing at the time of such public acquisition or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure except as where the average front setback establishes a new setback line.

5. Adjoining Vacant Lots: If two (2) or more adjoining and vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which the lots are located such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

E. Nonconforming Signs

1. Maintenance of nonconforming signs: In any zoning district, where any sign does not comply with the provision of this Ordinance, such sign and any supporting structures may be maintained in their existing condition, but such signs and structures shall not be replaced, reconstructed, moved, structurally altered or re-illuminated except in compliance with the provisions of this Ordinance.

2. Loss of lawful nonconforming sign status: Any nonconforming sign which is replaced, reconstructed, moved, structurally altered or, re-illuminated (i.e. change in sign lighting scheme) shall cause the sign to lose its status as a lawful nonconforming sign.

3. Damage to nonconforming signs: No sign which has been damaged by any cause to the extent of more than fifty (50) percent of the fair market value of the sign, as valued immediately before damage, shall be restored, repaired or replaced and used in conformity with this Ordinance unless such restoration, repair or replacement and use is approved as a special exception by the Board of Adjustment. If a sign is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be completed within sixty (60) days of the date of such damage.

4. Supporting structures: Supporting structures for nonconforming signs may

continue in use for a conforming sign if said supporting structures comply in all respects to the applicable requirements of this Ordinance and other Ordinances of Washington County.

5. Permits for additional signs: No permits for additional signs shall be issued for any premises on which there are any nonconforming signs or non conforming supporting structures.

F. Relationship to Site Plan Requirements

A change or addition to any non-conforming use, structure, or site subject to a site plan shall require that the entire use, structure, or site (including both the non-conforming and conforming improvements) be brought into full conformance with all of the requirements of this Ordinance, provided that the Planning Board, upon recommendation by the Planning Coordinator, may waive a portion or all of the individual requirements for conformance.

Article 7:
Signage Regulations

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Article 7:
Signage Regulations

A. Purpose and Intent:

The purpose of this article is to regulate the size, location, height and construction of signs for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community, to protect property values and to further economic development objectives of Washington County. Signs subject to these regulations include all exterior signs and permanent interior window signs which are placed for exterior observance. To these ends, these regulations are intended to promote signs which are:

1. An enhancement to the appearance of the County's corridors, residential neighborhoods and business areas;
2. Legible and appropriate to the activity to which they pertain;
3. Constructed and maintained in a structurally sound and attractive condition; and
4. Limited to the specific use or business that is in operation on the premises.

B. Sign Permit Requirement:

Except as provided hereinafter, no sign shall be erected, installed, used, altered, painted, relocated, replaced or reconstructed until a Sign Permit has been issued by the Planning Coordinator.

C. Sign Definitions:

For the purpose of this article, certain terms and words pertaining to signs are hereby defined.

1. **Awning Sign.** A sign painted or printed on, attached flat or sewn onto valance or body of any awning.
2. **Billboard Sign.** A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity or products, which is not located on the premises on which a sign is situated. Also referred to as Outdoor Advertising Sign.
3. **Building Mounted Sign.** A sign attached to, painted on, inscribed upon or deriving its major support from a building, including a wall sign, a projecting sign, a canopy sign, a marquee or an awning sign.
4. **Bulletin Board.** A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it and general announcements of events or activities occurring at the institution or similar message.
5. **Canopy Sign.** A sign attached to or displayed on a canopy. For the purpose of this Article, a canopy is a permanent, roof-like structure of rigid materials either supported by and extending from a building or free-standing, including a marquee.

6. Changeable Copy Sign. A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
7. Detached Sign. See Freestanding Sign.
8. Directional Sign. An on-premises sign giving directions, instructions, and/or facility information, but containing no advertising copy (i.e. parking, exit or entrance signs).
9. Directory Sign. A subsidiary sign listing the names, uses or location of various businesses conducted within a building or group of buildings.
10. Double-Faced Sign. A sign with two parallel, or nearly parallel, faces, back to back, and located no more than 24 inches from each other.
11. Externally Illuminated Sign. A sign which does not produce artificial light from within itself but which is opaque and illuminated by spotlights or floodlights not a part of or attached to the sign itself.
12. Freestanding Sign. A sign, supported by one or more columns, uprights or braces, in or upon the ground, but not attached to any building. A sign attached to a flat surface not a part of the building, such as a fence or wall, shall be considered a freestanding sign. A monument sign, as defined herein below, shall also be considered a freestanding sign.
13. Flashing Sign. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
14. Flat Sign. See Wall Sign.
15. Informational Sign. A sign of a public or quasi-public nature which identifies or locates a hospital, public building, college, university, public parking area, historic area, major tourist attraction, public recreation area or similar public or quasi-public activity, which shall be approved on a case-by-case basis by the Planning Coordinator.
16. Internally Illuminated Sign. Any sign designed to radiate artificial light from within itself.
17. Marquee. A permanent structure, awning or canopy projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
18. Monument Sign. A ground mounted sign which is mounted on a contiguous base having a minimum width of at least ninety percent (90%) of the sign width and its supporting structure and not attached to any building.
19. Off Premises Directional Sign. A sign which is not located on the same premises as the use to which it refers and which is intended to provide information as to the identity and location of use, but which does not otherwise qualify as an advertising sign.
20. Outdoor Advertising Sign. A freestanding or building mounted sign which bears a message which does not pertain to the use of the property, where the sign is located, and which does not identify the place of business, if any, where the sign is located as the purveyor of merchandise or services upon the property. Outdoor advertising signs may also be referred to as "billboards" or "poster panels", but such signs shall not be interpreted to mean informational signs allowed by this Article.

21. Projecting Sign. A sign which is attached and perpendicular to the face of a wall of a building and which extends eighteen (18) inches or more from the building wall or face.
22. Real Estate Sign. A temporary sign which advertises the sale, lease, rental or display of the lot or building upon which such sign is displayed.
23. Sign. Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner, pennant or any other device, figure or character which is employed to announce, direct attention to, identify, or make known, and which is visible from a public street or sidewalk or area of public congregation.
24. Sign Area. That area which outlines the outer extremities of all letters, figures, characters and delineations, or within an area including the outer extremities of the framework or background of the sign, whichever includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. The area of a cylindrical or spherical sign shall be computed by multiplying the diameter of the cylinder by the height of the sign.
25. Street Frontage. The entire length of that part of a lot that fronts on a public street, as defined by the plat of record for the subject lot.
26. Wall Sign. A building mounted sign which is attached to, painted on, inscribed upon, or deriving its major support from a wall and which projects less than twelve (12) inches from the wall.
27. Window Sign. A sign painted onto or physically affixed to a building window including upper floor windows and the glazing of doors or signs legible from any vehicular public right-of-way through a building window, limited to 10 percent of the total glass area of the window in which they are placed.

D. General Requirements for All Signs:

The following regulations shall apply generally to all signs and are in addition to the regulations that apply to signs for all uses:

1. Responsibility: The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations.
2. Removal: The Planning Coordinator shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Planning Coordinator.
3. Landscaping: A landscaped planting area shall be provided around the base of any freestanding or detached sign. The planting area shall contain 2 times the area of the sign, be a minimum of 4 feet in width, be protected from vehicular encroachment and be landscaped with a combination of low-growing shrubs and ground covers (other than grass).
4. Illumination standards: Externally illuminated signs shall be illuminated only by a steady, stationary, light source directed only at the sign without causing glare for motorists and pedestrians or illumination spill over on neighboring properties. Internally illuminated signs, where permitted, shall be illuminated only by a steady, stationary, light source internal to the sign without causing glare for motorists and pedestrians or illumination spill over on neighboring properties.
5. Sight distance: The land adjoining a street intersection is to be kept clear of obstructions between three (3) and seven (7) feet above the ground to protect the visibility and safety of motorists

and pedestrians. The impact of sign placement, size and height shall be addressed with each sign permit application, with graphic information to be provided with the submission of a site plan sufficient for the Planning Coordinator to assess an applicant's site distance determination.

E. Calculation of Sign Area

1. Sign area computations: The sign area shall be calculated as the entire area within a single continuous perimeter, and a single plane, composed of a square, circle, rectangle or other geometric figure that encloses the extreme limits of the sign's message, background and trim, and including all letters, figures, graphics or other elements of the sign.

2. Sign faces calculated: The sign area shall be calculated based upon the maximum number of faces viewable for any single ground position, as follows:

a. Single faced sign: one face counted.

b. Double faced sign: each face counted.

c. "V" sign with an angle of 45 degree or greater: two faces counted.

d. Three dimensional sign: projected to single flat planes, all visible sign faces counted.

e. Cylindrical sign: the sign area on each side of the cylinder shall be calculated by multiplying the height of the cylinder by the diameter of the cylinder.

3. Computations of sign height

The dimension from the top of any point on a sign, including its support structure, of any sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure whichever is greater.

F. Exempt Signs:

The following signs are exempted from the provisions of this article and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the building code.

1. Traffic Signs and Signals. Signs erected and maintained pursuant to and in discharge of any federal, state or county government function, or as may be required by law.

2. Changing of message content. Changing a copy on a bulletin board, poster board, display encasement, marquee or changeable copy sign.

3. Temporary real estate signs (Non-illuminated). Temporary, non-illuminated real estate signs advertising real estate for sale or lease shall be exempt from obtaining a sign permit.

4. Identifying sign for official state automobile inspection stations (Non-illuminated). Non-illuminated signs identifying official state automobile inspection stations, provided that such signs shall not exceed 10 square feet in area and shall be limited to one sign for each street frontage.

5. Temporary, non-illuminated construction signs. Temporary non-illuminated signs not more than 32 square feet in area, erected in connection with new construction work.
6. Signs warning trespassers (Non-illuminated). Non-illuminated signs warning trespassers or announcing property as posted, without limitations on number or placement, limited in area to two square feet.
7. Political signs: Sign applicable to federal, state or local elections are permitted as long as, the area of such sign shall not exceed eight (8) square feet and such signs may be erected no earlier than thirty (30) days prior to the date of the election and shall be removed no later than seven (7) days after the election.
8. Civic/charitable signs: Signs advertising activities of civic/charitable organizations may be erected on any property, as long as one side of such sign shall not exceed sixteen (16) square feet, and such signs may be erected no earlier than four (4) weeks prior to the date of the activity and shall be removed no later than one (1) week after the completion of the activity.
9. The display of a national, state or municipal flag: The display of a government flag not exceeding 72 square feet in area per side.
10. Memorial tablets and historic markers: Tablets or markers erected or approved by the State of North Carolina or Washington County.
11. Seasonal displays and decorations which do not advertise a product or service: Displays or decorations that are of a patriotic, religious or civic character on private property, not advertising a product or service, not displayed for a period to exceed 30 days.
12. Handicapped parking space sign: Signs not exceeding two (2) square feet in area denoting reserved parking spaces for handicapped motorists.

G. Temporary Signs

The following signs and displays may be erected for a period not to exceed thirty(30) days. If a temporary sign is not removed at the expiration of the time limitation, the Planning Coordinator may remove the sign or display and charge the cost of the removal to the individual applicant or responsible enterprise.

1. Civic and cultural event sign. Signs or banners not exceeding 32 square feet advertising a special civic or cultural event such as a fair, exposition, play, concert or meeting, sponsored by a governmental, civic or charitable organization.
2. Seasonal decorative commercial sign. Special decorative signs or displays for commercial purposes on a commercial, industrial or manufacturing use property, where such sales are permitted, used for holidays and other seasonal events.
3. Commercial promotional signs or banners. Special sales promotion displays on any commercial, industrial or manufacturing use property, including displays incidental to the opening of a new business and special one-time auctions of real or personal property in estate or bankruptcy sales.
4. Public auction/sales signs (Non-illuminated): Non-illuminated signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, real estate sales and home/garage/yard sales, may be erected on any commercial, industrial or manufacturing use property.

5. Temporary portable sign. Temporary portable signs, such as "A-frame" signs, not exceeding 32 square feet in area, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order.

H. Prohibited Signs:

1. Roof sign and roof projecting sign. No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building and no projecting sign shall extend over or above the roof line or parapet wall of a building.

2. Sign causing visual confusion. No sign shall be constructed, erected, or operated or maintained which is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights, which may confuse a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.

3. Tree, utility pole and other related signs. No sign, except official notices of Washington County, shall be attached to trees, utility poles, public property, improvements within public rights of way or on any unapproved supporting structure.

4. Sign projecting over a public right of way. No signs shall project over public right-of-way without express permission of the Planning Board in conjunction with the approval of a site plan, except for permitted flat signs which may project not more than 18 inches.

I. Nonconforming Signs:

Any sign which was in existence at the time of the effective date of these regulations and which does not conform to the provisions herein, shall be deemed a lawful nonconforming sign, and may remain, subject to the following:

1. A nonconforming sign must be maintained in good repair and condition.

2. Nonconforming signs may not be enlarged, extended, modified, reconstructed or structurally altered except in accordance with this article.

3. No nonconforming sign shall be moved on the same lot or building or to another lot or building unless the sign as relocated is modified to comply with all requirements of this article.

J. Abandoned Signs:

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer on the premises. Such sign, if not removed within sixty (60) days from the termination of occupancy by such business shall be considered to be in violation of this section, and the Planning Coordinator may cause the abandoned sign to be removed at the owner's expense.

K. Permitted Signs for all Residential Uses:

The following non-illuminated or externally illuminated signs shall be permitted in conjunction with residential uses located within the County:

1. Freestanding Signs:

a. Church, institutional or civic use identification. One freestanding monument sign, limited to

thirty-two (32) square feet, in area for a church bulletin board or identifying a church, school, park, playground, library, museum or other public or semi-public use, recreational use or club, shall be permitted. An additional area not exceeding forty-four (44) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign. Pole signs are prohibited.

b. Subdivision, project, nursing home or day care facility identification sign. One freestanding monument sign per street entrance identifying a single-family detached residential subdivision or manufactured home park, limited in area to twenty-four (24) square feet, shall be permitted. Two (2) such signs are permitted if erected in conjunction with a media (formal gateway entrance) and approved as part of the plan of development or subdivision application. An additional area not exceeding thirty-two (32) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign. Pole signs are prohibited.

c. Bed and breakfast identification sign. One freestanding sign not exceeding twelve (12) square feet in area identifying a bed and breakfast, inn or tourist home shall be permitted. An additional area not exceeding sixteen (16) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

2. Building Mounted Signs:

a. Multi-family building identification sign. One or more signs limited in aggregate area to ten (10) square feet, to identify the building address, shall be permitted.

3. Directory Signs.

Church directories. Directory signs are not permitted on all residential uses, except for directories at churches and places of worship. Such directory signs shall not exceed sixteen (16) square feet in area. An additional area not exceeding twenty-four (24) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

4. Additional Regulations.

Sign Height and Setback. All freestanding signs for these uses shall have a maximum height of eight (8) feet and shall not be located within five (5) feet of any public street right-of-way, or property line and shall not be located within ten (10) feet of any alley, private street or driveway intersecting a public or private street.

L. Permitted Signs for Commercial Uses.

The following accessory illuminated or non-illuminated signs shall be permitted for commercial uses:

1. Freestanding Signs:

a. Business identification sign for a single occupant commercial building. One freestanding or monument sign for identification of a single business establishment shall be permitted. Such sign shall be limited in area to thirty-two (32) square feet. An additional area not exceeding forty-four (44) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

b. Business identification sign for a group of two or more contiguous stores or businesses per building and less than 60,000 gross leasable square feet. Sign area shall be combined into a single

freestanding or monument sign advertising all businesses on the premises. The combined sign shall not exceed forty-eight (48) square feet in area. An additional area not exceeding sixty-four (64) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

c. Business identification sign for a group of two or more contiguous stores or businesses per building and more than 60,000 gross leasable square feet. Permitted sign area shall be combined into a single freestanding or monument sign advertising all businesses on the premises. The combined sign shall not exceed forty-eight (64) square feet in area. An additional area not exceeding eighty-five (85) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

d. Directional signs. Directional signs limited in area to four (4) square feet shall be permitted as accessory signs and not included in any computation of sign area. One per entrance or exit not to exceed three (3) feet in height nor located within five (5) feet of any street right-of-way line.

2. Building Mounted Signs:

a. Wall signs. Wall signs shall be permitted for each establishment on the premises. The combined sign area of wall, projecting, canopy, awning and marquee signs shall be limited to two (2) square foot of sign per linear foot of building frontage.

b. Projecting signs. One projecting sign shall be permitted for each establishment on the premises. The combined sign area of wall, projecting, canopy, awning and marquee signs shall be limited to two (2) square foot of sign per linear foot of building frontage. Additionally each side of a projecting sign must be counted towards the total allowable sign area.

c. Awning, canopy or marquee signs. Awning, canopy or marquee signs shall be permitted for each establishment on the premises. The combined sign area of wall, projecting, canopy, awning and marquee signs shall be limited to two (2) square foot of sign per linear foot of building frontage.

3 Directory Signs.

a. Business directory for a single occupant commercial building. One directory sign is allowed per commercial building. Such directory signs shall not exceed sixteen (16) square feet in area. When the directory is freestanding, an additional area not exceeding twenty-four (24) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

b. Business directory for a group of two or more contiguous stores or businesses per building and less than 60,000 gross leasable square feet. One directory sign is allowed. Such directory signs shall not exceed twenty four (24) square feet in area. When directory is freestanding, an additional area not exceeding thirty-six (36) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

c. Business directory for a group of two or more contiguous stores or businesses per building and more than 60,000 gross leasable square feet. One directory sign is allowed. Such directory signs shall not exceed thirty-two (32) square feet in area. When the directory is freestanding, an additional area not exceeding forty-eight (48) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

4. Additional Regulations.

a. Individual free-standing signs for individual shopping center tenants shall not be permitted. For the purposes of this section, lawfully subdivided out parcels which have been depicted on the

approved shopping center site plan shall be considered as separate parcels and may be signed as such.

b. Gasoline pump island signs at gasoline sales establishments are subject to the following additional conditions:

a. Two non-illuminated "self-serve" or "full-serve" signs per pump island not to exceed 2 square feet each; and

b. One fuel price or promotional information sign per fuel pump not to exceed two square feet.

M. Permitted Signs for Manufacturing and Industrial Uses:

The following illuminated or non-illuminated signs shall be permitted for manufacturing and industrial uses:

1. Freestanding Signs:

a. Business identification sign for a commercial building with 20,000 gross leasable square feet or less. One freestanding or monument sign for identification of a single business establishment shall be permitted. Such sign shall be limited in area to forty-eight (48) square feet. An additional area not exceeding sixty-four (64) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

b. Business identification sign for a commercial building with more than 20,000 gross leasable square feet but less than 100,000 gross leasable square feet. Permitted sign area shall be combined into a single freestanding sign advertising all businesses on the premises. The combined sign shall not exceed sixty-four (64) square feet in area. An additional area not exceeding ninety-six (96) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

c. Business identification sign for a commercial building with more than 100,000 gross leasable square feet. Permitted sign area shall be combined into a single freestanding sign advertising all businesses on the premises. The combined sign shall not exceed sixty-four (64) square feet in area. An additional area not exceeding one hundred and thirty-three (133) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.

d. Directional signs. Directional signs limited in area to eight (8) square feet shall be permitted as accessory signs and not included in any computation of sign area. One sign per entrance or exit not to exceed eight (8) feet in height nor located within ten (10) feet of any street right-of-way line.

2. Building Mounted Signs:

a. Wall signs. One wall signs shall be permitted for each establishment on the premises. The combined sign area of wall, projecting, canopy, awning and marquee signs shall be limited to two (2) square foot of sign per linear foot of building frontage.

b. Projecting signs. One projecting sign shall be permitted for each establishment on the premises. The combined sign area of wall, projecting, canopy, awning and marquee signs shall be limited to two (2) square foot of sign per linear foot of building frontage. Additionally each side of a projecting sign must be counted towards the total allowable sign area.

c. Awning, canopy or marquee signs. One awning, canopy or marquee sign shall be permitted for each establishment on the premises. The combined sign area of wall, projecting, canopy, awning and marquee signs shall be limited to two (2) square foot of sign per linear foot of building frontage.

N. Outdoor Advertising Signs:

- a. All outdoor advertising signs will be erected in accordance with North Carolina Department of Transportation's Regulations for the Control of Outdoor Advertising in North Carolina.

O. Special Sign Exceptions:

1. Cause for Exceptions: In order to provide for adjustments in the relative locations of signs of the same or different classifications, to promote the usefulness of these regulations as instruments of fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special sign exceptions may be granted by the Planning Board, as permitted by the terms of these regulations, after notice and a public hearing as provided for in these regulations. Towards this end, an owner of a property or business may apply to the Planning Board for a special sign exception permit.

2. Considerations for Exceptions: In considering an application for a special sign exception, the Planning Board, upon recommendation from the Planning Coordinator, shall give due regard to the specific guidelines and standards of this article and those listed elsewhere in these regulations, and in general to the nature and condition of adjacent uses and structures, and probable effect upon them of the proposed exception. The Planning Board shall also take into account the special characteristics, design, location, construction, method of operation, effect on nearby properties or any other aspects of the particular sign that may be proposed by the applicant.

3. Adverse Effect: If it should find, after the hearing, that the proposed sign: (a) will not adversely affect the community appearance, health, safety, or welfare of persons residing or working on the premises or in the neighborhood or corridor; (b) will not unreasonably impair the desired character of the property, corridor or adjacent properties; (c.) nor be incompatible with the Land Use Plan of Washington County, (d) nor be likely to reduce or impair the value of buildings or property in surrounding areas, (e.) but that such sign will be in substantial accordance with the general purpose and objectives of this article, then the Planning Board, upon consideration of recommendation from the Planning Coordinator, may grant the exception and authorize the issuance, of a special sign exception permit.

4. Conditions for Mitigation: In those instances where the Planning Board finds that the proposed sign may be likely to have an adverse effect as above, the Planning Board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation, in addition to those expressly stipulated in this article, and may grant a special sign exception subject to such reasonable conditions and limitations as the case may require, including but not limited to limitation as to size, type, color, graphic design, location or illumination.

5. Application Fee: An application fee to be submitted with any special sign exception application shall be established by the County.

Article 8:
Site Plan Regulations

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Article 8:
Site Plan Regulations

A. Purpose and Intent:

1. Title and Application:

The Washington County Board of Commissioner's shall require the submission and approval of a plan of site development, hereinafter referred to as the "site plan", prior to the issuance of building permits.

2. Relationship to the Growth Opportunities Plan, Zoning Ordinance and other County Plans, Policies and Ordinances:

The site plan requirements shall be employed to implement the Growth Opportunities Plan, the Zoning Ordinance and other County Plans for future development.

3. General Purpose and Process:

A. The purpose of this article is to facilitate the utilization of the most advantageous site improvement techniques in the development of land within the County. The site plan requirements promote contemporary standards in the siting, design, and implementation of development to ensure that land is used in a manner which is efficient and harmonious with neighboring properties.

B. This article provides for a preliminary and final site plan review process by the County's Planning Board.

C. Site plans, landscape plans, plats, engineering design calculations, construction specifications and architectural drawings, which are to be prepared and approved in accordance with the provisions of this article, shall be required by the County in the review of site plan applications.

D. Nothing herein shall require the approval of any development or land use, or any feature thereof, which shall be found by the Planning Board to constitute a danger to the public health, safety or general welfare, or which shall be determined by the Planning Board to be a departure from, or violation of, sound engineering design or standards.

E. No work or site preparation may begin before the applicant for a project has received an approved site plan, erosion and sediment control plan, and subdivision plat (if required).

4. Costs of Site Development:

The developer shall be responsible for all costs incurred in planning, engineering, bonding, constructing, installing, testing and inspecting of all public facilities and infrastructure as well as all site improvements required to complete the proposed project.

5. Fees:

The developer shall pay all applicable plan review fees at the time of submission of a site plan or plat. Fees for site inspections and other aspects of the development process shall be due and payable in accord with the site development fee schedule. A copy of this schedule is available in the County Inspections Office.

B. Administration of this Article:

1. Authority to Approve Site Plans:

The County Board of Commissioners designates the Planning Board to review and act to approve or disapprove site plans within its jurisdiction. In the performance of its duties, the Planning Board shall request and consider the review and comments of the County Staff, the North Carolina Department of Transportation (NCDOT), as well as any other public agencies as may be deemed appropriate.

2. Authority to Review Site Plans:

The Planning Coordinator, as agent of the Planning Board, shall administer, review and provide a recommendation concerning any site plan submission. The final approval of any given site plan shall be granted by the Planning Board, subject to recommendation of the Planning Coordinator and as otherwise provided herein.

a. The Planning Coordinator, as the designated agent of the Planning Board, shall be responsible for the receipt and processing of all site plan applications subject to the procedures as hereinafter provided.

b. The Planning Coordinator may establish, from time to time, such proper and reasonable administrative procedures, in addition to those provided herein, as shall be necessary for the proper administration of this article.

c. County staff and other designated public officials responsible for the supervision, inspection, testing and enforcement of this article shall have the right to enter upon any property subject to the provisions of this article at all reasonable times during the periods of plan review and construction for the purpose of ensuring compliance with this article.

d. It shall be the responsibility of the applicant, owner or developer to notify the Planning Coordinator when each stage of the development is ready for field inspection for compliance with the approved site development plan.

C. Uses Requiring a Site Plan:

A preliminary and final site plan for land development activities are required for projects involving the following:

1. Commercial land uses.
2. Industrial land uses.
3. Attached and multi-family land uses.
4. Uses in a mobile home park.
5. Enlargement of a commercial or industrial building that results in changes in on-site parking requirements, provided that such enlargement exceeds twenty-five percent (25%) of the gross floor area of the original building or 2000 square feet, whichever is less.
6. Uses and facilities which have frontage on the Albemarle Sound or tributary thereof.
7. Installation, extension or change of a public water or sewer main or other public utility or infrastructure.
8. Parking lots intended for the general public to serve commercial or industrial uses.

D. Waiver of Requirement for a Final Site Plan:

The Planning Coordinator may waive the requirement for the applicant to submit a final site plan (or any portion thereof) upon consideration of the following uses, conditions, and circumstances:

1. Where it can be clearly established by the applicant at the preliminary site plan conference that the use will not require any of the improvements subject to review in this article.
2. Where it can be shown by the applicant at the preliminary site plan conference that a waiver from the requirement to submit a site plan (or a portion thereof) will be in keeping with the spirit of this article.
3. Where it can be clearly demonstrated that the application for a final site plan and building permit involves building and safety regulations that are not critical to the purpose and intent of the zoning ordinance and County plans.
4. Where it can be clearly established by the applicant that such waiver will not have an adverse effect on (a) the public health, safety, welfare, and convenience, (b) the planning for and provision of adequate public facilities, utilities, drainage, environmental controls, and transportation facilities, (c) preservation of agricultural, forestry or conservation lands, and (d) other relevant considerations related to the County plans.
5. An applicant seeking a waiver from a requirement to submit a final site plan (or any portion thereof) shall provide written documentation to the Planning Coordinator addressing all of the applicable above conditions for waiver. This waiver shall be submitted with the preliminary site plan.; Subject to the scope and impact of the requested waiver, the Planning Coordinator, at his or her sole discretion, may either (a) act upon the waiver request, or (b) refer the waiver request and applicant's supporting documentation to the Planning Board for action at its next regularly scheduled meeting. The applicant shall be notified in writing by the Planning Coordinator within ten (10) days upon action by either the Planning Coordinator or the Planning Board.
6. Notwithstanding any grant of waiver by the Planning Coordinator or the Planning Board, the applicant is required to show evidence of (1) having appropriate zoning of the subject property for the proposed land use, (2) having obtained a building permit and an erosion and sediment control permit, and, (3) upon completion of improvements, a certificate of occupancy.

E. Preliminary Site Plan:

1. Requirement for the Preliminary Site Plan Conference

a. A Preliminary Site Plan Conference is required for a developer or owner in conjunction with the submission of the preliminary site plan. The Preliminary Site Plan Conference allows the applicant to review the preliminary site plan for a proposed land use with the Planning Coordinator, the Planning Board and/or other County officials prior to the formal preparation of the final site plan, and, further, to better understand and anticipate key planning issues, site plan submission requirements, and site-related design issues which may be deemed essential by the County during the subsequent final site plan review process.

b. A Preliminary Site Plan Conference does not negate the requirement for the submission of a final site plan, erosion and sediment control plans, or to meet any other applicable provisions of this article.

c. A preliminary site plan containing information outlined hereinbelow shall be submitted by the applicant ten (10) calendar days prior to the scheduled Preliminary Site Plan Conference.

d. Within ten (10) days of completion of the Preliminary Site Plan Conference, the Planning Coordinator shall prepare written comments and recommendations related to the preliminary site plan. Such recommendations may include (1) a request for a re-submission of the preliminary site plan and an additional Preliminary Site Plan Conference or (2) an approval for the applicant to proceed with the final site plan.

e. Waiver requests by the applicant may be considered and acted upon at the Preliminary Site Plan Conference or may be deferred until action on the final site plan.

2. Preliminary Site Plan Conference Objectives:

The applicant shall contact the Planning Coordinator to schedule a Preliminary Site Plan Conference. The purpose of this conference is to review the County's evaluation of the preliminary site plan with respect to the following considerations:

a. Review of concept plan with respect to location, use, design, scope, type, density, physical characteristics, impacts on adjacent uses, and phasing of proposed development.

b. Coordination of the proposed development with the Land Development Strategy, the zoning ordinance, County plans for future land use, State transportation plans, adopted County, state or federal utility and facilities plans, the capital improvements program, and plans for development of neighboring properties.

c. Reasonable regulations and provisions uniquely applicable to the proposed development as related to topography, soils, geology, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive and harmonious development.

3. Information Required on a Preliminary Site Plan:

Five (5) copies of the preliminary site plan shall be submitted ten (10) calendar days prior to the scheduled date of the Preliminary Site Plan Conference.

The preliminary site plan shall show the following:

a. Name, address and telephone number of owner or developer.

b. Indicate scale (to be one inch equal not more than forty feet) with preferred sheets sized 18" x 24".

c. Name, address and telephone number of preparer of plan.

d. Vicinity map.

e. Survey of the lot by bearings and distances, and a north arrow.

f. The area of the lot and gross acreage or square footage of area to be developed, including calculations of net developable area.

g. General location of the proposed and existing edge of pavement or curb line and other public improvements along the frontage of the property.

- h. Size, location and use of existing and proposed buildings.
- i. General location of the proposed site improvements (including utilities, drainage conveyance, building and site signage, buildings, streets, site lighting, driveways and parking areas) and distances from all property lines.
- j. The dimension, height and use of the proposed building improvements.
- k. General limits of site clearing and grading.
- l. Existing topography and a preliminary grading plan depicting finished contours, with contour intervals of two feet or less.
- m. General location of wetlands and impacts of the proposed development thereon, with copies of state and federal permit applications and permit approval related to any proposed disturbance to the wetlands.
- n. General location of 100-year floodplain boundaries and impacts of the proposed development thereon, employing FEMA mapping where available and for areas where development may encroach upon areas which may be subject to periodic flooding, engineering calculations and mapping for 100-year floodplains which have not been mapped by FEMA.
- o. General location of proposed on-site stormwater management facilities and BMP measures.
- p. Phasing plan for the proposed development, if the project is to be developed in more than one phase, with a narrative explanation of how phasing and completion of project is to be accomplished.
- o. Other documentation as needed by the Planning Coordinator and the Planning Board to facilitate the understanding of the development proposal as well as its impacts on surrounding properties.

F. Final Site Plan Requirements:

1. Copies Required:

Six (6) sets of all final site plans shall be submitted in clearly legible blue or black line copies and shall contain the information outlined in this section. A major site plan is hereinafter referred to as a "site plan" in this section. Site plans which lack information required by this article shall be deemed to be incomplete and shall be rejected.

2. Fee Required:

Payment of the site plan review fees per the fee schedule adopted by the County Commissioners for costs associated with the review of any final site plan shall be required at the time of submission of the site plan.

3. Final Site Plan Certification:

Final site plans or any portion thereof involving engineering, architecture, landscape architecture, geology, environmental science, or land surveying shall be certified by an engineer, architect, land surveyor, or landscape architect who is duly qualified to practice and whose professional practice is duly registered by the State of North Carolina.

No person shall prepare or certify design elements of site plans which are outside the limits

of their professional expertise and license. All sheets and calculations submitted with any site plan shall bear the seal and signature of the respective design professional(s).

4. Information Required on Final Site Plan:

This section outlines the required information on site plans. The applicant shall employ as many sheets as necessary to incorporate the following minimum requirements.

The sheet size shall be a preferred minimum size of 18" x 24", pursuant to the approval for change in sheet size by the Planning Coordinator. The minimum scale of any site plan shall be 1" = 40'.

All site plans shall be prepared on a current base map which shows existing topography with contour intervals of ten feet (10') or less, extending a minimum of twenty-five (25) feet minimum beyond property lines and including contiguous public rights of ways. Topographic mapping shall depict all natural and cultural features for the property, as well as supplemental existing spot elevations. A north arrow shall be included on all plan sheets.

All sheets shall be bound into a single document and each sheet shall bear the seal and signature of the professional engineer, architect and/or surveyor certifying the final site plan.

a. Project Cover Sheet - The application shall prepare a cover sheet which clearly depicts the following:

1. Title of project.
2. Name, address, phone number and professional seal of preparer(s) of (a) site plan, (b) boundary survey, and (c) topographic mapping.
3. Name, address and phone number of owner of property.
4. County tax map number, parcel number, and deed book reference for parcel or parcels subject to development.
5. Description of planned land use, along with projected number of employees (for non-residential land uses) and other information related to the activities to be conducted on the property.
6. Date of plan and mapping preparation.
7. Vicinity map.
8. Gross acreage (or square footage) of property.
9. A blank space, sized 4" x 4", for County review comments and approval notations.

b. Boundary Survey Information: A current certified boundary survey of the property prepared to National Mapping Standards accuracy shall be submitted with the site plan in both paper and digital form and shall include the following:

1. Title, title source, and name of owner of lot and subdivision names and/or lot owners for surrounding lots.
2. Metes and bounds of property.

3. Location and metes and bounds of all existing property lines, rights of way and easements.
 4. Names of existing streets in and adjoining the development.
 5. Setback and yard lines for each parcel in accord with zoning requirements.
 6. Location of 100-year floodplain boundaries, employing FIRM mapping boundaries or engineered boundaries in absence of FIRM information.
 7. County tax map number, parcel number, deed book reference and zoning designation for parcel or parcels subject to development.
 8. County tax map number, parcel number, deed book reference and zoning designation for adjacent parcels.
 9. Reference to survey datum, where applicable. Horizontal control shall be based on North Carolina State Plane Coordinate System in the most current North American Datum coordinate system.
- c. Minimum Information to be included in a Site Plan:
1. Location, dimensions, design sections and construction specifications of all site improvements, including, but not limited to, existing and proposed streets, travelways, alleys, curb and gutter, sidewalk and driveways, including proposed street names and locations for street lights, street signs, and traffic signals.
 2. Location of existing and proposed buildings and accessory structures, including calculations of land area coverage and floor elevations of proposed use.
 3. Location of existing utilities within and adjacent to the development including size and elevation. Provide elevation profile where grading is proposed above utility or within easement limits.
 4. Site plan and design profiles of proposed streets and travelways (public or private) depicting finished grades and finished grading contours, spot elevations for all non-typical sections, locations of entrances, taper design and any necessary structures and roadway appurtenances, sight distances for all crest and sag vertical curves, and sight distances (horizontal and vertical) at all street intersections and road entrances other than single family driveways, unless warranted by unique topographical and geological conditions.
 5. Site plan location and design specifications for off-street parking, streets, travelways, parking areas, sidewalks, and loading areas, including:
 - (a) building square footage.
 - (b) site access plan for internal traffic and pedestrian circulation, including handicap access.
 - (c) size of parking spaces, angle of stalls, width of aisles.
 - (d) travelway and parking lot pavement sections.
 - (e) pavement design calculations.
 - (f) parking calculations, including ADA requirements.
 - (g) provisions for emergency access / fire protection.
 - (h) location and marking of permanent fire lanes, if required.
 - (i) pavement striping and marking.
 - (j) finished grades and spot elevations at critical design points.
 6. Location, size, and characteristics of geophysical and environmental features (such as wetlands, ponds, springs, streams, watercourses, adverse soils conditions, etc.).

7. Location, size, design profiles and design calculations for proposed domestic water service and sanitary sewer mains and laterals. Invert elevations shall be shown to the nearest 0.01' accuracy. Location of gas, telephone, cable, electric and other utility lines and other underground or overhead structures in or affecting the project.
8. Site plans for projects which require utility pumping storage or treatment facilities shall be supported by appropriate structural, hydraulic, electrical and mechanical plans and construction specifications.
9. Location, width and purpose of all existing and proposed utility right-of-ways and easements.
10. Location and boundaries of existing water courses, the existing 100-year flood plain and floodways employing either FIRM mapping or engineering floodplain studies and mapping using HEC I and II procedures (or equivalent technique) where FIRM information does not exist. In areas where development may encroach upon floodplains or floodways, the Planning Coordinator may require both a pre-development and post-development floodplain study.
11. Erosion and sediment control plan, specifications, design standards, and narrative report.
12. Site plan location and design criteria for the following:
 - (a) recreation areas (including playgrounds, courts, fields, pedestrian walkways, bike paths, etc.).
 - (b) open space, including required land area calculations.
 - (c) site amenities.
 - (d) retaining walls (include calculations).
 - (e) site and building signage, including street and advertising signs
 - (f) site lighting (exterior and building mounted), including height, illumination intensity, foot-candle distributions, and fixture type and shielding, as required.
 - (g) provisions and location for public trash collection and pick-up.
 - (h) refuse collection and dumpster locations, including access and screening improvements.
 - (i) locations and design for traffic control devices and signalization.
 - (j) building and structural footings.
16. Landscape and screening plan, where applicable.
17. Water quality impact assessment for development of properties with frontage on the Albemarle Sound or its tributaries.
 - (a) hydrologic calculations and hydraulic modeling of the contributing drainage basin.
 - (b) energy grade line calculations for all enclosed pipe systems.
 - (c) storm runoff for pre-development and post-development characteristics, based the Modified Rational Formula, the TR-55 methodology or other appropriate modeling techniques as approved by the Planning Coordinator.
 - (d) analysis and verification of receiving channel capacity and adequacy to accommodate runoff generated by project.
 - (e) stormwater management pond or retention/detention structure routing calculations and hydraulic performance analysis of the proposed facility, and
 - (f) storm culvert, pipe, and inlet (street and yard) design loading and sizing calculations.
 - (g) waterfront conservation and stabilization measures to support proposed development.
 - (h) evidence of all required state and federal permits.
18. Traffic impact analysis, including (a) traffic generation, assignment and distribution

calculations and analysis for traffic created by the proposed development, (b) analysis of existing public streets and street intersection capacity based on impacts of the project traffic volumes as well as future projected base (background) traffic conditions, and (c) identification of public and private transportation improvements required by project.

19. Articles of incorporation, covenants and property maintenance documents related to the ownership, management, and maintenance functions for any condominium development or other property wherein common ownership agreements † exist or as otherwise required by the zoning ordinance, subdivision ordinance or other County codes.

G. Minimum Design and Construction Standards:

In furtherance of the purposes of this article and to assure the public safety and general welfare for the citizens of Washington County, no final site plan shall be approved unless and until the County is assured that the following improvements and minimum design criteria will be implemented as required. In addition to requirements outlined herein, all site improvements are to be provided in accord with the County's design and construction standards (as may be adopted from time to time) and the Erosion and Sediment Control Ordinance.

1. Street Construction and Design Standards:

All street and highway construction and geometric design standards shall be in accord with the County's design and construction standards and any applicable NCDOT design and construction standards which have been adopted by the County.

a. All commercial and industrial development must have direct access to public dedicated streets or highways. Such developments are to be designed so that interior parcels or lots will not have direct access to any existing NCDOT road or highway unless the physiography, shape or size of the tract would preclude other methods of providing access.

b. Where traffic generated from any development exceeds 1500 vehicle trips per day, or when a residential subdivision contains 150 or more dwelling units (whichever is less), such development or subdivision shall provide connectors to any existing public road or highway at two locations. Where only one connection is physically achievable, the connecting portion of the entrance roadway must be of a four-lane divided standard extending into the development for a length of not less than 250 feet or as otherwise determined by the Planning Board. No internal vehicular connections shall be permitted to this entrance section.

c. Streets and rights-of-way shall be provided and designed to permit access to adjoining acreage in conformance with the requirements of NCDOT and other transportation plans and to the satisfaction of the Planning Coordinator and the Planning Board.

d. Curb and gutter shall be required on all new public and private streets in all commercial and industrial developments and in attached and multifamily residential developments where the median residential lot size is 15,000 square feet or less, unless waived by the Planning Board.

e. Where public or private streets are to be constructed in phases, such streets shall be terminated with a temporary cul-de-sac or other temporary turn-around acceptable to the Planning Coordinator. Where temporary turn-arounds are provided, adequate rights of way and/or temporary access and construction easements shall be designated on site plans and subdivision plats.

2. Parking, Loading and Site Access:

a. For all multifamily residential, institutional and commercial uses, required off-street parking spaces, parking lots, loading spaces, and on-site vehicular access shall be constructed of a permanent

all weather, stabilized, dust free surface (concrete or asphalt) with curb and gutter and in accordance with the County's design and construction standards.

b. For industrial uses, all employee and customer parking, as well as all entrances into parking areas, shall be constructed of an all-weather, stabilized, dust free surface which is clearly defined from adjoining on-site improvements and in accordance with the County's design and construction standards.

c. For industrial uses, surfacing may be waived only for areas used for heavy equipment parking and loading areas.

d. Curb and gutter shall be required on all new private travelways, private streets, and travelways, loading areas and parking lots within a lot which serves 20 or more vehicles, provided that storm drainage can be adequately accommodated, unless such requirement is otherwise waived by the Planning Board.

e. Parking lots for public, commercial, industrial and certain attached and multi-family residential uses shall be adequately illuminated during non-daylight hours. Lighting shall be designed, shielded, and otherwise arranged to direct light and glare away from abutting properties and adjacent rights of way. Lighting fixtures in parking lots should be compatible with the architectural characteristics of the development. A lighting study may be required with the submission of a site plan.

f. Dimensional requirements and design criteria for parking spaces, parking lots and loading areas shall be in accord with the County's design and construction standards.

3. Sidewalks and Pedestrian Walkways:

a. Sidewalks within public rights of way shall be required on all new public streets or other areas of a site where in keeping with the NCDOT requirements and other County public improvements plans. Sidewalks shall be constructed of concrete and otherwise in accord with the County's design and construction standards, except in cases where other materials may be approved by the Planning Board based on its suitability to its environs and its natural setting.

b. Construction of bicycle facilities on new public streets or other areas of a site in accordance with the NCDOT requirements and the County's plans for such facilities.

4. Lots and Yards:

Lot and yard sizes for individual uses shall conform to regulations established in the Subdivision Ordinance and by the Planning Board.

5. Easement Widths:

Minimum easement width shall be established as required in the County's design and construction standards.

6. Storm Drainage Systems and Stormwater Management:

On-site storm drainage and stormwater management structures shall be constructed in concert with all site development activities and post-development runoff volumes and velocities shall not exceed pre-development levels. Analysis and design recommendations shall take into consideration the impact of 2-, 10-, and 100-year storm intensities, both pre- and post-development.

7. Water Systems:

Water distribution systems shall be designed and constructed to adequately supply both peak load demands for domestic and commercial service and fire flow requirements for the intended development, and meet all requirements of the County's design and construction standards.

8. Sewer Systems:

Sewer systems shall be designed and constructed on the basis of average daily per capita flows of not less than those set forth by sewerage regulations of the State's Department of Health and the County's design and construction standards.

9. Street Lights, Site Lighting and Electrical Facilities:

Provisions for street lights, parking lot lighting and other site lighting shall be shown on site plans, as required by the County's Design and Construction Manual. Locations of street and parking lot light poles, fixtures, conduits, transformers, wires and easements shall be coordinated with the County and local electric company and shall be shown on the site plans.

10. Best Management Practices and Erosion and Sedimentation Control Measures:

Installation of adequate temporary and permanent erosion and sedimentation control measures, as required by the County's design and construction standards and the Erosion and Sediment Control Ordinance. Installation of Best Management Practices and other measures related to water quality and runoff protection shall be in accord with applicable State laws and design guidelines.

11. Other Design Criteria:

All other design criteria and construction standards shall be in accordance with the County's design and construction standards and other applicable regional, state and federal requirements, including those of the North Carolina Department of Transportation or other public agency, as adopted by the County.

Where standards and criteria are not provided therein for a particular site development component, the Planning Coordinator either shall provide the governing standards or shall approve a proposed standard as prepared by the applicant's engineer.

12. Construction Standards, Inspection, and Supervision:

a. Unless otherwise specifically provided in this ordinance, the construction standards for all required on-site and off-site improvements shall conform to the provisions of this article and the County's design and construction standards and all applicable NCDOT design manuals. The Planning Board shall provide written approval of the plans, details, and specifications for all required improvements prior to commencement of construction.

b. Inspections during the installation of the required on-site improvements shall be made by the County personnel appointed by the Board of Commissioners, as applicable, and as required to monitor compliance with the approved site plan and applicable County design and construction standards.

c. The owner or developer shall notify the Planning Coordinator in writing forty eight (48) hours prior to the beginning of any work shown to be constructed on an approved site plan.

d. The owner or developer shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being

performed.

e. The installation of improvements, as required by this article, shall in no case serve to bind the County to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

H. Site Plan Review, Fee and Approval Procedures:

1. Site Plan Submittal, Fee and Compliance Procedures:

a. Final site plan submission requirements: Six (6) copies of the final site plan shall be submitted to the Planning Coordinator. The site plan shall be accompanied by payment of fees for review and processing. The fee shall be based on a fee schedule as may be adopted and modified from time to time by the County Commissioners.

2. Initial Site Plan Compliance Requirements:

a. An initial review of the applicant's final site plan and final site plan check list will be made by the Planning Coordinator to determine the completeness and general compliance with the information requirements of this ordinance.

b. Site plans which contain all necessary information required by this article, the site plan check list, and, further, which are consistent with the proceedings of the Preliminary Site Plan Conference, shall be deemed to be complete and shall be forwarded to all necessary reviewing local, state and federal agencies and staff within five (5) working days of submittal, at which time the applicant's submittal shall be deemed "substantially complete and accepted for review." The applicant shall be notified of this finding in writing.

c. Site plans which lack any information required by this article and which are consistent with the proceedings of the Preliminary Site Plan Conference shall be deemed to be incomplete and shall be rejected by the Planning Coordinator within five (5) working days of submittal, at which time the applicant's submittal shall be deemed "incomplete and rejected" and the reasons for rejection clearly provided. Further review of the submission shall be suspended. The applicant shall be notified of this finding in writing.

3. Review Procedures for Final Site Plans:

a. Review process, general:

Final approval of any site plan may be granted by the Planning Board by majority vote at a regularly scheduled public hearing, subject to a decision by the Planning Coordinator to request review and approval by the Planning Board.

b. All site plans shall be reviewed by County staff, NCDOT, State or local agencies or their delegated agents who are qualified to determine compliance with applicable laws and regulations in relation to proposed development.

c. Site plan review and notification process:

(1) Within ten (10) calendar days after acceptance of a site plan which has been determined to be "substantially complete and accepted for review", the reviewing staff and agencies will be issued a copy of the site plan for review and comment on the technical compliance with this ordinance and all

applicable standards, provided that the site plan has been found to be in initial compliance as hereinabove stated.

(2) All Plan staff and agency reviews and comments shall be completed within thirty (30) calendar days from the date of issuance of the site plan for review. Staff and agency comments shall be provided in writing to the Planning Coordinator, who shall be responsible for preparing a final site plan review report with the Planning Coordinator's recommendations for approval, approval with conditions, or disapproval within fourteen (14) calendar days after receipt of all staff and agency comments.

(3) Upon receipt by the Planning Coordinator, the applicant shall be provided with all staff and agency review comments and recommendations.

In cases where site plan revisions, deletions, or additions are necessary, the applicant shall be so notified, in writing, within fourteen (14) calendar days after receipt of all staff and agency comments.

In cases where no site plan revisions, deletions, or additions are necessary, the Planning Coordinator shall schedule a public hearing for the site plan at the next regularly scheduled meeting of the Planning Board.

(4) Revisions by applicant: Upon receipt of comments, the site plan shall be revised by the applicant to comply with all requirements of the staff and reviewing agencies and the applicant shall submit such revisions together with any required re-submittal fee. Where the revised site plan does not include all requested or required revisions, the applicant will be notified in writing that the site plan review process shall not proceed until the requested or required revisions are complete. Site plans requiring only minor revisions will be reviewed within fourteen (14) calendar days upon resubmission. Plans requiring substantial revisions will be reviewed on the time frame of a new submission.

(5) Scheduling for a required Planning Board public meeting: Upon determination of a need for Board approval of a site plan by the Planning Coordinator and within ten (10) calendar days after receipt of all staff and agency comments, the Planning Coordinator shall schedule the final site plan for a public meeting before the Planning Board.

(6) Action by Planning Board, if required: Within sixty (60) days of receipt of staff comments, the Planning Board shall act on the application and shall render a decision to approve, approve with conditions, defer or disapprove the site plan upon action at a regularly scheduled meeting.

(7) Site plan revisions: In consideration of site plan revisions to any final site plan, such revisions may be (a) approved administratively by the Planning Coordinator, or (b) approved administratively by the Planning Coordinator upon input from the Planning Board, provided that where the Planning Coordinator is of the opinion that the site plan revision is of such a magnitude and impact that a decision on the revision should be reached only after a public hearing thereon.

4. Approval/Denial Process:

a. Site plans will be approved by the Planning Board if they demonstrate substantial compliance with this ordinance, as well as the site design criteria set forth in this article and the County's design and construction standards and if the public facilities, utilities and site designs as designed will be able to function in a manner beneficial to the health, safety and general welfare of the public.

b. Under certain conditions approval by other agencies not specifically referred to hereinabove shall be a prerequisite to approval by the County.

c. In denying a site plan, specific reasons shall be provided. Reasons for denial shall relate in general terms to such modifications or corrections as will permit approval of the site plan.

5. Expiration of Approval:

Final approval of any site plan (with the exception of erosion and sediment control plans) submitted under the provisions of this ordinance shall expire two (2) years after the date of such approval, provided that the owner or developer has not accomplished substantial completion of the site improvements or as otherwise represented with the approval of the original site plan.

I. Site Construction Permits:

1. Prerequisites for Commencement of Site Improvement Activities:

No site improvement activities may occur on land that is appropriately zoned for the proposed use or activity unless all of the following requirements are met:

- a. Approval of final site plan.
- b. Approval of final subdivision plat, if required.
- c. County approval of erosion and sediment control plan, if required.
- d. County approval of an erosion and sediment control bond, if applicable.
- e. Installation of erosion and sediment control measures in accord with the plan.
- f. Approval of availability and capacity of all necessary utilities.

2. Improvements Costs:

All improvements required by this ordinance shall be installed at the cost of the owner or developer, except where cost sharing or reimbursement agreements between the County of Washington and the applicant are appropriate, the same to be recognized by formal written agreement prior to site development plan approval.

3. Acceptance of Site Improvements:

The approval of a site development plan or the installation of the improvements as required by this ordinance shall not obligate the County to accept the improvements for maintenance, repair or operation. Acceptance shall be subject to County standards and criteria related to the acceptance of each type of improvement.

4. Bonding of Public Improvements:

a. Performance (surety) bond required for improvements:

1. A bond may be required by the County prior to commencement of construction to guarantee the successful completion, function, and operation of certain public improvements which are to be accepted for dedication, maintenance and/or operation by the County, State or other public agency.

2. In such instances, before the final site plan will be approved by the Planning Coordinator for the owner to commence work and before issuance of an land disturbance permit for any project, the owner or his designated agent shall submit a bond or other surety acceptable to the Planning Coordinator to ensure that measures could be taken by the County at the owner's expense should

owner fail to complete the public utilities, infrastructure, facilities and erosion control measures required for the project within the specified time frame.

3. The period of the initial bond (surety) agreement shall be not less than twelve (12) months from its effective date. The bond shall be of a form which automatically renews itself unless and until the issuing guarantor shall give ninety (90) days prior written notice to the County of its intent to terminate the bond.

4. The developer or his agent shall submit a detailed, itemized cost estimate of (a) public utilities, infrastructure and/or facilities, (b) erosion control and public facilities, and (c) other bondable improvements related to the public health, safety and general welfare as determined and required to be bonded by the Planning Coordinator.

5. If prior to sixty (60) days from the expiration date of the bond the applicant has not taken steps to gain approval of improvements, release of the bond, and/or extension of the bond, the applicant and surety will be notified by the County by certified mail within forty-five (45) calendar days prior to the expiration date that a bond extension or new bond will be required.

6. If an extension or new bond is not received by the Planning Coordinator within twenty-five (25) calendar days of the original bond's expiration date, action will be taken to draw upon the original to allow the County to complete the installation of public improvements, other site improvements and erosion control and public works facilities. At that time, all construction permits will be revoked and continued work at the project will place the developer, the contractor, and/or other associated parties in violation of this ordinance.

7. Forms of surety guarantees, all of which shall be subject to the approval of the County Attorney, shall be limited to the following:

- a. Corporate surety bond from an insurance corporation licensed in North Carolina.
- b. Cash escrows and set-asides from an insured lending institution.
- c. Irrevocable letters of credit from an insured lending institution.
- d. Cashier's check.
- e. Other surety as approved by the County Attorney.

f. The bond may be released by the County in full or in part only upon the satisfactory completion of applicable improvements and the permanent stabilization of the site against erosion and sedimentation.

J. Requests for Waivers, Variations or Substitutions:

1. An applicant or owner may request a waiver, variation or substitution pursuant to (a) the requirements for physical improvements, (b) the requirements for site development processes and activities, (c) the requirements for specific designs, plans and documentation to be submitted with the site plan application, and (d) other requirements related to the application of this article. The specific provisions for the waiver of the requirement for preparation and submission of a site plan are addressed in Section D of this article. A written request for a waiver, variation or substitution shall state the rationale and justification for such request together with such alternatives as may be proposed by the applicant or owner.

2. Such request shall be submitted in writing to the Planning Coordinator with the filing of a

site plan accompanied by a statement from the applicant as to the public purpose served by such waiver, variation, or substitution in regard to the purpose and intent of this article.

3. The Planning Coordinator may accept the request for waiver, variation or substitution for any requirement in a particular case upon a finding that the waiver, variation or subdivision of such requirement would advance the purposes of this ordinance and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of the ordinance. Alternately, the Planning Coordinator may recommend a conditional modification to the request, or the Planning Coordinator may deny the request. The applicant may appeal the decision of the Planning Coordinator to the Planning Board.

4. No such waiver, variation, or substitution shall be detrimental to the public health, safety or welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.

5. The Planning Coordinator, at his/here sole discretion and in deliberation on the request, may require the submission of a professional engineering report or other related technical documentation and plan exhibits to support the applicant's request for waiver, variation, or substitution.

K. Revisions to Approved Site Plans:

1. Any revision or deviation from approved plans and specifications must be submitted in writing with related site plan documentation to the Planning Coordinator.

2. The Planning Coordinator shall determine which staff and agencies are required to review the requested modifications and will oversee the implementation of this process.

3. The Planning Coordinator may grant approval of site plan revisions, provided that where the Planning Coordinator is of the opinion that a proposed revision is of such a magnitude and impact that a decision on the revision should be reached only after a public hearing thereon, then a meeting before the Planning Board to act on such revision shall be scheduled in a fashion similar to an original site plan submission.

L. Appeals:

1. Appeals of a decision of the Planning Coordinator in the administration of this article shall be as provided in the Code of North Carolina.

2. Appeals of a decision of the Planning Board by the applicant or a party in interest regarding a site plan, waiver, variation or substitution shall be to the County Commissioners, provided that such appeal is filed with the County Manager within ten (10) calendar days of the decision being appealed.

3. The appeal shall be placed on the agenda of the County Commissioners at the next regular meeting. The County Commissioners may reverse or affirm, wholly or partly, or may modify the decision of the Planning Board.

M. Violations and Penalties:

1. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed or proffered statement or plan submitted by him and approved under the provisions of

this ordinance shall be guilty of a Class I misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.

2. Any building erected or improvements constructed contrary to any of the provisions of this ordinance or to the approved plans, and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this ordinance shall be, and the same is hereby declared to be, unlawful.

3. The County may initiate injunction, mandamus, or any other action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this ordinance.

4. Upon becoming aware of any violation of a provision of this ordinance, the Planning Coordinator, shall serve notice of such violation on the person committing or permitting the same. If such violation has not ceased within a reasonable time as specified in the notice, action as may be necessary to terminate the violation shall be initiated.

5. The remedies provided for in this article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Article 9:
Administration and Adjustment

Article 9:**Administration and Adjustment****A. Purpose**

The Planning Board is established to advise the Board of Commissioners on all matters related to the orderly growth and development of Washington County. It shall approve or disapprove the location, character and extent of all public facilities in the County.

B. Authority and Establishment

The Planning Board, with the advice and assistance of the County Manager, the Planning Coordinator and County staff, shall:

1. Prepare and recommend amendments to the Zoning Ordinance.
2. Prepare and recommend amendments to the Subdivision Ordinance.
3. Receive, review and provide recommendations and a summary report to the Board of Commissioners for all proposed amendments, supplemental changes, modifications or appeals to this Ordinance.
4. Review and make recommendations on all amendments to the Official Zoning Map of the County.
5. Review and make recommendations on applications for special exceptions, variances and appeals filed with the Board of Adjustment, and, when deemed necessary, to attend Board of Adjustment hearings on behalf of the County.
6. Review and approve preliminary and final site plans when requested by the County Manager or the Planning Coordinator and where otherwise in accord with the administrative processes contained in this Ordinance.
7. Periodically review the zoning district designations to ensure that land development is taking place within the intent of this Ordinance and its parts.
8. Coordinate with and review the actions of other committees, boards and commissions which may be duly commissioned to consider or make recommendations on matters related to zoning, land use, capital improvements or comprehensive planning in the County.

C. Membership of the Planning Board

The members of the Planning Board shall be appointed by the Washington County Board of Commissioners. The Planning Board shall consist of seven (7) regular members. Each member shall be permanent residents within the limits of Washington County.

D. Planning Board Membership Term of Service

Planning Board members shall each serve three (3) year staggered terms with each serving until his/her successor is appointed and qualified.

E. Vacancy

Any vacancy in the membership of the board, other than by reason of the expiration of term of office shall be filled when such vacancy occurs for the unexpired term only. The Washington County Board of Commissioners shall appoint new members to the Planning Board for a term as addressed in the Washington County Planning Board bylaws, provided that nothing in this section shall be construed to affect the term of any member incumbent on the effective date of this Ordinance.

F. Enforcement Officer: The Planning Coordinator

The County Manager or his agent shall administer and enforce this Ordinance. This individual shall be designated as the "Planning Coordinator" by the County Manager and shall accept the duties as outlined below.

G. Duties of the Planning Coordinator

The Planning Coordinator shall act under the provisions of the Zoning Board of Adjustment Law (GS 160A -388) which provides for the decisions of "an administrative official charged with the enforcement of any Ordinance adopted pursuant to this Part." Pursuant to this and other authorities set out in the State law of North Carolina the Planning Coordinator will be responsible for the processing, review and enforcement of all provisions adopted as part of this Ordinance. Such activities will consist of, but not be limited to the following:

1. Receipt of application for permits.
2. Issuance of denial of permits.
3. Documentation of reasons for denial of permits.
4. Issuance of certificates of occupancy or compliance.
5. Posting and/or mailing of notices.
6. Issuance of stop order pursuant to violations.
7. Revocation of permits.
8. Issuance of certificates of occupancy for non-conforming uses.
9. Receipt of notices of appeal.
10. Maintain file of documentation of individual cases.
11. Initiator of all actions related to the above activities.

H. Enforcement Actions

Upon the finding of any inappropriate or illegal activities on the part of any citizen which would violate the provisions of this Ordinance, the Planning Coordinator shall notify in writing the person(s) responsible for such actions indicating the following:

1. The nature of the violation(s).

2. The action(s) necessary to correct the violation.
3. The date by which correction action(s) should be taken and completed.
4. Actions(s) which will take place if such corrective action is not taken.
5. When such action has not been taken or is deemed inadequate based upon the conditions listed in this Ordinance, an order for the discontinuance of the use or occupation of any land, building or structure or any illegal additions, alterations or structural changes thereto may be issued.
6. Any other action authorized by this Ordinance to ensure compliance with or to prevent violation of any provision.

I. Certificate of Compliance

No building or other structures shall be erected, moved, added to or structurally altered until a "Certificate of Zoning Compliance" shall have been issued, except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment. No building permit for the purpose of erection, extension or alterations of any building shall be issued before an application has been made and a "Certificate of Zoning Compliance" issued.

J. Compliance Procedures

All applications for a Certificate of Zoning Compliance shall be accompanied with the following before acceptance.

1. Plans showing the dimensions and shape of the parcel to be built upon.
2. The exact size, uses and location of the parcel(s) of any existing building.
3. The exact size, uses and location of the parcel(s) of any propose building.
4. Other information as may be necessary to determine conformance with and provide for the enforcement of this Ordinance (see Article 10: Site Plan Regulations).

K. Processing of Application

The following will be the minimum requirements set forth for processing and review of an application.

1. Plans and Fees as submitted according to Site Plan Regulations (see Article 10).
2. One (1) copy shall be returned to the applicant by the Planning Coordinator either approved or disapproved and attested to name by his/her signature on such copy. One (1) copy either approved or disapproved and attested to name by Planning Coordinator shall be retained on file.
3. A fee of fifty dollars (\$50.00) shall be charged upon receipt of application to pay for processing. The fee amount will be set annually by the Washington County Board of Commissioners.
4. The above fee will be charged in addition to any fee charged for a building permit.

L. Violation of Ordinance

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance or any building, structure or land is used in violation of this Ordinance, the Planning Coordinator or any appropriate authority or any adjacent, nearby or neighboring property owner who would be affected by such violation in addition to other remedies may institute an injunction, mandamus or other appropriate action in proceeding to prevent occupancy or use of such building, structure or land.

M. Penalties for Violations

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense, not more than fifty dollars (\$50.00) or imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed to be a separate offense.

Article 10:
**Board of Adjustment:
Variances, Special Exceptions and Appeals**

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Article 10:
**Board of Adjustment:
Variances, Special Exceptions and Appeals**

A. Purpose and Intent

This Ordinance endeavors to create a process by which the County Manager, the Planning Coordinator, the Planning Board and Board of Commissioners can address and implement zoning and land use in such a way as to reconcile the desires of future applicants with the health, safety and general welfare interests of the County. However, there may be special and unusual circumstances which arise within the administrative process that dictate that an application receive special attention in pursuit of fairness and sound planning practices. Therefore, variances and special exceptions to the application of this Ordinance, as well as opportunities to appeal decisions related to the application of the Zoning Ordinance which are outside the purview of the County Manager, the Planning Coordinator, the Planning Board and Board of Commissioners are provided as a means of increasing the flexibility of the new Ordinance.

B. Creation of Board

There shall be and hereby is created a Board of Adjustment, hereinafter referred to as the "Board" consisting of five (5) regular members.

C. Composition of Board of Adjustment

1. The Washington County Board of Commissioners shall serve as the Board of Adjustment.
2. The term of office shall follow the elected term of the Board of Commissioner Member.
3. Each member shall receive such compensation as the Board of Commissioners may authorize for attendance at each regular or called meeting of the Board held at least fifteen (15) days after proper public notice.
4. The Circuit Court may remove any member of the Board for malfeasance, misfeasance or nonfeasance in office or for other just cause upon a hearing held not less than fifteen days from notification of the Board member sought to be removed.
5. Within the limits of funds appropriated by the Board of Commissioners via its annual budgeting process, the Board may employ or contract for legal services, technical services, secretaries, clerks and other advisory services.
6. Members shall have permanent residence within Washington County and shall so reside during their term of appointment.

D. Appointment of Members

1. In January of each year, the Washington County Board of Commissioners shall review all appointments making necessary new appointments for a term beginning in the tenth (10th) day of January of the year of the appointment.
2. All appointments shall follow the term of the elected Board of Commissioners.

E. Organization of Board

1. As the Washington County Board of Commissioners will serve as the Board of Adjustment, all appointments shall follow the terms of the elected Board of Commissioners.
2. The Board shall appoint a recording secretary whose duty it shall be to keep the minutes and other record of the actions and deliberations of the Board and perform such other ministerial duties as the Board shall direct. A secretary who is not a member of the Board shall not be entitled to vote on matters before the Board.
3. The recording secretary may receive such compensation as the Board of Commissioners may authorize for attendance at each regular or called meeting of the Board.

F. General Procedures for Board

1. The Board may make, alter and rescind rules and forms for its procedures, consistent with Ordinances of the County and general laws of the state as it may deem necessary in order to carry into effect the provisions of this Ordinance, said rules to be in writing and copies available to the public at the office of the Planning Coordinator and the recording secretary of the Board.
2. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.
3. A regular member when he knows he will be absent from a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact.
4. All meetings of the Board shall be open to the public.
5. The recording secretary shall keep minutes of the Board's proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
6. A quorum of the Board shall consist of three (3) Board members, one of which shall be either the chairman or the vice-chairman.
7. The Board shall keep a full public record of its proceedings and other official actions and shall submit a report of its activities to the Board of Commissioners at least once each year.
8. The Board may adjourn a regular meeting if all applications or appeals cannot be disposed of in the day set and no further public notice shall be necessary for such an adjourned meeting.

G. Powers of Board of Adjustment: Variances, Special Exceptions and Appeals

The Board of Adjustment shall have the following powers and duties:

1. **Variances:** The Board may consider and grant a variance to the application of this Ordinance which cannot be otherwise granted by the Planning Board or Board of Commissioners in situations where due to the characteristics of the property under consideration an unnecessary hardship on the applicant will be created, and where the spirit of the Ordinance can be otherwise maintained. The Board may authorize upon appeal or original application in specific cases a variance

from the application of the strict terms of this Ordinance, provided that such variance will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and that substantial justice done as hereinafter specified. No variance may be granted except after a public hearing in accordance with this Ordinance.

2. Special Exceptions: The Board may consider and grant a special exception to modify standards and regulations for certain uses allowed within a given district, but which by their nature and design may have an undue impact or be incompatible with other uses of land, when it is judged in the interest of sound development in the County. The Board may hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Board.

3. The Board may consider and grant an appeal to decisions rendered by the Planning Coordinator or any other staff member, official, or agency of the County related to the administration and enforcement of this Ordinance, provided that any opportunity to appeal such decision to the Planning Board or Board of Commissioners shall have been exhausted. No such appeal shall be heard except after a public hearing in accordance with this Ordinance.

4. Zoning Map Interpretation: The Board may interpret any conflicts or questions arising from the interpretation of the Official Zoning Map by the Planning Coordinator, Planning Board or Board of Commissioners where there is an unresolved disagreement as to the location of lot lines or a district boundary, subject to notice of adjoining property owners affected by any such interpretation and after a public hearing. The Board shall provide for the enforcement of this Ordinance and regulations prescribed in its adoption.

5. Administrative Questions: The Board shall pass on administrative questions and their modification based upon the enforcement of this Ordinance. In so doing, the Board may prescribe appropriate conditions and safeguards to protect the continuing application of this Ordinance.

6. No Power to Rezone: No provision of this section shall be construed as granting any Board the power to rezone property.

7. Revocation of Permit: To revoke a special exception if the Board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after a public hearing in accordance with section "J." of this Ordinance.

H. Variances:

1. The Board shall have the power in specific cases to grant a variance from the application of the strict application of the terms of this Ordinance under the following provisions:

a. When a property owner can show that his property was acquired in good faith.

b. Where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the Board is satisfied, upon the evidence heard by it, that the

granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.

- c. The variance will not be contrary to the public interest.
 - d. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or building in the same district.
 - e. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - f. That the special conditions and circumstances do not result from the actions of the applicant.
 - g. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures or buildings in the same district.
2. No such variance shall be authorized by the Board unless it finds:
 - a. That the strict application of the Ordinance would produce undue hardship.
 - b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variance.
 - d. That the condition or situation of the subject property is not of so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
 3. Unauthorized variances:
 - a. No variance shall be authorized that would result in an increase in the density or dwelling unit count not otherwise permitted in by the applicable zoning district regulations.
 - b. No variance shall be authorized that would permit the establishment of any new use not otherwise permitted in the zoning district under the provisions of this Ordinance.
 - c. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in a floodplain.
 - d. No such variance shall be authorized except after a public hearing in accordance with this article.
 4. In authorizing a variance the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or performance bond to ensure that the conditions imposed are being and will continue to be complied with.
 5. After the Board has approved a variance, the variance so approved or granted shall lapse after one year period or such longer period of time as may be approved for "good cause": by the Board, provided that no substantial construction or change of use has taken place in accordance with

the plans for which such variance was granted.

6. The procedure for amendment of a variance already approved, or the request for a change of conditions attached to an approval, shall be the same as for the new application, except that, where the administrator determines the change to be minor relative to the original approval, the administrator may transmit the same to the Board with the original record without requiring that a new application be filed.

I. Special Exceptions:

1. The Board shall have the power in specific cases to grant a special exception for and apply standards and conditions to certain land use, lot area, and yard exceptions from the strict application of the terms of this Ordinance under the following provisions:

a. To provide for adjustments in the relative locations of uses and buildings of the same or different classifications,

b. To promote the usefulness of these regulations as instruments for fact-finding, interpretations, application and adjustment, and

c. To supply the necessary elasticity to efficiently administer these regulations in the interest of sound land use.

2. In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this Ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

3. The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

4. If the Board finds that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the County's Land Use Plan and Growth Opportunities Plan, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this Ordinance, the Board shall grant the exception and authorize the issuance of a special exception permit.

5. In those instances where the Board finds that the proposed use may be likely to have an adverse effect as above, the Board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction equipment, maintenance, or operation, in addition to those expressly stipulated in this Ordinance.

6. Special exception uses: The following buildings and uses are permitted as special exceptions under the terms and conditions specified hereinabove:

a. A garage or other building accessory to a single-family dwelling in which the building does not comply with the regulations of the district in which it is located.

b. Extension of an existing nonconforming use in a building so as to increase floor area by not more than twenty-five (25) percent, provided that no new non-conforming use may be established.

c. Restoration, repair or replacement of a nonconforming use damaged by more than fifty (50) percent of the fair market value of the building as determined on the date immediately prior to its damage.

d. Temporary uses and structures in any zoning district not specifically listed in the regulations and determined by the Board to be in the public interest for the district in which located; provided that such uses be of a temporary nature and do not involve the erection of substantial buildings.

e. Such use or structures shall be authorized by the issuance of a temporary and revocable permit for not more than a twenty-four month period subject to such conditions as will safeguard the public health, safety and welfare.

7. Special exceptions for yards: The following yard conditions are permitted as special exceptions under the terms and conditions specified hereinabove:

a. An exception in the yard regulation on a lot where on the adjacent lot there is a front, side, or rear yard that does not conform with such yard regulations in a way similar to the exception applied for, provided that the granting of such an exception will not cause the yard or use to encroach upon an existing or proposed right of way or dedicated public easement.

b. An exception in the depth or a rear yard on a lot, in a block where there are nonconforming rear yards.

c. An exception to a yard where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersection streets, so that any one of the existing depths shall, for a building hereafter constructed or extended be the required minimum front yard depth.

d. Construction of a single family dwelling with reduced yard spaces on a legal nonconforming lot.

8. After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the County and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

9. The procedure for amendment of a special exception already approved, or the request for a change of conditions attached to an approval, shall be the same as for the new application, except that, where the Planning Coordinator determines the change to be minor relative to the original approval, the administrator may transmit the same to the Board with the original record without requiring that a new application be filed.

J. Appeals

Any citizen may bring before the Board of Adjustment an appeal concerning any action related to the enforcement of this Ordinance.

1. Procedure: Such appeals must adhere to the following procedures:

a. Provide written notice of an appeal to the Planning Coordinator.

b. The reasons and circumstances for appeal.

c. The corrective actions which are requested.

d. The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the Planning Coordinator to decide in favor of the applicant any matter upon which it is required to pass under the provisions of this Ordinance.

e. NOTE: Appeal from the decision of the Board of Adjustment (Washington County Board of Commissioners) shall then go to the Superior Court of Washington County.

2. Hearing Procedures: Upon notification by the Planning Coordinator that the requirements of this Ordinance have been fulfilled by the applicant the case shall be addressed by the Board of Adjustment. The following shall be procedures observed by the Board Of Adjustment.

a. A reasonable time shall be fixed, not to exceed thirty (30) days from notification for the hearing of such appeals.

b. Appropriate public notice of such hearing shall be provided to the appellant by the Board of Adjustment with time, place and date of the hearing.

c. Fifteen (15) days notice shall be given adjoining property owners.

d. Upon the hearing, the Board shall determine disposition of such appeals and the extent of such action shall be enforced (such as variance, district change and map alteration). All action shall be based upon a majority vote of the Board of Adjustment.

e. All information, including documentation and rationale for the grounds for the subject application as well as plats, maps, site plans and other graphic exhibits required by the standard application form or the Planning Coordinator, or other information as required by the Board in order that it might be fully informed, shall be furnished by the applicant. The application shall include a copy of the decision or determination on which the application is based.

f. It shall be the responsibility of the recording secretary of the Board to place the matter on the Board meeting agenda.

g. The Planning Coordinator shall also transmit a copy of the application to the Planning Board of every appeal and application for variance made to the Board and shall notify the Commission of the scheduled date of hearing thereon. The Planning Board may send a recommendation to the Board or appear as a party at the hearing.

h. If a request for a variance or special exception has been denied by the Board, a request in substantially the same form shall not be considered by the Board within one (1) year of the date of denial.

i. The procedure for amendment of a special exception or variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application except that where the Planning Coordinator determines the change to be minor relative to the original approval, the Planning Coordinator may transmit the same to the Board with the original record without requiring that a new application be filed.

3. Application for Appeals:

a. An appeal may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, commission, board or agency of the County affected by any decision of the Planning Coordinator or from any order, requirement, decision or determination made by any other officer in the administration or enforcement of this Ordinance.

b. All information, including documentation and rationale for the grounds for the subject appeal as well as plats, maps, site plans and other graphic exhibits or information as required by the Board in order that it might be fully informed, shall be furnished by the applicant. The application shall include a copy of the decision or determination on which the application is based.

c. Any written notice of a zoning violation or a written order of the Planning Coordinator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The appeal period shall not commence until the statement is given to the recipient.

d. An appeal shall be taken within thirty (30) days after the decision appealed by filing with the administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Planning Coordinator shall forthwith transmit to the recording secretary of the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in the furtherance of the action appealed from unless the administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a Court of record, on application and on notice to the Planning Coordinator for good cause shown.

e. The Planning Coordinator shall also transmit a copy of the application to the Planning Board of every appeal made to the Board and shall notify the Commission of the scheduled date of hearing thereon. The Planning Board may send a recommendation to the Board or appear as a party at the hearing.

4. Hearing and Decision:

a. The Board shall fix a reasonable time for a public hearing on an application or appeal. The Board shall decide upon the application or appeal within ninety (90) days of its filing.

b. Upon the hearing any party may appear in person, or by agent, or by attorney, before the Board. In exercising its powers, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

c. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variance from this article.

5. Proceedings to Prevent Construction of Building in Violation of Zoning Ordinance:

a. In any case where the Planning Coordinator has certified conformity with the provisions of this Ordinance and a building permit has been issued and construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning Ordinance, suit may be filed within fifteen (15) days after the start of construction by a person who had no actual notice of the issuance of such permit.

b. The Circuit Court may hear and determine issues raised in the litigation even though no appeal was taken from the decision of the Planning Coordinator to the Board of Adjustment.

6. Filing Fees:

- a. **Filing Fee:** To hear and decide any appeal or review any order, requirement, decision or determination by the Planning Coordinator a fee of one hundred and fifty dollars (\$150.00) shall be paid to Washington County to cover advertising and administrative expenses. The fee will be set annually by the Washington County Board of Commissioners.
- b. All persons, firms or corporations appealing to the Board of Adjustment necessitating the publication of notices in the newspaper shall be required to pay, at the time the application is submitted, a fee as established by Board of Commissioners for expenses relative thereto.
- c. All persons, firms or corporation applying for variances under the provisions of this Ordinance or applying for an amendment or a variance already approved necessitating the publication of notices in the newspaper shall be required to pay, at the time the application is submitted, a fee as established by Board of Commissioners for expenses relative thereto.
- d. The payment of such money in advance to the office of the administrator as specified shall be deemed a condition precedent to the consideration of such appeal, variance request or requested amendment to a variance already approved.

K. Consideration of Conditions for Approvals:

The Board may attach conditions to the granting of a variance or to the approval of a special exception. In establishing adequate and necessary conditions, the Board may consider the following elements with respect to potential inclusion, modification, exclusion or limitation:

1. Placement of signs and advertising structures.
2. Signs: size, number, type, color, location or illumination.
3. Outdoor lighting: illumination intensity, direction, location, shielding.
4. Parking and loading: location, size, number.
5. Cleaning and painting.
6. Roof type.
7. Construction materials.
8. Construction phasing.
9. Exits, entrances, doors and windows.
10. Landscaping and screening.
11. Paving and site improvements.
12. Operating times.
13. Architectural facades.
14. Structural changes.
15. Smoke, dust, gas, noise and vibrations associated with the use.
16. Termination of use due to use lapse or other conditions.
17. Open space requirements.
18. Adequate public facilities and supporting infrastructure.
19. Adequate storm drainage and stormwater management.
20. Adequate environmental protection measures.
21. Other elements consistent with the Comprehensive Plan.

L. Procedure on Special Exception and Variance Applications and Appeals:

1. **Application for Special Exceptions and Variances**
 - a. Applications to the Board of Adjustment for special exceptions and variances in which the Board has original jurisdiction under this Ordinance may be made by any property owner, tenant, government official, department, commission, board or agency. Such application shall be made to

the Board on standard application forms which shall be provided for the purpose in accordance with rules adopted by the Board.

b. Appeal of Board Decisions to the Circuit Court: Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer or any administrative officer, official, department, commission, board, or agency of the County, may present to the Circuit Court of the County of Washington County a petition specifying the ground on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board. The appeals proceedings before the Circuit Court shall be in accordance with applicable state statutes.

M. Notice and Hearing Requirements:

1. No variance, special exception or appeal may be authorized or otherwise acted upon except after notice and hearing as required by State statutes of North Carolina.

2. As is stated in the State statutes of North Carolina, each of the planning actions listed hereinabove need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a summary of the proposed action and hearing date.

Article 11:
Definitions

A. Interpretations:

For the purpose of this ordinance, certain words and terms are to be interpreted as follows (except as defined herein, all other words shall have their customary dictionary definition as would be applicable):

1. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.
2. The word "shall" is mandatory. The word "may" is permissive.
3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. The word "building" includes the word structure, and the word "structure" includes the word building; the word "lot" includes the word plot; the word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.
5. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.
6. The word "adjacent" means nearby and not necessarily contiguous.
7. The word "contiguous" means touching and sharing a common point or line.
8. The word map shall mean the official Zoning map of Washington County adopted pursuant to this Ordinance.
9. The word Ordinance shall mean the official Zoning Ordinance of Washington County.
10. The word County shall mean Washington County, North Carolina.
11. The word Board shall mean the Planning Board of Washington County, unless otherwise noted.
12. The words Board of Commissioners shall mean the Washington County Board of Commissioners.
13. The words Board of Adjustment shall mean the Washington County Board of Adjustment.

B. Definitions

As used in this article, the following terms or words shall have meanings given below unless the context requires otherwise.

Accessory Use: A use customarily incidental and subordinate to the primary use of building and

located on the same lot with such use of building.

Acre: A measure of land equating to 43,560 square feet.

Acreage: A parcel of land, regardless of area, described by metes and bounds and not a lot of any recorded subdivision plat.

Addition: Any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter.

Administrator, Zoning: The person whom the County Commissioners have designated as its agent for administration and enforcement of this Ordinance and subsequent regulations.

Adult Business: Any business, activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

Adult day care center: A building or structure where care, protection and supervision are provided on a regular schedule for disabled adult persons and senior citizens for less than 24 hours per day.

Agriculture: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products and fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products.

Alley: Includes "passageway" as a thoroughfare through the middle or in the rear of a block affording access to the rear of property and/or buildings.

Animal shelter: As differentiated from a Kennel as defined herein, any place designated to provide for the temporary accommodation of five (5) or more commons unowned household pets until appropriate disposition of such pets can be effectuated.

Apartment: See Dwelling, Multiple family.

Architect: A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

Attached residential buildings: A row of two (2) or more dwelling units, separated from one another by continuous vertical wall(s) without opening from basement floor to roof, with each unit located on a separate lot of record. Townhouses are included in this category.

Automobile and/or trailer sales area: An open space, other than a street or required automobile parking space, used for display or sale of new or used automobiles or trailers and where no repair work is done.

Automobile repair: General repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

Automobile salvage yard: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being licensed or operated on the highways are placed, located or found.

Automobile service station: A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles, are directed related to the public on premises, and including minor accessories, and services for automobiles, but not including automobile repairs and rebuilding.

Average daily traffic (ADT): Total volume of traffic during a given period of time (in whole days greater than one day and less than one year) divided by the number of days in that time period.

Bank: See Financial institution.

Base Flood: See Flood. Also, refer to the FP-O District regulations for additional definitions related to floodplains, floodways, flood fringes, and other words related to the floodplain regulations.

Base Flood Elevation: The highest height, expressed in feet above sea level of floodwaters occurring in regulatory base flood.

Basement: That portion of a building partly underground, having at least one-half of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement or cellar shall be counted as a story only if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Bed and breakfast lodging: A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Billboard: Inclusive of "outdoor signs" and "outdoor advertisements", meaning any sign (including a standard poster pane), either free-standing or attached to a structure which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises on which the sign is located.

Block: That land abutting on one side of a street extending to the rear lot lines, or for parcels of land extending through to another street, to a line midway between the two (2) streets and lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or non-subdivided acreage or center line of any drainage channel twenty (20) feet or more in width.

Board of Adjustment: The Board of Adjustment of the County of Washington. A local body, created by ordinance, and appointed by the Circuit Court, whose responsibility it is to hear appeals and to consider requests for variances from provisions of the Zoning Ordinance in accord with State Statutes of North Carolina.

Boardinghouse: A single detached dwelling where the property owner, after obtaining a boardinghouse permit and license from the City, must reside on the premises, and where for compensation and by prearrangement for definite periods, lodging and/or meals shall be provided for not more than four (4) persons not of the same family. Operation of a boarding or rooming house shall not be deemed a home occupation. There shall be no more than one (1) boarding or rooming house on each recorded lot.

Buffer or screening: Any device or natural growth, or a combination thereof, which shall serve as a

barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein.

Buildable area: The portion of a lot remaining after required yards and open space requirements have been provided and sensitive environmental factors have been applied.

Building: A structure with a roof supported by columns or walls, intended to provide shelter or persons, property, animals or business activity. Includes roof, gutters, walls, downspouts, porches, foundation, crawl spaces, windows, floors and doors. Term is inclusive of the words "structure" and "establishment".

Building footprint: The area on the ground surface covered by the building.

Building front: That one (1) face or wall of a building which is architecturally designed as the front of the building, which normally contains the main entrance(s) for use by the general public.

Building height: See Height, building.

Building Line: Inclusive of "setback line" denoting the line on the front, rear and sides of a lot established according to the Zoning district regulation set herein, delineating the area upon which a building may be erected and/or maintained.

Building, rear: That portion of a building which is, by either service area, secondary entry and egress or the facade directly opposite the front facade of the structure; the reverse frontage of the building.

Bulk regulations: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio and (c) minimum yard requirement.

Business service and office supply establishment: Any establishment containing no more than 5000 square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. This term shall include establishments such as catering and printing establishments which serve the general public. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

Campground: A parcel of land upon which two (2) or more campsites for camping units are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Camping unit: Any tent, trailer, cabin, lean-to or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

Canopy: A roof-like structure, with an approved covering, which is attached to a building at one end and is otherwise supported by one (1) or more posts; or a freestanding roof-like structure supported by posts and open on all sides.

Car wash: A commercial establishment whose structure, or portion thereof, contains facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device, and whose primary use is for the purpose of washing motor vehicles for a stipulated fee.

Carport: Any space outside a building, wholly or partly covered by a roof, and used for the shelter of

parked motor vehicles. A carport may be attached or freestanding and is to be enclosed on no more than three sides. Carports shall be considered accessory structures.

Cemetery: Property used for the interring of the dead, in which mausoleums may be utilized.

Center line: A line lying midway between the side lines of a street or alley right-of-way as measured in the horizontal plane.

Certificate of Occupancy: A certificate granted by the City's Building Official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. Unless such a certificate is issued, a building cannot be occupied.

Child care center: A regularly operating service arrangement for two (2) or more children under the age of thirteen (13) where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection and well-being of a child for less than a twenty-four (24) hour period, in a facility that is not the residence of the provider or of any of the children in care.

Church or place of religious worship: A building whose primary use is for the assembly of persons for religious worship and instruction. The religious facility may include offices, classrooms, parlors and meeting rooms for religious purposes.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) or more physicians practicing medicine, dentistry or psychiatric treatment.

Club: A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

Cluster subdivision: An alternate means of subdividing a lot premised on the concept of reducing lot size, yard and bulk requirements in return for the provision of common open space and recreational improvements within the development. Cluster subdivisions are often permitted at higher net densities in comparison to conventional developments, but also leave more open space by reducing lot sizes.

Commercial use: An occupation, employment, enterprise or activity involves the sale of goods and/or services that is carried on for profit or charitable not for profit purposes by the owner, lessee or licensee.

Commercial vehicle: Any motor vehicle used for non-private use which is over one ton in weight.

Community center: A building used for recreational, social, educational and cultural activities, open to the public or a portion of the public, owned and operated by a public or private not-for-profit group or agency.

Complete application: An application form or petition completed as specified by ordinance and the rules and regulations of the municipal agency and all accompanying documents required by ordinance for approval of the application or petition.

Congregate care facility: a structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes on a temporary or permanent basis.

Contractor's offices and shops: Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating, as well as, those areas established to manage such operations.

Convalescent home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Convenience store: A small retail establishment offering for sale purchased food products, household items, newspaper and magazines, and sandwiches and other prepared foods for off-site consumption. Such establishments, typically serve a small market area (i.e. neighborhood) and should be designed at a size and scale that is compatible with the surrounding community.

Cul-de-sac: A local street, one end of which is closed and consists of a circular turn-around. A "cul de sac" is distinguished from the terms "roundabout" and "rotary".

Curb Cut: Inclusive of "driveway" referring to a lowered or cut-away (paved or unpaved) curb for purposes of ingress or egress to property abutting a public street.

Curb grade: The elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the City engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the City.

Curb line: The face of a curb along private streets, travel ways, service drives and/or parking bays / lots.

Day care facility (adult or child): See Adult day care center and Child care center

Demolition: The complete or substantial removal of any structure or external element of any structure.

Density: The number of dwelling units per acre in a development.

Developer: The legal or beneficial owner or owners of all the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this ordinance.

Development: The division of land, or construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation or utility facilities or structures.

Development plan, generalized: A required submission at the time of filing for an amendment to the Official Zoning Map for any and all zoning districts, to be prepared and approved in accordance with the provisions of this ordinance, and which generally characterizes the proposed development of the subject lot or property.

District (or zoning district): Any designated geographical section of the County of Washington in which the regulations governing the use of the buildings and premises, the heights of building, the size of yards and the intensity of the use are uniform.

Drive-in bank: Any financial institution which offers its services to persons within a motor vehicle.

Drive-in-theater: An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Drive-thru service: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods, while remaining in their motor vehicles.

Driveway: That space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot from one site to another or from the lot to a public street.

Duplex: A two-family attached residential use in which the dwelling units are located on individual platted lots, and which 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.

Dwelling: A building or portion thereof inclusive of "residence" defined as providing complete living facilities; inclusive of eating sleeping and bath facilities.

Dwelling, manufactured home: see mobile home.

Dwelling, mobile home: See mobile home.

Dwelling, modular unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building placed in a fixed location on a permanent foundation (ie. conventional basement or crawl space foundation) incorporating a system of supports, including piers. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this ordinance, a modular unit shall be deemed a Single family dwelling and shall not be deemed a Manufactured home.

Dwelling, Multi-Family: Inclusive of "apartments", "condominiums" and "townhouses" as a residence designated for occupation by three (3) or more families with separate living facilities for each.

Dwelling, Single-Family: A detached residence designed for occupation by one (1) family only.

Dwelling, single family attached: A group of two (2) or more single family dwelling units which are generally joined to one another by a common party wall, a common floor/ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit on a lot shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one unit to another; and no more than two (2) abutting units in a row shall have the same rear and front setbacks, with a minimum setback offset being two and one half (2 1/2) feet unless otherwise approved by the Planning Coordinator. For the purpose of this ordinance, dwellings such as a semidetached, garden court dwelling, patio house, zero lot line dwelling, City house, duplex and two-family dwelling shall be deemed a single family attached dwelling.

Dwelling, single family detached: A single family dwelling unit which is entirely surrounded by open space or yards on the same lot. Such dwelling unit may include rental space for occupancy by not more than two (2) persons unrelated to the resident family, provided that such rental space does not include separate kitchen facilities or a separate entrance for the exclusive use of the renters.

Dwelling, townhouse: An attached residence located on an individually platted lot, in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit, and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, Two-Family: Inclusive of "duplex" defined as a residence designed for occupation by two (2) families only with separate living facilities for each.

Dwelling unit: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete, independent living facility for one (1) family, and which include permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A right created by an express or implied agreement of one (1) owner of land to make lawful and beneficial use of the land of another for a special purpose not inconsistent with any other uses already being made of the land.

Egress: An exit.

Elderly housing: A structure, typically containing multi-family dwelling units, where the occupancy of the dwellings are restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older and which meets the Fair Housing Amendments Act of 1988 for elderly housing. Such a structure may consist of individual dwelling units, community dining areas, common recreation areas, special support services and limited medical or nursing care.

Electric Fence: A fence designed to carry an electric current which is used for security or for establishing a boundary for a private or commercial property. An electric fence designed solely for the protection or herding of animals is not considered an electric fence for the purposes of this Ordinance.

Engineer: A professional who is registered with the State of North Carolina as a professional engineer.

Enlargement: An increase in the size of an existing structure.

Extraterritorial Area: Inclusive of "extraterritorial district", "extraterritorial planning area" and "extraterritorial planning district" meaning the properties or land beyond the corporate limits of Washington County, adopted in accordance with the North Carolina General Statutes 160A-360.

Facade: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family: One (1) or more persons occupying a premise(s) or residence, living as a single housekeeping unit as distinguished from a group occupying a boarding house, fraternity, sorority or transient resident(s) (such as motel, hotel occupants)

Family day home: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation.

Fast food restaurant: Any establishment which provides as a principal use wrapped and/or packaged food and drink which is ready for consumption, either on or off-the premises.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

Financial institution: Any building where the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment/securities companies. However, for the purpose of this ordinance, any financial institution having a drive-in

window(s) shall be deemed a Drive-in bank as defined herein.

Flood (100-Year) or Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Floodplain: All land areas in and adjacent to streams and water courses subject to continuous or periodic inundation from flood events as designated by the United States Department of Housing and Urban Development (HUD), or the Federal Emergency Management Agency (FEMA), and/or the United States Geological Survey.

Floor area, gross: The sum of the total horizontal areas of all floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

Floor area, net: The total floor area designed for tenant occupancy of all floors of all buildings on a lot, measured from the center line of joint partitions to the interior faces of exterior walls, which excludes areas designed for permanent uses such as toilets, utility closets, corridors for pedestrian or vehicle through traffic, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, fire exits, stairwells, elevators and escalators. For the purposes of this ordinance, the term "net floor area" shall not include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products.

Floor area ratio: The ratio determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Foster home: A residence in which any child, other than a child by birth or adoption, resides as a member of the household and has been placed therein.

Fraternity house: A dwelling or dwelling unit maintained exclusively for fraternity members and their guests or visitors and affiliated with an academic or professional college, university or other institution of higher learning.

Frontage: The distance between the two (2) side lot lines as measured along the front setback line.

Funeral home: A building used for the preparation of the deceased for funeral and the ceremonies connected therewith before burial or cremation.

Garage, private: An accessory building designed and used only for storage purposes which is owned and/or by the occupants of the building to which it is accessory.

Garage, public: A building, or portion thereof, other than a private garage, designed or used primarily for equipping, servicing, repairing, renting or selling motor driven vehicles and accessories.

Garage, commercial parking or storage: A building, or portion thereof, designated or used exclusively for the parking or storage of vehicles for a fee, but within which no licensed and operable passenger vehicles are serviced, repaired, equipped or sold.

Garage/yard sale: Any on-premises sale of goods operated out of a one-family, two-family or multi-family dwelling.

Geometric design: The dimensions and arrangements of the visible features of a roadway. These include pavement widths, horizontal and vertical alignment, slopes, channelization, interchanges, and other features the design of which significantly affects traffic operation, safety and capacity.

Golf course: Land, whether publicly or privately owned, on which the game of golf is played, including accessory uses such as golf driving ranges and buildings customary thereto.

Golf driving range: A practice range for hitting golf balls from a common tee-off area, and for purposes of this ordinance, not operated in conjunction with a golf course or country club.

Grade: A horizontal reference plane representing the average of finished ground level adjoining a building at all exterior walls; also referred to as Grade plane.

Grade, finished: The final elevation of the ground surface after development.

Gross leasable area: The total area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use, exclusive of public or common areas such as utility rooms, stairwells, malls, etc.

Gross site area: The total area measured in acres within the boundaries of a given parcel of land. See also Net developable area which is a subset of Gross site area.

Guest house: Dwelling or lodging units for a temporary or non-paying guest or guests in an accessory building. No such quarters shall be occupied by the same guest or guests for a period of time of more than three (3) months in any twelve (12) month period, and no such quarters shall be rented, leased, or otherwise made available for compensation of any kind.

Hardship, inordinate: To establish a case of "inordinate hardship," the applicant shall submit evidence that the strict conformance to any of the provisions of this zoning ordinance would burden the applicant, whereby the applicant cannot make reasonable economic use of the property due to such regulations. Such evidence may include proof of consideration of plans for construction, attempts to sell, rent or lease the property and information regarding annual income and expenses. Any hardship created by action of the applicant shall not be considered in reviewing any application.

Height, building: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distance from the front lot line, or from the Grade in all other cases.

Historic area or district: An area or existing site containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

Historic preservation: The protection, rehabilitation and restoration of districts, sites, buildings, structures and artifacts significant in — American history, architecture, archaeology or culture.

Homeowners association: A community association internally organized in a specific development in which individual owners share common interests in open space or facilities.

Home Occupation: An occupation for gain conducted in a residence by a person or family residing therein.

Home Professional Office: The office, studio or occupational room of a doctor, dentist, architect, musician, tutor, instructor, professional engineer or surveyor, attorney, realtor or insurance agent or

similar professional person(s) providing services when:

- (a). such use is conducted within a residence occupied by the practitioner,
- (b). no other persons are engaged in the occupation, and
- (c). there is no display of goods or of advertising, other than an identification sign.

Hospital: Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, psychiatric, pediatric, orthopedic, skin and cancer and obstetric cases.

Hotel: Inclusive of "motel", "tourist home" and "boarding house" defined as a commercial structure in which sleeping accommodations are provided and offered to transient visitors for compensation.

Housing: See Dwelling.

Industrial, heavy: Land use classification consisting of, but not limited to, large manufacturing operations, heavy equipment facilities, construction and maintenance yards, businesses which store, process or distribute fuel in containers (i.e. propane) and other basic intensive industrial activities that typically impose significant impacts on adjacent uses (i.e. noise, light, air, water, waste treatment and traffic generation).

Industrial, light: Land use classification consisting of, but not limited to, light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways. These uses are typically less intensive in nature than heavy industrial uses and pose only minor impacts on adjacent uses (i.e. noise, light, air, water, waste treatment and traffic generation).

Industrial park: A planned development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Ingress: Access or entry.

Institutional home: A facility providing assisted community living for more than eight (8) persons deemed as indigent, orphaned or the like.

Institutional use: A nonprofit corporation or a nonprofit establishment whose purpose is of a civic, educational, charitable, religious or philanthropic nature.

ITE: Institute of Traffic Engineers.

Junk: Dilapidated and inoperative automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons and other kinds of vehicles and parts thereof, discarded appliances, scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, wood scraps, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

Junk vehicle: Any motor vehicle, trailer or semi-trailer which is either inoperable or unfit for licensing and which by virtue of its condition may not be feasibly restored. In addition, any vehicle may be presumed to be a junk vehicle when State inspection stickers are not displayed or have been expired for more than ninety (90) days.

Junk Yard: Inclusive of "salvage yard" as a location for indoor and/or outdoor storage, sale or resale

of junk including scrap material of metal, rags, paper, lumber, structural steel, equipment or assortment thereof or for the dismantling, demolition and/or abandonment of automobiles, boats and other vehicles or machinery.

Jurisdiction: The area within the corporate boundary of the County of Washington.

Kennels: A fenced in or enclosed structure or structures, facility or facilities in which actual or intended use is to domicile more than four (4) dogs or other domesticated animals.

Landfill: A land depository, excavation, or area operated in a controlled manner by a person or business entity, for the dumping of debris or inert material other than clean dirt; or a disposal site operated by means of compacting and covering solid waste at least once a day with an approved material. This term is intended to include both debris landfills and sanitary landfills.

Landscape Architect: Any professional who is registered with the State of North Carolina's Department of Professional and Occupational Registration as a Landscape Architect.

Landscaping: The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an esthetically pleasing effect.

Land surveyor: Any professional who is registered with the State Department of Professional and Occupational Registration as a Land Surveyor.

Laundromat: An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Level of service: A qualitative measure that represents the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume conditions.

Loading space: A space, within a building or on the premises, providing for the standing, loading or unloading of vehicles.

Lot: Inclusive of "parcel" denoting a land of sufficient size to meet minimum, Zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required herein. Such lot may consist of the following:

- (a) single lot of record;
- (b) portion of a lot of record;
- (c) combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record; or
- (d) parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be create which does not meet the requirements of this Ordinance.

Lot area: The total horizontal area measured in the horizontal plane included within the lot lines of a lot.

Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less that than one-hundred, thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to met the applicable standards of this Ordinance.

Lot Coverage: That portion of the lot that is covered by buildings and structures.

Lot Depth: The mean arithmetic horizontal distance between front and rear lot lines.

Lot, flag: A lot where only a portion of the lot fronts on or abuts a public street and the remainder of the lot is located behind an adjacent lot (see also Lot, pipestem).

Lot, interior: Any lot, including a through lot, other than a corner lot.

Lot line: Any boundary of a lot as defined herein. Where applicable, a lot line shall coincide with a Street line or Right-of-way line. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

Lot line, front: A line which is contiguous to the street boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which runs generally parallel to and /or in front of the principal entrance of the main building on the lot.

Lot line, rear: That lot line that is most distance from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot line, side: A lot line which is neither a front lot line nor a rear lot line as defined herein.

Lot, minimum area of: The smallest lot area established by the Zoning Ordinance on which a use or building may be located in a particular zoning district.

Lot, nonconforming: An otherwise legally platted lot that does not conform to the minimum area or width requirements prescribed in this Zoning Ordinance for the district in which it is located, either at the effective date of the Ordinance or as a result of subsequent amendments to the Ordinance.

Lot, pipestem: A lot approved which does not abut a public street other than by its driveway which affords access to the lot (see also Lot, flag).

Lot of Record: A lot which is a part of a subdivided plat which has been recorded in the Office of the Register of Deeds of Washington County no later than the day of the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been recorded by the aforementioned time.

Lot, reverse frontage: A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Lot size requirements: Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

Lot, through: An interior lot, but not a corner lot, abutting on two (2) or more public streets.

Lot Width: The arithmetic mean horizontal distance between side lot lines].

Mall: A shopping center where stores on both sides of a pedestrian way which may be enclosed or open.

Manufactured home: See Dwelling, manufactured home.

Manufacturing: The processing, fabrication, assembly, distribution or production of goods such as,

but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliance, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods and electrical machinery.

Marina, commercial: A marina designed and operated for profit, or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, eating establishments, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

Marina, private: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing or repair.

Marquee: A permanent roof-like structure projecting over an entrance.

Mini-warehouse: A building consisting of individual, small, self-contained units that are leased for the storage of household goods, business goods or contractors' supplies.

Mobile Home: A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. As used in this article, mobile home also means a double-wide mobile home which is two (2) or more portable manufactured housing units designed for transportation on their own chassis and which connect on site for placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

Mobile Home Park: A place or tract of land maintained, offered or used for the parking of at least five (5) mobile homes used or intended to be used for living and/or sleeping purposes.

Modular Home: A factory-fabricated, transportable building (or building section) designed to be permanent, whether as one (1) unit or joined with similar units into a modular whole, placed on a permanent foundation and used for residential purposes. For the purpose of this Ordinance, such will be treated the same as conventional housing.

Motel: A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly, or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel.

Net developable area: The land deemed most suitable for development within a given area or parcel. It is calculated by subtracting the critical environmental areas within the area or parcel that should be protected from development and the estimated right-of-way requirements from the total gross area. The result is the net developable area, which provides a realistic measure of land holding capacity for an area or parcel in the City. (Refer to illustrative example of the net developable area calculation in the Appendix of the Zoning Ordinance.)

Nightclub: A place of assembly that provides exhibition, performance or other forms of entertainment, serves food and/or alcoholic beverages; and provides music and space for dancing.

Nonconforming lot: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

Nonconforming Use: Any structure and/or use of land which does not conform with the permitted uses for the Zoning district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

Notice, public: The advertisement of a public hearing in a newspaper of general circulation in the area, indicating the time, place and nature of a public hearing as required by the Code of North Carolina, 1950, as amended.

Nursery school: A private school program, as recognized and accredited by the State Board of Education, operated for the purpose of providing training, guidance, education and/or care for children below the age of compulsory school attendance, separated from their parents or guardians during any part of the day other than from 6pm to 6am.

Nursing Home: Inclusive of "convalescent home", "rest home" or "elderly home" described as a health facility where persons are housed and furnished with meals and continuing nursing care for compensation either on a part-time or full-time basis.

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. For the purpose of this ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

Off-site: Any area outside the boundary of a lot.

Off-street loading space: A space or berth used for the loading or unloading of commercial vehicles that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Off-street parking space: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

On-site: That area which is within the boundary of a lot.

Open space: That area intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, or areas so located or so small as to have no substantial value for the purpose stated in this definition.

Open space, common: All open space that is designed and designated for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands and rights of way, but which are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth in this ordinance. Pedestrian paths and sidewalks may be included in the calculation of required common open space. Vehicular travel ways, parking lots and individual private yards within the area of platted residential lots may not be included in the calculation of required common open space.

Open space, dedicated: All open space which is to be dedicated or conveyed to the City or an appropriate public agency, board, or body for public use as open space.

Open space, landscaped: That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas and water courses, any or all of which are designed and arranged to produce an esthetically pleasing effect within the development. Landscaped open space may be either Common or Dedicated open space as defined herein.

Outdoor Display: To show, exhibit or make visible goods or merchandise for sale.

Outdoor Storage: The holding, keeping or storage, in an unroofed area, of any goods, junk, materials, merchandise or vehicles in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Overlay District: A zoning district superimposed on one or more underlying zones, that imposes additional requirements above those required by the underlying zoning district.

Owner: Any individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to the land in question (i.e. holder of legal title or the lessee of the land in question having a remaining term of not less than thirty (30) years).

Parking bay: A combined travel way and parking area developed as a private improvement designed to provide necessary and sufficient vehicular access and off-street parking service to a private development. Spaces with parking bays are normally oriented perpendicular to the line of travel in the travel way. A parking bay may be either single-loaded (parking only on one side of the travel way) or double loaded (parking on both sides of the travel way).

Parking garage: An off-street, single or multi-level building used for the temporary parking of motor vehicles.

Parking lot: An area containing one (1) or more spaces for the purpose of temporary, daily or overnight off-street parking. A parking lot shall include automobile and truck display lots, lots for the display of other types of vehicles, lots for the storage of vehicles and commercial parking lots.

Parking, off-street: Any space specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress or egress.

Parking space: The area required for parking one (1) automobile which shall be a minimum of nine (9) feet wide and eighteen (18) feet long, not including passageways.

Parking unit, private: A self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit may be entered by a private drive from the public street, provided, that such drive offers adequate ingress and egress for emergency vehicles and otherwise complies with acceptable City standards.

Performance standards: A set of criteria or limits relating to nuisance elements, which a particular use or process, may not exceed.

Person: A public or private individual, group, company, firm, corporation, partnership, association,

society, joint stock company, or any other combination of human beings whether legal or natural.

Personal service establishment: Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this ordinance, personal service establishments shall include but need not be limited to barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business.

Pharmacy: A store where the primary area is utilized for the filling of medical prescriptions and the sale of drugs, medical devices and supplies, nonprescription medicines, and hygienic supplies.

Plan of development: A sketch of the site drawn to scale, showing the dimensions and acreage of the property, and approximate location of buildings, roads, parking areas and landscaping, the number of dwelling units or commercial or other types of buildings and other information essential for determining whether the provisions of this ordinance are being observed, such as pertinent site engineering data.

Plat: A drawing, map or plan for a parcel of land or subdivision, or rearrangement, revision of re-subdivision of land.

Porch: A roofed open area, which may be glazed or screened, usually attached or made a part of and with direct access to or from a building.

Premises: A lot, together with all buildings or structures occupying it.

Principal building: A building in which is conducted the principle use of the lot on which it is located.

Principal Use: The principal or primary use for which a lot or the main structure thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Private club: An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, from which the association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available.

Pro-rata share: The payment of a subdivider or developer of land for his share of the cost of providing reasonable and necessary drainage or utility facilities located outside the property limits of the land owned or controlled by the subdivider or developer of land and necessitated or require, at least in part, by the construction or improvement of his subdivision or development.

Public floor area: The gross building area, as figured on a per-story basis, which clearly serves the general public, such as vestibules and lobbies, corridors, waiting rooms and toilets, servicing areas, and required stairs, ramps and elevators. Employee-oriented areas, such as kitchens and freezer rooms, storage, maintenance and service areas, shall not apply. Unfinished areas shall be included and figures on the basis of potential use.

Public use: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the County of Washington, State government, Federal government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

Quorum: A majority of the full authorized membership of an agency, board or commission.

Recycling center: A facility in which used material is separated and processed prior to shipment to other facilities that will use those materials to manufacture new products.

Refuse: Waste materials including ashes, garbage, rubbish, junk, industrial waste, dead animals and other solid waste materials, including salvageable waste.

Rehabilitation: The upgrading of a building previously existing in a dilapidated or substandard condition, for human habitation or use.

Renovation: The upgrading of a building.

Repair service establishment: Any building containing no more than 5,000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawn mowers; or any building wherein the primary occupation is interior decorating, to include reupholstering and the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinetmaking establishments.

Research laboratory: An establishment or other facility for carrying on an investigation into a neutral, physical or social science, or engineering and development as an extension of investigation with the objective of creating end products.

Restaurant: Establishment in which the principle activity is the sale of food and beverages for consumption on the premises.

Restaurant, drive-thru: An establishment where food and drink are prepared and served for consumption primarily within the principal building, exclusive or drive-thru facilities.

Restoration: The replication or reconstruction of a building's original architectural features.

Retail sales establishment: Any building wherein the primary occupation is the sale of merchandise in small quantities, either in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. For the purpose of this ordinance, however, retail sales establishments shall not be interpreted to include Automobile-oriented uses.

Retaining wall: A structure constructed to hold back or support an earthen bank.

Review board: Refer to the Tourism Corridor Review Board, the appointed body which contributes to the administration of the Tourism Corridor Overlay District.

Review commission: The Commission of Architectural Review, the appointed body, which contributes to the administration of the Historic Preservation Overlay District.

Right-of-way lines: Lines which separate private property from dedicated public property containing or proposed to contain publicly-owned street surfaces, curb and gutter, sidewalks and planted strips. Where a public street is designated on the major thoroughfare plan, all requirements of this chapter, which relate to rights-of-way shall be measured from the indicated proposed right-of-way lines.

Rooming house: see Boardinghouse.

Salvage yard: Any space or area or portion of lots used for the storage, sale, keeping or abandonment of junk or waste materials, including used building material, for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery or parts thereof.

Sanitary landfill: A disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment, including pollution

of air, land, surface water or groundwater.

Setback: In this ordinance, the term setback is not used; as such term represents a distance that is established in like manner as that for a Yard in the minimum yard requirements.

School: Any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Service Station: Inclusive of "gas station" and "filling station" as a building or lot dedicated to the rendering of automotive services such as the sale of gasoline, oil, grease and accessories and the minor repair of automobiles such as tune-ups, brake adjustment and tire changes and excluding body working, overhauling, painting and other specialized services.

Shopping Center: Inclusive of "convenience center", "shopping mall" and "commercial center" defined as more than two (2) commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size and type of shops to the general trade area in the vicinity.

Shrink-swell soil: Expansive and contracting soil composed largely of clay and as further defined by geotechnical evaluation of soils subject to land development activity in the City. The soil will expand generally in an upward direction when water from any source is interspersed into a shrink/swell soil. When a shrink/swell soil dries, cracks and voids are sometimes created between the soil and constructed footings, which can subsequently lead to foundation settlement.

Sign: A device (stationary or transportable) designed to inform, direct or attract the attention of persons not on the premises on which the sign is located as spelled out in Section 8.4.

Site plan: A required submission, prepared and approved in accordance with the provisions of Article 10 of this ordinance, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot or lots.

Special exception: A yard exception or height exception specifically listed in the Zoning Ordinance which may be permitted in a specified district or in all districts in accord with terms of the Ordinance by the Board of Adjustment under certain conditions, such conditions to be determined in each case by the terms of this ordinance and by the Board of Adjustment.

Special use: A use that, owing to some special characteristics attendant to its size, siting, intensity, operation or installation, is permitted in a district after site specific review and subject to special conditions approved by the Board of Commissioners.

Spot zoning: Rezoning of a lot or parcel of land for a use incompatible with surrounding land uses, without reference to the land use plan. According to Section 15.2-2280 of the North Carolina Code, spot zoning is illegal "when the zoning ordinance is designed solely to serve the private interests of one or more landowners: but, if the legislative purpose is to further the welfare of the entire county or city as part of an overall zoning plan, the ordinance does not constitute illegal spot zoning."

Stadium: A large open or enclosed place used for games and major events and partly or completely surrounded by tiers of seats for spectators.

Storage yard: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery, and inventory which, due to its physical character, is not normally stored within a structure.

Story: That part of a building between the level of one (1) finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then part of the building between the level of the highest finished floor and the top of the roof beams.

Street: A dedicated and accepted public right-of-way for vehicular traffic, which affords the principal means of access to abutting property.

Street, arterial: A street which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central business area of the County. Because of the nature of travel served by an arterial street, almost all fully and partially controlled access streets are a part of this functional class, including freeways, major thoroughfares, and expressways. Arterial streets are public.

Street, collector: A street which provides for principal internal movements at moderate operating speeds within residential developments, neighborhoods, and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterial streets to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of serving both individual property access and local traffic movement. Collector street are public.

Street, cul-de-sac: A street with a common ingress and egress and with a turnaround at the end.

Street line: The dividing line between a street and a lot. This term may be used synonymously with the right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street.

Street, local: A street which primarily provides direct access to residential, commercial, industrial or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and may not serve a bus route. Overall operating speeds are low in order to permit frequent stops or turning movements.

Street, principal highway: Any highway so classified by the North Carolina Department of Highways and Transportation, which serves as a multi-lane arterial devoted purely to traffic movement.

Street, private ("private street"): A local or collector street, not a component of the State or City primary or secondary public road system, which is guaranteed to be maintained by a private corporation or other private entity and is subject to the provisions of this ordinance.

Street, public: A platted County street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted, and which is maintained by the County.

Street, service drive: A public street paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by County officials as designated in this ordinance.

Street tree: Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

Structure: That which is built or constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Subdivider: Any person who subdivides land pursuant to the Subdivision Ordinance of the County of

Washington.

Subdivision: A division of a lot, parcel or tract of land into two (2) or more lots for the purpose, whether immediate or future, of transfer of ownership; or any division of land upon which a street, alley or public right-of-way is involved. The term includes re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two (2) lots, a plat of such division shall be submitted.

Subdivision, cluster: An alternate means of subdividing a lot premised on the concept of reducing lot size, yard and bulk requirements in return for the provision of common open space and recreational improvements within the development. Cluster subdivisions are often permitted at higher net densities in comparison to conventional developments, but leave more open space by reducing lot sizes.

Subdivision, conventional: The subdivision of a lot in accordance with the lot size requirements and bulk regulations specified in the district regulations.

Substantial improvement: Any extension, repair, reconstruction or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

Temporary structure or building: A structure or building without any foundation or footings and which is removed when the designated time period, activity or use for which the structure or building was erected has ceased.

Theater: A building or structure designed for the enactment of dramatic and other artistic performances and/or showing of motion pictures. For the purpose of this ordinance, a dinner theater shall be deemed a restaurant. A drive-in theater shall be deemed a separate use.

Tourist home: A private residence where, as a subordinate and incidental use occupying less than fifty (50) percent of the primary single-family residential use of the building, temporary accommodations to overnight guests are provided for free.

Townhouse: An attached residence located on an individually platted lot, in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit, and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

TIA: Traffic Impact Assessment. A traffic impact assessment is a formal evaluation of traffic required of developers by the City which is used to provide an efficient means for the incorporation of transportation systems analysis for future development projects, including redevelopment activities.

TSM: Transportation Safety Measures. Transportation safety measures are specific transportation applications designed to reduce the potential number of vehicular accidents at a particular intersection or section of road, street or highway.

Trash: see Refuse.

Travel Trailer: Any structure which:

- (a). consists of a single unit completely assembled at the factory,
- (b). is designed so that the total structure can be transported on its own chassis
- (c). is not over thirty-two (32) feet in length and eight (8) feet in width and

(d). may be used as a dwelling unit

Travel way: A private street which is intended to serve the vehicular access requirements of and provides internal access to a private development. A travel way may incorporate perpendicular or parallel parking.

Tree canopy or tree cover: Shall include all areas of coverage by plant material exceeding five (5) feet in height.

Unrelated person(s): More than one (1) person(s) occupying a dwelling and living as a single housekeeping unit, all of whom are not related by birth, adoption, marriage, guardianship or as distinguished from a family as defined.

Use: Any purpose for which a structure or tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

Variance: A variance is a relaxation of the specific terms of a Zoning Ordinance. A variance may be made where, owing to conditions peculiar to the property - not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Variance(s) are granted by the Board of Adjustment who must adhere to certain rules and regulations as set fourth in this Ordinance.

Vehicle service establishment: Buildings and premises wherein mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles within a completely enclosed structure. Vehicle service establishments shall not be deemed to include Heavy equipment sale, rental and service establishments.

Vehicle sale, rental and ancillary service establishment: Any use of land whereon the primary occupation is the sale, rental and ancillary service of any vehicle in operating condition such as an automobile, motorcycle, truck, trailer, ambulance, taxicab, recreational vehicle, mobile home or boat. For the purpose of this ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include Heavy, equipment sale, rental and service establishments.

V/C: Volume to Road Capacity Ratio. In this ratio, volume represents the number of vehicles passing over a given section of a lane or roadway in a given time, which can be one (1) hour or more, and road capacity represents the maximum number of vehicles that can reasonably be expected to pass over a given section of a lane or roadway in one direction, or both directions if so indicated, during a given time (usually one (1) hour) under prevailing roadway and traffic conditions.

Waiver: The ability of the Board of Commissioners, Planning Board or Planning Coordinator, depending upon the circumstance, and the guidance of this Ordinance, to allow an applicant to avoid a regulation when such an opportunity is specifically made available by this Ordinance.

Warehouse: A building used primarily for the holding or storage of goods and merchandise.

Wetlands: An area as identified on the national Inventory of Wetlands or other qualified professional and/or regulated by the Army Corps of Engineers.

Wholesale trade establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Written notice: A notification in writing delivered in person to the individual or parties intended; or delivered at, or sent by, certified or registered mail to the last residential or business address of legal

record.

Yard: Required open space unoccupied and unobstructed by any structure or portion of a structure from ground to sky, except as provided herein.

Yard, Front: Required open space across the front of a lot measured from side lot line to side lot line and lying between the front property line and the front building setback line.

Yard, Side: Required open space extending along either side of a lot measured from front setback line to the rear setback line and lying between the side lot line and the side setback line.

Yard, Rear: Required open space extending across the rear of a lot measured from side lot line to side lot line and lying between the rear property line and the rear building setback line. (NOTE: A rear yard may be used for an accessory building provided not structures, temporary or permanent, be constructed within five (5) feet of any property line.)

Zero lot line dwelling: The location of a residential building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line.

Zone: A specifically delineated area or district in the County of Washington, North Carolina within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

Zoning: The legislative process by which a governing body classifies land within a community in to areas and districts referred to as zones.

Zoning map: The map or maps which are part of the Zoning Ordinance, and delineate the boundaries of each zone.

Zoning text: The text of the Zoning Ordinance containing the terms and conditions of zoning within the County of Washington, North Carolina and setting forth the standards, procedures and requirements.

Article 12:

Process for the Construction and Operation of Wind Energy Facilities

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WASHINGTON COUNTY, NORTH CAROLINA
AN ORDINANCE ESTABLISHING THE PROCESS FOR THE CONSTRUCTION AND
OPERATION OF WIND ENERGY FACILITIES

1. TITLE

The regulations embraced in this and the following articles constitute what shall be designated "An Ordinance Establishing the Process for the Construction and Operation of Wind Energy Facilities" within Washington County.

2. PURPOSE

The purpose of the Ordinance is to provide for the regulation of the construction and operation of Wind Energy Facilities in Washington County, subject to reasonable conditions that will protect the environment, health, safety, and general welfare of the public.

3. DEFINITIONS

Any terms not defined herein shall utilize the definitions set forth in the Washington County Zoning Ordinance.

- A. "Applicant" is the person or entity filing a permit application under this Ordinance.
- B. "Environmental Assessment" is a detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.
- C. "Facility Operator" is the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
- D. "Facility Owner" is the entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns.
- E. "Participating Landowner" is a landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Wind Energy Facility.
- F. "Non-Participating Landowner" is any landowner not under agreement with the Facility Owner or Operator.
- G. "Occupied Building" is a residence, school, hospital, church, public library, or other building used for public gathering, that is occupied, or in use, when the permit application is submitted.
- H. "Public Road" is a full passage State maintained road.
- I. "Shadow Flicker" is the visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

- J. "Wind Energy Facility" is 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.
- K. For the purpose of this ordinance, the term "Wind Energy Facility" does not apply to roof-mounted or building integrated roof mounting systems. Such proposed systems must first meet the required structural construction permit requirements related to the structure to which it is affixed prior to application for this permit to construct a "Wind Energy Facility".
- L. "Small Wind Energy Facility" is 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.
- M. "Medium Wind Energy Facility" is 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.
- N. "Large Wind Energy Facility" is 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.
- O. "Wind Power" is the conversion of wind energy into another form of energy.
- P. "Wind Turbine", or windmill, is 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.
- Q. "Wind Turbine Height" is 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.

4. PERMIT REQUIREMENT

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 Facility Owner or Operator approving construction of the facility under this Ordinance. Permit application of the expansion shall be based on the total rated capacity, including existing facility but excluding like-kind replacements.

Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size and/or type of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

5. PERMITTED USE

| Wind Energy Facility | Zoning Districts | | | |
|----------------------|------------------|-------------|------------|--------------------------|
| | Agricultural | Residential | Commercial | Industrial Manufacturing |
| Small | P | P | P | P |
| Medium | P | S | S | P |
| Large | S | S | S | S |

P - Permitted Use; Building Permit Required
 S - Special Use Permit Required

6. PERMIT APPLICATION

The permit application shall contain the following:

- A. A narrative describing the proposed Wind Energy Facility, including an overview of the project;
- B. The proposed total rated capacity of the Wind Energy Facility;
- C. The proposed number, representative types and heights or range of heights of wind turbines to be constructed; including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
- D. Identification and location of the properties on which the proposed Wind Energy Facility will be located;
- E. A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), and transmission and distribution lines. The site plan must also include the location of all structures and properties, demonstrating compliance of the setbacks;
- F. Certification of compliance with applicable local, state and Federal regulations, including but not limited to FAA and FCC regulations.

- G. Other relevant information as may be reasonably requested by Washington County to ensure compliance with the requirements of this Ordinance.
- H. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored.
- I. A surety bond, certified check, or irrevocable letter of credit issued by a bank or other lending institution, in a form approved by the Washington County Attorney, must be posted by the facility owner, payable to the County upon default in an amount determined by the Planning Board to assure installation or decommissioning and restoration. The installation thus guaranteed shall be installed within 12 months in accordance with the NC State Building Code. Decommissioning and restoration must be completed within three (3) years of the application for decommissioning with the possibility of reasonable extensions at the discretion of the Planning Board. If the installation or the decommissioning and restoration have not occurred within the allotted time, the County shall take necessary steps to proceed with the accomplishment and completion of work required, making use of the certified check or calling upon the surety of the bond; or an irrevocable letter of credit, in a form approved by the County Attorney, issued by a bank or other lending institution. A deposit of funds in the escrow may be accepted in lieu of bond, check, or letter of credit under the same terms and conditions.
- J. Documentation of agreement between Participating Landowner(s) and the Facility Owner/Operator of the Wind Energy Facility; and
- K. Signature of the Applicant.

Throughout the permit process, the Applicant shall promptly notify the Washington County Planning Department of any proposed changes to the information contained in the permit application that would alter the impact of the project.

Changes to the approved application that do not materially alter the initial site plan may be adopted administratively.

As described earlier in this ordinance, roof-mounted or building integrated roof mounting systems are subject to approval by the County Building Inspector prior to application for this permit to construct and operate the Wind Energy facility.

7. SETBACKS

| Wind Energy Facility Type | Minimum Setback Requirements (1) | | | |
|---------------------------|--|--|--|--------------|
| | Occupied Buildings on Participating Landowner Property | Occupied Buildings on Non-Participating Landowner Property | Property Lines on Non-Participating Landowner Property | Public Roads |
| Small System | 0.0 | 1.5 | 1.1 | 1.5 |
| Medium System | 1.1 | 2.0 | 1.5 | 1.5 |
| Large Scale | 1.1 | 2.5 | 1.5 | 1.5 |

(1) The setback is calculated by multiplying the required setback number by the Wind Turbine Height and measured in feet from the center of the wind turbine base to the property line, Public Road, or nearest point on the foundation of an Occupied Building.

Setback provisions may be waived if the following conditions are met:

- A. Adjacent property owners may waive the setback requirements for Property Lines and/or Occupied Buildings on the Participating Landowner property and/or Non-Participating Landowner property by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
- B. The written waiver shall notify applicable property owner(s) of the setback required by this Ordinance, describe how the Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to waive the setback as required by this Ordinance.
- C. Any such waiver shall be signed by the applicant, the Participating Land Owner(s) and/or Non-Participating Landowner(s), and recorded in the Washington County Registrar of Deeds Office.

8. NOISE AND SHADOW FLICKER

This section shall only apply to Large Wind Energy Facilities.

Noise and shadow flicker issues for Small and Medium Wind Energy Facilities are addressed by setbacks, or will be addressed by an existing noise ordinance.

Audible sound from any Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building of a Non-Participating Landowner.

Shadow flicker at any Occupied Building on a Non-Participating Landowner's property caused by any Wind Energy Facility located within 2,500 ft of an Occupied Building shall not exceed thirty (30) hours per year, as determined by WindPRO software developed by EMD International.

- A. Adjacent property owners may waive the noise and/or shadow flicker provisions of this Ordinance by signing a waiver of their rights.
- B. The written waiver shall notify applicable property owner(s) of the noise and/or flicker limits required by this Ordinance, describe how the Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to waive noise and/or flicker limits as required by this Ordinance.
- C. Any such waiver shall be signed by the applicant and the Non- Participating Landowner(s), and recorded in the Washington County Registrar of Deeds Office.

9. INSTALLATION AND DESIGN

The installation and design of the Wind Energy Facility shall conform to those of the American National Standards Institute. All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

Any on-site collector system shall, to the maximum extent possible, be placed underground.

The visual appearance of Wind Energy Facilities shall at a minimum:

- A. Be a non-obtrusive color such as white, off-white or gray;
- B. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,
- C. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

10. DECOMMISSIONING

The Wind Energy Facility Owner shall have up to 12 months to complete decommissioning of the Facility if no electricity is generated for a continuous period of 12 months.

Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.

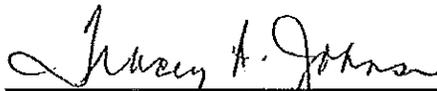
Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

II. VIOLATIONS

Upon the finding of any inappropriate or illegal activities on the part of any citizen which would violate the provisions of this Ordinance, the Planning Coordinator shall notify in writing the person(s) responsible for such actions indicating the following:

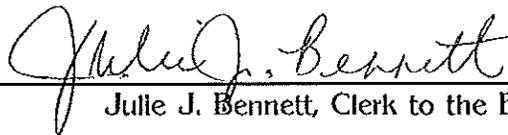
1. the nature of the violation(s)
2. the action(s) necessary to correct the violation(s)
3. the date by which corrective action(s) should be taken and completed
4. action(s) which will take place if such corrective action is not taken.
5. when such corrective action has not been taken or is deemed inadequate based upon the conditions listed in the Ordinance, an order for the discontinuance of the use or occupation of any land, building or structure or any illegal additions, alterations, or structural changes thereto may be issued.
6. any other actions authorized by the Ordinance to ensure compliance with or to prevent violation of any provision
7. any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense, not more than fifty dollars (\$50.00) or imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed to be a separate offense.

Adopted, this the 15th day of November, 2010.

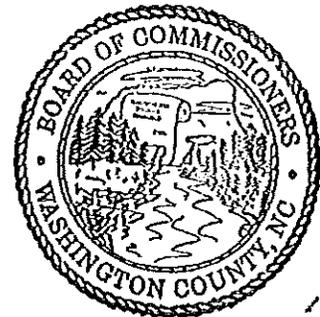


Tracey A. Johnson, Chair

Attest:



Julie J. Bennett, Clerk to the Board



AMENDMENT II

Article 6 – Nonconforming Uses

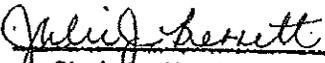
D. 1.

Existing Regulations: Usage of nonconforming lot of record: If a lot was approved on a subdivision plat and duly recorded prior to the effective date of this Ordinance and if such lot met the requirements of the Subdivision Ordinance in effect at the time of recordation, then, such lot may be used for any use permitted under the current zoning district designation even though the lot does not meet the lot area or lot width and depth requirements of the district, provided that all other regulations (including setbacks, yards requirements, density, screening, etc.) of this Ordinance can be satisfied.

Recommended Regulations: Usage of nonconforming lot of record: If a lot was approved on a subdivision plat and duly recorded prior to the effective date of this Ordinance and if such lot met the requirements of the Subdivision Ordinance in effect at the time of recordation, then, such lot may be used for any use permitted under the current zoning district designation even though the lot does not meet the lot area or lot width and depth requirements of the district. However, the following regulations shall apply:

- a. In any district in which single-family dwellings are permitted, a single-family (including mobile homes) and customary accessory buildings may be erected on any single lot on record prior to January 1, 2004.
- b. For lots on record as of January 1, 2004, CAMA regulations will apply for waterfront lots, and the following dimensional requirements shall apply:
 1. Lots with 6,000 square feet or less
 - a. Front yard setback -15 feet
 - b. Side yard setback – 5 feet
 - c. Rear yard setback – 10 feet
 2. Lots with 6,001 to 10,000 square feet
 - a. Front yard setback – 20 feet
 - b. Side yard setback - 8 feet
 - c. Rear yard setback – 10 feet
 3. Lots with 10,001 to 15,000 square feet
 - a. Front yard setback – 25 feet
 - b. Side yard setback – 8 feet
 - c. Rear yard setback – 10 feet
 4. Lots with 15,001 to 19,999 square feet
 - a. Front yard setback – 30 feet
 - b. Side yard setback – 10 feet
 - c. Rear yard setback – 10 feet

“Approved by the Washington County Board of Commissioners at their meeting held November 15, 2010.”


Clerk to the Board

AMENDMENT III

Article VI: Nonconforming Uses

C. Nonconforming Structures

6. Mobile Homes

Existing Language:

6. **Mobile Homes:** Nonconforming mobile homes may be removed and replaced where both the real property on which the mobile home is located and the mobile home are owned by at least one (1) of its occupants provided that such mobile home is removed and replaced within thirty (30) calendar days.

Recommended Language:

6. **Mobile Homes:** Nonconforming mobile homes may be removed and replaced provided that such mobile home is removed and replaced within thirty (30) calendar days.

"Approved by the Washington County
Board of Commissioners at their
meeting held July 5, 2011"

Julia D. Bennett
Clerk to the Board