

ZONING ORDINANCE

Preamble	Executive Summary and Commentary
Section 1.	Purpose, Authority, and Applicability
Section 2.	Administration
Section 3.	Permits and Hearing Procedures
Section 4.	Zoning Districts and Zoning Maps
Section 5.	Permitted Uses
Section 6.	Density and Dimensional Requirements
Section 7.	Overlay District Provisions and Special Purpose Regulations
Section 8.	Development Standards for Individual Uses
Section 9.	Signs
Section 10.	Off-Street Parking and Landscaping Requirements
Section 11.	Enforcement
Section 12.	Nonconforming Situations
Section 13.	Appeals, Variances, Interpretations
Section 14.	Amendments
Section 15.	Definitions and Word Interpretations
Appendix A	Procedural Flow Charts
Appendix B	Information Required with Applications
Appendix C	Required Information for Obtaining a Zoning, Sign, and Special Use Permit
Appendix D	List of Amendments to Pitt County Zoning Ordinance
Appendix E	Subject Index

PREAMBLE

EXECUTIVE SUMMARY AND COMMENTARY

PURPOSE, AUTHORITY, AND APPLICABILITY

Purpose

NCGS 160D-702 states that a local government may adopt zoning regulations to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land. NCGS 160D-701 requires that "zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote health, safety, and general welfare, and "may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or the general welfare of the community". The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the planning and development regulation jurisdiction of the County.

Authority

NCGS 160D-702 establishes the basic authority for local government zoning. NCGS 160D-903 states that property used for bona fide farm purposes is specifically exempted from zoning regulations. Bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. This Statute also makes clear that the use of farm property for nonfarm purposes is not exempt from zoning regulations.

Territorial Applicability

The Pitt County Zoning Ordinance is applicable to all properties within Pitt County not located in a municipal zoning jurisdiction.

Relationship to the Land Use Plan

When adopting or rejecting any zoning text or map amendment, NCGS 160D-605 requires the Board of Commissioners to consider existing county planning policies and the recommendations of existing plans. The Board shall adopt brief statements describing whether its action is consistent or inconsistent with an adopted plan, and explain the reasonableness of the proposed rezoning. If an amendment is adopted and the action was deemed to be inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and shall not require any additional request or application for a plan amendment.

ADMINISTRATION

Board of County Commissioners

The NCGS authorize the Board of Commissioners to adopt and amend a Zoning Ordinance.

Planning Board Advisory Committees

While the appointment of advisory committees to assist the Planning Board is not the current practice, this language provides the option for the establishment of such committees in the future.

Composition of Board of Adjustment

NCGS 160D-302 requires that a Board of Adjustment consist of at least five members, each to be appointed for three years (except for initial terms). All Board members must reside within Pitt County, with three members residing south of the Tar River and two from the north. The alternate members may reside anywhere within Pitt County. NCGS 160D-302 also provides that the County may designate the

Planning Board or Board of Commissioners to perform any or all of the duties of a Board of Adjustment in addition to its other duties. This Ordinance establishes a separate Board of Adjustment, however, the members of the Board of Adjustment may be appointed from the membership of the Planning Board.

Terms of Board of Adjustment Members

NCGS 160D-302 provides that the Board of Commissioners may appoint alternate members to the Board of Adjustment to serve in the absence of regular members. Alternate members shall be appointed for the same term, and in the same manner as regular members. While serving on behalf of any regular member, alternates have all the same powers and duties of a regular member.

Board of Adjustment Voting

NCGS 160D-401(i) requires that a four-fifths vote of the Board of Adjustment membership is necessary to grant a variance. A majority of the members will be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board and members who are disqualified from voting shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take their place.

PERMITS AND HEARING PROCEDURES

Permit Required

NCGS 160D-705(c) provides that the Board of Commissioners or the Board of Adjustment may issue special use permits in accordance with principles, conditions, safeguards, and procedures specified in the Ordinance and may impose reasonable and appropriate conditions and safeguards upon such permits. The Board of Adjustment shall consider special use permits for those uses that require meeting specified conditions for approval. The overwhelming majority of uses are allowed by zoning permit, which are reviewed and approved by the Planning Department staff. As proposed, the Board of Commissioners has responsibility for the review and approval of 17 uses requiring a Conditional Zoning District, the Board of Adjustment reviews and approves 11 uses requiring a special use permit, and the Planning Department staff reviews and approves 370 uses requiring a zoning permit and specific development standards. The issuance of zoning permits is coordinated and consolidated with the County's building permit issuance process.

Plot Plan and Site Plan Procedures

Plot plans are required for all single-family dwellings, including manufactured homes, and duplex dwellings. Site plans are required for all other uses. The specific data needed for plot plans and site plans is delineated in Appendix B. The Zoning Administrator is authorized to waive the requirement for a site plan or a plot plan if it is determined that a site plan or plot plan is unnecessary to complete the review of a permit application.

Evidentiary Hearing Requirements and Procedures

NCGS 160D-406 states that notice of evidentiary hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to any other persons entitled to receive notice as provided by this Ordinance. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. Hearing notices are also subject to the requirements of Section 13 (H).

The hearing for reviewing requests for special use permits, variances, and appeals is an evidentiary hearing and is conducted in a different manner than a legislative hearing (such as to adopt or amend a zoning ordinance or zoning map). Evidentiary hearings are conducted using quasi-judicial procedures. The purpose of an evidentiary hearing is to gather relevant facts and evidence prior to consideration by the Board of Adjustment or Board of Commissioners. Consequently, restrictions on what can be heard and how it can be heard are applied to these hearings. Procedural rules for conducting hearings are delineated in NCGS 160D-705.

Action on Special Use Permits

NCGS 160D-302 requires that any board assigned decision-making authority to approve or deny special use permits shall follow the procedures for Boards of Adjustment except that only a majority vote is needed to approve the permit. Every decision of the Board of Adjustment regarding special use permits is subject to appeal to the Superior Court.

Zoning Vested Rights

NCGS 160D-108 mandates the provisions of vested rights. This Subsection is consistent with this Statute. A property owner may formally petition for a vested right and, after approval of a site-specific vesting plan by the Board of Commissioners, a vested right is granted for a specific period of time based upon the type of development.

ZONING DISTRICTS AND ZONING MAP

Conventional Zoning Districts

Eleven conventional zoning districts are provided. These districts include 5 residential districts, 3 commercial districts, 1 office and institutional district, and 2 industrial districts. The format of the Zoning Ordinance is conducive to adding other zoning districts if needed. NCGS 160D-703 mandates that regulations and requirements must be uniform for each class or kind of building throughout each conventional zoning district but the regulations in one zoning district may differ from those in other districts. The majority of property within the County is zoned as RA, Rural Agricultural. The RA District is primarily intended to accommodate very low-density residential uses as well as associated public and institutional uses, low intensity commercial uses, and agricultural-related industrial uses which are interspersed throughout areas that are principally characterized as rural in nature. This district reflects the diverse nature of land uses within predominantly rural areas and, therefore, permits a wide array of land uses. The remaining proposed conventional zoning districts include:

- RR Rural Residential
- R40 Low Density Residential
- SR Suburban Residential
- MFR Multifamily Residential
- RC Rural Commercial
- OI Office and Institutional
- GC General Commercial
- HC Heavy Commercial
- GI General Industrial
- LI Light Industrial

Some of the zoning districts that are established in the Zoning Ordinance may not be utilized (i.e., shown on the official zoning map) until some future date when the need for that particular district classification arises.

Conditional Zoning Districts

NCGS 160D-703 authorizes the County to establish conditional zoning districts. Within this type of district, uses are permitted only upon the establishment of a conditional zoning district for a particular use. Property may be rezoned to a conditional zoning district upon the request of the property owner. Several specific uses that involve large expenditures of County funds (i.e., utilities, public buildings) or land uses that may have significant impacts on surrounding properties and residents, such as solar farms, mining operations, prisons, etc. may be permitted only within a conditional zoning district. These specific uses are designated as such in Table 5-1, Table of Permitted Uses. Conditions and site-specific standards that are imposed in a conditional zoning district are limited to those that address conformance with this Ordinance or officially adopted plans, or to address the impacts normally expected to be generated by the development or use of the site. Section 14(G) provides detail as to the procedures for authorizing conditional zoning districts.

Overlay Zoning Districts

NCGS 160D-703 authorizes the County to establish overlay districts. In overlay districts, different requirements are imposed on certain types of properties within one or more underlying conventional or conditional zoning districts. Overlay districts established by this Ordinance include the following; AH, Airport Height Overlay District; WCA and WPA, Water Supply Watershed Overlay Districts; HC, Highway Corridor Overlay District; SWB, Southwest Bypass Highway Corridor; FH, Flood Hazard Overlay District; and CA, Conservation Area Overlay District. Specific regulations for the overlay districts are delineated in Section 7. The water supply watershed regulations contained in the Zoning Ordinance replaced a previous, freestanding County Ordinance dealing with watershed protection (Water Supply Watershed Protection Ordinance, Planning & Development Services Ordinance No. 13). The Flood Hazard Regulations contained in the Zoning Ordinance are a supplement to those regulations found in the Pitt County Flood Damage Prevention Ordinance (Planning & Development Services Ordinance No. 4).

PERMITTED USES

For the most part, the County can determine, at its own discretion, what land uses are most appropriate for the different zoning districts that it establishes. However, several caveats apply. Bona fide farm uses are specifically exempt from County Zoning by NCGS 160D-903 (see also the commentary under "Authority" herein.) Other statutory and constitutional limitations on zoning dictate how the County can regulate certain land uses, such as cell towers, signage, sexually-oriented businesses, etc.

Table 5-1 Table of Permitted Uses

A detailed Table of Permitted Uses identifies the land uses that are permitted within the various zoning districts. The Table uses the Standard Industrial Classification (SIC) coding system, where applicable, to identify specific uses. The Table is organized by major land use categories: Agricultural-Related Uses; Mining Uses; Residential Uses; Accessory Uses and Structures; Recreational Uses; Educational and Institutional Uses; Business, Professional and Personal Services; Retail Trade; Wholesale Trade; Transportation, Warehousing and Utilities; Manufacturing and Industrial Uses; and Other Uses. A letter code in the table ('Z', 'D', 'S', 'CD', or 'E') identifies if the use is (1) allowed with a Zoning Permit ('Z') issued by the Zoning Administrator, (2) allowed with a Zoning Permit issued by the Zoning Administrator provided that specified development standards ('D', see Section 8) are complied with, (3) allowed with a Special Use Permit ('S') issued by the Board of Adjustment, (4) allowed only in a Conditional Zoning District ('CD') that requires a legislative hearing by the Board of Commissioners, or (5) an exempt ('E') use. A blank space in the Table indicates that the use is not permitted. Guidelines for utilizing the Table of Permitted Uses are provided in Section 5(A)(2). Permissible uses that do not require a permit (such as roads, electric power lines, water and sewer lines, etc.) are specifically identified in Section 3(C). Uses specifically prohibited in watershed overlay and flood hazard overlay districts are delineated in Section 5(G).

DENSITY AND DIMENSIONAL REQUIREMENTS

Table 6-1 Table of Density and Dimensional Requirements

This table outlines the basic minimum lot area, lot width, and building setback requirements for all zoning districts. Maximum density and built-upon area requirements for properties located with public water supply watersheds are delineated in Section 7(A).

Cluster Development

Provisions allowing for smaller lot sizes and the reservation of open space are provided. With cluster development, flexibility in sizing lots and setbacks is allowed but there is no overall increase in density for the development.

Zero Side Setback

Provides, under specified conditions, for the flexibility of developing lots with a zero side setback.

Accessory Uses, Buildings and Structures

Includes provisions for setback requirements based upon the size of the accessory building; limits home occupations to 25 percent of the floor area of the residential dwelling.

Encroachments into Required Setbacks

Provides detail as to the types of permissible encroachments into setback areas.

General Lot Requirements

Requires that every building constructed be located on a buildable lot and that, in general, there be no more than one principal residential structure and its accessory buildings on a lot. Exceptions to this requirement are outlined in Section 6(D)(1). Section 6(D)(2) provides detail on the various types of road access allowed for nontraditional developments.

Special Purpose Lots

Allows special, nontraditional building lots (example: a lot for a sewer lift station or a lot for a church cemetery) that are not required to meet the standard lot area, width, setback, etc. requirements.

Planned Development

Planned developments allow the mixture of residential and commercial uses in a single, planned development. This section also provides for the reduction of individual lot sizes but the overall residential density does not exceed that permitted for the underlying zoning district. Section 8(CCC) also provides additional standards for planned developments.

OVERLAY DISTRICTS PROVISIONS AND SPECIAL PURPOSE REGULATIONS

Overlay regulations have been specifically developed for flood hazard areas, public water supply watersheds, airport hazard areas, and designated highway corridors. The regulations in this Section are in addition to the requirements for the underlying conventional zoning district.

Watershed Protection Overlay District Regulations

The standards in this Section parallel the regulations in the previous Water Supply Watershed Protection Ordinance, Planning & Development Services Ordinance No. 13 which was repealed upon adoption of the zoning ordinance. Watershed protection regulations are mandated by state law.

Flood Hazard District Overlay Requirements

The provisions in this Section are required to maintain the County's eligibility in the federal flood insurance program and are based upon the latest FEMA model ordinance. The regulations in this Section are a supplement to those regulations found in the Pitt County Flood Damage Prevention Ordinance. NCGS 160D-105 states that development regulations such as this Ordinance may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. For these maps, a regulation text or zoning map may reference a specifically adopted map or may incorporate by reference the most recently adopted version of such maps.

Airport Height Overlay Requirements

The standards in this Section have been coordinated with Chapter 3, Airport Zoning, of the Greenville City Code. The standards primarily address height obstructions that could pose a hazard to normal airport operations and are based upon the FAA model airport zoning ordinance.

Highway Corridor Overlay Requirements

This Section provides specific developmental standards that would be applicable only to a designated highway corridor overlay. The purpose of these requirements is to provide specific appearance and vehicular access control measures to any anticipated high-profile development area within the Pitt County zoning jurisdiction. NC Highway 11 North and US Highway 264 have been designated as highways that are subject to the Highway Corridor Overlay requirements. Any overlay district that is identified in the future would be delineated on the official zoning map.

Southwest Bypass Highway Corridor Overlay Requirements

This Section provides specific developmental standards that are applicable only to the Southwest Bypass Highway Corridor. The purpose of these requirements is to provide enhanced landscaping, viewshed

protection, specific development standards and vehicular access control measures for development within the Southwest Bypass Highway Corridor as delineated on the official zoning map.

Conservation Area Overlay Requirements

This Section provides specific standards that would only be applicable to an area designated as a Conservation Area (CA) Overlay District adopted in conjunction with an underlying common general-purpose district consistent with the process established in Section 7.I. of the Zoning Ordinance. The purpose of these requirements is to provide for permanent open space and desirable buffers between proposed uses and incompatible adjacent land uses, environmentally sensitive areas or hazardous areas in excess of minimum standards.

Protection of Riparian Buffers

This Section cross references the riparian buffer requirements for the Tar-Pamlico and Neuse River Basins as set out in 15A NCAC 2B.0259.

DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

Section 8 delineates specific standards and requirements for those uses listed in Table 5-1, Table of Permitted Uses, that are designated with a 'D', 'S' (Special Use Permit), or 'CD' (Conditional Zoning District). The standards listed in this Section are applicable only if the use is so designated in Table 5-1. For example, a bed and breakfast inn proposed to be located in a RA, RR, R40, SR, or MFR zoning district would be required to adhere to the standards of Section 8(K). However, if the bed and breakfast inn is proposed to be located within a GC zoning district, the standards in Section 8(K) would not have to be met. The main purpose of this Section is to ensure that certain uses, proposed to be located in specified zoning districts, are as compatible as possible with surrounding land uses and the general type of development that is anticipated in the general area of the proposed use. Development standards delineated in Section 8 often address such requirements as minimum and maximum lot area, property separation, vehicular access, off-site environmental (noise, dust, odors, etc.) impacts, security fencing, outdoor storage, hours of operation, screening, and signage.

SIGNS

Definitions and standards pertaining to signs are provided in Section 9. Exempt signs and signs, which are prohibited, are specifically noted. Any sign that is 4 square feet or less in area is exempt from permit and fee requirements.

Billboards are required to comply with the regulations of the existing Outdoor Advertising Signs Ordinance, Planning & Development Services Ordinance No. 7, of the Pitt County Code. Billboards located within 660 feet of interstate or federally-assisted primary highways are also subject to the standards and permitting requirements of the Outdoor Advertising Control Act which is administered by the North Carolina Department of Transportation (NCDOT). The Outdoor Advertising Control Act essentially allows billboards in areas that are zoned for commercial or industrial use or in unzoned areas that meet certain criteria specified in the Act. Local governments are required to notify, in writing, the NCDOT of all zoning changes regarding the establishment or revision of commercial and industrial zoning districts in areas regulated by the Outdoor Advertising Control Act. A recent Federal Highway Administration (FHWA) ruling regarding a North Carolina town's zoning action resulted in the withholding of federal-aid highway funds. In that decision, the FHWA determined that a rezoning that was undertaken for the express purpose of allowing the construction of outdoor advertising signs was not consistent with federal regulations. The FHWA ruled that the NCDOT could not use Federal-aid highway funds in any project located within the town's zoning jurisdiction.

There are limitations imposed on zoning restrictions by the United States Constitution that affect sign regulations. Sign regulations must be particularly careful not to unreasonably infringe on a person's freedom of speech. The courts have, however, allowed more substantial restrictions on 'commercial speech' such as advertisements and signs as opposed to political or other types of speech.

The sign standards delineated in Section 9 are very minimal requirements.

OFF-STREET PARKING AND LOADING

Standards for parking, stacking, and loading are provided in Section 10. Table 10-1 lists the minimum number of parking and stacking spaces required by major use categories. Administrative guidelines for determining parking requirements for change in use, shared parking, and deviations are outlined in this section. Property line landscaping is required for nonresidential land uses that abut residentially-zoned property.

ENFORCEMENT

Section 11 provides administrative detail and guidelines concerning violations, enforcement, and remedies of violations. The General Statutes provide a wide range of authority for the County to enforce the zoning ordinance. Civil actions can be brought by the County. Normally, the threat of civil action is sufficient to dispose of the majority of enforcement cases. Legal enforcement tools available to the County include stop work orders, civil penalties, injunctions, and court orders. Enforcement decisions made by the Zoning Administrator may be appealed to the Board of Adjustment in accordance with the procedures outlined in Section 13.

NONCONFORMING SITUATIONS

Various types of nonconforming situations can occur with the adoption of zoning regulations. This article provides very specific and comprehensive provisions for dealing with nonconforming land, nonconforming use of land, dimensional nonconformities, nonconforming projects, nonconforming structures, and miscellaneous nonconforming situations such as repair, renovation, and abandonment of nonconformities. The provisions contained in this article provide a more realistic approach to dealing with nonconformities. Rather than attempting to eliminate all nonconforming situations, the zoning ordinance recognizes that nonconformities seldom go away and, therefore, attempts to deal with them in the most equitable manner. This article allows, under prescribed conditions, for some nonconforming situations to be expanded or even rebuilt (see Section 12(C)(3)) in an effort to improve nonconforming situations rather than attempt to legislate them out of existence. Single-family residences are exempt from the nonconforming provisions and may be enlarged or replaced so long as new nonconformities are not created.

APPEALS, VARIANCES, INTERPRETATIONS

Appeals

Decisions made by the Zoning Administrator may be appealed to the Board of Adjustment. The appeals procedures outlined in this ordinance apply only to administrative zoning decisions and cannot be used to appeal the decisions made by the Planning Board or Board of Commissioners. Only formal decisions or interpretations made by the Zoning Administrator may be appealed. The Board of Adjustment is not authorized to issue advisory decisions.

Variances

NCGS 160D-705 authorizes the Board of Adjustment to vary or modify any regulation or provision of the zoning ordinance when 'unnecessary hardships' would result from carrying out the strict letter of the zoning ordinance. The applicant for a variance is responsible for demonstrating that the hardship claimed warrants a variance.

Variances from Flood Hazard Overlay District Requirements

Special conditions apply to granting variances from the flood damage prevention regulations. This section is necessary to maintain the County's eligibility in the Flood Insurance Program.

AMENDMENTS

Planning Board Review and Recommendation

NCGS 160D-604 requires that all proposed amendments shall be submitted to the Planning Board for review and comment prior to consideration by the Board of Commissioners. The Planning Board must provide a written recommendation to the Board of Commissioners within 30 days. If no recommendation

is received, the Board of Commissioners may proceed to act on the request without the Planning Board's recommendation. The Board of Commissioners is not, however, bound by the recommendation, if any, of the Planning Board.

NCGS 160D-604 requires the Planning Board to advise and comment on whether a proposed amendment is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board is required to provide a written recommendation to the Board of County Commissioners that addresses plan consistency and other matters deemed appropriate by the Planning Board, however a comment by the Planning Board that a proposed amendment is inconsistent with an adopted plan does not preclude consideration or approval by the Board of Commissioners.

Board of Commissioners Review and Adoption

NCGS 160D-605 requires that prior to adopting or rejecting any zoning amendment, the governing board must adopt a brief statement describing whether its action is consistent with an adopted comprehensive plan. The Board must also adopt a brief statement explaining the reasonableness of the proposed rezoning. The consistency statement and statement of reasonableness may be approved as a single statement.

Legislative Hearing Requirements

NCGS 160D-602 mandates that first-class mail notice of a legislative hearing concerning a rezoning be made to the owner(s) of the property proposed to be rezoned and the owners of all parcels abutting the property to be rezoned. The person mailing the notices must certify to the Board of Commissioners that fact. NCGS 160D-602 also requires that when a zoning map amendment is proposed, the legislative hearing notice must be prominently posted on the site proposed for rezoning or on an adjacent public street or highway right-of-way.

Ultimate Issue Before Board of Commissioners on Amendments

Sections 1 and 2 provide rezoning and text amendment guidelines for the Board of Commissioners. It is important that the impact of an amendment be viewed from the perspective of the County as a whole and not just from the perspective of the individual(s) requesting the amendment.

Conditional Zoning Districts

Conditional zoning is authorized by NCGS 160D-703. This type of zoning, as opposed to a conventional rezoning, allows the County to review a rezoning request for a specific use. The rezoning, if approved, is valid only for the use specified in the rezoning request. This type of rezoning works well only in those situations in which the applicant has a definitive use in mind for the property.

When the zoning ordinance was initially adopted, it incorporated a conditional use district rezoning process. With this type of rezoning, uses are permitted only upon the issuance of a conditional use permit following a legislative hearing by the Board of Commissioners using quasi-judicial procedures. Pursuant to Chapter 160D of the North Carolina General Statutes, local governments may no longer utilize conditional use districts. Any previously approved conditional use district that is valid and in effect as of January 1, 2021, is deemed a conditional zoning district and any conditional use permits issued concurrently with the establishment of those districts remain valid and are deemed to be special use permits. Conditional zoning is an entirely legislative process and follows the same procedures as a conventional rezoning. The two processes achieve the same result in that a specific project is approved subject to an approved site plan and a set of specific conditions. With conditional zoning, however, no conditional use permit is issued and the legislative process is less complex than the quasi-judicial process required by conditional use district rezonings. Property can be rezoned to a conditional zoning district only upon the request of the property owner. Adjacent property owners find this type of rezoning more reassuring because they know exactly what use will be developed beside them. There are no surprise uses going in beside them after the rezoning is approved as is possible with a conventional district rezoning. The conditional zoning process is conducive to reaching consensus among the different parties involved in a rezoning--the owner/developer of the property proposed to be rezoned, the abutting property owners, and the Board of Commissioners.

DEFINITIONS

Section 15 includes information to assist in interpreting the zoning ordinance as well as definitions of words and terms used throughout the document. This section also provides guidelines for making decisions in cases where uncertainty exists as to zoning district boundaries. Definitions are very important in assisting with the day-to-day administration of the zoning ordinance.

APPENDIX A

Appendix A contains flowcharts regarding the review and approval processes for zoning permits, special use permits, appeals and variances, and rezonings/text amendments. These flowcharts should be utilized along with specific instructions for completing the applicable administrative forms as handouts to applicants.

APPENDIX B

Appendix B outlines the various types of information that would be needed to review plot plans and site plans. Plot plans are required for single-family dwellings and duplexes; site plans are required for other uses including special use permits. The Zoning Administrator is authorized to require additional site plan information when warranted to complete a specific review and to waive items required if determined not to be necessary to complete the review.

APPENDIX C

Appendix C summarizes the information needed for obtaining a zoning, sign, or special use permit. As mentioned with the flowcharts in Appendix A, the County can incorporate the information in Appendices B and C as part of administrative guidelines for applicants.

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ZONING ORDINANCE

Part 1. Planning & Zoning

Section 1. Purpose, Authority, and Applicability

- A. *Title.* This Ordinance, and the associated official zoning maps, shall be known and may be cited as the Zoning Ordinance or Zoning Code of Pitt County, North Carolina.
- B. *Purpose.* It is the intent of this Ordinance to set forth zoning requirements and procedures for land within Pitt County outside corporate or municipal extraterritorial planning jurisdictions to serve the public health, safety, and general welfare, and to provide the economic, social, and aesthetic advantages resulting from an orderly, planned use of land resources. This Ordinance shall govern the development and use of land and structures therein, except for bona fide farms as provided for by NCGS 160D-903.
- 1. *Statement of Zoning Objectives.* Zoning is enacted by the Pitt County Board of Commissioners to create future conditions essential to public health, safety, and the general welfare. In particular, this Ordinance is designed to address the following objectives:
 - a. Provide for the orderly growth and development of the area of Pitt County located outside corporate or municipal extraterritorial planning jurisdictions;
 - b. Minimize land use conflicts and encourage the most appropriate use of land throughout the County;
 - c. Conserve the value of buildings and property;
 - d. Preserve the desirable features of the County's appearance and character;
 - e. Protect public investments and facilitate the adequate provision of schools, sewer, water, transportation, parks, and other public requirements;
 - f. Protect the natural environment and other valuable resources;
 - g. Promote the overall economic welfare of the county;
 - h. Protect designated public water supply watersheds from activities which could degrade water quality; and
 - i. Minimize public and private losses due to flooding by permitting only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved.
- C. *Authority.* This Ordinance is adopted under the authority of Chapter 160D, Local Planning and Development Regulation, of the North Carolina General Statutes (NCGS).
- D. *Territorial Applicability.* This Ordinance shall govern the use and development of land within Pitt County outside the corporate or extraterritorial jurisdiction of any municipality. The Pitt County zoning jurisdictional area comprises the area described in that Ordinance adopted by the Pitt County Board of Commissioners on August 4, 2003 and which is delineated on the official zoning map described in Section 4(D). This Ordinance, in whole or in part, may also regulate development activity within the jurisdiction of any municipality whose governing body agrees, by resolution, to such applicability. Unless otherwise specified in the resolution, any municipal

governing body may, however, withdraw its approval of these regulations provided that two years' written notice, as required by NCGS 160D-202(h), is given to Pitt County.

- E. *Severability.* Should any section, subsection, or provision of these regulations be held void or invalid by a court of law for any reason, all other sections, subsections or provisions shall be considered valid and enforceable.
- F. *Relationship with Other Laws.* Wherever the provisions of this Ordinance are either more restrictive or less restrictive than comparable provisions of any other law, ordinance, or regulation, the most restrictive provisions shall apply. It is not intended that this Ordinance interfere with or annul any easements, covenants, deed restrictions, or other private agreements between parties.
- G. *Compliance.* No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance. Development which was approved prior to the effective date of this Ordinance and which does not comply with the provisions of this Ordinance shall be considered legally nonconforming. Modifications to and conversion of nonconforming uses shall be allowed pursuant to the requirements of Section 12.
- H. *Relationship to the Land Use Plan and County Policies.* It is the intention of the Board of Commissioners that this Ordinance implement the planning policies adopted by the Board of Commissioners for Pitt County, as reflected in the Pitt County Comprehensive Land Use Plan, the Southwest Bypass Land Use Plan, the NC 43 South Land Use Plan, and other pertinent planning documents. While the Board of Commissioners reaffirms its commitment that this Ordinance and any amendment to it be consistent with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged inconsistency with any planning document.
- I. *Fees.* Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special use permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be set forth in the County's budget or as established by Resolution of the Board of Commissioners and filed in the offices of the Planning Department. Fees established in accordance with this Subsection shall be paid upon submission of a signed application or notice of appeal.
- J. *Effective Date.* This Ordinance shall take full force and effect on July 1, 2021, as adopted by the Pitt County Board of Commissioners.

Section 2. Administration

A. *Board of County Commissioners.* As an elected, legislative body, the Board of County Commissioners performs planning and development functions as authorized by various enabling provisions of the North Carolina General Statutes.

Duties and Responsibilities. The Board of County Commissioners performs the following duties:

1. Appoints the Planning Board and the Board of Adjustment;
2. Upon recommendation by the Planning Board, adopts, implements, and amends a comprehensive land use plan which establishes long-range goals and objectives regarding future development of the County;
3. Adopts, amends, and implements more-detailed area plans for smaller geographic areas, as well as policies related to special land use issues;
4. Adopts, amends, and implements other specialized plans, programs, and policies for functional topics like transportation, open space, and capital improvements;
5. By ordinance, adopts and amends regulations relating to zoning, subdivision of land, and other private development activities;
6. Makes final decisions concerning zoning map amendments (rezonings) including conditional zoning district requests; and
7. Establishes rules and procedures for the enforcement and administration of this Ordinance.

B. *Planning Board.* The Pitt County Planning Board is established pursuant to Part 1 of the Subdivision Ordinance, Planning & Development Services Ordinance No. 12, of the Pitt County Code of Ordinances. As an appointed, advisory body, the Planning Board makes recommendations to the Board of County Commissioners as generally authorized by Chapter 160D of the North Carolina General Statutes.

1. *Duties and Responsibilities.* In general, the Planning Board performs the following duties:
 - a. Initiates studies to identify and analyze land use issues of importance to Pitt County;
 - b. Prepares and recommends to the Board of County Commissioners a comprehensive land use plan and other plans, programs, and policies to achieve community goals and objectives;
 - c. Develops and recommends regulatory ordinances, text amendments, and administrative procedures to implement adopted land use plans and policies;
 - d. Makes recommendations to the Board of Commissioners concerning requests for amendments to the text of this Ordinance and rezoning requests;
 - e. Informs and advises the general public regarding planning and zoning matters through meetings, hearings, advertisements, publications, and other appropriate methods of communication;
 - f. Coordinates planning activities with other jurisdictions' planning boards and commissions; and
 - g. Performs any other duties assigned by the Board of Commissioners.

2. *Advisory Committees.* From time to time, the Board of Commissioners may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. Members of such advisory committees shall sit as non-voting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Board. Nothing in this Section shall prevent the Board of Commissioners from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the Board of Commissioners.

C. *Board of Adjustment*

1. *Authority.* As an appointed, quasi-judicial body, the Board of Adjustment hears and decides appeals, variance requests, and requests for interpretations from this Ordinance as authorized by NCGS 160D-302. In addition, the Board of Adjustment acts upon special use permit applications as authorized by NCGS 160D-705.
2. *Duties and Responsibilities.* The Board of Adjustment shall carry out the duties outlined in Section 13, Appeals, Variances, and Interpretations, and Section 3, Class 2 Special Use Permits, of this Ordinance. Specifically, the Board of Adjustment shall hear and decide:
 - a. Appeals from any order, decision, requirement, or interpretation made by the Zoning Administrator, as provided in Section 13(A).
 - b. Applications for special use permits, as provided in Section 3(J).
 - c. Applications for general variances, as provided in Section 13(B)(1) and applications for variances from flood hazard overlay district requirements as provided in Section 13(B)(2).
 - d. Requests for a special exception as provided in Section 12(C)(3).
 - e. Any other matter the Board is required to act upon by any other county ordinance.
3. *Composition.* The Board of Adjustment shall consist of five regular members and two alternate members appointed by the Board of Commissioners. All Board members shall reside within Pitt County, with three members residing south of the Tar River and two from the north. The alternate members may reside anywhere within Pitt County.
4. *Terms.* The Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms. Members shall be reappointed in accordance with the Pitt County Board of Commissioner's General Policy for Appointment to Boards, Commissions, and Committees. Regular Board of Adjustment members may be removed by the Board of Commissioners at any time for failure to attend three consecutive meetings or for failure to attend fifty percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. If a regular or alternate member moves outside of the County, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed. An alternate member may sit in lieu of a regular member. When so seated, alternates shall have the same powers and duties as regular members.
5. *Meetings and Procedures.* The Board of Adjustment shall adopt rules and regulations governing its procedures and operations consistent with the provisions of this Ordinance. All meetings shall be open to the public. Evidentiary hearings shall be advertised and conducted

in accordance with Section 3(M). The Board of Adjustment shall keep a written public record of member attendance, findings, and decisions.

6. *Quorum.* A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action. A member who has withdrawn from the meeting without being excused as provided in Section 2(C)(7) shall be counted as present for purposes of determining whether a quorum is present.
7. *Voting.* The concurring vote of four-fifths of the regular Board membership (excluding vacant seats) shall be necessary to grant any variance. All other actions of the Board shall be taken by majority vote, a quorum being present.
 - a. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection (b) or has been allowed to withdraw from the meeting in accordance with Subsection (c).
 - b. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - i. If the member has a direct financial interest in the outcome of the matter at issue; or
 - ii. If the matter at issue involves the member's own official conduct; or
 - iii. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - iv. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
 - c. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
 - d. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
 - e. A roll call vote shall be taken for each motion.
8. *Board of Adjustment Officers.* The Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as Chair and preside over the Board's meetings and one member to serve as Vice-Chair. The persons so designated shall serve in these capacities for terms of one year. Officer vacancies may be filled for the unexpired terms only by a majority vote of the Board membership (excluding vacant seats). The Chair or any member temporarily acting as Chair may administer oaths to witnesses coming before the Board. The Chair and Vice-Chair of the Board of Adjustment may take part in all deliberations and may vote on all issues. The Zoning Administrator shall serve as Executive Secretary to the Board of Adjustment.

D. *Planning Department*

1. *Duties and Responsibilities.* The Planning Department serves as the lead agency for the overall administration of this Ordinance and serves as the primary professional staff of the Planning Board and Board of Adjustment.

- a. *Planning Director.* The Planning Director or his designee performs the following duties:
 - i. Supervises the various activities of the Department;
 - ii. Develops and maintains the comprehensive plan, area plans, other specialized plans, policies, and regulations for plan implementation;
 - iii. Provides recommendations to the Planning Board, Board of Adjustment, Board of County Commissioners, and County Manager;
 - iv. Provides administrative assistance to special boards, committees, and commissions;
 - v. Acts as Executive Secretary to the Planning Board; and
 - vi. Performs other functions as may be necessary to effectively administer the County's overall Planning program.
- b. *Zoning Administrator.* The Zoning Administrator shall be responsible for the following duties:
 - i. Administers and makes necessary interpretations of the zoning requirements;
 - ii. Acts as Executive Secretary to the Board of Adjustment;
 - iii. Coordinates permitting procedures;
 - iv. Determines compliance and investigates suspected violations; and
 - v. Performs other necessary functions to effectively administer this Ordinance.

E. *Conflicts of Interest*

1. No member of the Board of Commissioners or any appointed board shall vote on any legislative decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
2. No member of the Board of Commissioners or any appointed board shall vote on any amendment to this Ordinance if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
3. No Planning Department staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member, or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or to the Planning Director.
4. No Planning Department staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation by this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the County to provide staff support shall engage in any work that is inconsistent with his or her duties or the interest of the County.

5. No member of any board exercising quasi-judicial functions shall participate in or vote on any quasi-judicial matter required by this Ordinance in a manner that would violate an affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter.

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Section 3. Permits and Hearing Procedures

- A. *Permit Required:* No person shall undertake any development activity subject to this Ordinance except in accordance with and pursuant to one of the following permits:
 1. A zoning permit issued by the Zoning Administrator;
 2. A special use permit issued by the Board of Adjustment; or
 3. A high density watershed protection permit (for water supply watershed) permit issued by the Board of Adjustment.
- B. *Permit Application Review and Approval:* Zoning permits, special use permits, and high density development permits (within water supply watershed area) are issued under this Ordinance only when a review of the application submitted, including the site plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided herein, all development shall occur strictly in accordance with such approved plans and applications.
- C. *Permit Exemptions:* The following are exempt from zoning permit requirements:
 1. Farm buildings (other than residences) and bona farm activities including other forms of agriculture as defined in NCGS 106-581.1;
 2. Residential accessory buildings with no dimension greater than 12 feet, as well as such accessory uses and structures as flagpoles and mailboxes; landscaping features such as fences, trees and shrubs, terraces, gazebos, and similar items; piers, wharves; bulkheads; recreational improvements such as swing sets and playgrounds; and wells and pumphouses;
 3. Facilities (other than buildings) of a public utility or an electric or telephone membership corporation; including electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way;
 4. Signs specifically exempted by Section 9(C); and
 5. Roads.
- D. *Permit Applications and Plans*
 1. *Submission.* Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner to the Zoning Administrator. The Zoning Administrator may require reasonable proof of agency from any person submitting an application as an agent.
 2. *Form of Submission.* An application for any permit under this Ordinance shall be submitted in such form, number of copies and format as required by Appendix B, together with such fees as required.
 3. *Waiver of Submission Requirements.* The Zoning Administrator may waive submission of required elements of information when, in his opinion, such information is otherwise available or is not necessary to review the application. The Zoning Administrator may refuse to process an incomplete application.
 4. *Processing.* All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.

5. *Approved Plans.* A copy of required plans or information submitted with the application shall be returned to the applicant after the Zoning Administrator has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Zoning Administrator.
6. *Health Department Construction Permit Required.* A permit for any building or use for which a State or County Health Department permit for installation of a well or a sewage disposal system is required or for which approval by the State or County Health Department of an existing well or sewage disposal system is required, shall not be issued until such permit or approval has been issued by the State or County Health Department.

E. Plot Plan and Site Plan Procedures

1. *Plot Plan Required.* No zoning permit for a single-family or two-family dwelling on a single lot shall be issued until a plot plan, prepared in accordance with Appendix B, has been approved.
2. *Site Plan Required.* No other zoning or special use permit shall be issued on a lot until a site plan, prepared in accordance with Appendix B, has been approved for the development. No new nor amended site plan shall be required if an adequate site plan is already on file, there is no change in the parking requirements, or there is no increase in impervious surface area.
3. *Exception.* The Zoning Administrator may waive the requirement for a site plan or a plot plan if, in his judgment, it is determined that it is not necessary to complete the review of the permit application.
4. *Timing.* Site plans shall be submitted to the Zoning Administrator in conjunction with a permit application.
5. *Coordination with Other Procedures.* To lessen the time required to obtain all necessary approvals, the site plan approval process may run concurrently with building plan review or other applications for approvals required for the particular project.

F. Site Plan and Plot Plan Approval

1. *Approval of Site/Plot Plan.* The site plan or plot plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.
2. *Approval Authority.*
 - a. Site plans or plot plans submitted with zoning permit applications shall be approved by the Zoning Administrator.
 - b. Site plans or sketch plans submitted with conditional zoning district requests shall be approved by the Board of Commissioners.
 - c. Site plans submitted with special use permit applications shall be approved by the Board of Adjustment.
3. *Conditional Approvals.* If the site plan is granted conditional approval, the applicant shall revise and resubmit the site plan. The Zoning Administrator shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the site plan is not revised within sixty days to meet the approval conditions, or the applicant notifies the Zoning Administrator that he is unwilling to revise the site plan, it shall be deemed denied.

G. *Permit Issuance*: The issuance of a zoning or special use permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, except as provided in Sections 3(O) and 3(P), the intended use may not be commenced and no building may be occupied until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a conditional use or special use permit have been complied with.

H. *Inspections and Investigations*

1. The Zoning Administrator may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with the requirements of this Ordinance and the terms of the approval. The Zoning Administrator may also conduct investigations of complaints and alleged violations of this Ordinance as deemed reasonably necessary to carry out his duties as prescribed in Section 2(D)(1)(b).
2. In exercising this power, the Zoning Administrator is authorized to enter any premises within the jurisdiction of Pitt County at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
3. *Written Statements*. The Board of Commissioners or its agent shall have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

I. *Zoning Permits*

1. *Submission*. Requests for a zoning permit shall be submitted to the Zoning Administrator by filing an application form with the Zoning Administrator. Applications for a zoning or sign permit may be a separate form or may be combined with the County's building permit application form. In those instances in which the County is administering building inspection services within a municipality's zoning jurisdiction, the applicant shall provide a copy of a zoning permit from the applicable municipality prior to obtaining a building permit.
2. *Review and Approval*. The Zoning Administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant, that:
 - a. The requested permit is not within his authority according to Section 5(A), Table of Permitted Uses; or
 - b. The application is incomplete; or
 - c. If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.

J. *Reserved*

K. *Special Use Permits*

1. *Submission*. An application for a special use permit shall be submitted to the Board of Adjustment by filing a copy of the application with the Zoning Administrator in the Planning Department 20 working days prior to the Board of Adjustment meeting at which the request will be reviewed.

2. *Review and Approval.* The review process for a special use permit shall include:
 - a. Planning Department review and recommendation in accordance with Section 3(L);
 - b. Evidentiary hearing held by the Board of Adjustment; and
 - c. Board of Adjustment review and action.
3. Any valid conditional use permit issued by the Board of Commissioners prior to the effective date of this Ordinance shall be deemed a special use permit and shall remain subject to any additional conditions and requirements attached to the permit.

L. *Recommendations on Special Use Permits*

1. When presented to the Board of Adjustment at the hearing, the application for a special use permit shall be accompanied by a report setting forth the Planning Department's proposed findings concerning the application's compliance with Section 3(D) and the other requirements of this Ordinance, as well as any staff recommendations for additional requirements to be imposed by the Board.
2. If the Zoning Administrator proposes a finding or conclusion that the application fails to comply with Section 3(D) or any other requirement of this Ordinance, they shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

M. *Evidentiary Hearing Requirements*

1. No special use permit shall be approved until an evidentiary hearing has been held by the Board of Adjustment using quasi-judicial procedures as required by NCGS 160D-406. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
2. The Zoning Administrator shall mail written notice of the hearing to the owners of all properties that are subject to the hearing; the person or entity whose request is the subject of the hearing; as well as the owners of all properties any portion of which is within 500 feet of the property subject to the hearing. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.
3. The Zoning Administrator shall prominently post a notice of the hearing on the property that is the subject of the hearing or on an adjacent street or highway right-of-way; and may take any other action deemed to be useful or appropriate to give notice of the hearing on any permit request.
4. The applicant and any person or entity who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
5. The Zoning Administrator shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Board prior to the hearing if a copy is also provided at the same time to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record, and may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing, and rulings on unresolved objections shall be made by the Board at the hearing.

6. At the conclusion of the hearing, the Board may proceed to vote on the permit request or take any other action consistent with its usual rules of procedure. Section 3(N) delineates specific actions that the Board must take on requests for special use permits.
7. The Board shall determine contested facts and make its decision within a reasonable time since inordinate delays can result in the applicant incurring unnecessary costs.
8. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this Ordinance remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Section 3(N)(3) rests on the party or parties urging that the requested permit should be denied.
9. The Board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the Board is not present, the hearing shall be continued until the next regular board meeting without further advertisement.
10. The decision of the Board shall be reduced to writing, reflecting the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair of the Board or other duly authorized member of the Board.
11. The Board's decision is effective upon the date it is filed with the clerk to the board and the Planning Department. A copy of the written decision shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The Zoning Administrator shall certify that proper notice of the decision has been made, and the certificate shall be deemed conclusive in the absence of fraud.
12. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160D-1402. Appeals shall be filed with the clerk of superior court by the later of 30 days after the effective date of the decision or after a written copy of the decision is given in accordance with the requirements of Section 3(M)(12). When first-class mail is used to deliver notice of the decision, three days shall be added to the time to file the petition.

N. Action on Special Use Permits

1. Following an evidentiary hearing held in accordance with the requirements of Section 3(M), the Board of Adjustment may proceed to vote on the special use permit request or take any other action consistent with its usual rules of procedure. The Board shall observe a majority voting requirement set forth in Section 2(C)(7).
2. In considering whether to approve an application for a special use permit, the Board shall proceed according to the following format:
 - a. The Board shall consider whether the application is complete. If the Board concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. Such a motion may be carried by a simple majority vote of the Board and constitutes the Board's finding on this issue. If a motion to this effect is not made and concurred in by a simple majority vote, this shall be taken as an affirmative finding by the Board that the application is complete.

- b. The Board shall consider whether the application complies with all of the applicable requirements of this Ordinance. If a motion to this effect passes by a simple majority vote, the Board need not make further findings concerning such requirements. If such a motion is not made or fails to receive a simple majority vote, then a motion shall be made that the application is not in compliance with one or more requirements of this Ordinance, and shall specify the particular requirements the application fails to meet. If the Board concludes that the application fails to meet one or more of the requirements of this Ordinance, the application shall be denied.
 - c. If the Board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Section 3(N)(3). Such a motion shall propose specific findings based upon the evidence submitted which justifies such a conclusion, and may be carried by a simple majority vote.
3. Even if the Board finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
 - a. Will materially endanger the public health or safety; or
 - b. Will substantially injure the value of adjoining or abutting property; or
 - c. Will not be in harmony with the area in which it is to be located; or
 - d. Will not be in general conformity with the land use plan or other plans officially adopted by the Board of Commissioners.
4. The Board may attach reasonable and appropriate conditions to the permit to ensure compliance with the provisions of this Ordinance. The Board may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance, or requirements for which the County does not have authority under the North Carolina General Statutes to enforce. Without limiting the foregoing, the Board may attach to a permit a condition limiting the permit to a specified duration.
5. All additional conditions or requirements shall be consented to in writing by the applicant and shall be entered on the permit.
6. Decisions by the Board of Adjustment on special use permit requests shall be filed in the offices of the Planning Department.

O. Authorizing Use or Occupancy Before Completion of Development

1. In cases when, because of weather conditions or other factors beyond the control of the zoning or special use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this Ordinance before commencing the intended use of the property or occupying any buildings, the permit-issuing authority may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides an adequately secured performance bond or other security satisfactory to the permit-issuing authority to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve months). The proposed performance bond and security shall be reviewed and approved by the Pitt County Attorney prior to authorization of the intended use or occupancy.
2. When the Board of Adjustment imposes additional requirements upon a special use permit recipient in accordance with Section 3(N)(4) or when a developer proposes in the plans

submitted to install amenities beyond those required by this Ordinance, the permit-issuing authority may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such requirements must be met or each amenity installed, and if it concludes that compliance will be ensured as the result of any one or more of the following:

- a. A performance bond and security satisfactory to the County Attorney is furnished;
- b. A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made;
- c. The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 11(D), Penalties and Remedies for Violations, and Section 11(F), Permit Revocation.

P. Completing Development in Phases

1. If a development is constructed in phases or stages in accordance with this Section, then, subject to Section 3(P)(3), the provisions of Section 3(G) and Section 3(O) shall apply to each phase as if it were the entire development.
2. As a prerequisite to taking advantage of the provisions of Section 3(P)(1), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance that will be satisfied with respect to each phase or stage.
3. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of the application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied except in accordance with the schedule approved as part of the permit, provided that:
 - a. If the improvement is one required by this Ordinance then the developer may utilize the provisions of Section 3(O)(1); or
 - b. If the improvement is an amenity not required by this Ordinance or is provided in response to a condition imposed by the permit-issuing authority, then the developer may utilize the provisions of Section 3(O)(2).

Q. Expiration of Permits

1. Except as provided in Section 3(Q)(6), zoning and special use permits (including approved site or plot plans) shall expire automatically if, within one year after the issuance of such permits:
 - a. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
 - b. Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been

completed on the site. With respect to phased development (see Section 3(P)), this requirement shall apply only to the first phase.

2. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the zoning or special use permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 3(R).
3. The permit-issuing authority may extend for a period up to six months the date when a zoning or special use permit would otherwise expire pursuant to Sections 3(Q)(1) or 3(Q)(2) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
4. For purposes of this Section, a special use permit within the jurisdiction of the Board of Adjustment is issued when the Board votes to approve the application and issue the permit. A zoning permit within the jurisdiction of the Zoning Administrator is issued when the earlier of the following takes place:
 - a. A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is delivered to the permit applicant; or
 - b. The Zoning Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded, if required under Section 3(R)(2).
5. Notwithstanding any of the provisions of Section 12, Nonconforming Situations, this Section shall be applicable to permits issued prior to the date this Ordinance becomes effective.
6. Special use permits with a vested right established in accordance with Section 3(V) shall expire at the end of the applicable vesting period.

R. *Effect of Permit on Successors and Assigns*

1. Zoning, special use, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits attach to and run with the land and are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
 - a. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
 - b. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued.
2. Whenever the recording of a special use permit is required by the Board of Adjustment as a condition of approval, nothing authorized by the permit may be done until the record owner of

the property provides documentation that indicates that the permit has been recorded in the Pitt County Registry and indexed under the record owner's name as grantor.

S. Modification of Permits

1. Minor modifications to issued permits (including approved special use permits, conditional zoning districts, and site plans) may be reviewed and approved by the Zoning Administrator. For purposes of this Section, minor modifications are those that do not involve a change in permitted use or density. Such permission may be obtained without a formal application, hearing, or payment of any additional fee.
2. All other requests for modifications or changes to an approved special use permit (including approved site plans) shall follow the same process as approval of a new special use permit and shall be acted upon by the Board of Adjustment. For such requests, conditions may be imposed only on the specific site or area requested to be modified in accordance with Section 3(N)(4), but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
3. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for a permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit. Any modifications approved shall only be applicable to those properties whose owners apply for the modification.
4. Any request for modification to the approved conditions in a conditional zoning district shall follow the same process for approval as a zoning map amendment in accordance with the provisions of Section 14. If multiple parcels of land are subject to a conditional zoning district, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.
5. The Zoning Administrator shall determine if proposed permit modifications fall within the categories set forth above in Sections 3(S)(1) through 3(S)(4).
6. A developer requesting a permit modification shall submit a written request for such approval to the Zoning Administrator identifying the requested changes. Approval of all changes must be given in writing.
7. A vested right established in accordance with Section 3(V) shall not be extended by any modifications to an approved site-specific vesting plan unless expressly provided for by the Board of Commissioners.

T. Reconsideration of Action on Special Use Permits

1. Whenever the Board of Adjustment disapproves a special use permit application on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the Board at a later time unless the applicant clearly demonstrates that:
 - a. Circumstances affecting the property that is the subject of the application have substantially changed; or
 - b. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Zoning Administrator within the time period for an appeal to superior court (see Section 11(G)). However, such a request does not extend the 30-day period within which an appeal must be taken.

2. The Board of Adjustment may, however, at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

U. *Maintenance of Common Areas, Improvements, and Facilities.* The recipient of any zoning or special use permit, or his successor, shall be responsible for maintaining all common areas, improvements or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and that required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

V. *Zoning Vested Rights and Permit Choice*

1. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Section.
 - a. *Development.* Without altering the scope of any regulatory authority granted by statute or local act, any of the following:
 - i. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
 - ii. Excavation, grading, filling, clearing, or alteration of land;
 - iii. The subdivision of land as defined in NCGS 160D-802;
 - iv. The initiation of substantial change in the use of land or the intensity of the use of land.
 - b. *Development Permit.* An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Includes any of the following: zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision of land, permits issued by the State of North Carolina for development, driveway permits, erosion and sedimentation control permits, and sign permits.
 - c. *Development Regulation.* Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property in the County, including any of the following: unified development ordinance, zoning regulation (including zoning maps), subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, and housing code.
 - d. *Landowner.* The holder of the title in fee simple. Absent evidence to the contrary, the County may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

- e. *Multi-phased development.* A development containing 25 acres or more that is submitted for approval in more than one phase, and is subject to a master development plan with committed elements showing the type and intensity of each phase.
- f. *Property.* All real property subject to land-use regulation by the County. The term includes any improvements or structures customarily regarded as a part of real property.
- g. *Site-specific vesting plan.* A plan which has been submitted to the County by a landowner or permit applicant describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.
- h. *Vested right.* The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan or under common law.

2. *Process to Claim Vested Right*

- a. A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Zoning Administrator, who shall make an initial determination as to the existence of the vested right. The decision by the Zoning Administrator may be appealed to the Board of Adjustment in accordance with Section 13(A) of this Ordinance.
- b. In lieu of seeking such a determination or pursuing an appeal to the Board of Adjustment, a person claiming a vested right may bring an original civil action as provided by NCGS 160D-1403.1.

3. *Site-Specific Vesting Plans*

- a. Following the receipt of a petition from a landowner or applicant, a vested right is established with respect to any property upon the valid approval or conditional approval of a site-specific vesting plan as provided in this subsection. Such a vested right confers upon the landowner or applicant the right to undertake and complete the development and use of the property under the terms and conditions of a site-specific vesting plan, including any amendments thereto.
- b. A petition for approval of a site-specific vesting plan shall be submitted by filing a copy of the petition and the site-specific vesting plan with the Zoning Administrator in the Planning Department 20 working days prior to the meeting at which the request will be reviewed. The site-specific vesting plan shall be in the form of a site plan prepared in accordance with the requirements of Appendix B of this Ordinance and shall describe with reasonable certainty the type and intensity of use for a specific parcel or parcels.
- c. Except as provided in Subsection (d), the Board of Commissioners shall review all requests to approve a site-specific vesting plan. Prior to consideration of a site-specific vesting plan, the Board shall conduct a legislative hearing, and notice of the hearing shall be provided in accordance with the provisions of NCGS 160D-602.
- d. If the use proposed by a site-specific vesting plan is based on issuance of a special use permit, the vesting shall be considered for approval by the Board of Commissioners rather than the Board of Adjustment. Such requests shall not be approved until an evidentiary hearing has been held by the Board of Commissioners using quasi-judicial procedures as required by NCGS 160D-406 and Section 3(M) of this Ordinance.
- e. A site-specific vesting plan may be approved upon such terms and conditions, as may be determined necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the approved terms and

conditions will result in a forfeiture of vested rights. Modifications or amendments to an approved site-specific vesting plan shall be made in accordance with the provisions of Section 3(S).

- f. A vested right for a site-specific vesting plan runs with the land and is valid for a minimum of two years from the effective date of approval of the plan. This vesting period shall not be extended unless expressly authorized by the Board of Commissioners. The Board may approve a vesting period exceeding two years, but not to exceed five years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.
- g. Following the approval of a site-specific vesting plan, the Zoning Administrator shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site-specific vesting plan, and any other information determined by the Zoning Administrator to be necessary to administer the vested right.
- h. A vested right as provided in this Section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of NCGS 160D-1111 and NCGS 160D-1115 shall apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this Section is outstanding.
- i. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained.

4. *Multi-phased development*

Approval of a master development plan for a multi-phased development shall follow the same procedures for approval of a site-specific vesting plan as outlined in Section 3(V)(2). A vested right for a multi-phased development is established at the time a site plan, prepared in accordance with Appendix B, is approved for the initial phase of the development by the appropriate permit-issuing authority as outlined in Section 3(F)(2). The vested right shall remain valid for a period of seven years from the date of approval for the initial phase of the development.

5. *Permit Choice*

- a. If an application for a zoning, sign, or special use permit is submitted for approval in accordance with the provisions of this Ordinance, and an applicable rule, map, or provision of this Ordinance is amended between the time the application was submitted and the permit is acted upon, the applicant may choose which version of the rule, map, or Ordinance will apply to the application.
- b. If the permit applicant chooses the version of the rule, map, or Ordinance applicable at the time of the permit application, the applicant shall not be required to await the outcome of the amendment to the rule, map, or Ordinance prior to acting on the permit.
- c. Where multiple local development permits are required to complete a development project, the permit applicant may choose the version of each of the local development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

- c. If this Ordinance is amended after a permit application is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the permit applicant may choose which adopted version of the rule or Ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or Ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.
- d. If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the permit-issuing authority for a period of six consecutive months or more, the application review is discontinued and the development regulations in effect at the time when permit processing is resumed shall apply to the application.

5. *Subsequent Changes Prohibited; Exceptions*

- a. A vested right, once established or provided for in this Section, precludes any zoning action by Pitt County which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:
 - i. With the written consent of the affected landowner;
 - ii. Upon findings, after notice and an evidentiary hearing, that natural or man-made hazards in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right;
 - iii. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the County, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property, that is caused by such action;
 - iv. Upon findings, after notice and an evidentiary hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the County of the site-specific vesting plan or the phased development plan; or
 - v. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the County may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.
- b. The establishment of a vested right does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of the vested rights period provided for in this Section.

- c. Notwithstanding any provisions of this Section, the establishment of a vested right does not preclude, change, or impair the authority of the County to adopt and enforce provisions of this Ordinance governing nonconforming situations or uses.

6. *Miscellaneous Provisions*

- a. A vested right obtained under this Section is not a personal right, but attached to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.
- b. Nothing in this Section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Section, nothing in this Section shall be construed to alter the existing common law.
- c. Following approval of a development permit, the County may make subsequent inspections and reviews to ensure compliance with the applicable regulations in effect at the time of the original application.
- d. The County shall not require a landowner to waive his vested rights as a condition of developmental approval.

Section 4. Zoning Districts and Zoning Map

In order to achieve the purposes of this Ordinance as set forth, all property within the County's zoning jurisdiction is divided into districts with the designations and purposes listed in Sections 4(A) through 4(C). The minimum lot sizes and dimensional requirements for each zoning district are provided in Section 6.

A. Conventional Zoning Districts

1. *RA, Rural Agricultural District.* The RA, Rural Agricultural District is primarily intended to accommodate very low-density residential uses as well as associated public and institutional uses, low intensity commercial uses, and agricultural-related industrial uses which are interspersed throughout areas that are principally characterized as rural in nature. This district reflects the diverse nature of land uses within predominantly rural areas and, therefore, permits a wide array of land uses. The district is specifically established for the following purposes:
 - a. To preserve and encourage the continued use of land for agricultural, forestry, and open space purposes;
 - b. To encourage small-scale and low intensity commercial uses that primarily provide goods and services to residents of the surrounding rural areas;
 - c. To encourage only those industries which are agricultural-related;
 - d. To encourage the concentration of more intensive urban land uses in and around identified growth areas that have the capacity to accommodate the utility and traffic demands of such development, thereby avoiding premature conversion of farmland to urban uses; and
 - e. To discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.
2. *RR, Rural Residential.* The RR, Rural Residential District is primarily intended to accommodate low density, single-family residential uses and their associated, supporting public and institutional uses in areas that generally do not have access to public or community water and sewer systems.
3. *R40, Low Density Residential District.* The R40, Low Density Residential District is primarily intended to accommodate low density, single-family residential uses and their associated, supporting public and institutional uses in areas that generally do not have access to public or community water and sewer systems.
4. *SR, Suburban Residential District.* The SR, Suburban Residential District is intended to accommodate low density, single-family residential uses and their associated, supporting public and institutional uses in areas that have access to public or community water and sewer services or in areas that can readily be served by such systems. This district is intended to accommodate land uses that are served by public sewer service and is not intended to accommodate development that is served by septic tanks.
5. *MFR, Multifamily Residential District.* The MFR, Multifamily Residential District is intended to accommodate low to moderate density single-family residential uses, multifamily residential uses, and associated, supporting public and institutional uses in areas that have the necessary utilities and road systems to support such development.
6. *RC, Rural Commercial District.* The RC, Rural Commercial District is intended to accommodate very limited retail, service, office, and low density multifamily residential uses

that have little or no adverse impact upon surrounding properties. This district is primarily intended for small-scale and low intensity commercial uses that provide convenience goods and limited personal services to residents of the surrounding rural areas.

7. *OI, Office and Institutional District.* The OI, Office and Institutional District is intended to accommodate moderate intensity office and institutional uses that little or no adverse impact upon surrounding properties. This district is primarily intended for office, institutional, educational, research, and public services uses and may be utilized as a transition or buffer area between residential uses and higher-intensity non-residential uses.
8. *GC, General Commercial District.* The GC, General Commercial District is intended to accommodate a range of retail, service, office, limited wholesale, and moderate density multifamily residential uses in areas that have access to major thoroughfares and the necessary utilities to support such development.
9. *HC, Heavy Commercial District.* The HC, Heavy Commercial District is intended to accommodate a range of intensive retail, service, office, limited wholesale, and multifamily residential uses in areas that have direct access to major thoroughfares or U.S. Highways, or are located at major intersections and have the necessary utilities to support such development.
10. *LI, Light Industrial District.* The LI, Light Industrial District is intended to accommodate limited manufacturing, warehousing, wholesale and related commercial support uses that have little or no adverse impact upon surrounding properties. This district is intended for areas that have access to major thoroughfares and the necessary utilities to support such development.
11. *GI, General Industrial District.* The GI, General Industrial District is intended to accommodate a wide range of manufacturing, warehousing, wholesale, and related commercial and service use in areas that have access to major thoroughfares and the necessary utilities to support such development.

B. *Conditional Zoning Districts*

1. In addition to the conventional zoning districts established in Sections 4(A)(1) through 4(A)(11), a corresponding Conditional Zoning District, bearing the designation 'CD', may be established in accordance with the provisions of Section 14(G). Accordingly, the following Conditional Zoning Districts may be designated upon approval by the Board of Commissioners of a petition by the property owners to establish a Conditional Zoning District:
RA-CD, RR-CD, R40-CD, SR-CD, MFR-CD, RC-CD, OI-CD, GC-CD, HC-CD, LI-CD, and GI-CD.
2. All regulations which apply to a conventional zoning district also apply to the corresponding conditional zoning district. All other regulations which may be offered by the property owner and approved by the Board of Commissioners as part of the rezoning process shall also apply. Property may be placed in a conditional zoning district only in response to a petition by the owners of all of the property to be included.
3. Any conditional use district zoning district that is valid and was approved prior to the establishment of conditional zoning districts in this Ordinance on June 4, 2007, shall be deemed a conditional zoning district consistent with the terms of this Ordinance. Any conditional use permit issued concurrently with the establishment of those districts shall be considered valid as specified in Section 3(K)(3) of this Ordinance.

C. Overlay Zoning Districts

The overlay zoning districts delineated in Sections 4(C)(1) through 4(C)(4) are intended to be applied in addition to the underlying conventional zoning districts to address natural or man-made features of special concern or importance.

1. AH, Airport Height Overlay

- a. *Purpose.* The intent of this overlay zone is to regulate the height of towers, antennas, and other tall structures in close proximity to, and in the aircraft approaches of, the Pitt-Greenville Airport (PGV). These overlay provisions are designed to protect public safety and investment by preventing obstructions and other hazards to aircraft operations.
- b. *Regulated Area.* As shown on the 'Airport Height Overlay Map,' which is made a part of this Ordinance, and/or official zoning maps.
- c. *Use Restrictions.* Notwithstanding any other provisions of this Ordinance, no use may be established within the regulated area so as to interfere with navigation, radio communication, or otherwise create a hazard to aircraft operations at the Pitt-Greenville Airport.
- d. *Maximum Height Limits.* Except as otherwise provided, no structure shall be constructed or maintained so as to exceed identified maximum imaginary surface heights. The imaginary surfaces shall be computed using the information from Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace, promulgated by the Federal Aviation Agency, as applied to the Pitt-Greenville Airport and shown on the "Airport Height Overlay Map."

2. WS, Water Supply Watershed Overlay

- a. *Purpose.* These provisions are designed to protect the quality of surface water supplies from nonpoint source pollution, and to minimize stormwater runoff by regulating development densities and the amount of built-upon area within the critical and protected areas of affected watersheds. These provisions also prohibit the establishment of certain uses within a designated water supply watershed.
- b. *Specific Authority.* As required by the Water Supply Watershed Act of 1989 (NCGS 143-214.5), and as allowed through NCGS 153A, Article 6, Section 121, Pitt County has adopted these watershed protection provisions to manage and protect surface water supply watersheds.
- c. *Regulated Area and Watershed Classification.* The Water Supply Watershed Overlay District shall consist of two subcategories: the WSCA, Critical Area Overlay District and the WSPA, Protected Area Overlay District. The provisions of the Watershed Overlay District shall apply within the areas designated by the North Carolina Environmental Management Commission as the critical area (WSCA) or protected area (WSPA) of a surface water supply watershed, as illustrated on the map entitled 'Watershed Protection Map of Pitt County, North Carolina'. The Tar River watershed, generally located in the northwest quadrant of Pitt County, has been classified as a 'WS-IV' watershed by the Environmental Management Commission.
- d. *Applicability.* These provisions shall apply when a sedimentation and erosion control plan is required for a new development or an existing development. In no case shall land area required for the purpose of complying with the provisions of this section be included in the area required for another building or use.

3. *HC, Highway Corridor Overlay*

- a. *Purpose.* The Highway Corridor Overlay District is established to provide specific appearance and operational standards for major highway corridors in Pitt County while accommodating development along the corridors. The manner in which land uses impact interchanges and feeder roads is of particular concern in this overlay district. Within the HC, landscaping and access control plans are required.
- b. *Applicability.* The HC shall include the existing or proposed right-of-way of specified thoroughfare corridors at their interchanges. District boundaries shall encompass land located within a buffer strip extending one thousand (1,000) feet in depth on either side of the corridor, as measured from and perpendicular to each side of the right-of-way. Specified thoroughfare corridors include the following as delineated on the official zoning map:
 - i. NC Highway 11 North.
 - ii. US Highway 264 East.
 - iii. US Highway 264 West
- c. Supplementary Highway Corridor Overlay District standards are delineated in Section 7(D).

4. *FH, Flood Hazard Overlay*

- a. *Purpose.* The FH Flood Hazard Overlay District is intended to set forth regulations which will protect people and property from the hazards of flooding. Specifically, the FH is necessary and appropriate in order to:
 - i. Permit only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved; and
 - ii. Minimize public and private losses due to flood conditions in specific areas by enactment of provisions designed to:
 - (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (4) Control filling, grading, dredging and other development which may increase erosion or flood damage;
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
 - (6) Protect human life and health;
 - (7) Minimize expenditure of public money for costly flood control projects;

- (8) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (9) Minimize prolonged business interruptions;
- (10) Minimize damage to public facilities and utilities such as water, sewer, gas, electric, and telephones lines and streets and bridges located in floodplains;
- (11) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (12) Permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the community and which will not impede the flow of floodwaters; and
- (13) Ensure that potential buyers are notified whenever property is in a flood hazard area.

- b. *Specific Authority.* The legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7 and 11 of Chapter 160D; and part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated the responsibility of local governmental units to adopt regulations designed to promote the public, health, safety, and general welfare of its citizenry.
- c. *Applicability.* The FH shall include the land in the floodplain within the zoning jurisdictional area of Pitt County that is subject to a one percent or greater chance of flooding in any given year. As used in this Section, the term refers to that area designated as subject to flood from the one hundred year flood on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency; copies of which are on file in the Pitt County Planning Department. This area shall comprise the Flood Hazard Overlay District established in Section 4(C)(4).
- d. Supplementary Flood Hazard Overlay District standards are delineated in Section 7(B).

5. *SWB, Southwest Bypass Highway Corridor*
 - a. *Purpose.* The Southwest Bypass Highway Corridor Overlay District is established to provide enhanced landscaping, viewshed protection, specific development standards and vehicular access control measures for development within the SWB of the Pitt County zoning jurisdiction as delineated on the official zoning map.
 - b. *Applicability.* The Southwest Bypass Highway Corridor Overlay District shall include the existing or proposed right-of-way of the Southwest Bypass and its interchanges. District boundaries shall encompass land located within an area extending one thousand (1,000) feet in depth on either side of the right-of-way, as measured from and perpendicular to each side of the right-of-way as delineated on the official zoning map.
 - c. Supplementary Southwest Bypass Highway Overlay District standards are delineated in Section 7(F).
6. *CA, Conservation Area Overlay*
 - a. *Purpose.* The Conservation Area Overlay District is established to provide for permanent open space and desirable buffers between proposed uses and incompatible adjacent land uses, environmentally sensitive areas or hazardous areas in excess of minimum standards; and to provide a method and means by which the open space and increased

buffer areas may be utilized to fulfill zoning requirements applicable to individual lot development.

- b. *Regulated Area.* The CA overlay district shall include any area adopted as a CA overlay district in conjunction with an underlying conventional or conditional zoning district as established in this Section. All zoning rights, standards, restrictions and requirements as set forth for the conventional or conditional zoning district shall extend to the CA overlay district area of a lot of record while prohibiting the encroachment of buildings, structures, parking, drives and other impervious areas or other residential and/or nonresidential uses or activities including storage, stock-in-trade display and delivery of service, inconsistent with this Section, within the CA overlay district zoned portion of the lot.
- c. Supplementary Conservation Area Overlay District standards are delineated in Section 7(F).

D. *Establishment of Official Zoning Map*

1. *Official Zoning Map.* The County's zoning jurisdiction is hereby divided into zones, or districts, as established in Sections 4(A) through 4(C). The official zoning map is the most recent copy of the digitized zoning map as produced and maintained by the Pitt County Planning Department.
2. *Map Changes.* If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Amendments to the Official Zoning Map shall be made utilizing the same procedures that apply to text amendments, as set forth in Section 14. Specific legislative hearing notice requirements are, however, delineated in Section 14(E)(3) for map amendments.
3. *Unauthorized Changes.* No changes in zoning district boundaries shall be made on the Official Zoning Map, except in conformance with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance.
4. *Map Location.* Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in Pitt County Planning Department, shall be the final authority as to the current zoning of property within the County's planning jurisdiction.
5. *Map Damage and Replacement.* In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may by resolution adopt a replacement Official Zoning Map, which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.
6. *Replacement of Official Zoning Map.* The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The replacement Official Zoning Map shall be identified by the signature of the Chair of the Board of County Commissioners, be attested by the Clerk to the Board, and bear the seal of Pitt County.

Section 5. Permitted Uses

A. Permitted Use Table

1. *Table of Permitted Uses.* Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 5-1. In the appropriate columns of Table 5-1 uses permitted by right with a zoning permit in the various districts are indicated by a 'Z', uses permitted by right with a zoning permit subject to meeting additional development standards as set forth in Section 8 (Development Standard for Individual Uses) are indicated with a 'D', uses requiring a special use permit from the Board of Adjustment are indicated by an 'S', uses that are allowed only in a conditional zoning district are indicated by 'CD', and exempt uses are indicated by an 'E'.

2. Formulation of Permitted Use Table

- a. *The Standard Industrial Classification Manual - 1987* was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. SIC codes are used to refer to SIC Classifications. Entries with 0000 in the Reference SIC column do not correspond to any classification in the SIC Manual.
- b. When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
- c. Rental and leasing of any commodity shall be permitted under the same classification and in the same districts, as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.

B. Reserved

C. Change in Use

1. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - a. The change involves a change from one principal use category to another.
 - b. If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.
 - c. If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
 - d. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the

florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

2. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
3. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

D. *Combination Uses*

When a combination use comprises two or more principal uses that require different types of permits (zoning or special use), then the permit authorizing the combination use shall be:

1. A special use permit if any of the principal uses combined requires a special use permit.
2. A zoning permit in all other cases.

E. *Mixed Uses*

Two or more permitted uses may occupy the same principal building.

F. *Accessory Uses*

1. Whenever an activity is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is customarily associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.
2. For purposes of interpreting Section 5(F)(1):
 - a. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
 - b. To be 'customarily associated' with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. Without limiting the generality of Sections 5(F)(1) and 5(F)(2), the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
 - a. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 - b. Hobbies or recreational activities of a non-commercial nature.

4. Table 5-1, Table of Permitted Uses, Accessory Uses and Structures outlines the zoning districts in which specific accessory uses are allowed.

G. *Prohibited Uses*

Within certain overlay districts some uses are specifically prohibited. The following uses are prohibited in the overlay districts listed.

1. *WCA, Watershed Critical Area Overlay District.*
 - a. New landfills;
 - b. New sites for land application of residuals; and
 - c. New sites for land application of petroleum-contaminated soils.

2. *WPA, Watershed Protected Area Overlay District.*

No uses are prohibited.

3. *AH, Airport Overlay District.*

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by Section 7(C) in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Pitt-Greenville Airport.

4. *FH, Flood Hazard Overlay District.*

The following uses are prohibited within designated floodplains:

- a. Solid Waste Disposal Facilities;
- b. Hazardous Waste Management Facilities;

5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *											
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI	
AGRICULTURE-RELATED USES														
Agricultural Production (crops)	0100		E	E	E	E	E	E	E	E	E	E	E	E
Agricultural Production (livestock)	0200		E	E	E	E	E	E	E	E	E	E	E	E
Animal Aquaculture	0273		Z											Z
Animal Livestock Services	0751		Z											Z
Animal Specialty Services, except Animal Shelters	0752		Z											Z
Fish Hatchery	0920		Z											Z
Forestry	0810		E	E	E	E	E	E	E	E	E	E	E	E
Veterinary Service, Livestock	0741		Z											Z
MINING USES														
Mining, Quarrying, Sand Pits, and Mineral Extraction	1000	8(DDD)	CD											D
RESIDENTIAL USES														
Bed and Breakfast Inn	7011	8(L)	D	D	D	D	D	Z	Z	Z				
Boarding and Rooming House	7021	8(M)						D	D	D	D			
Family Care Home	0000	8(CC)	D	D	D	D	D	D	D	D	D	D		
Group Care Facility	0000	8(KK)	CD	CD		CD	CD		CD	CD				
Halfway House	8361	8(LL)	CD	CD		CD	CD		CD	CD				
Homeless Shelter	0000	8(PP)									S			
Manufactured Home on Individual Lot	0000	8(WW)	D	D	D	D	D							
Manufactured Home Park, Major (5 or more units)	0000	8(YY)		S		S								
Manufactured Home, (Low Density Residential District (R40))	0000	8(XX)			D									
Manufactured Home Park, Minor (less than 5 units)	0000	8(YY)	D	D		D								
Modular Home	0000		Z	Z	Z	Z	Z							
Multifamily Dwelling, less than 5 units	0000	8(EEE)		D		D	D		D	D	D	D		
Multifamily Dwelling, 5 units or more	0000	8(EEE)				S	D			D	D	D		

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Planned Development	0000	8(JJJ)			D	D	D			D	D		
Single-Family Detached Dwelling	0000		Z	Z	Z	Z							
Temporary Shelter	0000	8(KKKK)				D	D		D	D	D		
Townhouse Dwelling	0000					Z	Z		Z				
Two-Family Dwelling (duplex)	0000			Z		Z	Z		Z				
ACCESSORY USES AND STRUCTURES													
Accessory Dwelling Unit	0000	8(C)	D	D	D	D	D						
Accessory Structures and Buildings (Noncontiguous)	0000	8(D)	D	D	D	D	D	D	D	D	D	D	D
Accessory Uses and Structures (customary)	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Caretaker Dwelling	0000	8(N)	D	D	D	D	D	D	D	D	D	D	D
Communication Tower Under 60' in Height	0000	8(S)	D	D	D	D				D	D	D	D
Emergency Shelter	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Home Occupation	0000		Z	Z	Z	Z	Z		Z			Z	Z
Rural Family Occupation	0000	8(VVV)	D	D	D								
Satellite Dish Antenna	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Solar Collector, Accessory	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Swimming Pool	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Temporary Health Care Structure	0000	8(TTTT)	D	D	D	D	D						
Wind Energy Facility, Accessory	0000	8(SSSS)	D	D	D	D	D	D	D	D	D	D	D
RECREATIONAL USES													
Amusement or Water Parks, Fairgrounds	7996	8(H)	D								D		
Athletic Fields	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Auditorium, Coliseum or Stadium	0000									Z	Z		
Batting Cages	7999	8(K)								D	D		
Billiard Parlor	7999									Z	Z		
Bingo Games	7999									Z	Z		

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *											
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI	
Bowling Center	7933									Z	Z			
Civic, Social, and Fraternal Associations	8641	8(Q)	D	D	D	D	D	Z	Z	Z	Z			Z
Coin Operated Amusement, except Adult Arcade	7993									Z	Z			
Country Club with Golf Course	7997	8(Y)	D	D	D	D	D	Z		Z	Z			
Dance School, Music Instruction	7911								Z	Z	Z			
Fortune Tellers, Astrologers	7999									Z	Z			
Go-Cart Raceway	7999	8(GG)								D	D			
Golf Course	7992	8(HH)	D	D	D	D	D	Z		Z	Z			
Golf Course, Miniature	7999									Z	Z			
Golf Driving Range	7999	8(II)								D	D			
Physical Fitness Center	7991								Z	Z	Z	Z		Z
Private Campground/RV Park	7033	8(KKK)	D	D				D		D	D			
Private Club or Recreation Facility, Other	7997	8(LLL)	D	D	D	D	D	Z		Z	Z			Z
Public Park or Recreational Facility, Other	7990	8(LLL)	D	D	D	D	D	Z	Z	Z	Z	D		Z
Race Track Operation	7948	8(NNN)	S											
Recreational Vehicles	0000	8(PPP)	D	D										
Riding Academy	7999	8(TTT)	D	D	D									
Shooting Range, Indoor	7999	8(BBBB)								D	D	D		D
Shooting Range, Outdoor	7999	8(CCCC)	S											S
Skating Rink	7999									Z	Z			Z
Sports and Recreation Club, Indoor	7997									Z	Z			
Swim and Tennis Club	7997	8(HHHH)	D	D	D	D	D			Z	Z			Z
EDUCATIONAL AND INSTITUTIONAL USES														
Ambulance Service	4119		Z						Z	Z	Z	Z		Z
Cemetery or Mausoleum on Same Property as Church	0000		Z	Z	Z	Z	Z		Z	Z	Z			

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *											
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI	
Cemetery or Mausoleum Not on Same Property as Church	0000	8(P)	D	D	D	D	D	D		D	D			
Church or Other Place of Worship	8661		Z	Z	Z	Z	Z	Z	Z	Z	Z			
College, University, Technical Institute	8220	8(R)	S	S	S				Z	Z	Z	Z	Z	
Miscellaneous Educational Services	8299		Z	Z		Z			Z	Z	Z			
Correctional Institution	9223	8(W)											CD	
Day Care Center, Adult and Child	8322	8(Z)	S	S	S	S	S		D	D				
Dare Care Facility, Residential	8322	8(Z)	S	S	S	S	S							
Elementary or Secondary School	8211	8(AA)	D	D	D	D	D		Z	Z	Z	Z	Z	
Fire Station/Emergency Medical Service	9224	8(EE)	D	D	D	D	D	Z	Z	Z	Z	Z	Z	
Government Office	9000								Z	Z	Z		Z	
Hospital	8062								Z	Z	Z			
Library	8231	8(UU)	D	D	D	D	D		Z	Z	Z			
Museum or Art Gallery	8412								Z	Z	Z			
National Guard /Military Reserve Center	0000								Z	Z	Z	Z	Z	
Nursing and Convalescent Home	8050	8(FFF)	D	D	D	D	D		Z	Z	Z			
Orphanage	8361	8(GGG)	D	D	D	D	D	Z	Z	Z	Z			
Law Enforcement Substation	9221		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Post Office	0000						Z	Z	Z	Z	Z	Z	Z	
Psychiatric Hospital	8063								Z	Z	Z			
Retreat/Conference Center	0000	8(SSS)	D	D	D				Z	Z	Z	Z	Z	
School Administration Facility	9411								Z	Z	Z	Z	Z	
Tutoring/Mentoring Center (less than 5 students)	8299		Z	Z		Z			Z	Z	Z			
BUSINESS, PROFESSIONAL and PERSONAL SERVICES														
Accounting, Auditing or Bookkeeping	8721								Z	Z	Z			
Administrative or Management Services	8740								Z	Z	Z			

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Advertising, Outdoor Services	7312								Z	Z	Z		
Automobile Parking (Commercial)	7521									Z	Z		
Automobile Rental or Leasing	7510									Z	Z		Z
Automobile Repair Services	0000							Z		Z	Z		Z
Automobile Towing Services	7549							Z		Z	Z		Z
Bank, Savings and Loan, or Credit Union	6000								Z	Z	Z		Z
Barber Shop	7241									Z	Z		
Beauty Shop	7231									Z	Z		
Blacksmith	7699		Z							Z	Z		Z
Boat Repair	3730									Z	Z		Z
Building Maintenance Services, No Outside Storage	7349									Z	Z	Z	Z
Car Wash	7542									Z	Z		
Clothing Alteration or Repair	0000									Z	Z		
Computer Maintenance and Repair	7378									Z	Z		
Computer Services	7370								Z	Z	Z		
Crematorium	7261									Z	Z	Z	Z
Employment Agency, Personnel Agency	7360								Z	Z	Z		
Engineering, Architect or Survey Service	8710								Z	Z	Z		
Equipment Rental and Leasing (no outside storage)	7350									Z	Z	Z	Z
Equipment Rental and Leasing (with outside storage)	7350									Z			Z
Equipment Repair, Heavy	7690									Z			Z
Equipment Repair, Light	7690								Z	Z	Z	Z	
Finance or Loan Office	6100								Z	Z	Z		
Funeral Home	7261								Z	Z	Z		
Furniture Refinishing	7641									Z	Z		Z
Furniture Repair Shop	7641									Z	Z		Z

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Hotel or Motel, except Adult Motel	7011									Z	Z		
Insurance Agency	6411								Z	Z	Z		
Kennels or Pet Grooming	0752	8(QQ)	D					Z		Z	Z		
Landscape and Horticultural Services	0780		Z							Z	Z		Z
Laundromat, Coin-Operated	7215									Z	Z		
Laundry or Dry Cleaning Plant	7211									Z	Z		Z
Law Office	8111								Z	Z	Z		
Medical, Dental or Related Office	8000								Z	Z	Z		
Medical or Dental Laboratory	8071								Z	Z	Z	Z	Z
Miscellaneous Services, Not Listed	7699									Z	Z		
Motion Picture Production	7810											Z	Z
Office Uses Not Otherwise Classified	0000								Z	Z	Z		
Oversized Vehicle Parking (Commercial)	7521	8(VVVV)	CD							D	D	D	D
Pest or Termite Control Services	7342									Z	Z	Z	Z
Pet Cemetery/Crematorium	6553		Z							Z	Z		
Photocopying and Duplicating Services	7334									Z	Z		Z
Photofinishing Laboratory	7384											Z	Z
Photography, Commercial Studio	7335									Z	Z		Z
Real Estate Office	6500								Z	Z	Z		
Recording Studio	7389									Z	Z		
Refrigerator or Large Appliance Repair	7623									Z	Z		Z
Research, Development or Testing Services	8730									Z	Z	Z	Z
Shoe Repair or Shoeshine Shop	7251									Z	Z		
Tattoo Parlor	7299									Z	Z		
Taxidermist	7699		Z					Z		Z	Z		
Television, Radio or Electronics Repair	7620									Z	Z		
Theater (indoor), except Adult Theater	7832									Z	Z		

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *											
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI	
Theater (outdoor), except Adult Theater	7833	8(LLLL)								D	D			
Tire Recapping	7534									Z	Z		Z	
Truck Driving School	8249										Z		Z	
Truck and Utility Trailer Rental and Leasing	0000										Z		Z	
Truck Washing	7542										Z		Z	
Veterinary Clinic	0742	8(PPPP)	D	D				Z	Z	Z	Z	Z	Z	
Vocational, Business or Secretarial School	8240								Z	Z	Z	Z	Z	
Wedding/Event Facility	7299	8(RRRR)	S	S	S			D	D	D	D	D	D	
Welding Shop	7699		Z							Z	Z		Z	
RETAIL TRADE														
ABC Store (liquor)	5921									Z	Z			
Antique Store	5932									Z	Z			
Appliance Store	5722									Z	Z			
Arts and Crafts	0000									Z	Z			
Auto Supply Sales	5531									Z	Z			
Bakery	5461									Z	Z			
Bar, Night Club, Tavern	5813									Z	Z			
Boat Sales	5551										Z		Z	
Bookstore, except Adult Bookstore	5942									Z	Z			
Building Supply Sales	5211									Z	Z		Z	
Computer Sales	5734									Z	Z			
Convenience Store	5411	8(V)	D					Z		Z	Z		Z	
Department, Variety or General Merchandise	5300									Z	Z			
Drugstore	5912									Z	Z			
Fabric or Piece Goods Store	5949									Z	Z			
Farm Supplies and Equipment	0000	8(DD)	D					Z		Z	Z		Z	
Floor Covering, Drapery or Upholstery	5710									Z	Z		Z	

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Florist	5992									Z	Z		
Food Store	5400							Z		Z	Z		
Fuel Oil Sales	5980							Z		Z	Z		Z
Furniture Sales	5712									Z	Z		
Garden Center or Retail Nursery	5261		Z					Z		Z	Z		
Hardware Store	5251	8(MM)	D							Z	Z		
Home Furnishings, Miscellaneous	5719									Z	Z		
Manufactured Home Sales	5271	8(ZZ)									D		D
Miscellaneous Retail Sales	5999									Z	Z		
Motor Vehicle Sales (new and used)	5511									Z	Z		Z
Motorcycle Sales	5571									Z	Z		Z
Musical Instrument Sales	5736									Z	Z		
Newsstand	5994									Z	Z		
Office Machine Sales	5999									Z	Z		
Optical Goods Sales	5995									Z	Z		
Paint and Wallpaper Sales	5231									Z	Z		
Pawnshop or Used Merchandise Store	5932									Z	Z		
Pet Store	5999									Z	Z		
Record and Tape Store	5735									Z	Z		
Recreational Vehicle Sales	5561									Z	Z		
Restaurant (with drive-thru)	5812									Z	Z		Z
Restaurant (without drive-thru)	5812	8(RRR)	D							Z	Z		Z
Service Station, Gasoline Sales	5541	8(YYY)	D					Z		Z	Z	Z	Z
Sporting Goods Store, Bicycle Shop	5941									Z	Z		
Tire Sales	5531									Z	Z		Z
Truck Stop	5541									Z			Z

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Video Tape Rental and Sales, except Adult Video Store	7841									Z	Z		
WHOLESALE TRADE													
Agricultural Chemicals, Pesticides or Fertilizers	5191	8(E)	D					Z					Z
Agricultural Products, Other Including Tobacco Auction Warehousing	5159	8(E)	D					Z					Z
Ammunition	5099												Z
Animals and Animal Products, Other	5159	8(E)	D					Z					Z
Apparel, Piece Goods and Notions	5130									Z	Z	Z	Z
Beer, Wine or Distilled Alcoholic Beverages	5180									Z	Z	Z	Z
Books, Periodicals and Newspapers	5192									Z	Z	Z	Z
Chemicals and Allied Products	5169												Z
Drugs and Sundries	5122									Z	Z	Z	Z
Durable Goods, Other	5099									Z	Z	Z	Z
Electrical Goods	5060									Z	Z	Z	Z
Farm Supplies, Other	5191	8(DD)	D					Z		Z	Z	Z	Z
Flowers, Nursery Stock and Florist Supplies	5193	8(FF)	D					Z		Z	Z	Z	Z
Forest Products	5099	8(FF)	D					Z					Z
Furniture and Home Furnishings	5020									Z	Z	Z	Z
Grain and Field Beans	5153	8(JJ)	D					Z					Z
Groceries and Related Products	5140									Z	Z	Z	Z
Hardware	5072									Z	Z	Z	Z
Jewelry, Watches, Precious Stones and Metals	5094									Z	Z	Z	Z
Livestock	5154	8(VV)	D					Z					Z
Lumber and Other Construction Materials	5030	8(VV)	D					Z					Z
Lumber, Millwork and Veneer	5031												Z
Machinery, Construction and Mining	5082												Z

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Machinery, Equipment and Supplies	5080										Z	Z	Z
Machinery, Farm and Garden	5083	8(VV)	D					Z		Z	Z	Z	Z
Market Showroom (furniture, apparel, etc.)	0000									Z	Z	Z	Z
Metals	5051												Z
Minerals	5052	8(CCC)	D										Z
Miscellaneous Wholesale Not Elsewhere Classified	5199												Z
Motor Vehicles	5012											Z	Z
Motor Vehicles, Parts and Supplies	5010										Z	Z	Z
Motor Vehicles, Tires and Tubes	5014										Z	Z	Z
Paints and Varnishes	5198										Z	Z	Z
Paper and Paper Products	5110									Z	Z	Z	Z
Petroleum and Petroleum Products	5170	8(III)											D
Plastic Materials	5162										Z	Z	Z
Plumbing and Heating Equipment	5070										Z	Z	Z
Professional and Commercial Equipment and Supplies	5040									Z	Z	Z	Z
Resins	5162												Z
Scrap and Waste Materials	5093												Z
Sporting and Recreational Goods and Supplies	5091									Z	Z	Z	Z
Tobacco and Tobacco Products	5194	8(MMMM)	D					Z		Z	Z	Z	Z
Toys and Hobby Goods and Supplies	5092									Z	Z	Z	Z
Wallpaper and Paint Brushes	5198									Z	Z	Z	Z
TRANSPORTATION, WAREHOUSING AND UTILITIES													
Airport or Air Transportation Facility	4500	8(F)	CD										CD
Bulk Mail and Packaging	4212										Z	Z	
Bus Terminal	4100									Z	Z		

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Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Communication or Broadcasting Facility	4800									Z	Z	Z	Z
Courier Service	4215									Z	Z	Z	Z
Data Processing Facility (Large Scale)	7370	8(UUUU)	CD							CD	CD	D	D
Farm Product Warehousing and Storage	4221	8(DD)	D					D					Z
Hazardous and Radioactive Waste (transportation, storage and disposal)	4953	8(NN)											CD
Heliport	4522	8(OO)										CD	CD
Landfill, Construction and Demolition	0000	8(RR)	CD								CD		CD
Landfill, Land Clearing and Inert Debris	0000	8(RR)	CD								CD		CD
Landfill, Sanitary/Solid Waste	0000	8(RR)	CD								CD		CD
Landing Strip, Flying Field	0000	8(SS)	CD										CD
Marina	4493	8(AAA)	D							Z	Z		
Moving and Storage Service	4214											Z	Z
Outside Bulk Storage	0000												Z
Radio, Television or Communication Tower Over 60' In Height	0000	8(OOO)	D	D	D	D	D	D	D	D	D	D	D
Railroad Terminal or Yard	4010												Z
Recycling Materials Collection/Processing Operations	0000												Z
Refrigerated Warehousing	4222												Z
Refuse and Raw Material Hauling	4212	8(QQQ)										CD	CD
Sewage Treatment Plant	4952	8(ZZZ)	CD	CD						CD	CD	D	D
Solar Energy Facility	0000	8(EEEE)	CD	CD						CD	D	D	D
Solid Waste Disposal (non-hazardous)	4953	8(FFFF)	CD										D
Taxi Terminal	4121									Z	Z		
Trucking or Freight Terminal	4213										Z	Z	Z
Utility Company Office	0000								Z	Z	Z	Z	Z
Utility Equipment and Storage Yards	0000								Z	Z	Z	Z	Z

* Z = Permitted by Right; D = Permitted with Development Standards; S = Special Use Permit Required; CD = Conditional Zoning District Required; E= Exempt; Blank = Not Permitted

5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Utility Lines	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Utility Service Facility (no outside storage)	0000									Z	Z	Z	Z
Utility Related Appurtenances	0000	8(0000)	D	D	D	D	D	Z	Z	Z	Z	Z	Z
Warehouse (general storage, enclosed)	4220									Z	Z	Z	Z
Warehouse (self-storage)	4225									Z	Z	Z	Z
Water Treatment Plant	0000	8(QQQQ)	CD	CD	CD	CD	CD			CD	CD	D	D
MANUFACTURING and INDUSTRIAL USES													
Aircraft and Parts	3720											Z	Z
Ammunition, Small Arms	3482	8(G)											S
Animal Feeds (including dog and cat)	2048												Z
Animal Slaughter or Rendering	0000	8(J)											S
Apparel and Finished Fabric Products	2300											Z	Z
Arms and Weapons	3480											Z	Z
Asbestos, Abrasive and Related Products	3290												Z
Asphalt Plant	2951												Z
Audio, Video and Communications Equipment	3600											Z	Z
Bakery Products	2050											Z	Z
Batteries	3691											Z	Z
Beverage Products (alcoholic)	2080											Z	Z
Beverage Products (nonalcoholic)	2086											Z	Z
Bicycle Assembly, Parts and Accessories	3751											Z	Z
Boat and Ship Building	3730											Z	Z
Brooms and Brushes	3991											Z	Z
Burial Caskets	3995											Z	Z
Chemicals, Paints and Allied Products	2800												Z
Coffee	2095											Z	Z
Computer and Office Equipment	3570											Z	Z

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Concrete, Cut Stone and Clay Products	3200												Z
Contractors (no outside storage)	0000		Z					Z	Z	Z	Z	Z	Z
Contractors, General Building	1500	8(U)	D					D		D	D	Z	Z
Contractors, Heavy Construction	1600	8(U)								D			Z
Contractors, Special Trade	1700	8(U)	D					D		D	D	Z	Z
Costume Jewelry and Notions	3960											Z	Z
Cotton Gin	0724	8(X)	D										Z
Dairy Products	2020											Z	Z
Drugs	2830											Z	Z
Electrical Components	3670											Z	Z
Electrical Equipment	3600											Z	Z
Electrical Industrial Apparatus, Assembly	3620											Z	Z
Electrical Industrial Apparatus, Manufacturing	3620											Z	Z
Explosives	2892	8(BB)											D
Fabricated Metal Products	3400											Z	Z
Fabricated Valve and Wire Products	3490											Z	Z
Fats and Oils, Animal	2077												Z
Fats and Oils, Plant	2070												Z
Fish, Canned, Cured or Frozen	2091												Z
Floor Coverings (excluding carpet)	3996											Z	Z
Food and Related Products, Miscellaneous	2090											Z	Z
Furniture and Fixtures	2500											Z	Z
Furniture and Fixtures Assembly	0000											Z	Z
Furniture Framing	2426											Z	Z
Glass	3200											Z	Z
Glass Products from Purchased Glass	3231											Z	Z
Grain Mill Products	2040	8(JJ)	D										Z

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Heating, Equipment and Plumbing Fixtures	3430											Z	Z
Household Appliances	3630											Z	Z
Ice	2097										Z	Z	Z
Industrial and Commercial Machinery	3500											Z	Z
Jewelry and Silverware (no plating)	3910											Z	Z
Leather and Leather Products (no tanning)	3100											Z	Z
Leather and Leather Products (tanning)	3100	8(TT)											D
Lighting and Wiring Equipment	3640											Z	Z
Manufactured Housing and Wood Buildings	2450											Z	Z
Measurement, Analysis and Control Instruments	3800											Z	Z
Meat and Poultry, Packing and Processing (no rendering)	2010											Z	Z
Medical, Dental and Surgical Equipment	3840											Z	Z
Metal Coating and Engraving	3470	8(BBB)											D
Metal Fasteners (screws, bolts, etc.)	3450											Z	Z
Metal Processing	3350												Z
Millwork, Plywood and Veneer	2430												Z
Miscellaneous Manufacturing Industries, not elsewhere listed	0000												Z
Motor Vehicle Assembly	3710												Z
Motor Vehicle Parts and Accessories	3714												Z
Motorcycle Assembly	3751												Z
Musical Instruments	3930											Z	Z
Paper Products	2670											Z	Z
Paperboard Containers and Boxes	2650												Z
Pens and Art Supplies	3950											Z	Z
Petroleum and Related Industries	2900	8(III)											D

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *										
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
Pharmaceutical Preparations	2834											Z	Z
Photographic Equipment	3861											Z	Z
Photographic Supplies	3861											Z	Z
Pottery and Related Products	3260											Z	Z
Preserved Fruits and Vegetables (no can manufacture)	2030											Z	Z
Primary Metal Products and Foundries	3300												Z
Printing and Publishing	2700									Z	Z	Z	Z
Pulp and Paper Mills	2610	8(MMM)											D
Rubber and Plastics, Miscellaneous	3000	8(UUU)											D
Salvage Yards, Auto Parts	5015	8(WWW)	CD										D
Salvage Yards, Scrap Processing	5093	8(WWW)											D
Sawmill or Planing Mills	2420	8(XXX)	D										Z
Signs	3993											Z	Z
Soaps and Cosmetics	2840											Z	Z
Sporting Goods and Toys	3940											Z	Z
Sugar and Confectionery Products	2060											Z	Z
Surface Active Agents	2843											Z	Z
Textile Products (no dying and finishing)	2200											Z	Z
Textile Products (with dying and finishing)	2260											Z	
Tires and Inner Tubes	3011											Z	Z
Tobacco Products	2110											Z	Z
Wood Containers	2440												Z
Wood Products, Miscellaneous	2490												Z
OTHER USES													
Animal Shelter	0752	8(I)	D									Z	Z
Arts and Crafts Shows	0000		Z	Z	Z	Z				Z	Z	Z	Z

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5-1 Pitt County Table of Permitted Uses

Use Type	References		Zoning Districts *											
	SIC	Sec. 8	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI	
Automobile Parking On Same Lot As Principal Use	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Billboards, Advertising Signs	0000									Z	Z	Z	Z	Z
Carnivals and Fairs	7999	8(O)	D							D	D	D	D	D
Christmas Tree Sales	0000		Z	Z	Z	Z	Z			Z	Z	Z	Z	Z
Concerts, Stage Shows	7920	8(T)	D							Z	Z	Z	Z	Z
Conventions, Trade Shows	0000									Z	Z	Z	Z	Z
Emergency Shelter	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Horse Shows	7999		Z	Z				Z						
Outdoor Flea Markets	5932	8(HHH)	D					Z		Z	Z			
Outdoor Fruit and Vegetable Markets	5431		Z	Z	Z			Z		Z	Z			
Outdoor Religious Events	0000		Z	Z				Z	Z	Z	Z	Z	Z	Z
Sexually-Oriented Business	0000	8(AAAA)								S	S			
Shopping Center	0000	8(DDDD)								D	D			
Special Temporary Event	0000	8(GGGG)	D	D	D	D	D	D	D	D	D	D	D	D
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)	0000		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Temporary Emergency, Construction, and Repair Residence	0000	8(JJJJ)	D	D	D	D	D	D	D	D	D	D	D	D
Turkey Shoots	0000	8(NNNN)	D											D

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Section 6. Density and Dimensional Requirements

Within the zoning districts as shown on the Official Zoning Map all of the following requirements shall be complied with:

A. Conventional Zoning Districts

1. *Density and Dimensional Requirements:* The density and dimensional requirements for all of the conventional zoning districts are found in Table 6-1.
2. *Cluster Developments:*
 - a. *Cluster Option:* The cluster development option may be used in any RR, RA, R40, SR or MFR zoning district if the tract to be developed is ten acres or larger in area for those properties zoned SR & MFR and a minimum of twenty-five acres for properties zoned RR, RA & R40.
 - b. *Purpose:* The regulations of this section are intended to encourage design that minimizes land disturbance promoting the grouping of building lots for greater protection of natural resources than in conventional development design. These development types are intended to encourage the preservation of Open Space, reduce stormwater run-off and help preserve the area's rural or agricultural character.
 - c. *Development Standards:* The cluster development standards of this section require that a specified portion of each development be set aside and permanently preserved as Open Space. The required Open Space area within cluster developments can be used to provide recreational opportunities for the development's residents, to conserve and protect significant natural resources, or to conserve productive farming and forestry uses.

In a cluster subdivision development lots smaller than the minimum lot size permitted in the zoning district are allowed provided such lots are developed in accordance with the following:

i. Open Space Area Standards

- (1) The total amount of land set aside as Open Space areas shall be comprised of a minimum of 15% of the total land area in the development.
- (2) Open Space areas should prioritize sensitive environmental features and/or significant cultural resource areas (e.g., wetlands, riparian areas, hydric soils, mature trees and forests, cropland, pastures, meadows) for preservation.
- (3) Open Space shall be placed in undivided preserves which adjoin housing areas and property lines that have been designed more compactly to create larger conservation areas. Such undivided Open Space shall be accessible to the largest number of lots within the development. To achieve this, the majority of lots should abut undivided Open Space to provide residents with direct views and access. Safe and convenient pedestrian access to the Open Space from all adjoining lots shall be provided, except in the case of farmland or other resource areas vulnerable to human disturbance.
- (4) Where undivided Open Space is designated as separate non-contiguous parcels, no parcel shall consist of less than one acre, except such areas that are specifically designed for neighborhood commons/greens, playfields, buffers, watercourses, wildlife corridors or trail links.

Table 6-1 Table of Density and Dimensional Requirements

	RA	RR	R40	SR	MFR	RC	OI	GC	HC	LI	GI
<i>Minimum Lot Area</i>											
Single-family dwelling											
Septic system	30,000	25,000	40,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Water & sewer	N/A	25,000	40,000	12,500	10,000	N/A	N/A	N/A	N/A	N/A	N/A
Two-family dwelling											
Septic system	N/A	37,500	N/A	N/A	22,500	N/A	22,500	22,500	N/A	N/A	N/A
Water & sewer	N/A	37,500	N/A	18,750	15,000	N/A	15,000	15,000	N/A	N/A	N/A
Multifamily dwelling											
Sq. ft./du 1 acre or less											
1st dwelling unit	N/A	25,000	N/A	12,500	10,000	N/A	10,000	10,000	N/A	N/A	N/A
2nd dwelling unit	N/A	12,500	N/A	6,250	5,000	N/A	5,000	5,000	N/A	N/A	N/A
Each add'l dwelling unit	N/A	12,500	N/A	4,135	2,856	N/A	2,856	2,856	N/A	N/A	N/A
Sq. ft./du each acre after 1	N/A	N/A	N/A	5,445	3,630	N/A	3,360	3,630	N/A	N/A	N/A
Maximum density per ac.	N/A	N/A	N/A	8 du/ac	12 du/ac	N/A	12du/ac	12 du/ac	N/A	N/A	N/A
Other permissible uses	a	40,000	40,000	20,000	15,000	a	a	a	a	a	a
<i>Minimum Lot Width</i>											
Lot w/ septic system	100	100	100	100	100	100	100	100	100	100	100
Lot w/ water & sewer	80	80	80	75	80	100	100	100	100	100	100
Cul-de-sac bulb lot	40	40	40	40	40	40	40	40	40	40	40
Flag lot	40	40	40	40	40	40	40	40	40	40	40
Principal Bldg. Setback											
Road right-of-way b											
US or NC Highway; State-Maintained Roads d	40	40	40	40	40	40	40	40	40	40	40
Interior Subdivision Roads	30	30	30	30	30	30	30	30	30	30	30
Property line	10	10	10	10	10	10	10	10	10	10	10
Accessory Bldg. Setback											
Road right-of-way b	40	40	40	40	40	40	40	40	40	40	40
Property line	5	5	5	5	10	10	10	10	10	10	10
Building Height	c	c	c	c	c	c	c	c	c	c	c

N/A Not applicable.

a Or as determined by the Pitt County Environmental Health Division for on-site septic systems, applicable parking and screening requirements (Section 10), and applicable public water supply watershed regulations (Section 7(A)).

b Corner lots shall be required to provide a road setback along all similarly classified side roads. Double frontage lots shall provide the applicable road setback along both road frontages.

c No maximum building height. However, all building setbacks shall increase one foot for every foot in height between 50 feet and 80 feet. No additional setback is required for buildings greater than 80 feet in height.

d Excludes Interior Subdivision Roads that are State-maintained.

du/ac Dwelling units per gross acre.

*Side setbacks on corner lots must comply with the front setback requirements from the road right-of-way.

Notes:

1. Permitted residential uses in nonresidential districts shall comply with the MFR density and dimensional requirements outlined in Table 6-1.
2. Setback distances shall be measured from the road right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 6(C)(3)).
3. Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.
4. For property located within a watershed protection overlay district, see Section 7(A) for maximum density and built-upon area requirements.

- (5) Septic systems and/or well sites as approved by the Pitt County Environmental Health Department may be located in an Open Space area that does not contain sensitive environmental features provided it does not occupy more than one quarter of the overall Open Space area.
- (6) Open Space area lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Open Space areas shall be dedicated to the State of North Carolina, a private non-profit land conservancy or a homeowner's association.

ii. Site Design Standards

- (1) Each lot must contain a buildable area of sufficient size to accommodate dwellings and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, driveways, septic systems including repair areas and well sites.
- (2) Lots should be located on suitable soils (non-hydric, non-riparian, etc.) so that they pose minimum impact on sensitive environmental Open Space areas.
- (3) Provided the arrangement, design, and shape of lots is such that lots provide satisfactory and desirable sites for buildings and contribute to the preservation of Open Space; minimum lot sizes, and dimensional requirements may be permitted as specified in the table below:

Open Space Provided	Minimum Lot Size Reduction	Minimum Lot Width	Minimum Setbacks (Interior Subdivision Roads)	Minimum Setbacks (US or NC Highways)
15%-20% (of total site)	10%	90'	F-30'	F-40'
21% - 30% (of total site)	20%	80'	F-25'	F-35'
Over 30% (of total site)	30%	70'	F-20'	F-30'

- (4) Minimum lot frontage requirements for lots fronting on cul-de-sacs and "T" turnarounds shall be 40' (in conformance with Table 6-1).
- (5) Larger lots (>40,000 square feet) shall be clustered against tree lines and Open Space areas. Such lots should use shared driveways for access.
- (6) Roads shall be designed to provide internal access to all lots in the subdivision. The use of flag lots, private roads and shared driveways shall access existing state-maintained roads only via public subdivision roads providing internal access to lots in the subdivision.
 - (a) The recorded final subdivision plat of any development that includes a private road or shared driveway shall clearly state that such road/driveway is private. Further, the initial purchasers of a newly-created lot served by a private road or driveway shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road/driveway, in accordance with the requirements set forth in N.C.G.S. § 136-102.6.
 - (b) When a shared driveway is used for access, such driveway shall provide access to no more than two (2) lots.
 - (c) The travel portion of a private shared driveway shall be no less than twenty (20) feet in width and shall have no obstructions within five (5) feet of the edge of the travel way. The private driveway access easement shall be

shown as a minimum thirty (30) foot wide private driveway access easement on the recorded final subdivision plat.

(7) Cluster subdivisions located along US or NC Highway rights-of-ways shall incorporate a 50-foot wide buffer between the highway right-of-way and the boundary of the individual platted lots.

(a) Landscaping requirements of the 50-foot wide buffer shall be composed of existing vegetation where possible, a combination of existing vegetation and new plantings or all new plantings where no vegetation exists.

(b) The 50-foot wide buffer shall consist of vegetation calculated at minimum of three canopy trees or six understory trees per 50 linear feet of buffer yard, and ten shrubs per 50 linear feet of buffer yard. A 'canopy tree' is a variety expected to reach a height in excess of 30 feet at maturity. 'Understory tree' is a variety not expected to reach a height of 30 feet at maturity. All plantings must be a minimum of 50% evergreen.

d. *Cluster Development in Watershed Protection Overlay Districts:* Cluster development within watershed protection overlay districts is allowed provided that the provisions of Section 7(A) are met.

e. When the cluster development option is employed in nonresidential districts, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of the MFR zoning district except that the minimum lot area may be decreased to 7,500 square feet.

3. *Zero Side Setback*

a. *Zero Side Setback Option:* Zero side setback development may be used in any district which permits single-family uses if the development contains ten or more contiguous lots and is served by public sanitary sewer. Zero side setbacks and proposed building locations must be delineated on the approved subdivision plat.

b. *Development Standards*

i. Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.

ii. A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero side setback lot line.

iii. Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.

4. No lot created after the effective date of this Ordinance that is less than the lot width required in Table 6-1 shall be entitled to a variance from any building setback requirement.

5. Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.

B. *Accessory Uses, Buildings and Structures*

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in Table 5-1,

Permitted Use Table may have additional development requirements found in Section 8, Development Standards for Individual Uses.

1. *Setback Requirements*

- a. *Road*: No encroachment in the road setback is permitted.
- b. *Side and Rear*: If the gross floor area (GFA) of the accessory structure or building is less than six hundred square feet, the structure or building may be located from a side or rear line as delineated in Table 6-1, Accessory Building Setback. If the GFA of the accessory structure is six hundred square feet or greater, it must meet the setback requirements of the principal building(s) as outlined in Table 6-1.

2. *Location*

- a. All Districts: Accessory structures and buildings may be in front of the principal structure but in no case may they encroach in the road building setback.
- b. All Districts: No accessory structure or building except utility substations shall be erected in any easements.
- c. Customary accessory structures and buildings may be located on a noncontiguous tract or parcel without an established principal use and are subject to the development standards found in Section 8(D) of this ordinance.

3. *Height*

No maximum building height. However, all accessory building setbacks shall increase one foot for every foot in height over 15 feet.

4. *Accessory Use Area*

The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building. Any other nonresidential accessory use in a residential zoning district shall not exceed twenty-five percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.

C. *Supplementary Dimensional Requirements*

1. *Structures Permitted Above Height Limits*

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

2. *Prevailing Road Setback*

Where fifty percent or more of the lots in a recorded subdivision on the same side of the road as the lot in question are developed with less than the required road setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

3. *Encroachments into Required Setbacks*

- a. *Encroachments Permitted in Required Setback:* The following are permitted in required setbacks provided there is no interference with any sight area:
 - i. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - ii. At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls;
 - iii. Handicapped ramps.
- b. *Structures Permitted in Required Setbacks:* The following structures may encroach into any required setback:
 - i. Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
 - ii. Porches and decks may encroach into the required road and rear setbacks as follows:

Porch or Deck Type	Yard	Maximum Encroachment	Maximum Area
Covered or Uncovered	Road	3 feet	50 Sq. Ft.
Uncovered only	Rear	50% of setback	-

- c. *Canopy Projections:* Gas station and convenience store pump island canopies may be located in the road setback provided that no equipment or part of a canopy is located closer than fifteen feet to a road right-of-way line if the pump island is parallel to the road right-of-way or 50 feet if the pump island is perpendicular to the road right-of-way.

4. *Easement Encroachments*

- a. *Utility Easements:* In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.
- b. *Drainage Maintenance and Utility Easements:* Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.

5. *Setbacks from Thoroughfares*

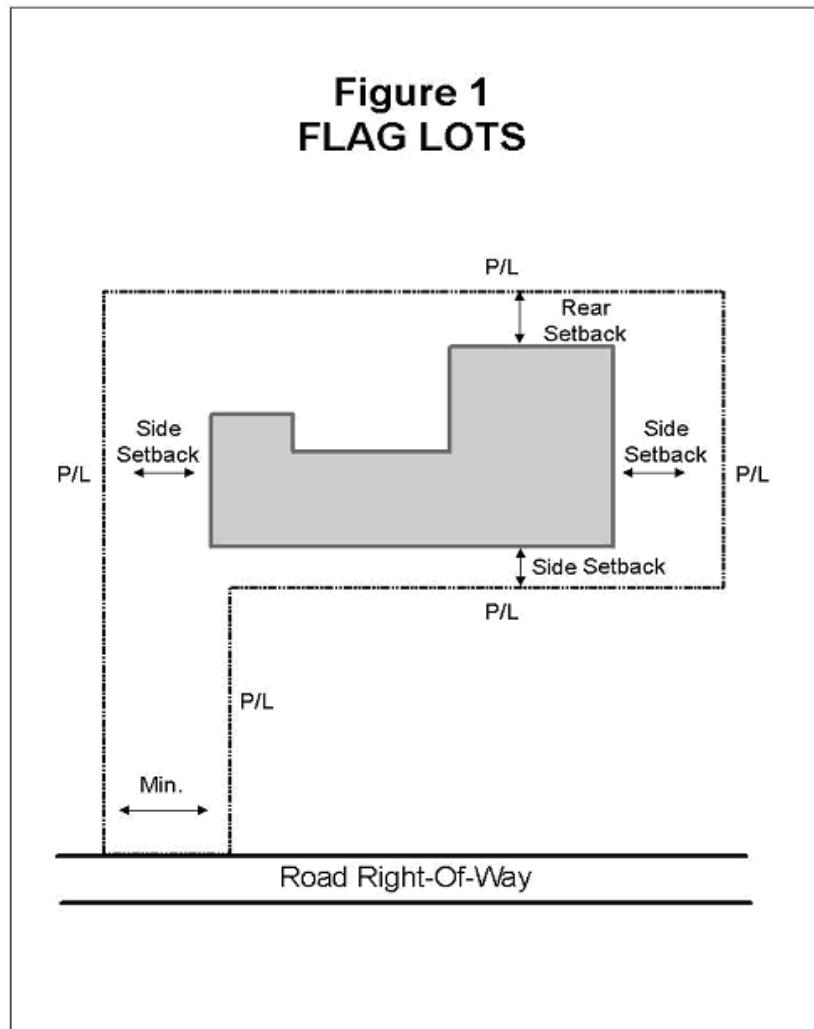
Where proposed road alignments have been established, in accordance with an adopted Thoroughfare Plan, building setbacks shall be measured from the future right-of-way line of the proposed road.

6. *Setbacks from Private Roads*

Building setbacks from approved private roads shall be the same distance as specified in Table 6-1 but shall be measured from the private road right-of-way, private road easement, or the boundary line of the common area reserved for the private road.

7. *Setbacks on Flag Lots*

Building setbacks on 'flag lots' shall be provided as illustrated in Figure 1. The 'flagpole' portion of this type of lot shall not be used to calculate building setbacks.



8. *Visibility at Intersections*

No building, structure, wall, fence, shrub or tree shall be erected, maintained, or planted on any lot which will allow an obstruction in the horizontal or vertical sight distance area as defined in Section 15, Definitions and Word Interpretations.

D. General Lot Requirements

1. Principal Buildings Per Lot

Every building hereafter erected or moved shall be located on a buildable lot and in no case shall there be more than one principal residential building and its accessory buildings on a buildable lot except as provided below.

- a. *Nonresidential Group Development*: Two or more principal nonresidential buildings are permitted on a lot pursuant to a site plan approved by the Planning Director, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.
- b. *Residential Group Development*: Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the Planning Director, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.
- c. *Manufactured Home Park*: Three or more principal buildings are permitted in a manufactured home park pursuant to a site plan approved in accordance with the provisions of Section 8(WW).
- d. *Two or More Single-family Dwellings on a Single Tract*: Two or more principal single-family residences are permitted on a single, unsubdivided tract pursuant to a site plan approved by the Zoning Administrator, provided that the tract contains sufficient lot area, lot width, and building setbacks for each dwelling. Location of the dwellings on the single tract shall be such that, in the event that the tract is subdivided, each dwelling unit will be situated on a freestanding lot that meets all of the dimensional requirements for the district in which located.

Every principal residential structure shall be situated on a buildable lot that contains the minimum lot area, lot width, and building setbacks that are required for the zoning district in which located. A site plan, submitted to and approved by the Zoning Administrator, shall be required whenever two or more principal structures are proposed to be located a single parcel or tract.

2. Road Access Requirements

- a. *Access to Public Road Required*: No building or structure shall be constructed, erected, or placed on a lot that does not abut and have direct access to a publicly maintained road or to an approved private road, except as provided in this Section. Buildings or structures constructed, erected, or placed on a lot that is exempt from the subdivision definition are not subject to these requirements.
- b. *Single-Family Detached Cluster Development*: Private roads, approved in accordance with the requirements of the Section 141(C) of the Subdivision Ordinance, Planning & Development Services Ordinance No. 12, of the Pitt County Code, may be used to meet access requirements for lots in single-family detached cluster developments and for single-family lots in planned developments, provided the development as a whole abuts and has direct access to a publicly maintained road.
- c. *Townhouse and Planned Developments*: Individual parcels shall have right of access through common areas containing private roads and/or private drives at least twenty-four feet in width leading to a publicly maintained road. Individual parcels may have direct access to a publicly maintained road with Planning Director approval.

- d. *Manufactured Home Park*: Manufactured home park lots or spaces developed in accordance with Section 8(WW).
- e. *Nonresidential Group Development*: Individual parcels, whether leased or sold, in a group development shall have shared rights of access along private roads and/or along private drives at least twenty-four feet in width leading to a publicly maintained road. Maintenance of all private roads and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.

3. *Group Development*

- a. *Parking and Landscaping*: A nonresidential group development shall be treated as a single lot for purposes of providing required off-road parking and required planting yards, even if outparcels for sale are included within the development.
 - i. If the entire development meets the total off-road parking requirement, it is not required that each parcel provide all the required parking for the use thereon.
 - ii. If required buffer yards are provided along the development perimeter, including road frontages, and requirements for parking lot planting are met, buffer yards are not required along property lines and lease lines between two parcels within the group development.

- b. *Plat and Notice Requirements*: If the owner of a development elects to organize it in a group development, a subdivision plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-road parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a group development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

4. *Water and Sewage Disposal Requirements*

Every structure intended for human occupancy shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the proposed use of the lot and (ii) complies with all applicable health regulations.

E. *Lot Size Reduction Prohibitions*

1. *Single Lot*

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

2. *Buildable Lot*

Where two or more contiguous lots in one ownership collectively form a buildable lot, that lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased. An Instrument of Combination (or similar document or procedure) shall be prepared and recorded where two or more contiguous lots in one ownership collectively form a buildable lot.

3. *Exemption*

These prohibitions shall not apply to county, municipal or state acquisition of land.

F. *Special Purpose Lots*

Requirements of this Ordinance with respect to road frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, mail cluster box units, off-site septic systems, sewer lift stations, and similar utility uses. The subdivision to create the special purpose lot shall be approved in accordance with the procedures of the Subdivision Ordinance, Planning & Development Ordinance No. 12, of the Pitt County Code, and such lots shall comply with the requirements below:

1. *Minimum Size*

The special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.

2. *Access Easement*

If the special purpose lot does not have direct access to a public road, an easement for ingress and egress with a minimum width of ten feet shall be platted and recorded. If the special purpose lot is designated for an off-site septic system, it shall comply with all applicable requirements for sewage disposal in accordance with the Pitt County Environmental Health Division and the provisions of the Subdivision Ordinance, Planning & Development Ordinance No. 12, of the Pitt County Code.

G. *Planned Development*

A planned development is an area of land under unified ownership or control to be developed and improved as a whole under a unified development plan in accordance with the requirements of this Section and in accordance with the procedures and standards of the Subdivision Ordinance, Planning & Development Ordinance No. 12, of the Pitt County Code. The planned development regulations are designed to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

1. *Relationship to Other Applicable Regulations*

A planned development shall be subject to all of the applicable standards, procedures and regulations of this Ordinance except as varied or changed by the express terms of this Section and Section 8(HHH).

2. *Dimensional Requirements*

The minimum lot area requirements for individual lots may be reduced, but in no case may an individual lot area be reduced such that it is less than 75 percent of the minimum lot size delineated in Table 6-1 for the underlying zoning district in which the planned development is located. For planned developments in the GC district, minimum lot sizes for residential uses shall not be reduced to less than 7,500 square feet in area. Each lot created within a planned development shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

The overall residential density of a planned development shall not exceed that normally permitted in the underlying zoning district. Building setback requirements are waived except that lots and structures within 150 feet of the perimeter of the planned development shall be in harmony with development on adjacent lands. No commercial use shall be permitted within 150 feet of the perimeter of the planned development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned development.

3. Review and Approval Procedures

The procedure for approval of a planned development shall combine the special use permit review process and the subdivision plat review process. A master site plan for the entire development shall be prepared and submitted along with a preliminary plat of those portions of the planned development which will be subdivided. Submission and review procedures for special use permit requests are described in Section 3. Specific development standards for a planned development are delineated in Section 8(HHH). A final approved plat is necessary prior to issuance of a certificate of zoning compliance.

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Section 7. Overlay District Provisions and Special Purpose Regulations

A. Watershed Protection Overlay District Regulations

The watershed protection overlay districts, as described in Section 4(C)(2), are designed to protect designated public water supply watersheds from activities which could degrade water quality. These separate watershed protection overlay districts have been established: WCA, Critical Area Overlay District and WPA, Protected Area Overlay District. Both of these watershed overlay districts are within a public water supply watershed that has been classified by the State of North Carolina as a WS-IV watershed. The purpose of this Section is to implement the provisions of the Water Supply Watershed Protection Act (NCGS 143-214.5) which requires Pitt County to adopt minimum land use regulations to protect water quality of public surface water supplies within the County's jurisdiction.

1. General Requirements

- a. The regulations delineated in Section 7(A) are intended to comply with the requirements of NCGS 143-214.5. For property located within a WCA or WPA Overlay District, the provisions of Section 7(A) shall apply only to new development activities which require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.
- b. No structure or land use shall be allowed within the watershed protection overlay districts which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

2. Applicability

- a. The provisions of this Section shall apply only to new development activities which require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.
- d. Existing development and expansions to existing development shall be subject to the requirements set forth below in Section 7(A)(4)(c), subsections (ii.) through (v.).
- c. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Section if it is developed for single-family residential purposes. Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from the provisions of Section 7(A) if it is developed for one single-family detached residence and if it is exempt from the requirements of the Subdivision Ordinance, Planning & Development Services Ordinance No. 12, of the Pitt County Code.
- d. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

3. Watershed Protection Permit

- a. Except for single family residential development, as well as high density development as described in Section 7(A)(6), no building or built-upon area shall be erected, moved,

enlarged or structurally altered, nor shall any building permit be issued, nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator in accordance with the requirements of this Section. Development utilizing the High Density Development Option permitted in Section 7(A)(6) shall be approved by the Board of Adjustment in accordance with the requirements of Section 7(A)(7).

- b. Watershed Protection Permit applications shall be filed with the Watershed Administrator and shall include any supporting documentation deemed necessary by the Watershed Administrator.
- c. Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Section.
- d. A Watershed Protection Permit shall expire if a Building Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

4. *Density and Built Upon Area*

- a. The maximum allowable densities and minimum lot sizes shown in Table 7-1 shall apply to development according to the classification of the water supply watershed where it is located, its project density, and the type of development.
- b. An applicant may exceed the density limits in Table 7-1 if all of the following circumstances apply:
 - i. The property was developed prior to the effective date of the local water supply watershed program.
 - ii. The property has not been combined with additional lots after January 1, 2021.
 - iii. The property has not been a participant in a density averaging transaction under G.S. 143-214.5(d2).
 - iv. The current use of the property is nonresidential.
 - v. In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable county, state, and federal laws and regulations.
 - vi. The remaining vegetated buffers on the property are preserved in accordance with the requirements of this Ordinance.
- c. The following requirements shall apply to the calculation of project density:
 - i. For purposes of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.
 - ii. A project with existing development may use the calculation method set forth above in Section 7(A)(3)(c), or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
 - iii. Expansions to existing development shall be subject to the requirements of this Section. Expansions to single-family residential existing development shall be

excluded from this provision, unless the expansion is part of a larger common plan of development that is subject to this Section.

- iv. Where there is a net increase of built-upon area, only the area of net increase shall be subject to this Section.
- v. Where existing development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to this Section.
- vi. Total project area shall exclude areas below the normal high water line.
- vii. Projects under a common plan of development shall be considered as a single project for purposes of density calculation, except that on a case-by-case basis may be considered to have both high and low density areas based on one or more of the following criteria:
 - (1) natural drainage area boundaries;
 - (2) variations in land use throughout the project; or
 - (3) construction phasing.

5. *Low Density Development Option*

Stormwater runoff from low density development shall be released to vegetative areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criteria has been met, the Watershed Administrator shall take into account site-specific factors such as topography and site layout as well as protection of water quality.

a. Vegetated Conveyances

Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Section:

- i. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the Watershed Administrator that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
- ii. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

b. Curb Outlet Systems

In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

- i. The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;

Table 7-1 Maximum Allowable Densities and Minimum Lot Sizes

Watershed Protection Overlay District	Low Density Development		High Density Development
	Single-family detached residential	Non-residential and all other residential	All Types
Critical Area (WCA)	One (1) dwelling unit per one-half acre; or one (1) dwelling unit per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	24% built-upon area	24% to 50% built-upon area
Protected Area (WPA)	<i>With Curb and Gutter System:</i> One (1) dwelling unit per one-half acre; or one (1) dwelling unit per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	<i>With Curb and Gutter System:</i> 24% built-upon area	24% to 70% built-upon area
	<i>Without Curb and Gutter System:</i> Three (3) dwelling units per acre; or 36% built-upon area	<i>Without Curb and Gutter System:</i> 36% built-upon area	

- ii. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
- iii. The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
- iv. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
- v. The minimum length of the swale or vegetated area shall be 100 feet; and
- vi. in lieu of the requirements specified in (i.) through (v.) of this subsection, low density projects may use treatment swales designed in accordance with the North Carolina Administrative Code (15A NCAC 02H .1061).

6. *High Density Development Option*

- a. The Board of Adjustment shall approve all proposals for high density development and issue a High Density Watershed Protection Permit in accordance with the procedures outlined in Section 7(A)(7).
- b. In addition to complying with the density requirements of Table 7-1, high density development shall comply with the following:

- i. Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in the North Carolina Administrative Code (15A NCAC 02B .0621);
- ii. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
- iii. Stormwater runoff from off-site areas and "existing development," as that term is defined in the North Carolina Administrative Code (15A NCAC 02B .0621), shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
- iv. SCMs shall meet the relevant Minimum Design Criteria (MDC) set forth in the North Carolina Administrative Code (15A NCAC 02H .1050 through .1062); and
- v. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

7. High Density Watershed Protection Permit

- a. A High Density Watershed Protection Permit shall be required for new developments exceeding the requirements of the low density development option included in Section 7(A)(5).
- b. Applications for high density development as required by Section 7(A) of this ordinance shall be submitted to the Board of Adjustment through the Watershed Administrator. Applications shall be made on the proper form provided by the Watershed Administrator and shall include the following information:
 - i. A completed High Density Watershed Protection Permit Application signed by the owner of the property. The signature of a consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization from the property owner;
 - ii. Two reproducible copies of the plans and specifications of the stormwater control structure consistent with the permit plan checklist;
 - iii. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;
 - iv. Permit Application Fees consistent with the fee schedule adopted by the Board of Commissioners.
- c. Prior to taking final action on any application, the Watershed Administrator will provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board of Adjustment from taking action within prescribed time limit.
- d. All applications shall be submitted to the Board of Adjustment by filing a copy of the application with the Watershed Administrator in the Planning Department 20 working days prior to the Board of Adjustment meeting at which the request will be reviewed. Prior to consideration of the request, the Board shall conduct an evidentiary hearing using quasi-judicial procedures as required by Section 3(M) of this ordinance.

- e. At the conclusion of the hearing, the Board may proceed to vote on the permit request or take any other action consistent with its usual rules of procedure. The Board shall observe a majority voting requirement set forth in Section 2(C)(7) of this ordinance.
- f. When considering whether to approve a High Density Watershed Protection Permit, the Board shall proceed according to the procedures for consideration of a special use permit as outlined in Section 3(N)(2) of this ordinance, except that the Board shall not be required to make the findings required in Section 3(N)(3) of this ordinance.
- g. The Board may attach reasonable and appropriate conditions to the permit to ensure compliance with the provisions of this Ordinance. The Board may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance, or requirements for which the County does not have authority under the North Carolina General Statutes to enforce. Without limiting the foregoing, the Board may attach to a permit a condition limiting the permit to a specified duration. All additional conditions or requirements shall be consented to in writing by the applicant and shall be entered on the permit. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

8. Maintenance and Upkeep

- a. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- b. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.
- c. Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approval plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow).
- d. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Technical Review Committee. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Watershed Administrator prior to approval by the Technical Review Committee.
 - i. If the Technical Review Committee approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Watershed Administrator.
 - ii. If the Technical Review Committee disapproves the changes, the proposal may be revised and resubmitted to the Watershed Administrator as a new proposal. If the

proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

- e. If the Technical Review Committee finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Pitt County Register of Deeds, the Office of the Watershed Administrator and the owning entity.

9. Approval and Inspections

- a. The stormwater control structure shall be inspected by the Watershed Administrator, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:
 - i. The signed deed, related easements and as-built plat for the stormwater control structure;
 - ii. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- b. The Watershed Administrator shall review the materials submitted by the developer.
 - i. If deficiencies are found, the Watershed Administrator shall direct that improvements and inspections be made and/ or documents corrected and resubmitted.
 - ii. A certificate of occupancy shall not be issued for any building within the permitted development until the Watershed Administrator has approved the stormwater control structure.
 - iii. All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained by the responsible party of the stormwater structure or their designee. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.
 - iv. In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Technical Review Committee.
 - v. Appeals of any order, requirement, decision, or determination made by the Watershed Administrator and Technical Review Committee may be made to and decided by the Pitt County Board of Adjustment.

10. Density Averaging

An applicant may average development density on up to two (2) noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

- a. The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
- b. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
- c. Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.
- d. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- e. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
- f. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to Pitt County as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that long-term compliance through deed restrictions and an electronic permitting mechanism can be ensured. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deeds, and shall be irrevocable.
- g. Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
- h. A density averaging certificate shall be obtained from the Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties. Prior to consideration of a density averaging certificate, the Board shall conduct an evidentiary hearing using quasi-judicial procedures as required by Section 3(M) of this ordinance.

11. *Permitted Uses*

Residential and nonresidential uses permitted in the underlying conventional or conditional zoning district are permitted within the WPA and WCA as indicated in Table 7-2.

12. *Cluster Development*

- a. Cluster development is allowed in all watershed protection overlay districts provided that the following conditions are met:
 - i. Minimum lot sizes may be reduced for single-family cluster development projects in accordance with the provisions of Section 6(A)(2)(b). However, the total number of lots shall not exceed the maximum number of lots allowed for single-family detached developments nor the built-upon area requirements in Table 7-1.
 - ii. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

Table 7-2 Watershed Areas – Permitted and Not Permitted Uses

<u>Activity/Use</u>	<u>Critical Area (WCA)</u>	<u>Protected Area (WPA)</u>
<u>New landfills</u>	<u>No</u>	<u>Yes</u>
<u>New permitted residual land application</u>	<u>No</u>	<u>Yes</u>
<u>New permitted petroleum contaminated soils sites</u>	<u>No</u>	<u>Yes</u>
<u>NPDES General or Individual Stormwater discharges</u>	<u>Yes</u>	<u>Yes</u>
<u>NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127</u>	<u>Yes</u>	<u>Yes</u>
<u>NPDES Individual Permit trout farm discharges</u>	<u>Yes</u>	<u>Yes</u>
<u>New NPDES Individual Permit domestic treated wastewater discharge</u>	<u>Yes</u>	<u>Yes</u>
<u>New NPDES Individual Permit industrial treated wastewater discharge</u>	<u>Yes</u>	<u>Yes</u>
<u>Non-process industrial waste</u>	<u>Yes</u>	<u>Yes</u>
<u>New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904</u>	<u>Yes</u>	<u>Yes</u>
<u>Sewage Discharge</u>	<u>No^a</u>	<u>No^a</u>
<u>Industrial Waste</u>	<u>No^a</u>	<u>No^a</u>
<u>Other wastes</u>	<u>No^a</u>	<u>No^a</u>
<u>Groundwater remediation project discharges^b</u>	<u>Yes</u>	<u>Yes</u>
<u>Agriculture^c</u>	<u>Yes</u>	<u>Yes</u>
<u>Silviculture^d</u>	<u>Yes</u>	<u>Yes</u>
<u>Residential Development^e</u>	<u>Yes</u>	<u>Yes</u>
<u>Non-residential Development^{ef}</u>	<u>Yes</u>	<u>Yes</u>
<u>Nonpoint Source Pollution^g</u>	<u>Yes</u>	<u>Yes</u>
<u>Animal Operations^h</u>	<u>Yes</u>	<u>Yes</u>

Notes:

^a Only allowed if specified in 15A NCAC 02B .0104

^b Where no other practical alternative exists

^c In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies

^d Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) Effective 4/1/2018

^e See density requirements in 15A NCAC 02B .0624

^f See different permitted and not permitted in this table

^g Non Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use

^h Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217

- iii. The remainder of the tract not built upon shall remain in a vegetated or natural state. The title to the reserved open space area shall be conveyed to an incorporated homeowners or property owners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
- iv. Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

13. *Vegetated Buffers Required*

- a. A minimum fifty-foot vegetative buffer for new development activities is required along all perennial waters indicated on the most recent version of the 1:24,000 (7.5 minute) scale topographic maps prepared by the U.S. Geological Survey (USGS) or on a Pitt County Soil Survey Map prepared by the Natural Resources Conservation Service.
- b. A minimum one-hundred-foot vegetative buffer is required for all new development activities that exceed the low density option authorized by this Section. Desirable artificial streambank or shoreline stabilization is permitted.
- c. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.
- d. No new development is allowed in the buffer except for water-dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious areas, and public projects such as street crossings and greenways where no practicable alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices. Desirable artificial streambank or shoreline stabilization is permitted.
- e. Whenever the buffer requirements of other portions of this Ordinance are in conflict with the provisions of this Section, the more stringent requirement shall apply. Section 7(F)(2) of this ordinance contains standards for riparian buffers that exceed the minimum width of buffers required by the state-mandated water supply watershed regulations.

14. *Variances*

- a. Major and Minor Variances, as defined in Section 15(D), to the provisions of Section 7(A) shall be approved by the Board of Adjustment pursuant to the variance procedures outlined for the Board in Section 13(B)(2) of this ordinance.
- b. The Watershed Administrator shall keep a record of all major and minor variances to this Section of the Ordinance. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.
 - i. *Minor Variances.* The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Section as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

A variance to the requirements of this Section shall be considered minor if it results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

For variances to a vegetated setback requirement, the percent variation shall be calculated using the proposed foot print of built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.

- ii. *Major Variances.* Major variances may be granted for certain projects; however, the major variance must be reviewed by and receive approval from the North Carolina Environmental Management Commission prior to approval by the Board of Adjustment.

15. *Appeals*

Any person who has standing under NCGS 160D-1402(d) may appeal an administrative decision made by the Watershed Administrator to the Board of Adjustment in accordance with the provisions of Section 13(A) of this ordinance.

B. *Flood Hazard District Overlay Requirements*

The Flood Hazard Overlay District (FH), as established in Section 4(C)(4) is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in NCGS 153A-121. The provisions of this Section are a supplement to those regulations found in the Pitt County Flood Damage Prevention Ordinance.

1. *Findings of Fact*

- a. The flood prone areas within the jurisdiction of Pitt County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

2. *Basis for Establishing the Special Flood Hazard Areas*

The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Pitt County dated January 2, 2004 which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this Ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- a. Generated as a requirement of the Pitt County Flood Damage Prevention Ordinance, Planning & Development Ordinance No. 4, of the Pitt County Code;
- b. Preliminary FIRMs where more stringent than the effective FIRM; or
- c. Post-disaster Flood Recovery Maps.

3. *Regulations Do Not Guarantee Flood Protection*

The degree of flood protection required by this Section is considered reasonable for regulating purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of Pitt County or by any officer or employee thereof any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

4. *Effect Upon Outstanding Building Permits*

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his authorized agents before the time of passage of this Section; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this section or any revision thereto, construction or use shall be in conformity with the provisions of this Section.

C. *Airport Height Overlay Requirements*

1. The Airport Overlay (AH) District, as established in Section 4(C)(1) is not intended to be utilized as a district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended or overlaid. Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the overlay classification.
2. It is the intent of this Section to restrain influences which are adverse to the airport property and safe conduct of aircraft in the vicinity of the Pitt-Greenville Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the AH designation, when overlaid to a basic district classification, is intended to coordinate the purpose and intent of this Section with other regulations duly established by the County of Pitt whose primary intent is to further the purposes set out above.
3. The following definitions shall apply to this Section:
 - a. **Airport:** Pitt-Greenville Airport.
 - b. **Airport Elevation:** The highest point of the airport's useable landing area measured in feet above mean sea level (25.6').
 - c. **Approach Surface:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 7(C)(4) below.

- d. **Approach Zones:** The inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- e. **Conical Surface:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.
- f. **Conical Zone:** The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward there from for a distance of 4,000 feet and upward at a slope of 20:1.
- g. **Hazard to Navigation:** An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
- h. **Height:** For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.
- i. **Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.
- j. **Horizontal Zone:** The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- k. **Larger than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- l. **Nonconforming Use:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- m. **Nonprecision Instrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- n. **Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 7(C)(4).
- o. **Person:** An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- p. **Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- q. **Primary Surface:** A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 1,000 feet.

- r. **Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- s. **Transitional Surfaces:** These surfaces extend outward at right angles (ninety-degree angles) to the runway centerline and extend at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- t. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.
- u. **Tree:** Any object of natural growth.
- v. **Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- w. **Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

4. Except as otherwise provided in this Section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitations herein established for each zone in questions as follows:

- a. **Approach Zone (AH-A):** Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- b. **Transitional Zones (AH-T):** Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation (or 175.6 feet above mean sea level). In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the approach zone projects beyond the conical zone there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at ninety-degree angles to the extended runway centerline.
- c. **Horizontal Zone (AH-H):** The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- d. **Conical Zone (AH-C):** Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation of 375.6 feet above mean sea level.

5. Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

6. The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.
 - a. Notwithstanding the preceding provision of this Subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by Pitt-Greenville Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Pitt-Greenville Airport Authority.
7. The Zoning Administrator shall not issue a zoning permit within an AH-A, AH-T, AH-H, or AH-C zone until he has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.
 - a. Except as specifically provided in (i), (ii), and (iii) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with subsection 7(C)(7)(d).
 - i. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - ii. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - iii. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than 75 feet above the ground, except when such tree or structure because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure or growth of any tree in excess of any of the height limits established by this Section except as set forth in Section 7(C)(4).

- b. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

- c. Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the regulations of this Ordinance.
- d. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the regulations prescribed in this Section may apply to the Board of Adjustment for a variance in accordance with the provisions of Section 13(B)(3).

D. *Highway Corridor Overlay Requirements*

The Highway Corridor Overlay District, as described in Section 4(C)(3), is established to provide specific appearance and operational standards for specifically designated highway corridors while accommodating development along the corridors. Single-family residences on individual lots are exempt from the requirements of this Section. All other uses in the Highway Corridor Overlay District (HC) shall require site plan approval from the Zoning Administrator. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

1. *Procedures*

- a. The applicant shall submit a site plan of the parcel and the proposed use to the Zoning Administrator. The Zoning Administrator shall review the site plan in accordance with the provisions of this Section. Approval of the site plan and the proposed uses by the Zoning Administrator authorizes the issuance of a zoning permit. For those uses that require a special use permit, the site plan shall be approved by the Board of Adjustment.
- b. Permits are issued at each phase of development and only in accordance with the approved site plan.
- c. If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the Zoning Administrator.

2. *General Standards*

- a. A site development plan shall provide for the following:
 - i. Convenient vehicular servicing of the buildings in the parking areas, and no undue interference with through traffic in gaining ingress to and egress from the proposed site;
 - ii. A minimum 50-foot wide highway buffer yard is required along the entire property line adjacent to the rights-of-way of highways designated in Section 4(C)(3)(b) as being within a highway corridor overlay district;
 - iii. Side and/or rear buffer yards not less than 20 feet wide where nonresidential development abuts a residential zoning district or residentially-used lots;
 - iv. Vehicular loading spaces in conformance with the requirements of Section 10;
 - v. Convenient and safely located pedestrian crosswalks;
 - vi. Signs in accordance with the requirements of Section 9; and
 - vii. A maximum building height of 50 feet.

- b. A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer. A traffic analysis may not be required if it is determined by the Zoning Administrator that such analysis is not necessary to complete the review of the proposed development.
- c. A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer.

3. *Usage of Required Buffer Yards*

- a. Sediment impoundments, boundary fences, gates and security stations may be located in any required buffer yard.
- b. Accessory buildings, other than as specified in Subsection (a), shall not be located in any required buffer yard.
- c. Parking and loading is not permitted in any required buffer yard. All parking and loading areas shall be a minimum of 50 feet from any property line adjacent to the rights-of-way of highways designated in Section 4(C)(3)(b) as being within a highway corridor overlay district, and shall be a minimum of 20 feet from any other lot line or public road right-of-way. Loading areas shall be oriented such that they are not visible from any public road right-of-way.

4. *Landscaping of Buffer Yards*

- a. Required buffers yards shall be landscaped in accordance with the following requirements (refer to Appendix B-2 for illustrative examples):
 - i. Landscaping requirements shall be met by the installation and maintenance of a combination of trees, shrubs, grasses and other ground cover. All site plan drawings shall include a landscaping plan which shows the area to be landscaped along with the types of trees, shrubs, or plants. Existing vegetation may be utilized to satisfy these requirements provided it meets or exceeds the requirements of this section.
 - ii. Trees shall be planted according to one (1) of the following guidelines:
 - (1) A minimum of one canopy tree or two understory trees shall be planted for each 40 linear feet of road frontage within the highway buffer yard. One canopy tree or two understory trees shall be required for each 40 linear feet of adjoining property line within any required side or rear buffer yard. A 'canopy tree' is a variety expected to reach a height in excess of 30 feet at maturity (e.g., oaks, pines, sycamores, etc.). 'Understory tree' is a variety not expected to reach a height of 30 feet at maturity (e.g., dogwoods, crepe myrtles, certain types of maples, etc.).
 - (2) A combination of both canopy and understory trees shall be planted with a minimum of one canopy tree and two understory trees for each 80 linear feet of road frontage within the highway buffer yard. One canopy tree and two understory trees shall be required for each 80 linear feet of adjoining property line within any required side or rear buffer yard.

- iii. No less than 5 evergreen shrubs shall be planted for each 20 linear feet of road frontage within the required highway buffer yard. All shrubs shall be a species that can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- iv. Within the required highway buffer yard, trees and shrubs must be planted within the first 50% of the buffer adjacent to and parallel to the highway right-of-way. Proposed trees and shrubs may be installed in either a random, clustered and/or linear fashion provided that trees shall not be spaced any greater than 50 feet apart. All trees and shrubs should be planted within a landscaping bed consisting of natural mulch with a minimum depth of 3 inches to improve growth and performance over time. The remaining 50% of the buffer may be landscaped with grass, additional trees, shrubs, other organic ground cover, and/or beds of flowers or bulbs.

It is highly recommended that soil testing be conducted to ensure that soil conditions are appropriate for proposed plantings.

Trees and shrubs may be located outside of the required planting area only when it has been determined by the Zoning Administrator that unusual circumstances exist that would prevent or inhibit the normal growth and/or maintenance of the required landscaping (i.e. overhead power lines, utility or drainage easements, etc.). Such instances will be reviewed on a case-by-case basis.

- v. When planted, all canopy trees shall be a minimum of 8 feet in height and all understory trees shall be a minimum of 6 feet in height.
- vi. All tree and plant material selections shall be adaptable to the Pitt County region and its climate.
- vii. When the required landscaping improvements have not been completed prior to the issuance of a building Certificate of Occupancy, the developer shall provide a guarantee in accordance with the requirements of Section 3(O).

5. *Outdoor Lighting*

All outdoor lighting shall be shielded in such a manner that no direct glare from the light source can be seen from a major highway or from above. The following general provisions apply and shall be illustrated on a lighting plan submitted to the Planning Department as part of the site plan approval process:

- a. Light fixtures that are not attached to a building shall be affixed to a pole, which may be of metal, fiberglass, wood or concrete.
- b. All fixtures must be full cutoff fixtures only. Full cutoff means a luminaire or light fixture that by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture.
- c. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
- d. The maximum height of the light source (light bulb), detached from a building, is 20 feet. An exception to the light height requirement may be considered for light fixtures up to 35 feet with the conditional rezoning process.
- e. No fixture can be located in close proximity to residentially zoned property which would contribute to light spillage upon the residential property.

- f. Lighting shall be functionally and architecturally integrated with site and building design.
- g. The following are exempt from these regulations:
 - i. Lighting within a public street, road or highway right-of-way or easement that is used principally for roadway;
 - ii. Lighting exempt from this ordinance under state or federal law;
 - iii. Federal Aviation Administration (FAA) mandated lighting associated with a telecommunication, radio or utility tower;
 - iv. Lighting for flags;
 - v. Low voltage landscape lighting;
 - vi. Temporary lighting associated with construction;
 - vii. Temporary lighting for emergency situations;
 - viii. Temporary holiday or festive lighting on residential properties.

6. Landscaping at Driveway and Road Intersections

To ensure that landscape materials do not constitute a driving hazard, a horizontal and vertical sight distance easement, as defined in Section 15, Definitions and Interpretations, will be observed at all intersections of driveways with roads. Sight distance easements shall meet the requirements of this Ordinance or that of the North Carolina Department of Transportation, whichever is more stringent.

7. Lot Coverage

The maximum lot coverage by total impervious surfaces such as rooftops, paving, walkways, etc. shall be 50 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of 50 percent must be compensated for by such on-site detention or retention measures.

8. Roads and Access

- a. Each building lot shall be limited to two points of ingress to and two points of egress from the adjacent access or major highway. Points of ingress and egress may be combined into one two-way driveway with appropriate separation of lanes. Additional points of ingress to and egress from an access road or highway shall not be allowed unless necessary to improve traffic movement or safety, increase sight distances, or similar reasons.
- b. Ingress to and egress from a corner lot or lots may be limited to the feeder road and shall be prohibited within 175 feet of the intersection with the interchange along the highway for residential uses and 225 feet for industrial and commercial uses.
- c. All points of ingress and egress to access roads or major highways shall be designed according to the applicable standards of the North Carolina Department of Transportation.
- d. If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress

on such roads are provided and maintained consistent with the regulations and intent of this Section.

- e. Driveway widths and design shall conform to the applicable standards of the North Carolina Department of Transportation.
- f. All roads, including frontage roads, rear access roads, and cul-de-sac shall be approved by the North Carolina Department of Transportation and dedicated to the public.
- g. Direct vehicular access to individual lots and buildings in subdivision developments, multifamily developments, manufactured home parks, and planned developments abutting a corridor highway shall not be provided from the corridor highway unless the applicant can demonstrate, to the satisfaction of the Zoning Administrator, that alternative vehicular access to such lots and buildings is not reasonably practicable due to the size or shape of the tract being developed.

9. Spacing Standards

The spacing standards of this Section are intended to improve the compatibility of roadside uses with adjacent highways by ensuring the separation and proper location of ingress and egress.

- a. The spacing requirements for lots with direct points of ingress and egress to highways shall be a minimum of 150 feet.
- b. The spacing requirements of this Section shall be measured from the centerline of the nearest points of ingress and egress. The spacing of direct points of ingress and egress for different lots shall be spaced as evenly as possible.
- c. Where topography, line of sight distances of motorists, vegetation, geological formations, or other site characteristics are such that strict adherence to spacing dimensions would impose unnecessary hardship upon the permit applicant or undue hazard to the motoring public, the Zoning Administrator may authorize a decrease in the spacing dimensions of up to 20 percent, provided that a record of why such decrease is necessary is made a part of the permit.

E. Southwest Bypass Highway Corridor Requirements

The Southwest Bypass Highway Corridor Overlay District, as described in Section 4(C)(6) is established to provide enhanced landscaping, viewshed protection, specific development standards and vehicular access control measures to development within the SWB of the Pitt County zoning jurisdiction as delineated on the official zoning map. Single-family residences on individual lots not associated with a major subdivision are exempt from the requirements of this Section. All other uses in the Southwest Bypass Highway Corridor Overlay District (SWB) shall require site plan approval from the Zoning Administrator. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

1. Applicability

The SWB, Southwest Bypass Highway Corridor Overlay District shall include the existing or proposed right-of-way of the Southwest Bypass and its interchanges. District boundaries shall encompass land located within an area extending one thousand (1,000) feet in depth on either side of the right-of-way, as measured from and perpendicular to each side of the right-of-way as delineated on the official zoning map.

2. *Procedures*

- a. The applicant shall submit a site plan of the parcel and the proposed use to the Zoning Administrator. The Zoning Administrator shall review the site plan in accordance with the provisions of this Section. Approval of the site plan and the proposed uses by the Zoning Administrator authorizes the issuance of a zoning permit. For those uses that require a special use permit, the site plan shall be approved by the Board of Adjustment.
- b. Permits are issued at each phase of development and only in accordance with the approved site plan.
- c. If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the Zoning Administrator.

3. *General Standards*

- a. A site plan shall provide for the following:
 - i. Convenient vehicular servicing of the buildings in the parking areas, and no undue interference with through traffic in gaining ingress to and egress from the proposed site;
 - ii. A minimum 75-foot wide buffer yard is required along the entire property line adjacent to the Southwest Bypass right-of-way.
 - iii. Side and/or rear buffer yards not less than 20 feet wide where nonresidential development abuts a residential zoning district or residentially-used lots;
 - iv. Vehicular loading spaces in conformance with the requirements of this Chapter and Section 10;
 - v. Convenient and safely located pedestrian crosswalks as approved by NCDOT;
 - vi. Signs in accordance with the requirements of Section 9; and
 - vii. A maximum building height of 50 feet.
- b. A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer. A traffic analysis may not be required if it is determined by the Zoning Administrator that such analysis is not necessary to complete the review of the proposed development.
- c. A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer.

4. *Usage of Required Buffer Yards*

- a. Sediment impoundments, boundary fences, gates and security stations may be located in any required buffer yard.
- b. Accessory buildings shall not be located in any required buffer yard.

- c. Parking and loading is not permitted in any required buffer yard. All parking and loading areas shall be a minimum of 75 feet from any property line adjacent to the rights-of-way of the Southwest Bypass and shall be a minimum of 50 feet (lots 40,000 sf or larger) and 25 feet (lots under 40,000 sf) from any other lot line or public road right-of-way within the corridor. Loading areas shall be oriented such that they are not visible from any public right-of-way.

5. *Landscaping and Tree Preservation of Buffer Yards*

- a. In general, a minimum of 75 feet of buffer area from the edge of the Southwest Bypass right of way, shall be required. Along off ramps and entrance ramps a minimum buffer of 50 feet is required. The purpose of this buffer is to protect, preserve and promote the visual appeal, character and value of land adjacent to the Southwest Bypass; to provide for the separation of spaces; and to promote the public health, safety and welfare through minimizing potential nuisances such as the transmission of noise, odor, dust, litter and glare of lights.
- b. In areas of dense mature forest, existing vegetation shall be used to fulfill the buffer requirements. When existing vegetation is preserved and used to meet the buffer requirements, the buffer width may be reduced by 25%. Where there is no existing vegetation in the buffer area, or if existing vegetation does not provide a sufficient buffer, all proposed plantings must be shown on the site plan to fulfill the buffer requirement.
- c. Any areas left in a natural state shall remain undisturbed except as follows:
 - i. Within the buffer areas, necessary ingress, egress and utility service may be allowed, but no other disturbance for site improvements shall be permitted.
 - ii. Selective clearing of vegetation may be allowed only to remove diseased trees or trees weakened by age, storm, fire or other injury.
- d. Required buffers yards shall be landscaped in accordance with the following requirements:
 - i. Landscaping requirements shall be met by existing vegetation and the installation and maintenance of a combination of trees, shrubs, grasses and other ground cover. All site plan drawings shall include a landscaping plan which shows the area to be landscaped along with the types of trees, shrubs, or plants. Existing vegetation may be utilized to satisfy these requirements provided it meets or exceeds the requirements of this section.
 - ii. Trees shall be planted according to the following guidelines:
 - (1) A minimum of one canopy tree and two understory trees shall be planted for each 30 linear feet of road frontage within the highway buffer yard. One canopy tree or two understory trees shall be required for each 30 linear feet of adjoining property line within any required side or rear buffer yard. A 'canopy tree' is a variety expected to reach a height in excess of 30 feet at maturity (e.g., oaks, pines, sycamores, etc.). 'Understory tree' is a variety not expected to reach a height of 30 feet at maturity (e.g., dogwoods, crepe myrtles, certain types of maples, etc.). All plantings must be a minimum of 50% evergreen and shall reach a mature size of at least 30 feet.
 - (2) New trees shall be located so as to establish at maturity a continuous screen in the buffer area along the Southwest Bypass.

- (3) It is highly recommended that soil testing be conducted to ensure that soil conditions are appropriate for proposed plantings.
- (4) Trees and shrubs may be located outside of the required planting area only when it has been determined by the Zoning Administrator that unusual circumstances exist that would prevent or inhibit the normal growth and/or maintenance of the required landscaping (i.e. overhead power lines, utility or drainage easements, etc.). Such instances will be reviewed on a case-by-case basis.

- iii. No less than 10 evergreen shrubs shall be planted for each 20 linear feet of road frontage within the required highway buffer yard. All shrubs shall be a species that can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- iv. When planted, all canopy trees shall be a minimum of 8 feet in height and all under-story trees shall be a minimum of 6 feet in height.
- vi. All tree and plant material selections shall be adaptable to the Pitt County region and its climate.
- vii. When the required landscaping improvements have not been completed prior to the issuance of a building Certificate of Occupancy, the developer shall provide a guarantee in accordance with the requirements of Section 3(O).

6. *Landscaping at Driveway and Road Intersections*

To ensure that landscape materials do not constitute a driving hazard, a horizontal and vertical sight distance easement, as defined in Section 15, Definitions and Interpretations, will be observed at all intersections of driveways with roads. Sight distance easements shall meet the requirements of this Ordinance or that of the North Carolina Department of Transportation, whichever is more stringent.

7. *Lot Coverage*

The maximum lot coverage by total impervious surfaces such as rooftops, paving, walkways, etc. shall be 50 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of 50 percent must be compensated for by such on-site detention or retention measures.

8. *Roads and Access (areas along interchanges)*

- a. Each building lot shall be limited to two points of ingress/egress from the adjacent access or major highway. Points of ingress/egress may be combined into one two-way driveway with appropriate separation of lanes. Additional points of ingress to and egress from an access road or highway shall not be allowed unless necessary to improve traffic movement or safety, increase sight distances, or similar reasons.
- b. Ingress to and egress from a corner lot or lots may be limited to the feeder road and shall be prohibited within 175 feet of the intersection with the interchange along the highway for residential uses and 225 feet for industrial and commercial uses.
- c. All points of ingress and egress to access roads or major highways shall be designed according to the applicable standards of the North Carolina Department of Transportation.

- d. If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such roads are provided and maintained consistent with the regulations and intent of this Section.
- e. Driveway widths and design shall conform to the applicable standards of the North Carolina Department of Transportation.
- f. All roads, including frontage roads, rear access roads, and cul-de-sac shall be built to applicable standards of the North Carolina Department of Transportation.

9. Spacing Standards

The spacing standards of this Section are intended to improve the compatibility of roadside uses with adjacent highways by ensuring the separation and proper location of ingress and egress.

- a. The spacing requirements for lots with direct points of ingress and egress to highways shall be a minimum of 150 feet.
- b. The spacing requirements of this Section shall be measured from the centerline of the nearest points of ingress and egress. The spacing of direct points of ingress and egress for different lots shall be spaced as evenly as possible.
- c. Where topography, line of sight distances of motorists, vegetation, geological formations, or other site characteristics are such that strict adherence to spacing dimensions would impose unnecessary hardship upon the permit applicant or undue hazard to the motoring public, the Zoning Administrator may authorize a decrease in the spacing dimensions of up to 20 percent, provided that a record of why such decrease is necessary is made a part of the permit.

10. Building Placement, Parking and Connectivity

a. Building Placement

All buildings shall be placed at the front setback line of the base zoning district. For the purpose of this section, the maximum building front setback shall be 40 feet on US or NC Highways (excluding the Southwest Bypass) and 30 feet on Interior Subdivision and Access Roads.

b. Parking and Connectivity

- i. Parking areas with 20 spaces or more shall be located to the side or behind buildings.
- ii. Parking lots shall be stubbed to adjacent properties and cross access easements shall be established for existing and future interconnection opportunities.
- iii. Private drives shall have a maximum block length of 600' for all non-residential developments.
- iv. Private roads and driveways shall be lined with canopy or understory trees of uniform species planted at a minimum of 30' on center. Trees planted should be expected to reach a height of at least 30' at maturity.

- v. Where possible, private frontage roads should be provided to serve multiple lots and provide connections through internal roads.
- c. Modifications

For properties zoned Industrial, the plan or permit approving agency may permit modifications from this subsection on a case by case basis.

11. *Outdoor Lighting*

All outdoor lighting shall be shielded in such a manner that no direct glare from the light source can be seen from a major highway or from above. The following general provisions apply and shall be illustrated on a lighting plan submitted to the Planning Department as part of the site plan approval process:

- a. Light fixtures that are not attached to a building shall be affixed to a pole, which may be of metal, fiberglass, wood or concrete.
- b. All fixtures must be full cutoff fixtures only. Full cutoff means a luminaire or light fixture that by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture.
- c. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
- d. The maximum height of the light source (light bulb), detached from a building, is 20 feet. An exception to the light height requirement may be considered for light fixtures up to 35 feet with the conditional rezoning process.
- e. No fixture can be located in close proximity to residentially zoned property which would contribute to light spillage upon the residential property.
- f. Lighting shall be functionally and architecturally integrated with site and building design.
- g. The following are exempt from these regulations:
 - i. Lighting within a public street, road or highway right-of-way or easement that is used principally for roadway;
 - ii. Lighting exempt from this ordinance under state or federal law;
 - iii. Federal Aviation Administration (FAA) mandated lighting associated with a telecommunication, radio or utility tower;
 - iv. Lighting for flags;
 - v. Low voltage landscape lighting;
 - vi. Temporary lighting associated with construction;
 - vii. Temporary lighting for emergency situations;
 - viii. Temporary holiday or festive lighting on residential properties.

F. Conservation Area Overlay Requirements

The Conservation Area Overlay District, as described in Section 4(C)(6), is established to provide for permanent open space and desirable buffers between proposed uses and incompatible adjacent land uses, environmentally sensitive areas or hazardous areas in excess of minimum standards; and to provide a method and means by which the open space and increased buffer areas may be utilized to fulfill zoning requirements applicable to individual lot development.

1. Procedures.

- a. Initiation of a petition for a Conservation Area (CA) Overlay District zoning map amendment shall be restricted to the legal owner of record, both at the time of initial application and Board of Commissioners final action, or the authorized agent of the owner at such times. No CA Overlay District shall be established or amended without first being submitted to the Planning Board for review and recommendation in accordance with the requirements of Section 14 of this Ordinance.
- b. All Conservation Area (CA) Overlay Districts shall be delineated upon the official zoning map as both the underlying conventional zoning district and CA Overlay District. The conventional zoning district title shall be followed by "-CA" in all areas zoned Conservation Area (CA) Overlay.
- c. At the time of zoning consideration of any CA Overlay District, the area within the proposed CA Overlay District shall be undeveloped and vacant and shall not contain any principal and/or accessory buildings, structures or parking or be subject to any vested right to continue any activity or site development inconsistent with this section.
- d. No CA Overlay District zoned area of any lot, either at the time of initial zoning or as a result of future zoning action or subdivision, shall be less than 100 feet at its narrowest dimension.

2. General Standards.

- a. Except as otherwise provided, no portion of any CA Overlay District shall be used as a building site. No buildings, structures, parking or other impervious areas shall be allowed to encroach into any CA Overlay District, and no portion of any CA Overlay District shall be used for any temporary and/or permanent residential or nonresidential purpose including storage and delivery of service.
- b. Public streets and sidewalks, public utility and other public infrastructure improvements and/or structures may be constructed within a CA Overlay District.
- c. Stormwater detention ponds and drainage improvements may be constructed within a CA Overlay District.
- d. Private streets and sidewalks, driveways and general (public/customer) pedestrian access walkways may encroach into any CA Overlay District subject to compliance with all the following requirements:
 - i. Shall be designed to provide direct access to and from adjacent public streets, designated common property, public access easements and lot lines; and
 - ii. No temporary or permanent parking area or space(s) shall be allowed within any CA Overlay District.
- e. CA Overlay Districts may be utilized to satisfy any required roadside and/or property line buffer yard requirements and shall be vegetated in accordance with the requirements of Section 10(H) of this Ordinance.

- f. Required or optional vegetation, berms, fences and other landscape features may be allowed within any CA Overlay District upon approval of the Zoning Administrator.
- g. All portions of a lot located within a CA Overlay District shall be utilized to count toward total lot area, lot width and lot frontage for purposes of determining allowable density, minimum lot area, minimum open space, minimum vegetation and any other requirements or restrictions related to lot area or dimensions as may apply in accordance with the underlying zoning district or other applicable standards of this Ordinance.
- h. Public greenway and public recreational improvements shall be allowed in any CA Overlay District.
- i. Except as further provided, no property shall be subdivided or zoned CA Overlay which would result in a lot that does not contain an adequate building site. No lot or parcel shall be located completely within a CA Overlay District unless the lot or parcel is dedicated or deeded to the public or unless the lot or parcel is dedicated as common area or open space as part of a larger development as shown upon a final plat approved by the Zoning Administrator or upon a final plat that has been approved and recorded pursuant to the Pitt County Subdivision Ordinance.
- j. When property containing any area under a CA Overlay District is proposed to be subdivided, the preliminary subdivision plat and final subdivision plat shall delineate the CA Overlay District area as "conservation area" and shall note restrictions applicable to such area as provided herein. Areas that are indicated on a final plat as "conservation area" pursuant to this section shall not constitute a public dedication of lands except as specifically noted by description, and such areas may be reconfigured pursuant to a zoning amendment of the CA Overlay District boundary affecting the lot as may be approved by the Board of Commissioners in accordance with the requirements of Section 14 of this Ordinance.
- k. Prior to the issuance of a building permit for development on a lot that contains any area under a CA Overlay District, or prior to the issuance of any development approval pursuant to this Ordinance where a building permit is not required, a final subdivision plat of the lot shall be approved and recorded pursuant to the requirements of the Pitt County Subdivision Ordinance. The plat shall delineate the CA Overlay District area as "conservation area" and shall note restrictions applicable to that area as provided herein. Areas that are indicated on a final plat as "conservation area" pursuant to this section shall not constitute a public dedication of lands except as specifically noted by description, and the areas may be reconfigured pursuant to zoning amendment of the CA Overlay District boundary affecting the lot as may be approved by the Board of Commissioners in accordance with the requirements of Section 14 of this Ordinance.

G. Stormwater Management

- 1. All requirements of the Pitt County Stormwater Ordinance for Nutrient Control must be met prior to the issuance of a zoning or special use permit.
- 2. Protection of Riparian Buffers
 - a. All perennial and intermittent streams including lakes, ponds, and other bodies of water as indicated on the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the U.S. Geologic Survey (USGS) or on a Pitt County Soil Survey Map prepared by the Natural Resources Conservation Service shall have a 50-foot wide riparian buffer directly adjacent to such surface waters, excluding wetlands.
 - b. The first 30 feet landward and adjacent to the stream bank (Zone 1) of the buffer is to remain essentially undisturbed. The landward 20 feet adjacent to Zone 1 (Zone 2) is to be vegetated, but certain uses are allowed in this zone. Development activity within any

riparian buffer shall be as allowed by 15A NCAC 2B.0259 and as approved by the North Carolina Division of Water Quality.

H. Soil Erosion and Sedimentation Control

1. No zoning or special use permit may be issued with respect to any development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by Pitt County in accordance with the requirements of the Pitt County Soil Erosion and Control Ordinance unless the Pitt County Sediment Control Officer has certified to the Zoning Administrator, either that:
 - a. An erosion control plan has been submitted to and approved by the County; or
 - b. The County has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the County approves the erosion control plan.
2. For purposes of this Section, 'land disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

I. Coordination with The US Army Corps of Engineers Regarding Wetlands

If a developer, corporation, private landowner or other person proposes to perform construction/filling activities in or near a lake, stream, creek, tributary or any unnamed body of water and its adjacent wetlands, Federal permit authorization may be required from the US Army Corps of Engineers prior to commencement of earth-disturbing activities. The US Army Corps of Engineers shall be notified by the developer or person proposing such earth-disturbing activities for possible issuance of Section 404 or other permits.

Section 8. Development Standards for Individual Uses

A. Application of Development Standards

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use-specific and apply to those uses designated with a 'D' in Table 5-1 Table of Permitted Uses. Uses requiring approval of a Special Use (designated with an 'S' in Table 5-1) or Conditional Zoning District (designated with a 'CD' in Table 5-1) shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit.

B. General Standards for All Uses

The following rules apply to all development standards and uses listed below:

1. Property Separation

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.

2. Use Separation

All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building or edge of a proposed use to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.

3. Outdoor Lighting

Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists, pedestrians and land uses of adjacent properties. The following general provisions apply and shall be illustrated on a lighting plan submitted to the Planning Department as part of the site plan approval process:

- a. Light fixtures that are not attached to a building shall be affixed to a pole, which may be of metal, fiberglass, wood or concrete.
- b. All fixtures must be full cutoff fixtures only. Full cutoff means a luminaire or light fixture that by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture.
- c. The maximum height of the light source (light bulb), detached from a building, is 20 feet. An exception to the light height requirement may be considered for light fixtures up to 35 feet within during the conditional rezoning process.
- d. No fixture can be located in close proximity to residentially zoned property which would contribute to light spillage upon the residential property.
- e. The following are exempt from these regulations:
 - i. Lighting within a public street, road or highway right-of-way or easement that is used principally for roadway;
 - ii. Lighting exempt from this ordinance under state or federal law;

- iii. Federal Aviation Administration (FAA) mandated lighting associated with a telecommunication, radio or utility tower;
- iv. Lighting for flags;
- v. Low voltage landscape lighting;
- vi. Temporary lighting associated with construction;
- vii. Temporary lighting for emergency situations;
- viii. Temporary holiday or festive lighting on residential properties.

4. *Noise Levels*

Unless otherwise specified herein, noncompliance with the noise level limits established by this Ordinance shall mean exceeding the specified noise limit for 5 or more of any 25 consecutive readings taken at 10-second intervals when measured at any point beyond the property line of the property from which the noise originates.

C. *Accessory Dwelling Units (on Single-Family Lots)*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *General Requirements*

- a. The accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
- b. No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
- c. No accessory dwelling unit shall be permitted on the same buildable lot with a two-family or multi-family dwelling or family care home.

3. *Accessory Dwelling Unit Within a Detached Accessory Structure*

- a. Detached accessory dwelling units with a gross floor area of less than 600 square feet shall be located at least 10 feet from side and rear property lines. Accessory dwelling units with a gross floor area of 600 square feet or greater shall meet the setback requirements of the principal building.
- b. Detached accessory dwelling units shall be located behind and at least 20 feet from the principal dwelling.
- c. The lot containing both the principal dwelling and a detached accessory dwelling shall have one and one-half times the minimum lot area required for the district in which located.
- d. A detached accessory dwelling unit may be a manufactured home in districts that permit manufactured homes.
- e. A detached accessory dwelling unit may be a dwelling unit that is part of an accessory garage or a freestanding dwelling unit meeting the NC Building Code.

- f. A detached accessory dwelling unit, other than a manufactured home, shall have no more than 50 percent of the gross floor area of the principal building.
 4. *Accessory Dwelling Unit Within a Principal Single-Family Dwelling*
 - a. The principal building shall not be altered in any way so as to appear from a public or private road to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, or multiple mailboxes. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private road.
 - b. An accessory dwelling unit shall occupy no more than 25 percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total floor area.

D. *Accessory Structures and Buildings (Noncontiguous)*

1. *Where Required*

All districts.

2. *General Requirements*

- a. Customary accessory structures and buildings (i.e., detached garage, carport, storage building, or similar structure) may be located on a noncontiguous tract or parcel of land without an established principal use.
- b. No more than 2 accessory structures or buildings shall be located on a single noncontiguous tract or parcel, and the combined square footage of all accessory buildings shall not exceed 1,000 square feet.
- c. Electrical service may be provided to an accessory structure or building for lighting and security, however, plumbing shall not be permitted within any accessory building allowed under this Section.

3. *Residential Accessory Buildings on Noncontiguous Parcels*

- a. Customary residential accessory structures and buildings shall only be used for residential purposes, such as personal property storage or personal recreation. Accessory buildings permitted under this subsection shall not be used as a residential dwelling or for commercial or industrial activities.
- b. Accessory structures and buildings shall be located on the property in such a manner that would allow the construction of a future residential dwelling. A plot plan showing the location of the dwelling shall be submitted to the Zoning Administrator prior to approval of the accessory building.

4. *Non-Residential Accessory Structures and Buildings on Noncontiguous Parcels*

- a. Buildings and structures that are accessory to an existing non-residential use may be located on a noncontiguous tract or parcel of land that is in the same ownership or under the same control as the non-residential use.
- b. Non-residential accessory structures and buildings shall be used for storage purposes only. The primary operation of the use shall not be conducted within the accessory building or the property upon which it is located.

- c. Signage is not permitted on the accessory building or the property upon which it is located.
- d. Outside storage of materials and equipment is not permitted.

5. *Accessory Structures for Agricultural Uses*

Buildings and structures that are accessory to an agricultural use may be located on noncontiguous tracts or parcels that are in the same ownership or under the same control as the agricultural use.

E. *Agricultural Chemicals, Pesticides or Fertilizers (Wholesale Trade Of), Agricultural Products, Other Including Tobacco Auction Warehousing (Wholesale Trade Of), and Animal and Animal Products, Other (Wholesale Trade Of)*

- 1. *Where Required*

RA district.
- 2. *Property Separation*

All structures, buildings or enclosed areas used for the operation shall be a minimum of 150 feet from all property lines.
- 3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- 4. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- 5. *Fencing*

Security fencing shall be provided around all outside storage areas.
- 6. *Access*

A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other land uses which would be negatively impacted by truck traffic.
- 7. *Odors*

The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

F. *Airport or Air Transportation Facility*

- 1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance with RA and GI districts.

2. *Minimum Area*

Fifty acres for Basic Utility Stage 1 airport with 2,000-foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B.

3. *Use Separation*

There shall be a minimum 300-foot distance between the airport property and the nearest residence.

4. *Fencing*

Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6 feet in height.

G. Ammunition, Small Arms Manufacture

1. *Where Required*

GI District.

2. *Use Separation*

No such facility shall locate within a 500-foot radius of any residential zoning district.

3. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of such a facility.

4. *Operation*

The facility and its operation shall observe all county and state regulations regarding fire prevention and protection requirements.

H. Amusement or Water Parks, Fairgrounds

1. *Where Required*

RA and HC districts.

2. *Minimum Area*

Minimum lot area shall be 5 acres.

3. *Property Separation*

No buildings or structures, temporary or otherwise, shall be located within 50 feet of any property line.

4. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the park activities.

5. *Use Separation*

No amusement equipment, machinery or mechanical device of any kind may be operated within 200 feet of any residentially-used or zoned property.

I. *Animal Shelter*

1. *Where Required*

RA district.

2. *Minimum Area*

The minimum lot area shall be 2 acres.

3. *Outside Storage*

Pens and runs located outdoors are prohibited.

4. *Use Separation*

Fifty feet minimum from any property line; 300 feet minimum from any residence.

5. *Hours of Operation*

The hours of operation shall be compatible with the land uses adjacent to the animal shelter.

6. *Access*

Animal shelters shall have direct access to a collector or higher capacity road.

J. *Animal Slaughter or Rendering*

1. *Where Required*

GI district.

2. *Property Separation*

All structures, buildings or enclosed areas used for the operation shall be a minimum of 150 feet from all property lines.

3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

5. *Fencing*

Security fencing shall be provided around all outside storage areas.

6. *Access*

A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other land uses which would be negatively impacted by truck traffic.

7. *Odors*

The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

K. *Batting Cages*

1. *Where Required*

GC and HC districts.

2. *Security Fencing*

Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

3. *Minimum Property Setbacks*

All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.

4. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

5. The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
6. The amount of noise generated shall not disrupt the activities of the adjacent land uses.

L. *Bed and Breakfast Inn*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Operation*

- a. The use must be owned and operated by a resident owner.
- b. The use shall be located in a structure that was originally constructed as a dwelling.
- c. Meals served on the premises shall be only for guests of the facility.

3. *Signs*

There shall be no exterior advertising except that which is permitted for a home occupation.

4. *Screening*

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

M. *Boarding and Rooming House*

1. *Where Required*

MFR, RC, OI, and GC districts.

2. *Operation*

- a. The use must be owned and operated by a resident owner.
- b. The use shall be located in a structure that was originally constructed as a dwelling.
- c. Meals served on the premises shall be only for residents of the facility.

3. *Signs*

There shall be no exterior advertising except that which is permitted for a home occupation.

4. *Screening*

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

N. *Caretaker Dwelling*

1. *Where Required*

All districts.

2. *Operation*

A building permit for the principal building must be obtained or the principal use must be initiated prior to occupancy.

3. *Number*

No more than one caretaker dwelling unit shall be permitted per lot.

4. A caretaker dwelling may be a manufactured home in nonresidential districts. In residential districts, a caretaker dwelling may be a manufactured home only in those districts that permit a manufactured home.

5. *A caretaker dwelling shall:*

- a. Have an approved sewage disposal connection or system;
- b. Meet all setbacks applicable to the principal building or use;
- c. Be erected in accordance with the NC Building Code; and
- d. Be located on a lot that has sufficient lot area to meet the minimum lot area requirements for both the principal use and a single-family residence. In nonresidential districts, where

there is no minimum lot area requirement for single-family dwellings, a minimum of 10,000 square feet is required for a caretaker dwelling in addition to the minimum lot area required for the principal use.

O. Carnivals and Fairs

1. *Where Required*

RA, GC, HC, LI, and GI districts.

2. *Minimum Lot Area*

The minimum lot area shall be 3 acres.

3. The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair.
4. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
5. The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

P. Cemetery or Mausoleum Not on Same Property as Church

1. *Where Required*

RA, RR, R40, SR, MFR, RC, GC, and HC districts.

2. *Minimum Lot Area*

The minimum lot area shall be 5 acres.

3. *General Requirements*

- a. All applicable requirements of the North Carolina General Statutes and Pitt County concerning the interment of human dead shall be met.
- b. No interment shall take place within 50 feet of any property line nor within 25 feet of any public road right-of-way.
- c. Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot line that adjoins a residential zoning district. Otherwise, such buildings shall conform to the requirements of the principal use for the district in which located.

4. *Access*

Access to the use shall be from a collector or higher capacity road.

Q. Civic, Social, and Fraternal Associations

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Location*

Clubs shall have direct access to a collector or higher capacity road. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from an interior road within the residential development.

3. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

R. *College, University or Technical Institute*

1. *Where Required*

RA, RR, and R40 districts.

2. *Permissible Uses*

There are locations in which educational and support land uses that are physically removed from a main campus environment may be an appropriate and compatible land use in the RA, RR, and R40 zoning districts. In such cases, allowable uses may include, in addition to the principal college, university or technical institute use, the following residential land uses:

- Single-family Detached Dwellings
- Two-family Dwellings
- Townhouse Dwellings
- Multifamily Residences

3. *Development Standards for Residential Uses*

Residential uses shall comply with the dimensional standards of the underlying zoning district except that such residential uses may be developed as a Planned Development, in which case the applicable development standards delineated in Sections 8(JJJ)(3) through 8(JJJ)(5) may be developed as allowable in Planned Developments (Section 8(JJJ)(7)).

S. *Communication Towers Under 60 Feet in Height*

1. *Where Required*

RA, RR, R40, SR, GC, HC, LI, and GI districts, except that communication towers on government facilities and structures are allowed by right in all zoning districts, provided that applicable lease agreements are obtained and that, when located on water tanks, the applicant submits evidence that substantially proves that the water inside the tank will not be contaminated by the proposed use.

2. *Location*

In residential zoning districts, towers shall not be placed in any front yard or side yard. All supporting cables shall be contained on the property.

T. *Concerts, Stage Shows*

1. *Where Required*

RA district.

2. *Minimum Lot Area*

The minimum lot size shall be 3 acres.

3. The hours of operation allowed shall be compatible with the land uses adjacent to the concert or stage show.
4. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
5. The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

6. *Access*

Principal access must be from a collector or higher capacity road.

U. *Contractors, General Building, Contractors, Heavy Construction, and Contractors, Special Trade*

1. *Where Required*

Contractors, General Building and Contractors, Special Trade: RA, RC, GC and HC districts.
Contractors, Heavy Construction: HC districts.

2. *Use Separation*

Fifty feet minimum from any property line; one hundred feet minimum from any residence.

3. *Dust*

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

4. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

5. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided around all outside storage areas.

6. *Screening*

Any outdoor storage area shall be screened from an abutting residentially-used or zoned lot by a buffer yard which complies with the requirements of Section 10(H).

V. *Convenience Store*

1. *Where Required*

RA district.

2. *Maximum Area*

A maximum of 3,000 square feet of gross floor area shall be permitted per establishment.

3. *Screening*

Any outdoor storage area shall be screened from an abutting residentially-used or zoned lot by a buffer yard which complies with the requirements of Section 10(H).

4. *Gasoline Service Islands/Pumps*

There shall be no more than 2 gasoline service islands.

W. *Correctional Institution*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the GI district.

2. *Minimum Setbacks*

The use shall be set back 100 feet from all property lines and public road rights-of-way.

3. *Use Separation*

All structures, enclosed areas, and fenced areas shall be located at least 200 feet from any residential zoning district.

4. *Location*

Principal access shall be from a collector or higher capacity road.

X. *Cotton Gin*

1. *Where Required*

RA district

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

5. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

6. *Screening*

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

Y. *Country Club with Golf Course*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Minimum Area*

The minimum area shall be 2 acres in addition to the golf course(s).

3. *Use Separation*

Fifty-foot minimum distance between clubhouse, swimming pool, lighted tennis court, tees, greens, or fairways and any adjacent residentially-zoned property.

4. *Security Fencing*

Outdoor swimming pools shall be protected by a fence in accordance with the Pitt County Health Department's public swimming pool regulations.

Z. *Day Care Center, Child or Adult; Day Care Facility, Residential*

1. *Where Required*

Day Care Center, Child or Adult: RA, RR, R40, SR, MFR, OI, and GC districts.
Day Care Facility, Residential: RA, RR, R40, SR, and MFR districts.

2. *Security Fencing*

Outdoor activity area(s) for children shall be enclosed by a security fence at least 6 feet in height and shall be located outside of the road setback.

3. *Location*

Centers on a site greater than 3 acres shall have access to a collector or thoroughfare road.

4. *Hours of Operation*

In residential districts, the use shall not be operated on a 24-hour basis. Outdoor activities shall only be permitted during daylight hours.

AA. Elementary or Secondary School

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Minimum Area*

Minimum lot size shall be 3 acres.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

BB. *Explosives Manufacture*

1. *Where Required*

GI district.

2. *Property Separation*

No facility shall locate within 500 feet of any residentially, office, or institutionally-zoned property.

3. *Minimum Property Setbacks*

Buildings, including any accessory buildings for storage of explosive raw materials and/or final products, shall be not less than 150 feet from all property lines.

4. *Security Fencing*

Security fencing, a minimum of 8 feet in height, shall be provided along the entire boundary of the facility.

5. *Operation*

Building(s) shall meet the requirements for Hazardous Occupancy under the NC Building Code.

CC. *Family Care Home*

1. *Where Required*

RA, RR, R40, SR, MFR, RC, OI, GC and HC districts.

2. *Separation Requirement*

In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.

DD. *Farm Product Warehousing and Storage; Farm Supplies and Equipment (Retail Trade of); Farm Supplies, Other (Wholesale Trade of)*

1. *Where Required*

Farm Supplies and Equipment (Retail Trade of) and Farm Supplies, Other (Wholesale Trade of): RA districts.

Farm Product Warehousing and Storage: RA and RC districts, except that farm product warehousing and storage buildings that are incidental to a bona fide farm in accordance with NCGS 160D-903 are exempt.

2. *Use Separation*

All structures, buildings or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines.

3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

EE. *Fire Station/Emergency Medical Service*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used structure.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

FF. *Flowers, Nursery Stock, and Florist Supplies; Forest Products (Wholesale Trade Of)*

1. *Where Required*

RA district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

5. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

6. *Screening*

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

GG. Go-Cart Raceway

1. *Where Required*

GC and HC districts.

2. *Property Separation*

Raceways shall be setback a minimum of 200 feet from any residentially-zoned property, and shall be a minimum of 500 feet from any lot upon which an existing residence is located.

3. *Noise*

The facility shall be sited and operated so as to not produce noise or sound that would adversely impact adjoining and surrounding properties.

4. *Dust*

All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

5. *Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.

6. *Hours of Operation*

No such facility that adjoins residentially used or zoned property shall conduct business between the hours of 10 pm. and 8 am.

7. Only electric go-carts shall be allowed to operate on such raceways.

HH. Golf Course

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Use Separation*

Fifty-foot minimum distance between clubhouse, tees, greens, or fairways and any adjacent residentially-zoned property.

II. *Golf Driving Range*

1. *Where Required*

GC and HC districts.

2. *Minimum Area*

The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.

3. *Security Fencing*

Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.

4. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

5. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

JJ. *Grain and Field Beans (Wholesale Trade Of); Grain Mill Products Manufacture*

1. *Where Required*

RA district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

5. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

6. *Screening*

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

KK. *Group Care Facility*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA, RR, SR, MFR, OI, and GC districts.

2. *Property Separation*

No such facility shall be located within one-half mile of an existing group care facility, halfway house, or family care home.

3. *Operation*

The facility shall be limited to not more than 30 persons including resident managers.

4. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

LL. *Halfway House*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA, RR, SR, MFR, OI, and GC districts.

2. *Property Separation*

No such facility shall be located within one-half mile of an existing halfway house, family care home or group care facility.

3. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

MM. *Hardware Store*

1. *Where Required*

RA district.

2. *Maximum Area*

A maximum of 5,000 square feet of gross floor area shall be permitted.

3. *Minimum Property Setbacks*

All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.

4. *Screening*

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

5. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 7 am.

6. *Noise*

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

NN. *Hazardous and Radioactive Waste (transportation, storage, and disposal)*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the GI district.

2. The use shall comply with the Federal Resource Conservation and Recovery Act of 1976, as amended (PL 94-580) and the North Carolina Solid Waste Management Act, as amended (Article 13B. NCGS 130-166.16) for design, siting, and materials to be stored and treated.

3. *Property Separation*

All storage, treatment, and loading facilities handling hazardous materials will be located at least 200 feet from any property line and at least 1,250 feet from any lot not located in an industrial district. The required separation area shall contain a sufficient amount of natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.

4. *Fencing*

A security fence at least 7 feet in height with a minimum 9-gauge fabric and 3 strands of barbed wire shall surround all facilities for the storage and handling of hazardous materials.

5. *Location*

Vehicular access to the operation will be provided only by way of a US or NC numbered highway or an industrial area access road.

6. All surface water and groundwater on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials.

7. All sanitary sewer and stormwater management systems on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials. A stormwater management plan shall be prepared by the applicant and submitted to the County for review by the County and the Environmental Management Division of the

NC Department of Environment, Health, and Natural Resources. A NPDES Permit for stormwater discharge shall also be obtained, if applicable.

OO. *Heliport*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the LI and GI districts.

2. *Minimum Area*

Heliport size and layout shall conform to applicable Federal Aviation Administration requirements.

3. *Use Separation*

There shall be a minimum 300-foot distance between the heliport property and the nearest residence or residentially-zoned property.

PP. *Homeless Shelter*

1. *Where Required*

GC district.

2. *Property Separation*

No such facility shall be located within one-quarter mile of an existing homeless shelter.

QQ. *Kennels or Pet Grooming*

1. *Where Required*

RA district.

2. *Outside Storage*

Pens and runs located outdoors shall be located a minimum of 100 feet from any residentially-zoned or used lot.

3. *Noise*

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

RR. *Landfill, Construction and Demolition; Landfill, Land Clearing and Inert Debris; and Landfill, Sanitary/Solid Waste*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA, HC, and GI districts.

2. *Use Separation*

One hundred feet minimum from any property line; three hundred feet minimum from any residence.

3. *Access*

Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping.

4. *Dust*

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

5. *Operation*

Filling is not permitted in utility easements.

6. *Closure*

Landfills shall be closed with a minimum of 2 feet of clean soil, graded to a maximum slope of 3:1 and stabilized with vegetation or in accordance with current state standards.

7. *Signs*

An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

8. Every operator of a Construction and Demolition Landfill must obtain a franchise from the Pitt County Board of Commissioners in accordance with the requirements of the Pitt County Solid Waste Regulations.
9. Landfills shall not be permitted within a Special Flood Hazard Area, except by variance as specified in the Pitt County Flood Damage Prevention Ordinance.

SS. Landing Strip, Flying Field

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA and GI districts.

2. *Use Separation*

There shall be a minimum distance of 200 feet between the use and the nearest residence or residentially zoned lot.

3. *Minimum Area*

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

TT. Leather and Leather Products (tanning) Manufacture

1. *Where Required*

GI district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.

3. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

UU. Library

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Location*

Libraries shall have direct access to a collector or higher classified road.

3. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

VV. Livestock (Wholesale Trade Of); Lumber and Other Construction Materials (Wholesale Trade Of); Machinery, Farm and Garden (Wholesale Trade Of)

1. *Where Required*

RA district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

5. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

6. *Screening*

All off-street parking lots, loading areas, and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

WW. Manufactured Home on Individual Lot

1. *Where Required*

RA, RR, SR, and MFR districts

2. *General Requirements*

Skirting shall be installed underneath all manufactured homes for the purpose of enclosing the space from the bottom of the manufactured home to grade and shall consist of a weather-resistant material. Skirting shall also provide for required ventilation and access as required by any applicable state and local laws. Skirting for mobile homes located within a flood hazard area shall meet the requirements of state and local laws. Skirting shall be installed in accordance with this section prior to approval for occupancy by Pitt County Inspections.

3. *Exceptions*

The provisions of 8(WW)(2) shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade, due to the provisions of the Section 7(B).

XX. Manufactured Home, (Low Density Residential District (R40))

1. *Where Required*

R40 district

2. *General Requirements*

There shall be a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, installed underneath the manufactured home. Ventilation and access shall be provided for as required by state and local law. The permanent masonry curtain wall shall be installed in accordance with this section prior to approval for occupancy by Pitt County Inspections.

3. *Exceptions*

The provisions of 8(XX)(2) shall not apply to manufactured homes in the following instances:

- a. The manufactured home is required to be elevated six (6) feet or more above the highest adjacent grade, due to the provisions of Section 7(B).
- b. The manufactured home is located on land which is leased to the owner of the home.

YY. Manufactured Home Park, Major (5 or more units); Manufactured Home Park, Minor (less than 5 units)

1. *Where Required*

Major: RR and SR districts.
Minor: RA, RR, and SR districts.

2. *General Requirements*

All manufactured home parks shall comply with the requirements of the Manufactured Home Parks Ordinance, Planning & Developments Services Ordinance No. 5, of the Pitt County Code, except as noted below.

3. *Exceptions*

Any variance or appeal request concerning manufacture home parks will be reviewed by the Board of Adjustment rather than the Planning Board as specified in the Manufactured Home

Parks Ordinance, Planning & Developments Services Ordinance No. 5, of the Pitt County Code.

ZZ. Manufactured Home Sales

1. *Where Required*

HC and GI districts.

2. *Minimum Property Setbacks*

Individual manufactured homes located on a sales lot shall be set back a minimum of 20 feet from road rights-of-way and property lines.

3. *Access*

Principal access shall be from a collector or higher capacity road.

AAA. Marina

1. *Where Required*

RA district.

2. *Access*

The marina shall have access to a collector or higher classified road.

3. *Use Separation*

There shall be a minimum 50 feet distance between any buildings, structures, or outdoor use areas associated with the marina and any adjacent residentially-used or zoned lot.

4. *Dust*

Any unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

5. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

6. *Screening*

Parking lots and outdoor storage areas shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

BBB. Metal Coating and Engraving Manufacture

1. *Where Required*

GI district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.

3. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

CCC. *Minerals (Wholesale Trade of)*

1. *Where Required*

RA district.

2. *Use Separation*

Outdoor storage areas shall be no closer than 50 feet to any adjoining residentially or office and institutionally used or zoned property.

3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Dust*

All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

5. *Access*

a. Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.

b. No part of such roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.

c. A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses which will be negatively affected by truck traffic.

DDD. *Mining, Quarrying, Sand Pits, and Mineral Extraction*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA district. Permitted by right with development standards in the GI district.

2. *Use Separation*

a. The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel or other industrial uses operated in conjunction with the mine or quarry shall be located at least 100 feet from the boundary of the mine or quarry as delineated in the mining permit issued by the State of North Carolina or site plan approved by the County, whichever is more restrictive.

- b. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

- 3. Hours of Operation*

All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.

- 4. Mining Permit*

A valid state-issued mining permit must be obtained.

- 5. Screening*

Screening shall be provided in accordance with the requirements of Section 10(H). However, if a berm is determined to be an adequate alternative screening method as provided for in Section 10(H), the minimum height of the berm shall be six feet.

EEE. Multifamily Dwellings

- 1. Where Required*

5 units or more: SR, MFR, GC, and HC districts.

Less than 5 units: RR, SR, MFR, OI, GC, and HC districts.

- 2. Minimum Lot Area*

The use shall provide the minimum lot area as delineated in Table 6-1.

- 3. Minimum Spacing*

The minimum spacing between multi-family residential structures shall be 20 feet.

- 4. Screening*

Screening shall be provided in accordance with the requirements of Section 10(H). However, if a berm is determined to be an adequate alternative screening method as provided for in Section 10(H), the minimum height of the berm shall be six feet.

- 5. Signs*

There may be one freestanding sign erected per public road frontage. The sign(s) shall not exceed three feet in height and 25 square feet in sign area.

- 6. Private Drives*

Private drives are allowed to connect parking areas and groups of multifamily units to public streets. These drives shall be constructed to the same standards as public streets and shall have a minimum pavement width of sixteen feet. Parking shall not be allowed on private drives except where parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.

- 7. Vehicular Access*

There shall be no direct vehicular access from an individual dwelling unit to a collector or higher capacity public street.

8. *Area Lighting*

All private drives and parking areas shall be illuminated from sunset to sunrise with a minimum light of approximately 7,000 lumens (175 watts), spaced 350 feet apart.

9. *Utility Requirements*

Water supply, sewage disposal, solid waste disposal, and general maintenance shall meet the requirements of the county health department's regulations governing the sanitary design, construction, alteration, maintenance, operation, and use of multifamily dwellings.

10. *Fire Safety*

All water mains shall be six inches or larger with fire hydrants located not greater than 800 feet apart. All hydrants shall be standard type with one four and one-half inch and 2 two- and one-half-inch openings, and all threads shall be national standard. The lowest opening of the hydrants shall be 12 inches above the ground level of the final grade.

FFF. *Nursing and Convalescent Home*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Minimum Lot Area*

8,000 square feet for the first 9 patient beds, rooms, or suites plus 1,000 square feet for each additional patient bed, room, or suite or the minimum lot area requirement for the zoning district, whichever is greater.

3. *Dimensional Requirements*

The following minimum dimensional requirements shall apply to nursing and convalescent homes:

- a. Road Right-of-Way Building Setback: 50'
- b. Side Property Line Building Setback: 50'
- c. Rear Property Line Building Setback: 50'
- d. Minimum Lot Width: 100'
- e. Minimum Building Separation: 20'
- f. Minimum Lot Area: 2 acres

4. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

GGG. *Orphanage*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Minimum Lot Area*

8,000 square feet for the first 9 client beds or rooms plus 1,000 square feet for each additional client bed or room or the minimum lot area requirement for the zoning district, whichever is greater.

3. *Screening*

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

HHH. *Outdoor Flea Markets*

1. *Where Required*

RA district.

2. A minimum lot area of 2 acres shall be required.
3. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
4. The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
5. Principal access must be from a collector or higher capacity road.
6. The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor flea market.

III. *Petroleum and Petroleum Products (Wholesale Trade of); Petroleum and Related Industries Manufacture*

1. *Where Required*

GI district.

2. *Property Separation*

All storage tanks and loading facilities shall be located at least 200 feet from any property line. Storage tanks and loading facilities shall be located a minimum of 50 feet from any residentially used or zoned property.

3. *Access*

Vehicle access to the use shall be provided only by way of a US or NC numbered highway or an industrial area access road.

4. *Operation*

The use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

5. *Dikes*

- a. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
- b. Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes 3 feet or more in height shall have a flat section at the top not less than 2 feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than 6 feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
- c. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

6. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of such facilities.

JJJ. Planned Development

1. *Where Required*

SR, R40, MFR, GC, and HC districts.

2. *Minimum Development Area*

A minimum of 25 acres shall be required for a planned development.

3. *Minimum Lot Area*

Individual lot sizes may be reduced below the minimum specified in Table 6-1 for the district in which the planned development is located. However, in no case may an individual lot size be reduced such that it is less than 75 percent of the minimum lot size delineated in Table 6-1. In the GC district, minimum lot sizes for residential uses shall not be reduced to less than 7,500 square feet in area. The overall residential density of a planned development shall not exceed that normally permitted in the underlying zoning district.

4. *Dimensional Requirements*

Building setback requirements are waived except that lots and structures within 150 feet of the perimeter of the planned development shall be in harmony with development on adjacent lands.

5. *Recreational and Open Space*

One-half of the land area saved by reducing the individual lot sizes as authorized in subsection 8(JJJ)(3) shall be reserved for recreational or open space use. The location, extent, and purpose of land proposed for recreational or open space shall be reviewed and

approved by the Planning Director. A private recreational use, such as a golf course or swimming pool, whose use is limited to the owners or occupants of the lots within the planned development may be approved. Other uses or sites that may qualify include historic buildings or sites, parks, extensive areas with tree cover, and low land along streams or areas of rough terrain where such areas are extensive and have features worthy of preservation.

6. *Permissible Residential Uses Within a Planned Development*

Permissible residential uses within a PUD include single-family detached dwellings, two-family dwellings, townhouse dwellings, and multi-family dwellings.

7. *Permissible Nonresidential Uses Within a Planned Development*

All other nonresidential uses allowed within a planned development shall be the same as those specified for the underlying zoning district in Table 5-1. In addition, in R40, SR and MFR zoning districts, the following commercial uses are permitted provided that no more than 15 percent of the total land area of a planned development shall be used for such commercial uses:

a. *Business, Professional and Personal Services*

- Accounting, Auditing or Bookkeeping
- Administrative or Management Services
- Bank, Savings and Loan, or Credit Union
- Barber Shop
- Beauty Shop
- Clothing Alteration or Repair
- Computer Maintenance and Repair
- Employment Agency, Personnel Agency
- Engineering, Architect or Survey Service
- Finance or Loan Office
- Insurance Agency
- Laundromat, Coin-Operated
- Law Office
- Medical, Dental or Related Office
- Photography, Commercial Studio
- Real Estate Office
- Shoe Repair or Shoeshine Shop

b. *Retail Trade*

- ABC Store (liquor)
- Antique Store
- Arts and Crafts
- Bakery
- Bar, Night Club, Tavern
- Bookstore, except Adult Bookstore
- Computer Sales
- Convenience Store
- Drugstore
- Florist
- Food Store
- Hardware Store
- Newsstand
- Optical Goods Sales
- Pet Store

- Record and Tape Store
- Restaurant (without drive-thru)
- Service Station, Gasoline Sales
- Video Tape Rental and Sales, except Adult Video Store

No nonresidential use shall be permitted within 150 feet of the perimeter of the planned development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned development.

KKK. *Private Campground/RV Park*

1. *Where Required*

RA, RR, RC, GC, and HC districts.

2. *General Requirements*

- a. Site plans for private campgrounds/RV parks shall comply with the requirements of Section 3 and Appendix B.
- b. No campsite shall be used as a permanent place of abode, dwelling, or business.
- c. Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
- d. All campsites proposed for sale shall be recorded with Subsections (b) and (c) above as deed restrictions.
- e. Accessory uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in zoning districts permitting such uses subject to the following conditions:
 - i. Such establishments and the parking areas primarily related to their operation shall not occupy more than 5 percent of the gross area of the park;
 - ii. Such establishments shall be restricted in their use to occupants of the park and/or related park association members; and
 - iii. Such establishments shall present no visible evidence from any public road of their commercial character.
- f. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- g. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. A soil sedimentation control plan shall be submitted in accordance with Section 7(F).

- h. Surface drainage plans for the entire tract shall be reviewed by the Zoning Administrator to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

3. *Dimensional Requirements*

- a. Maximum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
- b. In no case shall any campsite contain less than 1,500 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. Campsites shall be level and well drained.
- c. Recreational vehicles shall be separated from each other and from other structures within the campground/RV park by at least 10 feet. Any accessory structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.
- d. Recreational vehicle sites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.
- e. Setback areas for recreational vehicle sites shall contain natural vegetation or be landscaped and shall be used for no other purposes.
- f. The minimum setback of any building, structure, or recreational vehicle site from a public road right-of-way shall be the same as that required for the zoning district in which the park is located.
- g. The minimum setback from any private, interior road shall be 20 feet from the edge of pavement.
- h. The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 20 feet.
- i. The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

4. *Access and Road Requirements*

- a. Entrance driveways shall be located not closer than 150 feet from the intersection of public roads.
- b. Interior access roads not proposed for public dedication shall conform to the construction standards for subdivision roads of NCDOT. However, requirements for minimum rights-of-way and paving widths shall not apply. Plans and profiles shall be submitted for review and approval. All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Pitt County Fire Marshal.
- c. Entrances and exits to campgrounds/RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with

trailers attached. No impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the road within (a) 100 feet where the speed limit is 45 mph or (b) within 150 feet where the speed limit is over 45 mph or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand of the lane.

5. *Parking Requirements*

- a. There shall be at least 3 off-road parking spaces designated in a campground/RV park for each 2 campsites. At least 1 space must be provided on each campsite with any residual spaces provided within 100 feet of the site.
- b. Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.

6. *Utility Requirements*

- a. The electrical supply system to recreational park trailers is required to be installed and inspected in accordance with the North Carolina Electrical Code. All water supply and wastewater facilities, including dump stations, shall have the approval of the Pitt County Environmental Health Division.
- b. All water and sewer improvements within the campground/RV park shall comply with the NC Building Code for Plumbing.

7. *Screening Requirements*

Where campgrounds/RV parks abut a residential area, a permanent buffer yard of at least 50 feet shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A natural year-round screen shall be planted, which at maturity, shall reach a minimum height of at least 8 feet. Such screening shall complement the adjacent environment.

8. *Recreational Space Requirements*

A minimum of 8 percent of the gross site area of the campground/RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

LLL. *Private Club or Recreation Facility, Other; Public Park or Recreational Facility, Other*

1. *Where Required*

Private Club or Recreational Facility, Other: RA, RR, R40, SR, and MFR districts.
Public Park or Recreational Facility, Other: RA, RR, R40, SR, MFR, and LI districts.

2. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

3. *Noise*

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

4. The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

5. *Location*

Principal access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.

6. *Screening*

Parking lots and outdoor storage areas shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with requirements of Section 10(H).

7. *Security Fencing*

Outdoor swimming pools shall be protected by a fence in accordance with the Pitt County Health Department's public pool regulations.

MMM. *Pulp and Paper Mills*

1. *Where Required*

GI district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

4. *Access*

Principal access must be from a collector or higher capacity road or an industrial area access road.

NNN. *Race Track Operation*

1. *Where Required*

RA district.

2. *Minimum Lot Area*

The minimum lot area shall be 40 acres.

3. *Location*

The use shall have direct access to an arterial or higher capacity road.

4. *Minimum Property Setbacks*

All buildings and structures shall be a minimum of 500 feet from any residentially-zoned or used lot.

5. *Screening*

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

6. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

7. *Noise*

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

8. *Dust*

All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

9. *Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway

OOO. *Radio, Television or Communication Tower Over 60 feet in Height*

1. *Where Required*

All districts except that telecommunications towers and facilities attached to or collocated on an existing tower shall be permitted by right.

2. *Submission Requirements*

An application for a zoning permit for a telecommunications tower and facilities shall include:

- a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the owner of the parcel of land upon which the tower is proposed to be situated, the written consent of the owner shall be evidenced in the application.
- b. The legal description, parcel identification number, and address of the parcel of land upon which the tower is proposed to be situated.
- c. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, including county-owned property.
- d. A description of the design plan proposed by the applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

- e. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on county-owned towers or usable antenna support structures located within a one-half mile radius of the proposed tower site.
- f. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half mile radius of the proposed tower site.
- g. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within one-half mile radius of the proposed tower site.
- h. A written statement from an engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties.
- i. Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in subsection 8(OOO)(5), Structural Requirements.
- j. Written, technical evidence from a qualified engineer(s) acceptable to the Fire Marshall and the Zoning Administrator that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
- k. In order to assist County staff and the Zoning Administrator in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.
- l. The Telecommunications Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the County to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the County shall make available upon request copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.
- m. The Zoning Administrator may require an applicant to supplement any information that the Zoning Administrator considers inadequate or that the applicant has failed to supply. The Zoning Administrator may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the County in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

3. *Height*

Towers are exempt from the maximum height restrictions of the districts where located. Towers may be permitted to a height in excess of one hundred and fifty feet in accordance with Section 8(OOO)(16), Criteria for Site Plan Development Modifications. Measurement of tower height for the purpose of determining compliance with all requirements of this Section

shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty feet over the top of the tower structure itself. Tower height shall be measured from grade.

4. *Setbacks*

- a. All towers shall be set back on all sides a distance equal to the height of the tower.
- b. Setback requirements for towers shall be measured from the center point of the base of the tower to the property line of the parcel of land on which it is located.

5. *Structural Requirements*

No new tower shall be built, constructed, or erected in the county unless the tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower within six months of the completion of the tower construction.

All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the state building code, and any other standards outlined in this Ordinance. All towers in operation shall be fixed to land.

6. *Separation Requirements*

Proposed towers shall be separated from all other towers, including towers which have been issued a zoning permit but are not yet constructed, by a minimum of fifteen hundred feet.

For the purpose of this Section, the separation distance between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distance from other towers shall be calculated and applied irrespective of county jurisdictional boundaries.

7. *Illumination*

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred percent of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

8. *Exterior Finish*

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Zoning Administrator.

9. *Landscaping*

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with Section 10(H). The Zoning Administrator may require landscaping in excess of the requirements of Section 10(H) in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

10. Access/Parking

A parcel of land upon which a tower is located must provide access to at least one maintained vehicular parking space on site.

11. Stealth Design

All towers shall be of stealth design, i.e., designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

12. Telecommunication Facilities on Antenna Support Structures

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least fifty feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the Zoning Administrator, establish the following at the time plans are submitted for a building permit:

- a. That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than twenty feet;
- b. That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the Zoning Administrator. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof but, which do not protrude more than eighteen inches from the side of such an antenna support structure.

13. Modification of Towers

A tower existing prior to the effective date of this Ordinance may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this Section, except for subsections 8(OOO)(6), Separation or Buffer Requirements; 8(OOO)(14), Certification and Inspections; and 8(OOO)(15), Maintenance, provided:

- a. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size, and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.
- b. An application for a zoning permit is made to the Zoning Administrator who shall have the authority to issue a zoning permit without further approval. The grant of a zoning permit pursuant to this Subsection allowing the modification or demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming.

- c. The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this Section.
- d. Except as provided in this Subsection, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than one hundred eighty days.

14. Certifications and Inspections

- a. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the state building code and all other construction standards set forth by county, federal, and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection 8(OOO)(2) of this Section and every five years thereafter. For existing monopole towers, certification shall be submitted within sixty days of the effective date of this Ordinance and then every five years thereafter. For new lattice or guyed towers, such certification shall be submitted with an application pursuant to subsection 8(OOO)(2) of this Section and every two years thereafter. The tower owner may be required by the Zoning Administrator to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.
- b. The County or its agents shall have authority to enter on the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the state building code and all other construction standards provided by the county, federal, and state law.
- c. The County reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the County shall be borne by the tower owner.

15. Maintenance

- a. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- b. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electric safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- c. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- d. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed maintenance and construction personnel.
- e. All towers shall maintain compliance with current RF emission standards of the FCC.
- f. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the County of its intent to discontinue use and the date when the use shall be discontinued.

16. Criteria for Site Plan Development Modifications

- a. Notwithstanding the tower requirements provided in this Section, a modification to the requirements may be approved by the Zoning Administrator in accordance with the following:
 - i. In addition to the requirement for a tower application, the application for modification shall include the following:
 - (1) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.
 - (2) A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.
 - (3) A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
 - (4) For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for collocation, and the result of such attempts.
 - (5) The Zoning Administrator may require the application to be reviewed by an independent engineer under contract to the county to determine the basis for the modification requested. The cost of review by the County's Engineer shall be reimbursed to the County by the applicant.
 - ii. The Zoning Administrator shall consider the application for modification based on the following criteria:
 - (1) That the tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
 - (2) Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
 - (3) In addition, the Zoning Administrator may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the modification.
- b. In addition to the requirements of Subparagraph (a) of this Subsection, in the following cases, the applicant must also demonstrate, with written evidence, the following:
 - i. In the case of a requested modification to the setback requirements, Subsection 8(OOO)(4), that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the person is to locate the tower at another site which is closer in proximity to a residentially-zoned land.

- ii. In the case of a request for modification to the separation and buffer requirements from other towers of Subsection 8(OOO)(6), Separation or Buffer Requirements, that the proposed site is zoned 'industrial' or 'heavy industrial' and the proposed site is at least double the minimum standard for separation from residentially zoned lands as provided for in Subsection 8(OOO)(6).
- iii. In the case of a request for modification of the separation and buffer requirements from residentially-zoned land of Subsection 8(OOO)(6), if the person provides written technical evidence from an engineer(s) that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage requirements of the applicants wireless communications system and if the person is willing to create approved landscaping and other buffers to screen the tower from being visible to residentially-zoned property.
- iv. In the case of a request for modification of the height limit for towers and telecommunications facilities or to the minimum height requirements for antenna support structures, that the modification is necessary to: (i) facilitate collocation of telecommunications facilities in order to avoid construction of a new tower, or (ii) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than such minimum height shall be approved.

17. Abandonment

- a. If any tower shall cease to be used for a period of 365 consecutive days, the Zoning Administrator shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the Zoning Administrator that such site has been abandoned. The owner shall have thirty days from receipt of said notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the Zoning Administrator shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower.
- b. To secure the obligation set forth in this Section, the applicant (and/or owner) shall post a bond in an amount to be determined by the Zoning Administrator based on the anticipated cost of removal of the tower.

PPP. Recreational Vehicles

1. *Where Required*

RA and RR districts.

2. *Use Separation*

Recreational vehicles shall meet the setback requirements set for single family dwellings in Table 6-1 of this Ordinance.

3. *Temporary Occupancy*

Recreational vehicles not dual labeled through either the North Carolina Modular Construction Program or through the HUD Manufactured Housing Program cannot be accepted as a permanent dwelling and will be limited to use as temporary living quarters for

recreational, camping, travel or seasonal use. Temporary recreational vehicles cannot have any permanent plumbing or mechanical connections.

QQQ. Refuse and Raw Material Hauling

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the LI and GI districts.

2. *Use Separation*

Two hundred feet minimum from any property line; three hundred feet minimum from any residence.

3. *Access*

Access to the facility shall be by way of a collector or higher classified road and shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated access.

4. *Dust*

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

5. *Screening*

Facilities that provide temporary on-site storage of materials shall be enclosed by a sight-obstructing screen of at least 6 feet in height adjacent to public roads and 8 feet in height adjacent to properties of a residential, educational, or institutional nature. All such screens shall be maintained in a sound and stable manner for the life of the operation.

6. The facility must comply with all requirements as set forth by the North Carolina Division of Waste Management for the collection and disposal of solid waste, and must be in compliance with any approved Solid Waste Plan for the State of North Carolina and/or Pitt County.

RRR. Restaurant (without drive-thru)

1. *Where Required*

RA district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. *Maximum Area*

A maximum of 3,000 square feet of gross floor area shall be permitted.

4. *Screening*

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

SSS. *Retreat/Conference Center*

1. *Where Required*

RA, RR, and R40 districts.

2. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

3. The Zoning Administrator shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

4. *Location*

Principal access must be from a collector or higher capacity road.

5. *Screening*

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

TTT. *Riding Academy*

1. *Where Required*

RA, RR, and R40 districts.

2. *Use Separation*

There shall be minimum 100-foot distance between manure storage areas, barns or stables and any adjacent residentially-zoned property.

3. *Dust*

All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

4. *Restroom Facilities*

Restroom facilities shall be approved by the Pitt County Health Department.

UUU. *Rubber and Plastics, Miscellaneous Manufacture*

1. *Where Required*

GI district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

VVV. *Rural Family Occupation*

1. *Where Required*

RA, RR, and R40 districts.

2. *Minimum Area*

- a. The Rural Family Occupation (RFO) must be located on a tract of 2 acres or more.
- b. A portion of the tract containing at least 25,000 square feet with 100 feet of width must be designated and reserved exclusively for residential use.

3. *Maximum Area*

The total floor area of all buildings occupied by the RFO shall not exceed 5,000 square feet. The maximum land area that may be used in conjunction with the Rural Family Occupation is 15,000 square feet.

4. *Use Separation*

All operations of the RFO shall observe a 50-foot setback from all property lines.

5. *Location*

All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.

6. *Screening*

All operations of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and shall be screened in accordance with the requirements of Section 10(H).

7. *Operation*

- a. The RFO shall be owned by the landowner who must reside on the property.
- b. No more than 5 persons shall be employed other than those residing on the property.
- c. Outside storage and parking of commercial vehicles is permitted. The applicant shall indicate on the site plan the type and location of outside storage and the location and proposed number of vehicles to be parked on the lot.
- d. The RFO shall not be operated between the hours of 9 p.m. to 6 a.m.
- e. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services. Commercial retail or wholesale operations that bring to the site goods specifically for the purpose of resale shall be prohibited.

WWW. *Salvage Yards, Auto Parts; Salvage Yards, Scrap Processing*

1. *Where Required*

Salvage Yards, Auto Parts: Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA district. Permitted by right with development standards within the GI district.

Salvage Yards, Scrap Processing: GI district.

2. *Minimum Area*

The minimum area required to establish a salvage yard shall be 5 acres.

3. *Use Separation*

The operations of salvage yards shall not be any closer than 300 feet to any residential property line. Neither should any such operations be closer than 300 feet to the property line of any school, hospital, nursing and convalescent home, or day care facility.

4. *Screening*

Salvage yards shall be enclosed by a sight-obstructing screen of at least 6 feet in height adjacent to public roads and 8 feet in height adjacent to properties of a residential, educational or institutional nature. All such screens shall be maintained in a sound and stable manner for the life of the operation. Entrances and exits shall be secured when the salvage yard is closed. If state or federal requirements for screening are more stringent, such requirements shall be applicable.

5. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 400 feet to the nearest residence. No noisy processing shall be carried on in connection with the business on Sundays, Christmas Day, Thanksgiving Day, or at any time between the hours of 6:00 p.m. and 7:00 a.m.

6. *Vibration*

No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.

7. *Dust and Particulates*

Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved/hard-surfaced with either concrete or asphalt.

8. *Smoke and Burning*

Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.

9. *Trash and Garbage*

Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.

10. *Disposal of Toxic/Hazardous Matter*

Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.

11. *Storage of Fuels*

Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within 1000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

12. *Drainage*

Salvage yard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

13. *Weeds and Vegetation*

Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than 6 inches.

14. *Storage*

Salvage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged as to permit easy access to all such salvage for fire fighting purposes.

15. *Permit Requirements*

The facility shall obtain all applicable state and federal permits.

XXX. *Sawmill or Planing Mills*

1. *Where Required*

RA district.

2. *Minimum Property Setbacks*

All buildings and structures shall be a minimum of 100 feet from any residentially-zoned or used lot.

3. *Screening*

All outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

4. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

5. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

6. *Dust*

All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

YYY. *Service Station, Gasoline Sales*

1. *Where Required*

RA district.

2. *Operation*

- a. Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.
- b. No outside storage of materials shall be permitted. The number of vehicles stored outdoors shall not exceed the number of service bays at the establishment.

3. *Gasoline Service Islands/Pumps*

There shall be no more than 2 gasoline service islands.

4. *Maximum Area*

A maximum of 3,000 square feet of gross floor area shall be permitted.

ZZZ. *Sewage Treatment Plant*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA, RR, GC, and HC districts. Permitted by right with development standards within the LI and GI districts.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 300 feet from a residentially used or zoned lot.

3. *Noise*

Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by Pitt County, involved with the use.

AAAA. *Sexually-Oriented Business*

1. *Where Required*

GC and HC districts.

2. *General Requirements*

A sexually-oriented business shall comply with the requirements of the Ordinance Regulating Adult Establishments & Sexually Oriented Businesses, Planning & Development Ordinance No. 2, of the Pitt County Code.

3. *Prohibition of Sleeping Quarters*

Except for adult motels, no sexually-oriented business shall have sleeping quarters.

4. *Restriction of Uses on the Same Property or in the Same Building*

There shall not be more than one sexually-oriented business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually-oriented business.

5. *Signs*

Except for a business identification sign permitted in accordance with Section 9, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.

6. *Hours of Operation*

The hours of operation shall be compatible with the land uses adjacent to the proposed site.

BBBB. *Shooting Range, Indoor*

1. *Where Required*

GC, HC, LI, and GI districts.

2. *Noise*

The facility shall, to the maximum extent feasible, be designed to absorb sound.

CCCC. *Shooting Range, Outdoor*

1. *Where Required*

RA and GI districts.

2. *General Requirements*

The use shall comply with the requirements of the Shooting Range Regulations, Planning & Development Services Ordinance No. 9, of the Pitt County Code except that any variance

request concerning a shooting range shall be reviewed by the Board of Adjustment rather than the Planning Board as specified in Section 9(E) of the Shooting Range Regulations.

3. *Access*

Access shall be controlled to prevent unregulated entrance to the firing area.

4. *Security Fencing*

Security fencing shall be provided to prevent an individual from crossing the property downrange.

5. *Backstops*

The design of the backstop downrange shall be as approved by the National Rifle Association.

DDDD. *Shopping Center*

1. *Where Required*

GC and HC districts.

2. *Minimum Development Area*

The minimum development area for a shopping center shall be 5 acres.

3. *Open Space Requirements*

A minimum of 15 percent of the gross site area shall be landscaped open space.

4. *Floor Area Ratio*

The maximum floor area ratio shall be 0.30. Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.

5. *Setbacks*

Shopping center developments that are adjacent to or across a public street right-of-way from a residential zoning district shall provide a minimum building setback of 60 feet.

6. *Outdoor Storage*

The outdoor area devoted to storage, loading, and display of retail goods shall be limited to a maximum 15 percent of the net developable lot area and shall provide screening in accordance with the provisions of Section 10(H). All refuse shall be contained in completely enclosed facilities.

7. *Screening*

There shall be a minimum landscaped buffer strip of 30 feet in width along all public street right-of-way lines and 15 feet in width along all side and rear property lines. No parking is permitted within the buffer strip. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of natural vegetation, fences, walls, or berms. Such screening shall be installed, located, or constructed so as to create an effective screen.

8. *Driveways and Curb Cuts*

On a corner tract, no curb cut shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private road. No curb cut shall be located closer than 25 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 125 feet. A freestanding use within the shopping center development shall have no more than 2 curb cuts on any single public right-of-way, and such curb cuts shall have a minimum distance of 125 feet between them.

EEEE. Solar Energy Facility

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA, RR, and GC districts. Permitted by right with development standards within the HC, LI, and GI districts.

2. *Height*

Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 25 feet in height when ground mounted. Roof-mounted systems shall not exceed the maximum height for the applicable zoning district.

3. *Use Separation*

All equipment and structures shall be a minimum of fifty feet from the boundary of the facility as delineated on the site plan, and one-hundred feet from any residence. Inverters shall be a minimum of 150 feet from any residence.

4. *Submittal Requirements*

- a. A narrative describing the proposed solar energy facility including an overview of the project;
- b. A site plan showing the proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, transmission lines, and the location of any residence within 100 feet of the perimeter of the facility;
- c. Standard drawings of the solar collection system components;
- d. Copies of any lease agreement and solar access easement(s);
- e. Evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected, customer-owned generator (off-grid systems shall be exempt from this requirement);
- f. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Pitt County to ensure compliance with this Article;
- g. Decommissioning plans that describe the anticipated life of the facility, the estimated decommissioning costs in current dollars, and the anticipated manner in which the facility will be decommissioned and the site restored; and
- h. Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner).

5. *Structural Requirements*

- a. The facility shall meet all requirements of the North Carolina State Building Code.
- b. All electrical solar components must comply with the current edition of the National Electric Code, be UL listed (or equivalent), and designed with an anti-reflective coating.
- c. Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

6. *Security Fencing*

Security fencing, a minimum of six feet in height, shall be provided along the entire perimeter of the facility.

7. *Screening*

The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The buffer yard shall comply with the requirements of Section 10(H).

8. *Signage*

No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed 32 square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.

9. *Abandonment*

It is the responsibility of the owner to notify Pitt County and to remove all obsolete or unused systems. Any structure or equipment associated with the solar farm that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned, and the County, may require the owner to remove such structure within 90 days after notice from the County. If the abandoned structure or equipment is not removed within 90 days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

FFFF. *Solid Waste Disposal (Non-hazardous)*

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA district. Permitted by right with development standards within the GI district.

2. *Use Separation*

All structures, buildings, and landfilling operations shall be a minimum of 300 feet from a residentially-used lot.

3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Access*

- a. Access to the facility shall be by way of a collector or higher classified road.
- b. Entrances shall be controlled to prevent unregulated access to the facility.
- c. Access roads leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- c. No part of access roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
- e. A truck route plan shall be submitted showing truck routes to and from the facility. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses which will be negatively affected by truck traffic.

5. *Minimum Area*

- a. A minimum of 50 acres shall be required to establish a sanitary landfill facility.
- b. All other types of solid waste disposal facilities such as collection sites, convenience centers, and transfer sites shall have sufficient land area to adequately accommodate the facility's operations and to sufficiently separate the facility from adjoining land uses.

6. *Siting and Design*

The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.

7. *Operation*

The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

GGGG. *Special Temporary Event*

1. *Where Required*

All Districts

2. The hours of operation allowed shall be compatible with the land uses adjacent to the special temporary event.
3. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
4. The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the special temporary event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
5. The special temporary event complies with all applicable health department requirements for sanitation and public health safety.

HHHH. Swim and Tennis Club

1. Where Required

RA, RR, R40, SR, and MFR districts.

2. Minimum Area

The minimum area shall be 2 acres.

3. Use Separation

There shall be a minimum 50-foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially used or zoned property.

4. Operation

a. The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

b. The amount of noise operated shall not disrupt the activities of the adjacent land use.

5. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

6. Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the Pitt County Health Department's public swimming pool regulations.

IIII. Swine Farm

Section deleted pursuant to the North Carolina Farm Act of 2017 (Session Law 2017-108).

JJJJ. Temporary Emergency, Construction, and Repair Residence

1. Where Required

All districts.

2. Time Limitation

a. Temporary residences and offices used on construction sites of nonresidential premises shall be removed within 30 days after the issuance of a final certificate of occupancy.

b. Permits for temporary residences and offices to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within 12 months after the date of issuance, except that the Zoning Administrator may renew such permit if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

3. *Use of Manufactured Home*

The use of manufactured homes as temporary emergency, construction and repair residences is permissible in all zoning districts.

KKKK. *Temporary Shelter*

1. *Where Required*

SR, MFR, OI, GC, and HC districts.

2. *Time Limitation*

The Zoning Administrator shall initially establish an automatic expiration date for the permit for such a facility with provisions for a maximum 6-month renewal, if necessary.

3. *Location*

The facility shall be contained within the building of and operated by a government agency or nonprofit organization.

4. *Minimum Floor Area*

A minimum floor space of 50 square feet shall be provided for each individual sheltered.

5. *Operation*

The facility shall provide continuous on-site supervision during the hours of operation.

LLLL. *Theater (Outdoor)*

1. *Where Required*

GC and HC districts.

2. *Hours of Operation*

The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor theater.

3. *Noise*

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

4. The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

5. Principal access must be from a collector or higher capacity road.

6. No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially-used or zoned property or any closer than 50 feet to any other property line or public road right-of-way. No parking space shall be located closer than 100 feet to any residentially-used or zoned property.

7. The theater screen shall not face a road or highway.

MMMM. *Tobacco and Tobacco Products (Wholesale Trade Of)*

1. *Where Required*

RA district.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

3. *Access*

Principal access shall be from a collector or higher capacity road.

4. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

5. *Dust*

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

6. *Screening*

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10(H).

NNNN. *Turkey Shoots*

1. *Where Required*

RA and GI districts.

2. *Setbacks*

- a. No turkey shoot shall be allowed within a required setback.
- b. All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The backstop or target area shall be located not less than 500 feet from the road right-of-way.
- c. Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of 200 feet from and parallel to the road right-of-way.
- d. All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the backstop. The design of the backstop shall be as approved by the National Rifle Association.

3. *Parking*

An off-street parking area adequate in size to park 2 cars for every backstop shall be provided.

4. *Operation*

- a. Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of 2 feet and maintained at a height of 4 feet above the target.
- b. The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight. No firearms may be used which have been altered from manufacturer's specifications.
- c. The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
- d. Turkey shoots shall be limited to Thursdays, Friday, Saturdays, and be in operation no later than 10:00 pm.
- e. Provisions for sanitation and refuse disposal must be made in accordance with health standards.

5. *Permit Review*

The Zoning Administrator shall coordinate the review of a request for a turkey shoot with the Pitt County Health Department, Sheriff's Department, and Emergency Management Service.

6. *Permit Limitation*

The Zoning Administrator shall issue a permit not to exceed 90 days in a given year for a qualifying turkey shoot.

OOOO. *Utility Related Appurtenances*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *Dimensional Requirements*

All buildings shall be considered accessory buildings or structures.

3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by Pitt County, involved with the use.

5. *Screening*

Any outdoor storage area shall be screened from an abutting residentially used or zoned lot by a buffer yard, which complies with the requirements of Section 10(H).

6. *Dust*

All unpaved outdoor use areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

PPPP. Veterinary Clinic

1. *Where Required*

RA and RR districts.

2. *Outside Storage*

Pens and runs located outdoors shall be located a minimum of 100 feet from any residentially-zoned or used lot.

3. *Noise*

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

QQQQ. Water Treatment Plant

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA, RR, R40, SR, MFR, GC, and HC districts. Permitted by right with development standards within the LI and GI districts.

2. *Use Separation*

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from a residentially used or zoned lot.

3. *Noise*

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4. *Security Fencing*

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by Pitt County, involved with the use.

RRRR. Wedding/Event Facility

1. *Where Required*

RA, RR, R40, RC, OI, GC, HC, LI, and GI districts.

Permitted only as an accessory use in residential districts.

2. Lot Size

Minimum lot size is 2 acres.

3. Use Separation

All equipment, structures, and parking shall be a minimum of thirty feet from all property lines, and one-hundred feet from any occupied residential structure on adjacent properties.

4. Noise Level

All weddings and events shall adhere to the Pitt County Noise Ordinance and no outside amplified sound is permitted in residential districts past 10:00pm. The amount of noise shall not disrupt the activities of land uses adjacent to the facility.

5. Building Size

The total floor area of any building, in a residential zone, used as a wedding/event facility shall contain no more than seven thousand five hundred (7,500) square feet of gross floor area. There shall be no more than one wedding/event facility structure per 5 acres on residentially zoned properties.

6. Submittal Requirements

1. A narrative describing the proposed wedding/event facility including an overview of the project with proposed hours of operation and anticipated volume of events and attendees;
2. A site plan showing the proposed location and dimensions of all existing and proposed structures, screening, fencing, property lines, existing and proposed parking, access roads, and the location of any residence within 100 feet of the perimeter of the facility;

7. Structural Requirements

The facility shall meet all requirements of the North Carolina State Building Code and meet any Environmental Health requirements for sewage disposal and water supply.

8. Parking

Parking surfaces are not required to be paved, however, parking stops are required. The number of parking spaces required will be based on the size of the structure and the largest anticipated number of attendees as cited in the narrative.

9. Screening

The entire perimeter of the facility and area associated with the use shall be screened from adjoining properties by a buffer yard. The buffer yard shall comply with the requirements of Section 10(H).

10. Signage

One On-Premise sign allowed. On residentially zoned property the maximum height is limited to 8 feet and maximum size is limited to 32 square feet. Sign setback shall be a minimum of 10 feet from rights-of-way, property lines, and structures.

SSSS. *Wind Energy Facility, Accessory*

1. *Where Required*

All districts. Accessory Wind Energy Facilities shall only be permitted in conjunction with a principal residential dwelling unit or business.

2. *Blade Clearance*

No portion of any wind turbine blade should be closer than 15 feet to the ground surrounding the wind turbine.

3. *Setback*

The base of any wind turbine shall be setback from all surrounding property lines a distance equivalent to 110 percent of the height of the wind turbine at its highest point. No wind turbine shall be located closer than 150 percent of the height of the wind turbine at its highest point to any inhabited structure on an adjacent property.

All National Electric Safety Code safety clearances shall be followed and no part of the wind turbine shall be located closer than 15 feet from any existing overhead power line.

4. *Structural Requirements*

All wind turbines shall be designed and certified by an engineer to be structurally sound and in conformance with the requirements of the state building code and all other construction standards set forth by county, federal, and state law.

5. *Appearance*

Wind turbines shall be a non-obtrusive color such as white, off-white, or gray. No such wind turbine shall have any signage, writing, or pictures that may be construed as advertising except for identification of the turbine manufacturer. No flags, streamers, or decorative items may be attached to the wind turbine.

Wind turbines shall not be artificially lighted except to the extent required by the Federal Aviation Administration (FAA) or any other applicable authority that regulates air safety.

6. *Submission Requirements*

An application for a zoning permit for a wind turbine shall include:

- a. A narrative describing the proposed wind turbine including an overview of the project;
- b. The representative type and height of wind turbine to be constructed, including its generating capacity, dimensions, respective manufacturer and a description of ancillary facilities;
- c. A site plan showing the proposed location of the wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind turbine to the substation(s), ancillary equipment, buildings, transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback;
- d. Standard drawings of the wind turbine structure, including the tower, base, and footings;

- e. An engineering analysis of the tower certified by a licensed professional engineer which includes standards for ice and wind loading;
- f. Evidence of compliance with applicable FAA regulations;
- g. Evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected, customer-owned generator, including any signed and approved copies of negotiated power purchase agreements and the utility company's approved schematics (if available at the time of application). Off-grid systems shall be exempt from this requirement;
- h. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Pitt County to ensure compliance with this Ordinance;
- i. Signature of the property owner(s) and the facility owner/operator of the wind turbine (if different than the property owner).

7. *Temporary Devices*

Temporary poles or towers may be erected to use an anemometer or other meteorological devices to test wind conditions on a site. The tower or pole may be any height but it must be setback from all property lines, rights-of-way, and access easements by a distance equal to or greater than its height. The temporary pole or tower may not have any signs or writing that may be construed as advertising, and may not be illuminated except in accordance with FAA regulations. The tower or pole must be removed within two (2) years of the date that it is erected.

TTTT. *Temporary Health Care Structure*

1. *Where Required*

RA, RR, R40, SR, and MFR districts.

2. *General Requirements*

In accordance with NCGS 160D-915, temporary health care structures are subject to the following general requirements:

- a. A temporary health care structure is permitted as an accessory use on property owned or occupied by a caregiver or legal guardian in providing care for a mentally or physically impaired person.
- b. No more than one (1) temporary health care structure is permitted on a lot or parcel of land with a principal single-family dwelling.
- c. Temporary health care structures shall comply with all setback requirements that are applicable to the principal residence.
- c. No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary health care structure or elsewhere on the property.
- d. Any temporary health care structure installed pursuant to this Section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this Section. If the temporary health care structure is needed for another mentally or physically impaired person, the

temporary health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

UUUU. Data Processing Facility (Large Scale)

1. *Where Required*

RA, GC, HC, LI, and GI districts. Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance.

2. *Height*

Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 35 feet in height.

3. *Use Separation*

All equipment and structures shall be a minimum of fifty feet from the boundary of the facility as delineated on the site plan, and one-quarter mile (1,320 feet) from any church, school, or residence.

4. *Submittal Requirements*

- a. A narrative describing the proposed data processing facility including an overview of the project;
- b. A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any church, school, or residence within one-quarter mile (1,320 feet) of the perimeter of the facility;
- c. A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.;
- d. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Pitt County to ensure compliance with this Article; and
- e. Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner).

5. *Structural Requirements*

- a. The facility shall meet all requirements of the North Carolina State Building Code.
- b. Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

6. *Access*

All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Pitt County Fire Marshal.

7. *Security Fencing*

Security fencing, a minimum of eight feet in height, shall be provided along the entire perimeter of the facility.

8. *Screening*

The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The buffer yard shall comply with the requirements of Section 10(H).

9. *Utility Notification*

No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.

10. *Signage*

No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed 32 square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.

11. *Noise*

The amount of noise generated by the facility shall comply with the requirements of the Pitt County Noise Ordinance and shall not disrupt the activities of the adjacent land uses.

12. *Abandonment*

It is the responsibility of the owner to notify Pitt County and to remove all obsolete or unused systems. Any structure or equipment associated with the facility that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned, and the County may require the owner to remove such structures and equipment within 90 days after notice from the County. If the abandoned structure or equipment is not removed within 90 days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

VVVV. Oversized Vehicle Parking (Commercial)

1. *Where Required*

Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance within the RA district. Permitted by right with development standards in the GC, HC, LI, and GI districts.

2. *Use Separation*

All oversized vehicles shall be parked a minimum of 50 feet from any adjoining residentially-zoned property and shall be a minimum of 100 feet from any residence, church, school, or public institution.

3. *Minimum Area*

The minimum area required to establish such facility shall be 2 acres.

4. *Screening*

The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The buffer yard shall comply with the requirements of Section 10(H).

5. *Fencing*

Security fencing, a minimum of six feet in height, shall be provided along the entire perimeter of the facility.

6. *Noise*

The amount of noise generated by the facility shall comply with the requirements of the Pitt County Noise Ordinance and shall not disrupt the activities of the adjacent land uses. In residential districts, parked vehicles shall not remain idling or generate any other noise while parked that would otherwise disrupt the activities of adjacent land uses between the hours of 10:00 pm and 7:00 am.

7. *Parking Surfaces*

Parking surfaces are not required to be paved; however, all parking surfaces and driveways shall be graded, properly drained, stabilized and constructed with an all-weather surface to minimize dust and erosion.

8. *Prohibited Activities*

In residential districts, the following activities shall be prohibited at such facilities:

- a. Storage, keeping, or accumulation of any wrecked, scrapped, dismantled, or inoperable vehicles, machinery, equipment, or parts thereof;
- b. Storage, keeping, or accumulation of junk materials such as scrap metals or materials, debris, waste paper, rags, batteries, waste, or used building materials;
- c. Fuel sales; and
- d. Automotive repair services.

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Section 9. Signs

The purpose and intent of this Section is to recognize that signs serve a legitimate public service and that they complement and support trade, tourism and investment within Pitt County. These regulations are intended to establish standards which maximize the effectiveness of permitted signs while limiting visual distraction to motorists and preserving the land values and natural attractiveness of the area.

All signs except those specifically listed in Section 9(C) shall be erected, installed, or modified only in accordance with a duly issued and valid sign permit issued by the Zoning Administrator. Sign permits shall be issued in accordance with the zoning permit requirements and procedures of Section 3(l), and the submission requirements of Appendix C. If plans submitted for a zoning or special use permit include sign plans in sufficient detail that the permit issuing authority can determine whether the proposed sign(s) comply with the provisions of this Section, then issuance of the requested zoning or special use permit shall constitute approval of the proposed sign(s).

A. Definitions

1. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Subsection should have the meaning indicated when used throughout Section 9.
 - a. **Sign:** Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.
 - b. **Advertising Signs (Billboards or Outdoor Advertising Signs):** A sign which publicizes and directs attention to a business, profession, commodity, activity, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located.
 - c. **Animated Sign:** Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.
 - d. **Banner:** A temporary sign of light weight fabric or similar material that is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
 - e. **Building Marker:** A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.
 - f. **Canopy Sign:** Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.
 - g. **Commercial Message:** Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.
 - h. **Construction Sign:** A sign on a construction site during the period of construction on which is printed or written the name of the owner, developer, contractor, architect, planner, engineer, or development title.

- i. **Electronically Controlled Message Sign:** A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.
- j. **Flashing Sign:** A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.
- k. **Freestanding Sign:** Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.
- l. **Governmental Sign:** Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- m. **Identification Sign:** A permanent sign announcing the name of a subdivision, manufactured home park, campground/RV park, multifamily or townhouse development, planned development, church, school, park or quasi-public structure or facility, and uses permitted in RA, RR, and residential zoning districts.
- n. **Incidental Sign:** A sign that provides only information for the convenience and necessity of the public. Company logos may be displayed on such signs but must not occupy more than 25% of the sign area. Incidental signs include directories, entrance, exit and other necessary directional signs.
- o. **Menu Sign:** A permanent on-premises sign located at businesses that provide drive-up or drive-through services such as fast food restaurants, banks, laundries, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.
- p. **Nonconforming Sign:** Any sign that does not conform to size, height, location, design, construction, or other requirements of this Section. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
- q. **On-Premises Sign:** A sign that publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold or offered upon the premises where such sign is located. On-premises signs include pole and ground mounted signs.
- r. **Portable Sign:** A sign not permanently attached to any surface.
- s. **Professional or Occupational Sign or Name Plate:** A sign that publicizes and directs attention to a home occupation, rural family occupation, or to a profession.
- t. **Projecting Sign:** Any sign that is end mounted or otherwise attached to an exterior wall of a building that forms an angle with said wall.
- u. **Real Estate Sign:** A sign that advertises the sale, rent, or lease of property.
- v. **Sign Area:** The area of a sign shall be measured in conformance with the following:

- i. The area of the face of a sign shall be calculated to include the outermost part that forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed 3 feet in height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.

Electronically controlled message signs may be attached to any principal advertising, on-premises or identification sign. The square footage of any such electronically controlled message sign shall be included when calculating the maximum sign area of the principal sign.

- ii. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.
- iii. In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.
- iv. Back-to-back and V-type signs mounted so as to be connected and not spread more than 15 feet will be considered as one sign location when calculating horizontal separation between signs. Advertising signs (billboards) shall not be stacked, horizontally or vertically.
- w. **Sign Height:** The vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign except as follows: When the ground elevation is different from the elevation of an adjacent road, the height of a sign shall be measured from the road elevation of the adjacent road at the edge of the pavement.
- x. **Temporary Signs:** Temporary signs are those signs that relate to such events as elections, farm auctions, yard sales, agricultural production sales, annual charitable, civic or fraternal events, horse shows, festivals, bona fide grand openings and model home show openings.
- y. **Wall Sign:** A sign which is attached to a wall or facade of a building or canopy.
- z. **Warning Sign:** Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing', and similar directives.

B. Sign Standards

1. All signs, except for those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code. Sufficient documentation shall be submitted to the Zoning Administrator for review to assure that wind and stress requirements have been met prior to any permit being issued.
2. All signs shall be installed and maintained in compliance with the North Carolina State Building Code and the National Electrical Code and shall have appropriate permits and inspections. Electrical signs and fixtures shall bear labels of a nationally accepted testing laboratory.
3. All signs shall be maintained in a state of good repair and shall present a neat, well-kept appearance.

4. All lights used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on the public thoroughfares. The Zoning Administrator shall have the power to order a change in the illumination of any sign that becomes a hazard or a nuisance.
5. No illuminated sign, other than professional or occupational signs or nameplates, on-premises signs, incidental signs, or identification signs shall be permitted within 100 feet of any residential zoning district. Illuminated signs other than those listed above which are located within 300 feet of a residence or residentially zoned district shall not be illuminated between the hours of 12 midnight and 6 a.m.
6. The Zoning Administrator or his authorized representative shall have the authority to order the painting, repair, alteration or removal of a sign, at the expense of the owner of such sign, which shall constitute a hazard to safety, health or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence. The existence of a sign or its support structure with no message display for a period of 90 days shall be justification to declare the sign abandoned and require its removal.
7. Any sign erected without proper permits or in violation of this Section shall be brought into compliance within 30 days of notification by the Zoning Administrator or said sign shall be removed immediately.

C. *Exempt Signs*

1. The following listed signs are subject to all placement and dimensional requirements of this Section and shall comply with the North Carolina Department of Transportation sight distance and road rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs that are found to be in violation shall be ordered corrected or removed.
 - a. Any sign 4 square feet or less in area.
 - b. Any sign that is required by law or erected at the direction of a governmental agency.
 - c. Signs erected to regulate traffic.
 - d. Any warning signs; utility signs; signs for public use; and no trespassing, no hunting, or neighborhood watch signs shall contain no commercial message.
 - e. Mailboxes, house numbers, nameplates, and building markers not exceeding 4 square feet in area.
 - f. Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.
 - g. Construction signs having a maximum area of 32 square feet and a maximum height of 8 feet and limited to one sign per construction site per road frontage. Exempt construction signs must be removed within 15 days following the completion of the project.
 - h. Real estate signs having a maximum area of 32 square feet and a maximum height of 8 feet. Real estate signs are limited to one per site or one per 300 feet of road frontage.

Temporary real estate signs associated with the marketing of a subdivision shall be limited to one sign per subdivision entrance and 32 square feet in area and 8 feet in height. This type of sign must be set back a minimum of 2 feet from all exterior property

lines of the subdivision and shall remain clear of the roadway sight distance easement. An additional directory-type sign of the same dimension, height and setback requirements may be located within the interior of a subdivision. Real estate signs must be removed within 30 days following completion of the project or transaction.

- i. Temporary signs shall not be placed more than 30 days prior to the event, election or grand opening and must be removed within 10 days following the event, election or grand opening. Such signs are limited to 100 square feet in area and 8 feet maximum height.

D. Prohibited Signs

1. The following signs shall not be permitted, erected or maintained within the Pitt County planning and zoning jurisdiction.
 - a. Signs with moving, revolving or rotating parts, optical illusions or movement or mechanical movements by any description or other apparent movement achieved by electrical, electronic or mechanical means, except for time, temperature, date signs; traditional barber poles; and electronically controlled message signs.
 - b. Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations, except for: time, temperature, date signs; traditional barber poles; and electronically controlled message signs.
 - c. Strings of light bulbs used in connection with commercial premises for commercial purposes other than traditional holiday decorations.
 - d. Portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign, shall be prohibited except that portable signs used as temporary signs as defined in Section 9(A)(1)(x). and in compliance with Section 9(C)(1)(i) are permitted.
 - e. Signs erected, maintained, painted or drawn on any tree, rock or other natural feature.
 - f. Signs that extend vertically above the highest portion of the roof of any structure.

E. Sign Placement, Size, Height, Setback, Separation, Clearances and Construction by Sign Type

1. Advertising Signs (Billboards)

All advertising signs (billboards) shall comply with the requirements of the Outdoor Advertising Signs Ordinance, Planning & Development Services Ordinance No. 7, of the Pitt County Code, except that any variance or appeal request concerning advertising signs will be reviewed by the Board of Adjustment rather than the Pitt County Board of Commissioners as specified in that Ordinance. Billboards located within 660 feet of interstate or federally assisted primary highways are also subject to the standards and permitting requirements of the Outdoor Advertising Control Act that is administered by the North Carolina Department of Transportation.

2. On-Premises Signs (freestanding pole or ground mounted on-premises signs)

- a. *Maximum height:* 35 feet.
- b. *Maximum Sign Size:* 200 square feet of sign area per adjoining public road frontage. Maximum sign size is a cumulative total and shall not exceed 300 square feet in area when multiple displays are used on a single support.

- c. *Maximum number of freestanding or ground mounted on-premises signs per parcel:* 1 sign per adjoining public road frontage.
- d. *Minimum separation from rights-of-way, property lines and structures:* 10 feet.
- e. Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
- f. No unfinished surfaces or structures shall be exposed on on-premises signs.

3. *Wall Signs (including canopy, awning and building facade signs)*

- a. *Maximum area:* 1 square foot of sign area per linear foot of building, canopy or awning per building side. Sign footage permitted per building side may not be used on other than that building side (no transfers or cumulative totals).
- b. Minimum guaranteed wall signage area at any individual premises is 32 square feet.
- c. The maximum projection of a wall sign shall not exceed 12 inches.
- d. The height of a wall sign shall not exceed the height of the building or canopy facade.

4. *Professional or Occupational Name Plates and Incidental Signs*

- a. *Maximum sign area:* 32 square feet.
- b. *Maximum height:* 30 inches if ground mounted, signs in this category may also be mounted against the structure.
- c. *Minimum setback from all property lines:* 2 feet.
- d. *Maximum number of signs per business establishment:* 1.

5. *Identification Signs*

- a. *Churches and Schools*
 - i. *Maximum sign area:* 48 square feet.
 - ii. *Maximum height:* 15 feet.
 - iii. *Minimum setback:* 10 feet from all property lines.
 - iv. *Maximum number of signs per entrance:* 2 (not to exceed a total of 4 signs).
- b. *All other uses*
 - i. *Maximum sign area:* 32 square feet.
 - ii. *Maximum height:* 8 feet.
 - iii. *Minimum setback:* 10 feet from all property lines.
 - iv. *Maximum number of signs per entrance:* 2.

6. *Menu Signs*

- a. *Maximum sign area:* 45 square feet.
- b. *Maximum height if ground mounted:* 8 feet.
- c. *Minimum setback from all property lines:* 10 feet.
- d. Maximum number of signs per business establishment: 1.

F. *Nonconforming Signs*

It is the intent of this Section to permit signs that were lawful before the effective date of this Ordinance to remain in service. Specific provisions regarding nonconforming signs are delineated in Section 12(G).

Table 9-1 Table of Permitted Signs by Type of Sign

Sign Type	RA	RR	R40	SR	MFR	OI	RC	GC	HC	LI	GI
Advertising Signs (Billboards)*								X	X	X	X
On-Premises	X					X	X	X	X	X	X
Wall Sign						X	X	X	X	X	X
Professional or Occupational Nameplate, Incidental	X	X	X	X	X	X	X	X	X	X	X
Identification	X	X	X	X	X	X	X	X	X	X	X
Menu	X					X	X	X	X	X	X
Construction	X	X	X	X	X	X	X	X	X	X	X
Real Estate	X	X	X	X	X	X	X	X	X	X	X
Temporary	X	X	X	X	X	X	X	X	X	X	X
Exempt	X	X	X	X	X	X	X	X	X	X	X

Notes: X = Indicates sign is permitted.

Blank = Indicates sign is not permitted.

- * Advertising signs shall also comply with the permit procedures and standards contained in the Outdoor Advertising Signs Ordinance, Planning & Development Ordinance No. 7, of the Pitt County Code and the current edition of the North Carolina Department of Transportation outdoor advertising manual.

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Section 10. Off-Street Parking and Landscaping Requirements

A. General Requirements

1. Parking, Stacking and Loading Space Required

When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity.

2. Required Number

The minimum number of required off-street parking, stacking and loading spaces is indicated in Section 10(C) (Parking and Stacking Areas) and Section 10(G) (Loading Areas). In cases of mixed occupancy, the minimum number of off-street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.

3. Handicapped Spaces

Spaces for the physically handicapped shall be provided as required by the NC Building Code, Volume I-C.

4. Minimum Required

In all instances where off-street parking is required, except for residential uses, a minimum of five parking spaces shall be provided.

5. Reduction of Minimum Requirements

Unless there is a change in use requiring fewer spaces, the number of spaces shall not be reduced below the minimum requirements of this Section.

6. Maintenance

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

7. Access

All parking, stacking and loading facilities shall have vehicular access to a public street or approved private street.

8. Use for No Other Purpose

Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.

9. Compliance with Air Quality Standards

The construction of or modification to (i) open parking lots containing 1,500 or more spaces or (ii) parking decks and garages containing 750 or more spaces shall comply with the concentrated air emissions standards of the NC Division of Environmental Management.

B. *Parking Requirements for Change in Use*

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Section; except that if the change in use would require an increase of less than five percent in the required number of parking spaces, no additional off-street parking shall be required.

C. *Number of Parking and Stacking Spaces Required*

1. The minimum number of required off-street parking and stacking spaces is indicated in Table 10-1.
2. Whenever the number of parking spaces required by Table 10-1 results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
3. For any use not specifically listed in Table 10-1, the parking and stacking requirements shall be those of the most similar listed use, as determined by the Zoning Administrator.
4. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
5. The Board of Commissioners recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Table 10-1 may result in a development either with inadequate parking space or parking space far in excess of its needs. Therefore, the permit-issuing authority may permit deviations from the requirements of Table 10-1 and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the general standard delineated in Section 10(C)(4). The permit-issuing authority may allow deviations, for example, when it finds that a residential development is irrevocably oriented toward the elderly, disabled or other population that demonstrates a lesser parking need or when it finds that a business or service is primarily oriented to walk-in trade. Whenever the permit-issuing authority allows or requires a deviation from the requirements of Table 10-1, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

D. *Design Standards for Parking, Stacking and Loading Areas*

1. *Parking facilities shall be designed and constructed so as to*
 - a. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
 - b. Minimize delay and interference with traffic on public roads and access drives;
 - c. Maximize sight distances from parking lot exits and access drives; and
 - d. Allow off-street parking spaces in parking lots to have access from parking lot driveways and not directly from roads.
2. *Dimensional Requirements*

Parking facilities shall be designed and constructed to meet the minimum parking space dimensions, aisle dimensions and other standards found in Table 10-2.

3. *Improvements*

- a. Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
- b. Access drives shall be paved and maintained from the curbline to a point at least ten feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
- c. *Paving shall not be required for*
 - i. Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations; or parking facilities for any use that operates on an irregular basis for no more than three (3) days per week.
 - ii. Parking facilities for residential uses where six or fewer spaces are required.
 - iii. Parking areas for agricultural uses.
 - iv. Parking areas in the GI, General Industrial District, provided they are constructed with an all-weather surface.
 - v. Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.
- d. Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Zoning Administrator that such system is not practical for storm drainage purposes.
- e. All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.
- f. All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.
- g. All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two feet into a required planting area.
- h. Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.
- i. Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four feet (vehicle encroachment is calculated as two feet beyond curb).

E. *Location*

1. *Off-site Parking Lots*

When required off-street parking is permitted to be located off-site, it shall begin within five hundred feet of the zone lot containing the principal use. Required off-street parking shall not be located across an intervening major or minor thoroughfare.

2. *Parking in Nonresidential Districts*

Automobile parking for any use may be provided in any nonresidential district.

3. *Parking in Residential Districts*

Surface parking in a residential district for any use not permitted in that district is allowed under the following conditions:

- a. Property on which the parking is located must abut the lot containing the use that the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement. All access to such property shall be through non-residentially-zoned property;
- b. Parking shall be used only during daylight hours;
- c. Parking shall be used by customers, patrons, employees, guests, or residents of the use that the parking serves;
- d. No parking shall be located more than one hundred twenty feet into the residential zoning district.
- e. No parking shall be permitted closer than one hundred fifty feet to any public road right-of-way upon which the principal use would not be permitted driveway access; and
- f. Long-term or dead storage, loading, sales, repair work or servicing of vehicles is prohibited.

Table 10-1 Off-Street Parking and Stacking Requirements

USE	SPACES REQUIRED
Residential Uses	
1) Boarding and rooming house; bed & breakfast	1/bedroom plus 2/3 employees on the largest shift
2) Congregate care, family care, halfway house, or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
3) Multi-family dwellings (including condominiums)	
0 to 1 bedroom units	1.50/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit
4) Homeless shelter	1/resident staff member, plus 2/3 nonresidential staff members and/or volunteers on the largest shift, plus 1/each vehicle used in the operation
5) Single-family detached & two-family dwellings; manufactured homes; townhouse dwellings; manufactured home parks	2/dwelling unit on the same lot
Accessory Uses	
1) Accessory dwelling unit	1/attached unit, 2/detached unit
2) Caretaker dwelling	2/unit
3) Home & rural family occupations	1/each non-resident employee
Recreational Uses	
1) Amusement parks; fairgrounds; skating rinks	1/200 square feet of activity area
2) Athletic fields	25/field
3) Auditorium; assembly hall; convention center; stadium	1/5 persons based upon the design capacity of the building
4) Batting cages, golf driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point

USE	SPACES REQUIRED
5) Billiard parlors; tennis courts	3/table or court
6) Bowling centers	4/lane
7) Clubs; coin-operated amusement; physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area
8) Riding academy	1/2 stalls
9) Go-cart raceways	1/go-cart plus 1/employee on the largest shift
10) Recreational vehicle park or campground	See Section 8.56
11) Swimming pools, swim clubs	1/100 square feet of water and deck space
Educational and Institutional Uses	
1) Ambulance services; fire stations; law enforcement stations	1/employee on the largest shift
2) Churches	1/4 seats in main chapel
3) Colleges and universities	7/classroom plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
4) Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus 1/vehicle used in the operation
5) Day care centers	1/employee plus 1/10 clients
6) Elementary and middle schools	3/room used for offices plus 3/classroom
7) Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
8) Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
9) Libraries; museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on the largest shift
10) Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
11) Senior high schools	3/room used for offices plus 7/classroom
Business, Professional and Personal Services	
1) Automobile repair services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on the largest shift
2) Banks and financial institutions	*1/200 square feet gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
3) Barber and beauty shops	3/operator
4) Car washes	
a) Full-service	*stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on the largest shift
b) Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Delivery services	2/3 employees on largest shift plus 1/vehicle used in the operation
6) Equipment rental and leasing	1/200 square feet gross floor area
7) Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in the largest operation
8) Hotels and motels containing...	
a) 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1.1/rental unit

USE	SPACES REQUIRED
b) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental unit
9) Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on the largest shift
10) Laundromat (coin operated)	1/4 pieces of rental equipment
11) Laundry and dry-cleaning plants or substation	*2/3 employees on the largest shift plus 1/vehicle used in the operation plus stacking for 4 vehicles/pickup station
12) Laboratories	*2/3 employees on the largest shift plus 1/250 square feet of office space
13) Medical, dental, or related offices	3/examining room plus 1/employee including doctors
14) Motion picture production	1/1000 square feet of gross floor area
15) Offices not otherwise classified	1/250 square feet of gross floor area
16) Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
17) Theaters (indoor)	1/4 seats
18) Truck wash	*3 stacking spaces/stall
19) Veterinary service (other)	4/doctor plus 1/employee including doctors
20) Vocational, business, or secretarial schools	1/100 square feet of classroom space plus 1/250 square feet of office space
21) Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in the operation
Drive-throughs not otherwise classified	*Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to the use requirement
Retail Trade	
1) Bars, night clubs, taverns	1/3 persons based upon the design capacity of building plus 2/3 employees on the largest shift, located on the same zone lot
2) Convenience stores	*1/200 square feet gross floor area plus 4 stacking spaces at pump islands
3) Department stores, food stores	1/200 square feet gross floor area
4) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in the operation
5) Furniture; floor covering sales	1/1,000 square feet gross floor area
6) Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured homes sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on the largest shift
7) Restaurants	*1/4 seats plus 2/3 employees on the largest shift & 11 total stacking spaces with minimum 5 spaces at or before ordering station
8) Retail sales not otherwise classified	1/200 square feet gross floor area
9) Retail sales of bulky items (appliances, building materials, etc.)	1/500 square feet of gross floor area
10) Service stations, gasoline sales	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
Wholesale Trade	
1) Market showroom	1/1,000 square feet gross floor area

USE	SPACES REQUIRED
2) Wholesale uses	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
Transportation, Warehousing and Utilities	
1) Airport, bus and railroad terminals	1/4 seats plus 2/3 employees on the largest shift
2) Communications towers; demolition debris landfills; heliports; utility lines or substations	No required parking
3) Self-storage warehouses	1 space/5,000 square feet devoted to storage
4) Transportation, warehousing and utility uses not otherwise classified	2/3 employees on the largest shift plus 1/vehicle used in the operation
Manufacturing and Industrial Uses	
	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
Other Uses	
Flea markets; other open-air sales	1/1,000 square feet of lot area used for storage, sales, and display
Shopping Centers	
a) < 250,000 square feet gross floor area	1/200 square feet gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters
b) > 250,000 square feet gross floor area	1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet

/ = Per

* = NCDOT may require additional stacking spaces on state or federal highways.

F. *Combined Parking*

1. *Separate Uses*

The required parking for separate or mixed uses may be combined in one facility.

2. *Shared Parking*

A maximum of fifty percent of the parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off-site as allowed in Section 10(E)(1) (Off-site Parking Lots). In either case, the Zoning Administrator must determine that the various activities will have peak parking demand at different periods of the day or week. Otherwise, no off-street parking required for one building or use shall be applied toward the requirements of any other building or use.

3. *Reassignment*

Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in Section 10(F)(2).

G. *Loading Areas*

1. *Location*

Off-street loading areas shall be located on the same zone lot as the use they serve.

2. *Design Standards*

a. *Minimum Number of Loading Spaces Required*

i. Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (FT ²)	Number of Spaces
0 - 20,000	0
20,001 - 40,000	1
40,001 - 75,000	2
75,001 - 150,000	3
150,001 - 250,000	4
For each additional 250,000 square feet or fraction thereof	1

ii. Office buildings and hotels:

Gross Floor Area (FT ²)	Number of Spaces
0 - 100,000	0
For each additional 100,000 square feet or fraction thereof	1

iii. Industrial and wholesale operations:

Gross Floor Area (FT ²)	Number of Spaces
0 - 10,000	0
10,001 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each additional 90,000 square feet or fraction thereof	1

b. Each loading space shall be at least twelve feet wide, sixty-five feet long, and fourteen feet in clearance.

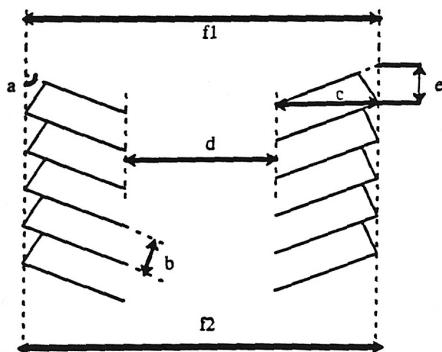
c. All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from a road or maneuvering on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

Table 10-2 Parking Space Geometric Design Standards

A PARKING ANGLE (degrees)	b STALL WIDTH (*)	C STALL TO CURB (ft.)	d AISLE WIDTH (ft.)	e CURB LENGTH (ft.)	f1	f2
					CURB-TO- CURB	OVERLAP C-C
0	7'-6"	7.5	12.0	23.0	27.0	
	8'-6"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0	12.0	23.0	30.0	-
	9'-6"	9.5	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	7'-6"	16.5	11.0	17.5	44.0	41.0
	8'-6"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.8	38.7
45	7'-6"	17.0	11.0	10.5	43.0	48.1
	8'-6"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	7'-6"	17.7	14.0	8.7	47.4	44.0
	8'-6"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0	18.0	10.4	60.0	55.6
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	7'-6"	17.0	20.0	7.5	54.0	
	8'-6"	19.0	25.0	8.5	63.0	-
	9'-0"	19.0	24.0	9.0	62.0	-
	9'-6"	19.0	24.0	9.5	62.0	-
	10'-0"	19.0	24.0	10.0	62.0	-

(*) 9'-0" Recommended (*) 8'-6" Minimum (*) 7'-6" Compact Cars Only, for non-required spaces only.

Stacking Space Geometric Design Standards
Stacking Spaces shall be twelve feet (12) by twenty (20) feet.



H. Landscaping Requirements

Landscaping and screening for new nonresidential land uses (excluding bona fide farming activities) shall be provided in accordance with the standards delineated below:

1. Roadside Buffer Yard Requirements

- a. A minimum 10-foot perpetually maintained natural or planted buffer yard shall be provided to screen the nonresidential use from all adjoining public road rights-of-way (where such parking lot is not screened visually by an intervening building).
- b. The required roadside buffer yard shall contain at least one canopy tree for each forty linear feet of road frontage and each tree shall be a minimum of 8 feet in height at the time of planting. Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity.
- c. The required buffer yard shall also contain evergreen shrubs, planted four feet on center, which are of a species that can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- d. All trees and shrubs should be planted within a landscaping bed consisting of natural mulch with a minimum depth of 3 inches to improve growth and performance over time. All portions of the roadside buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

2. Property Line Buffer Yard Requirements

- a. Where a nonresidential use abuts a residentially-used or zoned lot, a minimum 10-foot perpetually maintained natural or planted buffer yard shall be provided along all adjoining property lines that do not coincide with road rights-of-way.
- b. The required property line buffer yard shall comply with the planting standards set out in Section 10(H)(1) for roadside buffer yards except that there shall be one canopy tree for each 40 LF of property line adjoining a residentially zoned lot rather than for each 40 LF of road frontage.

3. Screening of Dumpsters

Solid waste collection dumpsters which are (i) located on sites used for multi-family residential, commercial, institutional, or industrial purposes and (ii) abutting a residence, residentially zoned lot, or road right-of-way shall be screened from the view of adjoining residences, residentially zoned lots, or road rights-of-way. Such screening may consist of evergreen vegetation, fences, walls, or berms and shall be installed, located, or constructed so as to create an effective screen.

4. Alternative Screening Methods

- a. Under certain circumstances the application of the standards delineated in Sections 10(H)(1) through 10(H)(3) is either inappropriate or ineffective in achieving the purposes of this Ordinance. When screening is required by this Section or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific plan for screening to the Zoning Administrator. This plan must demonstrate how the purposes and standards of this Section will be met by measures other than those listed in Sections

10(H)(1) through 10(H)(3). If approved by the Zoning Administrator, the alternative screening plan may be utilized to meet the requirements of this Section.

b. A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of Sections 10(H)(1) through 10(H)(3), provided that the following standards are met:

- i. Walls (a minimum of 5 feet in height and constructed of masonry, stone or pressure treated lumber) or an opaque fence (a minimum of 5 feet in height) may be used to reduce the width of the buffer yard required in Section 10(H)(1)(a) to a minimum of 5 feet. All canopy trees and shrubs required by 10(H)(1) and 10(H)(2) shall be planted on the outside of the wall or fence.
- ii. Understory trees may be substituted for canopy trees if, in the opinion of the Zoning Administrator upon conferring with the electrical utility provider, a conflict exists with overhead utility lines.
- iii. Wall planters shall be constructed of masonry, stone or pressure treated lumber and shall have a minimum height of 30 inches. The minimum height of shrubs in wall planters shall be 6 inches. The effective planting area of the wall planter shall be 4 feet in width (7 feet if the wall planter contains trees).
- iv. Any berm utilized for screening purposes shall have a minimum height of 5 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1, and shall be planted with a permanent ground cover of natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

5. *Maintenance*

In order for any screening to fulfill the purpose for which it was established, it must be properly maintained. Vegetation should be installed according to established planting techniques, including establishing a well-prepared planting area prior to planting any trees or shrubs. Reference materials that illustrate proper planting techniques for trees and shrubs are available from the Pitt County Planning Department and the Pitt County Cooperative Extension. It is highly recommended that soil testing be conducted to ensure that soil conditions are appropriate for proposed plantings. The owner of the property and any tenant on the property where screening is required will be jointly and severally responsible for the maintenance of all required screening materials. Maintenance includes actions necessary to keep screening materials healthy, neat and orderly in appearance and free of litter and debris. Any live screening materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this Section. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

6. *Use of Existing Screening*

When a lot is to be developed so that screening is required and that lot abuts an existing hedge, fence or other screening material on the adjoining lot, then that existing screen may be used to satisfy the requirements of this Section. The existing screen must meet the minimum standards for screening established by this Section and it must be protected from damage by pedestrians or motor vehicles. However, the burden to provide the necessary screening remains with the use to be screened and is a continuing obligation that runs with the land so long as the original use continues in operation. Consequently, should the screening on the adjoining lot be removed, the use required to be screened shall, at that time, provide screening in accordance with the requirements of this Section.

7. *Obstructions Prohibited*

Landscaping and screening materials shall not obstruct the view of motorists using any road, driveway, or parking aisle.

8. *Guarantee in Lieu of Immediate Installation of Landscaping and Screening Materials*

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Section and reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, the developer may provide, in accordance with the provisions of Section 3(O), an adequately secured performance bond or other security to ensure that all of the requirements of Section 10(H) will be fulfilled.

I. *Excessive Illumination in Parking Lots and Loading Areas*

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

Section 11. Enforcement

A. *Violations*

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by state law.

1. *Development Without Permit*

A 'development without a permit' violation means to engage in any development, use, construction, remodeling or other activities of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without required permits, certificates or other forms of authorization as set forth in this Ordinance.

2. *Development Inconsistent with Permit*

A 'development inconsistent with a permit' violation means to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

3. *Violation by Act or Omission*

A 'violation by act or omission' means to violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Board of Commissioners or its authorized boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

4. *Use in Violation*

A 'use in violation' means to erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

5. *Continuing Violation*

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

B. *Enforcement Intent*

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator's decision. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court as provided by law and must be filed with the Pitt County Clerk of Court within the 30-day appeal period described in Section 11(G)(2). It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

C. *Enforcement Procedures*

When the Zoning Administrator or his agent finds a violation of this Ordinance or receives a complaint alleging a violation of this Ordinance, it shall be his duty to notify the property owner or occupant of the land, building, structure, sign, or use of the violation. The property owner or occupant shall immediately remedy the violation.

1. *Notice of Violation*

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall issue a written Notice of Violation. The Notice of Violation shall be delivered to the property owner and any other responsible party defined in Section 11(E)(3) by personal delivery, electronic delivery, or first-class mail. The Notice of Violation may also be posted conspicuously on the property.

The Notice of Violation shall state the following:

- a. That the land, building, sign, structure, or use is in violation of this Ordinance;
- b. The nature of the violation, and citation of the Section of this Ordinance violated; and
- c. The measures necessary to remedy the violation.

2. *Stop Work Order*

Whenever any work or activity subject to regulation pursuant to this Ordinance is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, the Zoning Administrator may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the County that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

3. *Appeal*

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment, in accordance with the provisions of Section 13(A) within thirty days following the date of the Notice of Violation. The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Zoning Administrator in the Notice of Violation shall be final. Except as provided by NCGS 160D-1114 and NCGS 160D-1208, a stop work order may be appealed to the Board of Adjustment pursuant to NCGS 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

4. *Order of Corrective Action*

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

5. *Failure to Comply with an Order*

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 11(D). If the owner or occupant fails to comply with the remedies and penalties prescribed, litigation to enforce this Ordinance, and its remedies and penalties, may be

brought in a court of competent jurisdiction. Pursuant to NCGS 160D-404, violation of a stop work order shall constitute a Class 1 misdemeanor.

D. *Penalties and Remedies*

Any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

1. *Injunction*

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

2. *Civil Penalties*

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 11(E).

3. *Denial of Permit or Certificate*

The Zoning Administrator may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

4. *Conditional Permit*

The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by the County Attorney.

5. *Revocation of Permits*

In accordance with Section 11(F), permits shall be revoked for any substantial departure from the approved applications, plans, or specifications; refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the County for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable state or local law may also be revoked.

6. *State and Common Law Remedies*

In addition to other enforcement provisions contained in this Ordinance, the Board of Commissioners may exercise any and all enforcement powers granted to it by state law or common law.

E. *Civil Penalties-Assessment and Procedures*

1. *Penalties*

Any person who violates any provisions of this Ordinance shall be subject to assessment of a \$50 per violation, per day civil penalty or the maximum amount allowed by law.

2. *Notice*

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 11(C)(1). If after receiving a notice of violation under Section 11(C)(1), the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen days of the date of the notice.

3. *Responsible Parties*

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

4. *Continuing Violation*

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional \$50 per violation, per day civil penalty.

5. *Demand for Payment*

The Zoning Administrator shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

6. *Nonpayment*

If payment is not received or equitable settlement reached within thirty days, after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty.

F. *Permit Revocation*

1. *General*

A zoning, sign, or special use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this Section) for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the County for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.

No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special use permit after such permit has been revoked in accordance with this Section.

2. *Special Use Permit Revocation*

Before a special use permit may be revoked, all of the notice and hearing requirements of Section 3(M) shall be complied with. The hearing notice shall state the alleged grounds for the revocation.

3. *Zoning or Sign Permit Revocation*

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

G. *Judicial Review*

1. *Appeal to Superior Court*

Every quasi-judicial decision shall be subject to review by the Superior Court of Pitt County by proceedings in the nature of certiorari pursuant to NCGS 160D-1402.

2. *Timing of Appeal*

- a. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy of the Board of Commissioners' or Board of Adjustment's decision has been filed in the office of the Zoning Administrator.
- b. When first-class mail is used to deliver the notice of a Board of Adjustment or Board of County Commissioners decision, three days shall be added to the time to file the petition.

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Section 12. Nonconforming Situations

A. General

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

Unless otherwise specifically provided for in this Ordinance and subject to the restrictions and qualifications set forth in the remaining sections of this Ordinance, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued. Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

B. Nonconforming Lots

1. Single Lot of Record with Lot Area and/or Lot Width Nonconformity

- a. When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with.
- b. In residential zones, only a single-family dwelling shall be permitted on the nonconforming lot.
- c. Nothing contained herein exempts a lot from meeting the applicable provisions of the Pitt County Board of Health regulations.

2. Lots with Contiguous Frontage in One Ownership

- a. When two or more adjoining and vacant lots of record with contiguous frontage are in one ownership at the time of the adoption of this Ordinance or subsequent to adoption and said lots individually have a lot area or lot width which does not conform to the dimensional requirements of the district where located, such lots shall be combined to create one or more lots that meet the standards of the district where located.
- b. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Pitt County Board of Health regulations.

3. Reduction of a Lot of Record

A lot of record reduced to less than the required area, width, or setback dimensions as the result of a condemnation or purchase by a local or state government agency shall become a nonconforming lot of record.

4. *Lot of Record with Setback Nonconformity*

When the use proposed for an undeveloped nonconforming lot is one that is conforming in all other respects except that the applicable setback requirements cannot reasonably be complied with, then the entity authorized by this Ordinance to issue a permit for the proposed use (the Zoning Administrator, Board of Adjustment, or Board of Commissioners) may allow deviations from the applicable setback requirements if it finds that:

- a. The property cannot reasonably be developed for the use proposed without such deviations;
- b. The deviations are necessitated by the size or shape of the nonconforming lot; and
- c. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

C. *Nonconforming Use of Land*

1. *Continuance of Nonconforming Use of Land*

Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful subject to conditions provided in this Section.

2. *Conditions for Continuance*

Such nonconforming use of land shall be subject to the following conditions:

- a. No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:
 - i. Probable traffic of each use;
 - ii. Parking requirements of each use;
 - iii. Probable number of persons on the premises of each use at a time of peak demand;
 - iv. Off-site impacts of each use, such as noise, glare, dust, vibration or smoke and other impacts on surrounding properties or the public health or safety.
- b. The number of dwelling units in a nonconforming residential use shall not be increased.
- c. No such nonconforming 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 adoption or amendment of this Ordinance.
- d. If any nonconforming use of land ceases for any reason for a continuous period of more than 180 days, any subsequent use of such land shall be a permitted use in the district in which such land is located.
- e. The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
- f. No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

3. *Extension, Enlargement or Replacement of a Nonconforming Use*

- a. Except as provided for in Subsections (b) through (f), no nonconforming use shall be extended, enlarged, or replaced.
- b. Any single-family residential nonconforming use (which may be a manufactured home) may be enlarged or replaced with a similar single-family residential structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements.
- c. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with Subsection (f).
- d. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of the site plan upon which the mining permit was granted if ten percent or more of the natural materials had already been removed on the effective date of this Ordinance.
- e. The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or use and no violations of other Sections of this Ordinance occur.
- f. Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special exception if the Board of Adjustment finds that, in completing the extension, enlargement, or replacement work:
 - i. There is no increase in the total amount of lot area devoted to the nonconforming use;
 - ii. There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
 - iii. There is no significant adverse impact on surrounding properties or the public health or safety.

In issuing a special exception, the Board of Adjustment may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas. When issuing a special exception, the Board of Adjustment shall follow the same procedures and process as when issuing a special use permit.

D. *Nonconforming Structures*

1. *Continuance of Nonconforming Structure*

Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful.

2. *Conditions for Continuance*

Such nonconforming structures shall be subject to the following conditions:

- a. No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirements.
- b. In the event of damage by fire or other causes to the extent exceeding sixty percent of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
- c. In the event of damage by fire or other causes to the extent causing less than sixty percent of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted provided it is constructed:
 - i. In the same manner in which it originally existed subject to compliance with the requirements of the NC State Building Code; or
 - ii. In compliance with the dimensional requirements.
- d. No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated and with the requirements of the NC State Building Code.

3. *Preservation of Safe or Lawful Conditions*

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful by the County Building Inspector or other duly authorized official.

E. *Miscellaneous Nonconforming Situations*

1. *Nonconforming Situation Resulting from Governmental Acquisition*

Any lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this Ordinance.

2. *Nonconforming Parking Created by Change of Use*

Whenever a change of use that does not involve the enlargement of an existing structure is proposed for a lot on which the parking requirements of this Ordinance for the proposed new use cannot be met due to insufficient lot area, the proposed change of use shall not be regarded as an impermissible extension or enlargement of a nonconforming situation. However, the permit-issuing authority shall require that the parking requirements be satisfied to the extent possible utilizing the lot area that is available and may require that satellite parking space be obtained.

F. *Nonconforming Projects*

All nonconforming projects on which construction was begun at least 180 days before the effective date of this Ordinance as well as all nonconforming projects that are at least ten percent completed in terms of the total expected cost of the project on the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were

validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this Section shall apply only to the particular phase under construction. In addition, as provided in NCGS 160D-108(c), neither this Ordinance nor any amendment to it shall, without the written consent of the property owner, affect any lot with respect to which a development permit application has been submitted and subsequently issued pursuant to NCGS 143-755 prior to the enactment of the Ordinance making the change so long as the development permit remains valid, unexpired, and unrevoked.

G. Nonconforming Signs

1. Continuance of Nonconforming Signs

- a. Signs in existence on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of this Ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:
 - i. No nonconforming sign shall be changed to another nonconforming sign.
 - ii. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
 - iii. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign other than to make the sign a conforming sign.
 - iv. No nonconforming sign shall be re-established after the activity, business or use to which it relates has been discontinued and such sign shall be removed.
 - v. No nonconforming sign shall be re-established and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds fifty percent of the estimated total value of the sign at the time of destruction, as determined by the Building Inspector. If damaged by less than fifty percent, but repairs are not made within three months of the time such damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.
 - vi. No nonconforming sign shall be relocated unless it is brought into conformance with the requirements of this Ordinance.
 - vii. Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, type or design of the sign is not altered.
- b. Any nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this Ordinance.
- c. Any nonconforming sign which (i) is a menace to the public safety, (ii) has been abandoned, or (iii) which has not been properly maintained, including cleaning and painting of painted surface areas and replacement of damaged parts, shall be removed after due notice has been given by the Zoning Administrator.

2. *Violations of Nonconforming Sign Provisions*

The Zoning Administrator shall order the removal of any sign maintained in violation of the provisions of this Section for which removal procedures are herein prescribed, accordingly: the Zoning Administrator shall give ninety days written notice to the owner or lessee to remove the sign or to bring it into compliance with this Ordinance. If the owner or lessee fails to remove the sign within ninety days after the ninety-day written notice has been given, the Zoning Administrator or his duly authorized representative may institute removal proceedings according to the procedures specified in NCGS 153A-123.

Section 13. Appeals, Variances, Interpretations

A. Appeals

1. Any person who has standing under NCGS 160D-1402(d), including the County, may appeal an administrative decision to the Board of Adjustment. Pursuant to NCGS 160D-405, a stop work order issued by the Zoning Administrator may be appealed to the Board of Adjustment. An appeal is taken by filing with the Zoning Administrator and the Board of Adjustment a written notice of appeal specifying the grounds for appeal. A notice of appeal shall be considered filed with the Zoning Administrator and the Board of Adjustment when delivered to the Planning Department, the required filing fee paid, and the date and time of filing entered on the notice by Planning Department staff.
2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The owner or other party has 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to NCGS 160D-403(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
3. It is conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property for at least 10 days. Posting of the signs is not the only form of constructive notice. Any such posting is the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Posting of signs is not required.
4. Whenever an appeal is filed, the Zoning Administrator shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the decision appealed from is taken. The Zoning Administrator shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
5. An appeal stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal in accordance with NCGS 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the Zoning Administrator certifies to the Board of Adjustment that because of facts stated in an affidavit, a stay would cause imminent peril to life or property, or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that case, proceedings shall not be stayed except by a restraining order which may be granted by a court.
6. Upon appeal of a stop work order issued by the Zoning Administrator, no further work or activity shall take place in violation of the stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.
7. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding any other provision of this Section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the ordinance does not stay the further review of an application for development approvals to use the property. In these situations, the appellant or County may request and the board may grant a stay of a final decision of

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

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

9. The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Board may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
10. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

B. Variances

1. General

- a. An application for a variance along with the required filing fee shall be submitted to the Board of Adjustment by filing a copy of the application with the Zoning Administrator.
- b. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the regulation upon a showing of all of the following:
 - i. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - ii. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - iv. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
 - v. The variance will neither result in the extension of a nonconforming situation in violation of Section 13.0 nor authorize the initiation of a nonconforming use of land.
- c. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties, provided such conditions are

reasonably related to the condition or circumstance that gives rise to the need for a variance. No change in permitted uses may be authorized by a variance.

- d. A variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, any order or decision of the Board of Adjustment granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within 60 days from the date of the decision or if construction of the use has not commenced within 180 days from the date of the issuance of a building permit.
- e. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

2. *Variances from Watershed Protection Overlay District Requirements*

- a. An application for a variance to the requirements of Section 7(A) shall be submitted to the Board of Adjustment by filing a copy of the application along with the required filing fee to the Watershed Administrator.

The application submittal shall include the following:

- i. A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
- ii. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board in considering the application.
- b. The Watershed Administrator shall notify in writing each local government having jurisdiction within the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Board of Adjustment, and such comments shall become a part of the record of proceedings by the Board.
- c. Before the Board may grant a variance to the requirements of Section 7(A), it shall follow the procedures outlined in Section 13(F), and shall find that the request meets all of the criteria required for granting a variance in Section 13(B)(1)(b).
- d. In granting the variance, the Board may attach reasonable conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of Section 7(A). If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
- e. The Board shall refuse to hear an application for a variance that has been previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the application.
- f. If a variance is approved in accordance with this provision, the Watershed Administrator

shall issue a Watershed Protection Permit in accordance with the requirements of Section 7(A)(3) of this ordinance.

g. Environmental Management Commission Review

If the Board decides in favor of granting a major variance, the Board shall prepare and send a preliminary record of the hearing to the North Carolina Environmental Management Commission (EMC) for its review and consideration.

The preliminary record of the hearing shall include:

- i. The variance application;
- ii. The hearing notices;
- iii. The evidence presented;
- iv. Motions, offers of proof, objections to evidence, and rulings by the Board on such matters;
- v. Proposed findings and exceptions;
- vi. The proposed decision, including all conditions proposed to be added to the permit.

- h. Upon receiving the record of a major variance from the Board, the EMC shall (i) review the variance request, (ii) prepare a final decision on the request, and (iii) forward its decision to the Board of Adjustment. If the EMC approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. If the EMC denies the variance request, the Board of Adjustment shall prepare a final decision denying the variance.
 - i. Appeal of a decision by the Board of Adjustment on a major or minor variance request shall be subject to review by the superior court by proceedings in the nature of certiorari. Appeals shall be filed with the clerk of superior court by the later of 30 days after the effective date of the decision or after a written copy of the decision is given in accordance with the requirements of Section 3(M)(12) of this ordinance. When first-class mail is used to deliver notice of the decision, three days shall be added to the time to file the petition.

3. *Variances from Airport Overlay Requirements*

- a. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the regulations prescribed in Section 7(C) may apply to the Board of Adjustment for a variance in accordance with the provisions of Section 13(B). The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this Section. Additionally, no application for a variance to the requirements of Section 7(C) may be considered by the Board of Adjustment unless a copy of this application has been furnished to the manager of the Pitt-Greenville Airport for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within thirty days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

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- b. Any variance granted, if such action is deemed advisable to effectuate the purpose of Section 7(C) and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate or maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Pitt-Greenville Airport Authority, at its own expense, to install, operate and maintain the necessary markings and lights.

C. *Interpretations*

Interpretations of the location of floodway and floodplain boundary lines may be made by the Floodplain Manager as provided in Section 7(B).

D. *Requests to be Heard Within a Reasonable Time*

The Board of Adjustment shall determine contested facts and make its decision within a reasonable time, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Section 13(H), and obtain the necessary information to make sound decisions.

E. *Burden of Proof in Appeals and Variances*

1. When an appeal is taken to the Board of Adjustment in accordance with Section 13(A), the Zoning Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
2. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 13(B)(1)(b), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

F. *Board Action on Appeals and Variances*

1. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the simple majority vote necessary for adoption, then the motion is not approved.
2. Before granting a variance, the Board of Adjustment must take a vote and vote affirmatively (by a 4/5 majority) on the required findings stated in Subsection 13(B)(1)(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 13(B)(1)(b) shall include a statement of the specific reasons or findings of fact supporting such motion.
3. A motion to deny a variance may be made on the basis that any one or more of the five criteria set forth in subsection 13(B)(1)(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board of Adjustment's decision if supported by more than one fifth of the Board's membership (excluding vacant seats).

G. Hearing Procedures Required on Appeals and Variances

1. Before making a decision on an appeal or an application for a variance, the Board of Adjustment shall hold an evidentiary hearing on the appeal or application using quasi-judicial procedures.
2. The applicant, the County, and any person who would have standing to appeal the decision under NCGS 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
3. The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
4. The Zoning Administrator shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Board prior to the hearing if at the same time they are distributed to the Board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
5. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the Board. The Board Chair shall rule on any objections, and the Chair's rulings may be appealed to the full Board. These rulings are also subject to judicial review pursuant to NCGS 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
6. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160D-1402. Appeals shall be filed within the times specified in NCGS 160D-1405(d).

H. Notice of Hearing

The Zoning Administrator shall give notice of any evidentiary hearing required by Section 13(G) as follows:

1. Notice of the evidentiary hearing shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this Ordinance. In the absence of evidence to the contrary, the person mailing the notices may rely on the county tax listing to determine owners of property entitled to mailed notice.
2. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, notice of the hearing shall also be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
3. The mailed notice required by this Section shall state the date, time and place of the hearing, reasonably identify the property that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

4. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

I. *Evidence*

1. The provisions of this Section apply to all hearings for which a notice is required by Section 13(G).
2. All persons who intend to present evidence to the Board of Adjustment, rather than arguments only, shall be sworn. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
3. All findings and conclusions necessary to the issuance or denial of the requested appeal or variance (crucial findings) shall be based upon competent, material, and substantial evidence in the record.
4. The Board of Adjustment through the Chair or, in the Chair's absence, anyone acting as Chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the County, and any person with standing under NCGS 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be immediately appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this Subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

J. *Modification of Application at Hearing*

1. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
2. Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board of Adjustment may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Administrator.

K. *Record*

1. A record shall be made of all hearings required by Section 13(G), and such record shall be kept as provided by state law. Accurate minutes shall also be kept of all such proceedings, and may include a transcript of the proceedings.
2. Pursuant to NCGS 160D-1402, the record shall consist of the decision and all documents and exhibits submitted to the Board, together with the minutes of the meeting or meetings at which the decision was considered. The record shall also contain an audio or videotape of the meeting or meetings at which the decision was considered if such a recording was made.

L. *Written Decision*

1. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the Chair or other duly authorized member of the board.
2. A quasi-judicial decision is effective upon the date the written decision is filed with the Clerk to the Board and the Planning Department. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the County that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

Section 14. Amendments

A. *Amendments in General*

1. Amendments to the text of this Ordinance or to the zoning map may be made in accordance with the provisions of this Ordinance.
2. Conditional zoning district requests shall be made in accordance with the provisions of Section 14(G).
3. As provided in NCGS 160D-108(c), amendments to this Ordinance shall not be applicable or enforceable without consent of the owner with regard to any of the following:
 - a. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755;
 - b. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755;
 - c. A site-specific vesting plan pursuant to G.S. 160D-108.1 and the provisions of Section 3(V)(3) of this Ordinance;
 - d. A multi-phased development pursuant to Section 3(V)(4) of this Ordinance; or
 - e. A vested right established by the terms of a development agreement authorized by Article 10, Chapter 160D of the North Carolina General Statutes.

B. *Initiation of Amendments*

1. Any person or organization may petition the Board of Commissioners to amend this Ordinance. The petition shall be filed with the Zoning Administrator and shall include, among the information deemed relevant by the Zoning Administrator:
 - a. The name, address, and phone number of the applicant. If the applicant is not the property owner, then a notarized signature of the property owner is required on the application unless amendment is initiated by Pitt County;
 - b. A metes and bounds description and a scaled map of the land affected by the amendment if a change in zoning district classification is proposed; and
 - c. A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this Ordinance.
2. Petitions for amendments shall be submitted to the Zoning Administrator 20 working days prior to the date of the Planning Board meeting at which the petition will be reviewed.
3. No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by Pitt County. Pursuant to NCGS 160D-601, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
 - a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.

- b. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

C. *Planning Board Review and Recommendation*

1. Upon receipt of a petition for an amendment, the Zoning Administrator shall forward the request to the Planning Board for its consideration.
2. The Planning Board shall review the proposed amendment, along with planning staff recommendations and any comments received from applicable reviewing departments and agencies, and shall advise and comment on whether the proposed action is consistent with the adopted Comprehensive Land Use Plan and any other officially adopted plan that is applicable.
3. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. A statement by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. If a zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, the Planning Board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
4. The Planning Board shall have 30 days from the date of the Planning Board meeting at which the petition is reviewed to submit its written recommendation. Failure of the Planning Board to submit its recommendation within this time period shall constitute a favorable recommendation.

D. *Board of Commissioners Review and Adoption*

1. Upon receipt of a recommendation from the Planning Board, the Zoning Administrator shall consult with the Clerk to the Board to establish and schedule a legislative hearing before the Board of Commissioners on the petition. The public notice required for the hearing shall be in accordance with Section 14(E).
2. At the conclusion of a legislative hearing on the proposed amendment, the Board of Commissioners may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
3. When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall adopt a brief statement describing whether its action is consistent or inconsistent with the Comprehensive Land Use Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board was aware of and considered the Planning Board's recommendations and any relevant portions of the Comprehensive Land Use Plan.

If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review.

4. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the

benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, under NCGS 160D-602(b), the statement by the Board of Commissioners on reasonableness may address the overall rezoning.

5. If the Planning Board has not provided a recommendation within the timeframe specified in Section 14(C), the Board of Commissioners need not await the recommendation of the Planning Board before taking action on a proposed amendment nor is the Board of Commissioners bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
6. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
7. Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances.
8. Decisions by the Board of Commissioners on amendment requests shall be filed in the offices of the Planning Department.

E. *Legislative Hearing Requirements*

1. No ordinance that amends any of the provisions of this Ordinance may be adopted until a legislative hearing has been held on such ordinance.
2. Notice of the hearing shall be given once a week for two successive weeks in a newspaper having general circulation in the County. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date scheduled for the hearing. In computing this period, the date of publication is not to be included but the date of the hearing shall be included.
3. The owners of affected parcels of land and the owners of all parcels of land abutting and within 500 feet of that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. The Zoning Administrator shall prominently post a sign on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, posting of signs on each individual parcel is not required, but the Zoning Administrator shall post a sufficient number of signs to reasonably inform interested persons of the proposed amendment. The Zoning Administrator may take any other action deemed to be useful or appropriate to give notice of the hearing.
4. The notice required in Section 14(E)(3) shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners. In this instance, the County may elect to make the mailed notice provided for in Section 14(E)(3) or, as an alternative, elect to publish notice of the hearing as provided by Section 14(E)(2), provided that the advertisement shall not be less than one-half of a

newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside the County's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to Section 14(E)(3). The person or persons mailing the notices shall certify to the Board of Commissioners that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, the County shall post one or more prominent signs immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

5. The mailed and published notice required by this Section shall:
 - a. State the date, time, and place of the legislative hearing;
 - b. Summarize the nature and character of the proposed change;
 - c. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
 - d. State that the full text of the amendment can be obtained from the Clerk to the Board; and
 - e. State that substantial changes in the proposed amendment may be made following the hearing.
6. The person or persons mailing notices pursuant to Sections 14(E)(3) and 14(E)(4) shall certify to the Board of Commissioners that fact.

F. Ultimate Issue Before Board of Commissioners on Amendments

In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare. When considering proposed map amendments:

1. Except for rezoning requests submitted in accordance with Section 14(G), the Board of Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board of Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
2. The Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

G. Conditional Zoning Districts

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

2. Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. With the exception of specific uses listed in Table 5-1 that require a conditional zoning district for approval, the conditional zoning district procedure is voluntary and is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.
3. Decisions on the establishment of conditional zoning districts are a legislative process subject to the same procedures and standard of review as apply to conventional zoning district decisions. No conditional zoning district shall be established until after the person proposing the district has submitted a petition for the reclassification of property and the Board of Commissioners has approved such petition in accordance with the procedures delineated in Sections 14(B) through 14(D).
4. Any use permitted under this process must also conform to the development regulations for the corresponding conventional zoning district unless more restrictive regulations or conditions are specifically proposed by the applicant as part of the conditional zoning or planned development approval process. Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying conventional zoning district either by right or by special use permit. If the proposed use is one allowed by special use permit, it shall be reviewed and approved by the Board of Commissioners rather than the Board of Adjustment.
5. Every petition for the reclassification of property to a conditional zoning district shall be accompanied by a sketch plan or site plan containing the requisite information specified in Section 15. In the course of evaluating the proposed request, the Board of Commissioners may request additional information deemed appropriate to provide a complete analysis of the proposal.
6. The Board of Commissioners may approve the reclassification of property to a conditional zoning district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions to approval of the petition.

Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to County ordinances, plans adopted pursuant to NCGS 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. Only those conditions mutually approved by the Board of Commissioners and consented to by the petitioner in writing may be incorporated into the zoning regulations.

7. If a petition is approved under this Section, the district that is established, the approved petition and sketch plan, and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards and attached conditions for the approved conditional zoning district, the approved petition, and approved sketch plan. All uses that are permitted in the approved conditional zoning district shall comply with the applicable permit and site plan approval procedures as required in Section 3 of this Ordinance. Only those uses and structures indicated in the approved petition and sketch plan shall be allowed on the subject property. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying conventional zoning district unless more restrictive regulations or conditions are specifically proposed by the applicant as part of the conditional zoning process.

8. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying conventional zoning district followed by the letters 'CD' (for example, R40-CD).
9. Except as provided in Section 14(G)(10), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.
10. Minor modifications to conditional zoning district standards (including approved special use permits and site plans) may be reviewed and approved by the Zoning Administrator. For purposes of this Section, minor modifications are those that do not involve a change in uses permitted or the density of overall development permitted.

If multiple parcels of land are subject to a conditional zoning district, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

11. No sooner than one year after the date of approval of the petition, the Zoning Administrator shall inspect the use and maintenance of the subject property to ensure the use has been established and is in continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by the Board of Commissioners to approval of the petition. If the Zoning Administrator determines that the development is not in accordance with the approved petition, site plan, and conditions, the Zoning Administrator shall either initiate a reclassification of the property in accordance with the procedures established in this Ordinance or shall forward a report to the Board of Commissioners recommending that the property be reclassified to the original zoning district or to another district.

H. Amendments to Watershed Protection Provisions

The Zoning Administrator shall keep a record of all text amendments to this Ordinance that involve regulations, standards, or procedures regarding public water supply watersheds as outlined in Section 7(A). Copies of all such amendments shall, upon adoption, be provided to the Supervisor of the Classification and Standards Group, Water Quality Division of the Department of Environment and Natural Resources. Under no circumstances shall an amendment be adopted which would cause this Ordinance to violate the public water supply watershed rules as adopted by the NC Environmental Management Commission.

I. Withdrawal of Amendment Petition

The petitioner shall have the right to withdraw, in writing, an amendment petition at any time prior to a final decision by the Board of Commissioners. However, petitions that have been withdrawn shall be reconsidered only as a new petition and shall adhere to the submission and review requirements of Sections 14(A) through 14(F).

J. Reserved

K. Notification of Decision

Within five working days of any action by the Board of County Commissioners on an amendment petition, notice of such action shall be sent by first-class mail to the petitioner and any other persons who have indicated to the Zoning Administrator, in writing, that they would like the decision mailed to them. Additionally, within 15 days after the effective date of a zoning change to commercial or industrial zones within 660 feet of the right-of-way of an interstate or primary

highway, written notice by registered mail shall be sent to the Raleigh offices of the North Carolina Department of Transportation in accordance with NCGS 136-136 and 136-153.

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Section 15. Definitions and Word Interpretations

A. Interpretation of Ordinance

1. *Minimum Requirements.* In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.
2. *Greater Restrictions Govern.* These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing article or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.
3. *Rounding of Numbers.* All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, except that in calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.
4. *Figures and Tables.* The figures and tables provided in this Ordinance are designed to provide a visual explanation to selected Sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

B. Rules of Construction

1. *Word Interpretations.* Words not defined in this Ordinance shall be given their ordinary and common meaning.
2. *Rules of Construction.* For purposes of this Ordinance, the following rules of construction shall apply:
 - a. *Tense:* Words used in the present tense include the future tense;
 - b. *Singular and Plural:* Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;
 - c. *Mandatory Meaning:* The words 'shall', 'will', and 'must' are mandatory in nature implying an obligation or duty to comply with the particular provision;
 - d. *Gender:* Words used in the male gender include the female gender; and
 - e. *References:* Any reference to a Section shall mean a Section of this Ordinance, unless otherwise specified. Whenever any provision or definition of the Ordinance refers to or cites a section of the North Carolina General Statutes (NCGS) or any other state or local law and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. Interpretation of District Boundaries

1. *Boundary Interpretation.* Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- a. *Centerline*: Where a boundary line lies within and follows a road or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such road or alley right-of-way, railroad right-of-way, or utility easement. If such a road or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- b. *Edge Line*: Where a boundary line follows the edge of a road or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such road or alley right-of-way, railroad right-of-way, or utility easement. If such a road or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- c. *Lot Line*: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- d. *Municipal Limits*: Boundaries indicated as approximately following municipal limits or extraterritorial boundary lines shall be construed as following the municipal limits or extraterritorial boundary lines.
- e. *County Line*: Boundaries indicated as approximately following county lines shall be construed as following the county line.
- f. *Watercourses*: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- g. *Extensions*: Boundaries indicated as parallel to, or as extensions of road or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, municipal limits, county lines, or extraterritorial boundaries, shall be so construed.
- h. *Scaling*: Where a district boundary does not coincide with any boundary line as delineated above and no distances are described by specific article, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Flood Hazard Boundary Maps, if available, shall be used for scaling.

2. *Annexation*. If any portion of the territory subject to Pitt County jurisdiction under this Ordinance shall be annexed by a municipality, or taken into a municipality's jurisdiction by act of the General Assembly, or in accordance with Chapter 160D, Article 2 of the North Carolina General Statutes, Pitt County development regulations and powers of enforcement shall remain in effect until:

- a. The municipality has adopted such development regulations for said annexed or extraterritorial area; or
- b. A period of sixty days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction, whichever is sooner.

3. *Extraterritorial Jurisdiction*. A municipality that desires to extend its extraterritorial powers into any area for which Pitt County is enforcing zoning provisions, subdivision regulations, and the North Carolina State Building Code, may do so only when the municipality and Pitt County

have agreed upon the area within which each will exercise the powers conferred by NCGS 160D-202. When a municipality desires to relinquish jurisdiction over an area that it is regulating under the provisions of NCGS 160D-202, the municipal development regulations and powers of enforcement shall remain in effect until:

- a. Pitt County has adopted such development regulations for the relinquished jurisdiction; or
- b. A period of 60 days has elapsed following the action by which the municipality relinquished jurisdiction, whichever is sooner. During this period, the County may hold hearings and take other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

When a municipality is granted extraterritorial powers by Pitt County in accordance with NCGS 160D-202, such request, approval, or agreement shall be evidenced by a formally adopted resolution of the Board of County Commissioners. Any such request, approval, or agreement can be rescinded upon two year's written notice to the municipality by repealing the resolution. The adopted resolution may be modified at any time by mutual agreement of the Board of County Commissioners and the municipality.

D. Definitions

Access Easement: An easement which grants the right to cross property.

Accessory Building: A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith, or on a contiguous lot under the same ownership. Accessory buildings may be located on noncontiguous tracts in accordance with Section 8(D).

Accessory Dwelling Unit: A dwelling unit that exists either as part of a principal dwelling or as an accessory building, and is secondary and incidental to the use of the property as single-family residential.

Accessory Structure: A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith, or on a contiguous lot under the same ownership. Accessory buildings and structures may be located on noncontiguous tracts in accordance with Section 8(D).

Address: The official house, building, or structure number assigned by the County for a specific lot, building or portion thereof.

Adult Bookstore: See **Sexually-Oriented Business** definition.

Adult Theater: See **Sexually-Oriented Business** definition.

Agricultural Use: The use of land or water for bona fide farm purposes (see **Farm, Bona Fide**).

Agritourism: Any activity carried out on a bona fide farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. (N.C.G.S. 99E-30)

Aircraft: Any machine supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces, including, but not limited to, powered airplanes, gliders, helicopters, and dirigibles.

Alley: A roadway that affords only a secondary means of access to abutting property.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

Antenna Support Structure: Any building or structure other than a tower that can be used for location of telecommunications facilities.

Appeal: A request for a review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.

Applicant: Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as 'petitioner'.

Article: See *Ordinance*.

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

Athletic Field: Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

Auto Wrecking: A person or establishment that provides open storage, disassembling, or salvaging for junked motor vehicles.

Automobile Parking (Commercial): An establishment that is primarily engaged in the temporary parking of automobiles, usually on an hourly, daily, or monthly contract or fee basis. For purposes of this Ordinance, an "automobile" is defined as a passenger vehicle designed for operation on ordinary roads which typically has four wheels and is powered by an internal combustion engine or electric motor.

Automobile Repair Services: An establishment primarily engaged in one or more of the following activities: (1) general automotive repair or service, (2) automotive engine repair, (3) installation or repair of automotive transmissions, (4) installation or repair of automotive glass, (5) installation or repair of automotive exhaust systems, (6) repair of automotive tops, bodies and interiors, and (7) automotive painting and refinishing.

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

Basement: A story of a building or structure having one-half or more of its clear height below grade.

Bed and Breakfast Inn: A lodging facility in which the operator resides and which is established for the purpose of providing temporary overnight accommodations for tourists, vacationers and other similar transients. The facility may have a dining room but only for the provision of food for the registered guests of the facility.

Berm: A man-made mound of dirt with gently sloping sides and crown.

Best Management Practices (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Block: The land lying within an area bounded on all sides by roads.

Board of Adjustment: A quasi-judicial body, appointed by the County Board of Commissioners, that is given certain powers under this Ordinance.

Boarding House: A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

Buffer: An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

Buffer Yard: A strip of land which is established to separate one type of land use from another type of land use and which contains natural or planted vegetation, berms, walks, or fences in accordance with the provisions of this Ordinance.

Buildable Lot: One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, water bodies, well and septic tank fields; sufficient total dimensions; and sufficient access to permit construction thereon of a principal building together with its required parking and buffer yards.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Height: The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

Building Line: The line, established by this Ordinance, beyond which the building shall not extend, except as specifically provided by this Ordinance.

Building Separation: The minimum required horizontal distance between buildings.

Built-upon Area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Caliper Inches: Quantity in inches of the diameter of trees measured at six inches above the ground for trees four inches or less in trunk diameter and twelve inches above the ground for trees over four inches in trunk diameter.

Canopy Tree: A species of tree which normally grows to a mature height of forty feet or more with a minimum mature crown width of thirty feet.

Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned developments and mixed use development are considered as cluster development.

Cluster Subdivision. A subdivision in which building lots are grouped together within the overall subdivided tract to preserve open space. Cluster subdivisions permit more efficient and lower impact developments by “clustering” lots together and preserving open space.

Collector Road: A road whose principal function is to carry traffic between cul-de-sac, local, and subcollector roads, and roads of higher classification, but which may also provide direct access to abutting properties.

Collocation/Site Sharing: Use of a common wireless communication facility (WCF) or common site with more than one wireless license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

Combination Use: A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permitted Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Common Area(s): All areas, including private roads, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

Community Water Supply System: See *Public Water Supply System*.

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

Condominium: Portions of real estate that are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Congregate Care Facility: A facility providing shelter and services for ambulatory individuals whom by reason of the age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Convenience Store: A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop and go traffic. Illustrative examples of convenience stores are those operated by the Fast Fare, 7-11, and Pantry chains.

Corner Lot: A lot abutting two or more roads at their intersection.

County: Refers to Pitt County, North Carolina.

County Board (or County Board of Commissioners): Refers to the Pitt County Board of County Commissioners.

Critical Area: The area adjacent to a water supply intake where risk associated with pollution is greater than for the remaining portions of the watershed. The critical area is defined as extending either (1) one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever comes first or (2) one-half mile upstream from and draining to the intake located directly in the stream or river or the ridge line of the watershed, whichever comes first. Pitt County may extend the boundary of the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Critical Root Zone: The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

Cul-de-sac Road: A short local road having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

dbA: The sound pressure level, in decibels, as measured using the impulse mode and "A" weighting network on a precision sound level meter.

Data Processing Facility (Large Scale): A building, dedicated space within a building, or group of structures located on one or more acres of land used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. May also be referred to as a "Data Center". This definition shall not apply to smaller data processing facilities that are located on less than one acre of land and where such facilities are accessory or incidental to another primary use.

Day: Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law.

Day Care Center: A child care center where, at any one time, there are three or more pre-school age children or nine or more school-age children receiving child care; or a center providing day care on a regular basis for more than two hours per day for more than five adults.

Day Care Facility, Residential: A child care facility located in a residence that provides child care where, at any one time, more than two children, but less than nine children, receive child care.

Decision, Administrative: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance or local government development regulations.

Decision, Legislative: The adoption, amendment, or repeal of a regulation under this Ordinance or an applicable local act.

Decision, Quasi-judicial: A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

Declaration of Unit Ownership: A duly recorded instrument by which property is submitted to the provisions of NCGS 47A.

Dedication: A gift, by the owner, of the right to use or possess land for a specified purpose or purposes. This transfer of property rights requires a written document stating dedication and is completed with an acceptance.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

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

Development: Any man-made change to improved or unimproved real estate. Without altering the scope of any regulatory authority granted by statute or local act, includes any of the following:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
2. The excavation, grading, filling, clearing, or alteration of land.
3. The subdivision of land as defined in NCGS 160D-802.
4. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval or Permit: An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Includes any of the following: zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision of land, permits issued by the State of North Carolina for development, driveway permits, erosion and sedimentation control permits, and sign permits.

Development Regulation: Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property in the County, including any of the following: unified development ordinance, zoning regulation (including zoning maps), subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, and housing code.

Development, Density Of: The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new roads, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

District: See *Zoning District*.

Domestic Wastewater Discharge: The discharge of sewage, non-process industrial wastewater, other domestic wastewater or any combination of these items. Unless specifically excepted by the NCDEM, domestic wastewater includes liquid waste generated by domestic water-using fixtures and appliances, from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through, non-contact cooling water; seafood packing facility discharges; and wastewater from restaurants.

Drainage Easement: An easement that grants the right of water drainage to pass in open channels or enclosed structures.

Drainageway: Any natural or man-made channel that carries surface runoff from precipitation.

Dripline: A vertical line extending the outermost portion of a tree's canopy to the ground.

Driveway: A private travel way which provides access from a public or private road, road or easement.

Duplex: See *Two-Family Dwelling*.

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

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Attached: Any dwelling unit that shares one or more common walls with other similar units.

Dwelling Unit, Detached: Any dwelling unit that is freestanding and shares no common walls with any other dwelling unit.

Easement: A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

Educational Services, Miscellaneous. An establishment or facility that provides academic or technical instruction, as well as educational services, and is not otherwise classified as an elementary or secondary school, college, university, or technical institute. This definition also includes after-school programs which operate less than four hours per day and are not otherwise classified as a child day care facility.

Emergency Shelter: A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

Engineer: Any engineer licensed by the State of North Carolina.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right in accordance with NCGS 160D-108 and the requirements of this Ordinance.

Existing Lot (Lot of Record): See **Lot of Record**.

Extraterritorial Jurisdiction (ETJ): That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.

Family: One or more persons occupying a dwelling unit and living as a single household.

Family Care Home: A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or less resident persons with disabilities, pursuant to NCGS 160D-907.

Farm, Bona Fide: An agricultural land use that includes the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, fish, and all other forms of agricultural products having a domestic or foreign market.

Fence: A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means or protection or confinement, but not including a hedge or other vegetation.

Financial Guarantee: Any form of security, including a cash deposit, collateral, property, or instrument of credit, in an amount and form approved by Pitt County for use in place of actual construction of required subdivision improvements. Also referred to as 'surety.'

Firearm: A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Flag Lot: A lot that has less than the required amount of frontage on a road and relies on a pan-handle-shaped corridor for access to the bulk of the lot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Frontage: The side(s) of a lot abutting a legally accessible public or private road right-of-way.

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

Grade, Natural: The elevation of the ground surface in its natural state before man-made alterations.

Gross Floor Area: The sum of the gross horizontal areas of one or several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Group Care Facility: A facility licensed by the State of North Carolina (by whatever name it is called, other than Family Care Home as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than thirty people.

Group Development: A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises.

Habitable Floor: Any floor useable for living purposes which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Halfway House: A home licensed by the State of North Carolina, as applicable, for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35-17(30)), or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Hazardous Material: Any substance listed as such in SARA section 302, Extremely Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Waste Treatment Facility: A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following equipment and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilities reuse or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

Hearing, Evidentiary: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this Ordinance.

Hearing, Legislative: A hearing to solicit public comment on a proposed legislative decision; may also be referred to as a "public hearing".

Home Occupation: A commercial activity that is conducted by a person within a residence or accessory structure on the same zone lot where such person resides, and is not so insubstantial or incidental or is not so commonly associated with the residential use as to be considered an accessory use, but that can be conducted without any significant adverse impact on the surrounding neighborhood. A permissible home occupation activity is defined as an activity that does not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district or the surrounding area in which it is located. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located. A home occupation use must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence. The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building.

Homeless Shelter: A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: (1) the facility shall be contained within the building and operated by a government agency or nonprofit organization; (2) a minimum floor space of fifty square feet shall be provided for each individual sheltered; and (3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

Homeowners Association: A private, nonprofit corporation of homeowners formally constituted for the purpose of owning, operating, and maintaining common properties. Also known as a Declaration of Unit Ownership in a condominium development.

Horse Show: A temporary equestrian activity that is not conducted in conjunction with a riding academy.

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Industrial Discharge: The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
3. Stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
4. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Interior Setback: A setback from any property line not alongside a road.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material or other refuse.

Junk/Salvage Yard: Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of 'junk' as defined above.

Kennel: A commercial operation that provides food, shelter, and care of dogs for purposes not primarily related to medical care or engages in the breeding of dogs for sale.

Lake: Any natural or impounded body of water, including, but not limited to, a reservoir or pond.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NC General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

Landfill, Construction and Demolition: A disposal site for solid waste generated solely from the construction, remodeling, repair, or demolition operations on pavement and buildings or structures.

Landfill, Land Clearing and Inert Debris: A facility for the disposal of naturally occurring vegetative material (such as trees, limbs, stumps, brush, and grass), concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

Landfill, Discharging: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Landfill, Sanitary/Solid Waste: A site for solid waste disposal from residential, industrial or commercial activities.

Landowner: The holder of the title in fee simple. Absent evidence to the contrary, the County may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Local Road: A road whose primary function is to provide access to abutting properties.

Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The word 'lot' includes plot, parcel, or tract.

Lot Area: The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public road or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the road right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the road.

Lot Boundary Line: A line that divides one lot from another or from a right-of-way.

Lot Coverage: The portion of a lot covered by building(s) and/or structure(s).

Lot, Corner: A lot abutting on and at the intersection of two or more roads.

Lot Depth: The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

Lot, Double Frontage: See **Lot, Through**.

Lot, Flag: A lot that has less than the required amount of frontage on a road and relies on a "flagpole" or pan-handle-shaped corridor for access to the bulk of the lot.

Lot, Through: A lot that has a pair of opposite lot lines along two substantially parallel roads, and which is not a corner lot. Also known as a 'double frontage lot.'

Lot, Zone: See **Zone Lot**.

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

Lot of Record (Existing Lot of Record): A lot that was recorded prior to the adoption of this Ordinance.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Major Thoroughfare Road: Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major roads that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Major Variance: A variance from the watershed overlay district requirements that results in any one or more of the following:

1. The complete waiver of any of the management requirements outlined in Section 7(A).
2. The relaxation, by a factor of greater than ten percent, of any of the above-referenced management requirements.
3. Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Note: This definition is applicable only to variances from requirements delineated for watershed protection overlay districts.

Manufactured Home: As defined in NCGS 143-145(7), a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of NCGS 143-145(7) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401). "Manufactured home" also means a double-wide

manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. May also be referred to as a "mobile home".

Manufactured Home Park: Any development where three or more manufactured homes, intended for occupancy as dwelling units, are placed in close proximity upon the same parcel or tract.

Manufactured Home Park, Major: Any manufactured home park that is not considered a minor manufactured home park.

Manufactured Home Park, Minor: Any manufactured home park with less than five proposed and existing manufactured home park spaces and does not require road construction.

Manufactured Home Space: Any area of ground within a manufactured home park that has been planned, designed, and approved for the exclusive use of one manufactured home.

Manufactured Home Space, Flag: A space that has less than the required amount of frontage on a road and relies on a panhandle-shaped corridor for access to the bulk of the space.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Mining: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Minor Thoroughfare Road: Minor thoroughfares collect traffic from collector, subcollector, and local roads and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Minor Variance: A variance from the watershed overlay district requirements that results in a relaxation, by a factor of up to five percent, of any buffer, density or built-upon area requirements delineated in Section 7(A) or that results in a relaxation, by a factor of up to ten percent, of any management requirement in Section 7(A).

Note: This definition is applicable only to variances from requirements delineated for watershed protection overlay districts.

Mobile Home: See "Manufactured Home".

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the NC State Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Multi-Family Dwelling: Two or more single living units under the same roof structure and connected by one or more common walls. This includes but is not limited to apartments, duplexes, condominiums, triplexes, quadruplexes, or other similar buildings, which are for sale or rent and intended for human habitation.

Multi-Tenant Building: A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code.

Non-process Discharge: Industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.

Nonconforming: A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

Nonconforming Lot(s): A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Project: Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Situation: A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, because signs do not meet the requirements of Section 12, or because land or buildings are used for purposes made unlawful by this Ordinance.

Nonconforming Structure(s): A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Use: A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.

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

Nonresidential Development: All development other than residential development, agriculture, and silviculture.

Nonresidential Zoning District: The following conventional and conditional zoning districts: RC, Rural Commercial; OI, Office and Institutional; GC, General Commercial; HC, Heavy Commercial; LI, Light Industrial; and GI, General Industrial.

Nursing Home: An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Off-site: Any area not contained within the boundaries of the site being developed, whether or not the developer owns such land.

Open Space: An area of land and/or water that is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes. Open Space may include lands that have sensitive environmental features and/or significant cultural resource areas, which may make them practically unbuildable. Open Space may also be improved to have more active uses such as community gardens, playgrounds, etc.

Ordinance: Zoning Ordinance, Planning and Development Services Ordinance No. 14, Pitt County NC Code of Ordinances.

Outdoor Fruit and Vegetable Markets: The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Outdoor Religious Event: An activity of a religious organization that is conducted outdoors as a free-standing use and is not an accessory use to a principal use such a church or other place of worship. An example of an outdoor religious event would be a tent revival.

Overlay District: A special zoning district that covers a specified area and has unique requirements that supplement or supersede any requirements of the underlying, conventional or conditional zoning districts.

Oversized Vehicle Parking (Commercial): An establishment that is primarily engaged in the temporary parking of oversized vehicles or automobiles, usually on an hourly, daily, or monthly contract or fee basis. For the purposes of this Ordinance, an "oversized vehicle" is defined as any vehicle or combination of vehicles, including trailers which exceeds twenty feet in length, seven feet in width, or eight feet in height. Examples of oversized vehicles may include, but are not limited to, semi-trucks and trailers (either hitched or unhitched), box trucks, moving vans, campers, recreational vehicles, trailerized boats, and heavy equipment or machinery.

Owner: A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

Parcel: A continuous area of land in the possession of or owned by, or recorded as the property of, the same person or persons, and which is uniquely identified by the Pitt County Tax Office.

Park Model Recreational Vehicle: Also known as Recreational Park Trailer and Park Model. A single living unit that is primarily designed and completed on a single chassis, mounted on wheels, to provide temporary living quarters for recreational, camping, or seasonal uses, is certified by the manufacturer as complying with all applicable requirements of ANSI A119.5 and:

1. Has a gross trailer area not exceeding 400 square feet in the setup mode or
2. If having a gross trailer area not exceeding 320 square feet in the setup mode, has width greater than 8.5 feet in the transport mode.

Note: Park models constructed and dual labeled through the NC Modular Construction Program or the HUD Manufactured Housing Program may be permanently installed as either a single-family modular dwelling or single-family manufactured home.

Parking Lot: Part of a development that is designed and designated as a place to park motor vehicles.

Parking Space: A specific site within a parking area designed to accommodate a single motor vehicle.

Pedestrian Way: A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent roads and properties.

Perennial Waters: Waters as identified on recent USGS topographic maps that are free flowing for the entire year.

Permit-issuing Authority: The person or board authorized by this Ordinance to issue a permit or development approval in accordance with the requirements of this Ordinance. The term applies to the Zoning Administrator when issuing a zoning or sign permit, to the Board of Adjustment when issuing a special use permit, and to the County Board of Commissioners when approving a conditional zoning district.

Permit, Operating: A permit issued by the Zoning Administrator to a manufactured home park operator upon the approval of an as-built plan for a phase or entire portion of a manufactured home park. The permit certifies conformance with the provisions of this Ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

Persons with Disabilities: A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11) b.

Petitioner: Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as 'applicant'.

Plan, Construction: The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this Ordinance, which details required improvements such as roads, fire hydrants, and street lighting.

Plan, Drainage: The portion of a construction plan that illustrates the proposed system designed to provide adequate surface and subsurface drainage for a proposed development.

Plan, Erosion and Sedimentation Control: A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

Plan, Multi-Phased Development: A development containing 25 acres or more that is submitted for approval in more than one phase, and is subject to a master development plan with committed elements showing the type and intensity of each phase.

Plan, Plot: A scaled drawing or plan indicating the present or proposed use of a tract of land, especially one for a residential lot that indicates the property lines, the location of existing and proposed structures, existing and proposed roads or driveways, septic systems, utilities locations, and other important elements.

Plan, Site: A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Plan, Site-Specific Vesting: A plan which has been submitted by a landowner or permit applicant for the purpose of establishing a vested right, and which describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Plan, Sketch: A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information of sufficient accuracy to be used for discussion of the road system and the proposed development pattern. A conceptual plan in simple sketch form showing the proposed layout of the proposed subdivision or site showing streets, lots, buildings, open space, and other features in relation to existing conditions.

Plan, Spill Containment: A method that provides detailed instructions of the measures to be employed to contain and remove a hazardous spill.

Planned Development: An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

Planning Board: The Pitt County Planning Board.

Planning Department: The Pitt County Planning Department.

Plat: A surveyed map or plan of a parcel of land that is to be or has been subdivided.

Principal Building: A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 8(C) (Accessory Dwelling Units on Single-Family Lots); farm tenant dwelling; or a residence for a pastor; or caretaker dwelling accessory to a nonresidential use (limited to one such residence per lot).

Principal Dwelling: Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

Principal Structure: A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

Private Dormitory: A multiple unit residential accommodation which is established directly or indirectly, in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such an institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

Private Drive: A vehicular travelway not dedicated or offered for dedication as a public road, providing access to parking lot(s) for two or more principal buildings in a group housing or group nonresidential development.

Private Sewer: A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

Private Road: A vehicular travelway not dedicated or offered for dedication as a public road, but resembling a cul-de-sac or a local road by carrying traffic from a series of driveways to the public road system

Private Water: A system that provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

Property: All real property subject to land-use regulation by the County. The term includes any improvements or structures customarily regarded as a part of real property.

Property Line Setback: A setback from a property line that is not coterminous with a road or street right-of-way line.

Protected Area: The area adjoining and upstream of the watershed critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Public Hearing: See "Hearing, Legislative"

Public Meeting: An informal gathering for the purpose of presenting planning proposals for discussion, review, and comment.

Public or Community Sewage System: A single system of wastewater collection, treatment and disposal owned and operated and/or maintained by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, a public utility, or a home owners association.

Public Road: A road right-of-way dedicated for public use and maintained or intended to be maintained by the North Carolina Department of Transportation.

Public Sewer: A system that provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

Public Water Supply System: A water supply system intended for the provision of potable water to the public as approved by the NC State Board of Health and/or the Pitt County Health Director.

Recreational Vehicle: A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Note: Recreational vehicles not constructed through the North Carolina Modular Construction Program or the HUD Manufactured Housing Program cannot be accepted as a permanent dwelling structure in North Carolina.

Recreational Vehicle Park: Any site or tract of land, of contiguous ownership, upon which three or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

Recreational Vehicle Space: A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

Refuse and Raw Material Hauling: An establishment primarily engaged in trucking or transfer services without permanent storage or disposal for refuse, garbage, raw materials, junk, and salvage materials generally weighing more than 100 pounds. This definition includes transfer facilities regulated by the North Carolina Division of Waste Management that have a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

Reservation: An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication nor a conveyance.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residential Zoning District: The following conventional and conditional zoning districts: RA, Rural Agricultural; RR, Rural Residential; R40, Low Density Residential; SR, Suburban Residential; and MFR, Multifamily Residential.

Residuals: Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Retaining Wall: A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

Reverse Frontage Lot: A through lot that is not accessible from one of the parallel or non-intersecting roads upon which it fronts.

Rezoning: An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (1) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (2) the application of an overlay zoning district or a conditional zoning district. The term does not include the initial adoption of a zoning map by a local government; the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction; or updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. Also referred to as a "zoning map amendment".

Riding Academy: A commercial facility or school that is open to the general public and offers such activities as riding lessons, horse training, and boarding of horses. For purposes of this Ordinance, riding academy does not include the keeping of horses for personal use.

Right-of-way: A strip of land occupied, or intended to be occupied, by a road; crosswalk; railroad; road; utility transmission line or pipeline; water main; storm or public or community sewage system main; or other similar improvement.

Road Right-of-Way: A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, road name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Road Setback: Any setback from a street, road, or lane.

Roof Line: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming Unit: A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

Rural Family Occupation: A nonresidential use allowed with development standards as an accessory use to a residential use in certain designated residential zoning districts.

Salvage Yard, Auto Parts: Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any zone lot which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; or any zone lot upon which three or more, unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

Salvage Yard, Scrap Processing: Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

Satellite Dish Antenna: A parabolic or dish-shaped antenna that is designed for the purpose of receiving electronic signals. Satellite dish antenna that are less than two meters in diameter and located within commercial or industrial zoning districts and less than one meter in diameter and located within residential or residential-office districts are not included in this definition.

Seating Capacity: The actual seating capacity of an area based upon the number of seats, or one seat per eighteen inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

Setback: The required minimum horizontal distance that must be reserved between the nearest vertical surface of a building and the applicable road right-of-way line, boundary line, or other structure in which no other structure may be erected. Also referred to as the 'minimum building line.'

Sexually-Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, massage parlor, adult motion picture theater, adult theater, escort agency, sexual encounter studio, or any combination of the foregoing.

Shooting Range: An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Shooting Range Facility: A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional 'sighting-in' of firearms.

Shopping Center: A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas.

Sight Distance Area, Horizontal: The area formed by extending lines from the point of intersection of intersecting roads along the centerline of such roads for a distance of forty feet and connecting the ends of such lines by a straight line to form the base for a triangle. Each of the two sides of the triangle will be forty feet in length.

Sight Distance Area, Vertical: The area between three feet and ten feet above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting roads.

Sight Distance Easement: An easement that grants to the entity responsible for road maintenance the right to maintain unobstructed view across property located at a road intersection.

Sign: See Section 9(A) for sign-related definitions.

Sign Permit: A zoning permit issued by the Zoning Administrator that authorizes the location of a sign.

Single-Family Detached Dwelling: A separate, detached building designed for and occupied exclusively by one family.

Single-family Residential: Any development where: (1) no building contains more than one dwelling unit, (2) every dwelling unit is on a separate lot, and (3) where no lot contains more than one dwelling unit.

Solar Collector, Accessory. A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy Facility. A facility used to convert solar energy into electrical power for interconnection with a utility power grid for off-site energy consumption. May also be referred to as a solar farm, solar energy generation facility, solar power plant, or solar photovoltaic farm.

Special Promotion: An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

Special Temporary Event: A temporary land use activity whose duration is generally longer than one day but no longer than two weeks, is intended to or likely to attract substantial crowds and to generate significant vehicular traffic, is unlike the customary or usual activity generally associated with the property where the special event is to be located. See Section 8(VVV)(1) for specific standards applicable to special temporary events.

Special Use Permit: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions. As indicated in Table 5-1, Table of Permitted Uses, Special Use Permits shall be issued by the Board of Adjustment.

Stabilizing Vegetation: Any vegetation that protects the soil against erosion.

Stealth: Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

Storm Drainage Facilities: The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater Runoff: The direct runoff of water resulting from precipitation in any form.

Structure: Anything constructed or erected, including a building; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, man-made facilities, including swimming pools, walls, and signs. For purposes of the Public Water Supply Watershed Overlay District, a building shall include any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two

buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Subcollector Road: A road whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local roads with collector or higher classification roads.

Subdivider: Any person who subdivides land.

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

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations;
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening roads or for public transportation system corridors;
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County, as shown in its subdivision regulations;
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes; or
6. The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees). For the purposes of this section, the term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother).

With the exception of Section 6(D)(2) Road Access Requirements, exemption of a division of land from the definition of 'subdivision' shall not exempt any resulting lots, tracts or parcels from meeting the requirements of this Ordinance for the granting of zoning, building, or health department permits.

Surety: See *Financial Guarantee*.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches designed, used, and maintained for swimming and bathing.

Technical Review Committee: A group of County staff and other reviewing agencies who collaboratively review and approve plans by working with local developers and the Planning Department to ensure development plans and activities meet required technical standards.

Telecommunications Facilities: Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

Temporary Building: Any building of an impermanent nature, or one that is designed for use for a limited time, including any tent or canopy.

Temporary Emergency, Construction, or Repair Residence: A residence (which may be a manufactured home) that is: (1) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (2) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site

Temporary Event: An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization that is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, horse shows, outdoor religious events and other similar activities.

Temporary Health Care Structure: A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that:

1. Is primarily assembled at a location other than its site of installation
2. Is limited to one occupant who shall be the mentally or physically impaired person
3. Has no more than 300 gross square feet, and
4. Complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

Temporary Shelter: A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: (1) the facility shall be contained within the building of and operated by a government agency or nonprofit organization; (2) a minimum floor space of fifty square feet shall be provided for each individual sheltered; and (3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

Temporary Structure: Any structure of an impermanent nature or one that is designed for use for a limited time, including any tent or canopy.

Ten-Year Storm: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Tenant: Any person who alone, or jointly, or severally with others occupies a building under a lease or holds a legal tenancy.

Thoroughfare Plan: A plan adopted by the County Board of Commissioners for the development of existing and proposed major roads that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.

Through Lot: A lot abutting two roads that do not intersect at the corner of the lot.

Tiny House: The house and its foundation must comply with the North Carolina Residential Code or it may be constructed at an off-site location if it is inspected and certified under the North Carolina Modular Construction Program. If the tiny house does not comply with the North Carolina Residential Code or Modular Construction Program and is built on a trailer frame with axels and wheels, it is considered a recreational vehicle and is not acceptable as a permanent dwelling, or if it is constructed through the HUD Manufactured Housing Construction Program it will be permitted and inspected as a manufactured home.

Tourist Home: A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

Tower: A self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Tower, Lattice: A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

Tower, Monopole: A structure composed of a single spire used to support communications equipment.

Tower, Telecommunications: See definition of **Tower**.

Townhouse Dwelling: A building consisting of single-family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

Townhouse Lot: A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in a nonresidential group development.

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Tract: All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

Two-Family Dwelling: A building on one lot arranged and designed to be occupied by two families living independently of each other. Also referred to as a 'duplex'.

Understory Tree: A species of tree that normally grows to a mature height of fifteen to thirty-five feet.

Use: The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

Use(s), Accessory: A structure or use that: (1) is clearly incidental to and customarily found in connection with a principal building or principal use; (2) is subordinate to and serves a principal building or principal use; (3) is subordinate in area, extent, or purpose to the principal building or principal use served; (4) contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and (5) is located on the same lot as the principal building or principal use served.

Use, Mixed: Occupancy of a building or land by more than one use.

Use, Permitted: Any use, as designated in this Ordinance, that is by right allowed to occur within a specific zoning district.

Use(s), Principal: The primary purpose or function that a lot or structure serves or is proposed to serve.

Utility Easement: An easement which grants to the Board of Commissioners or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

Utility Related Appurtenance: A detached subordinate facility or structure that is incidental to the operation of a utility provider including, but not limited to, water towers, substations, lift stations, and pump stations.

Variance: A grant of relief by the Board of Adjustment to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest objectives of this Ordinance.

Velocity: The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Vested Right: The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in NCGS 160D-108 or under common law.

Violation: Failure on the part of any person to comply with the provisions of this Ordinance.

Waiver: Official permission from a designated permit-issuing authority, other than the Board of Adjustment, to depart from specified requirements of this Ordinance. Conditions or circumstances that may warrant waiving a requirement are specifically delineated in this Ordinance.

Water-Dependent Structure: Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

Watercourse: Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary or lake.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake). For purposes of the water supply protection regulations contained herein, major landmarks such as highways or property lines may be utilized by Pitt County to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridge line.

Watershed Administrator: An official or designated person of Pitt County responsible for administration and enforcement of the water supply watershed overlay district.

Water Supply Intake: The recognized point whereby surface water is removed in order to supply water for drinking and culinary purposes.

Water Supply Watershed: The entire land area that drains to a surface water supply intake, including the critical and protected areas.

Wedding/Event Facility: A facility which is utilized by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, celebrations, and other events. Civic, religious, and community owned buildings are not included in this definition.

Wet Detention Pond: A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

Wetlands: Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; and where the substrate is nonsoil and is saturated with water or covered by shallow water for a specified period of time during the growing season of each year.

Wind Energy Facility, Accessory: 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. Such facility consists of a single wind turbine, a tower, and associated control or conversion electronics.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires, and pad transformer. Also known as a 'windmill'.

Working Days: Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

Zero Side Setback: An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero distance from a side property line. This definition does not apply to townhouses.

Zoned Areas: Those portions of unincorporated Pitt County, located outside of municipal extraterritorial planning jurisdictions that are subject to the zoning regulations of Pitt County.

Zone Lot: A parcel of land, or portion thereof, that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such setbacks and other open spaces as required by this Ordinance.

Zoning: The designation of a particular property or portion thereof using one of the zoning designations contained in this Ordinance.

Zoning Administrator: The person(s) authorized by Section 2(B)(1)(b) who is responsible for administering and enforcing this Ordinance.

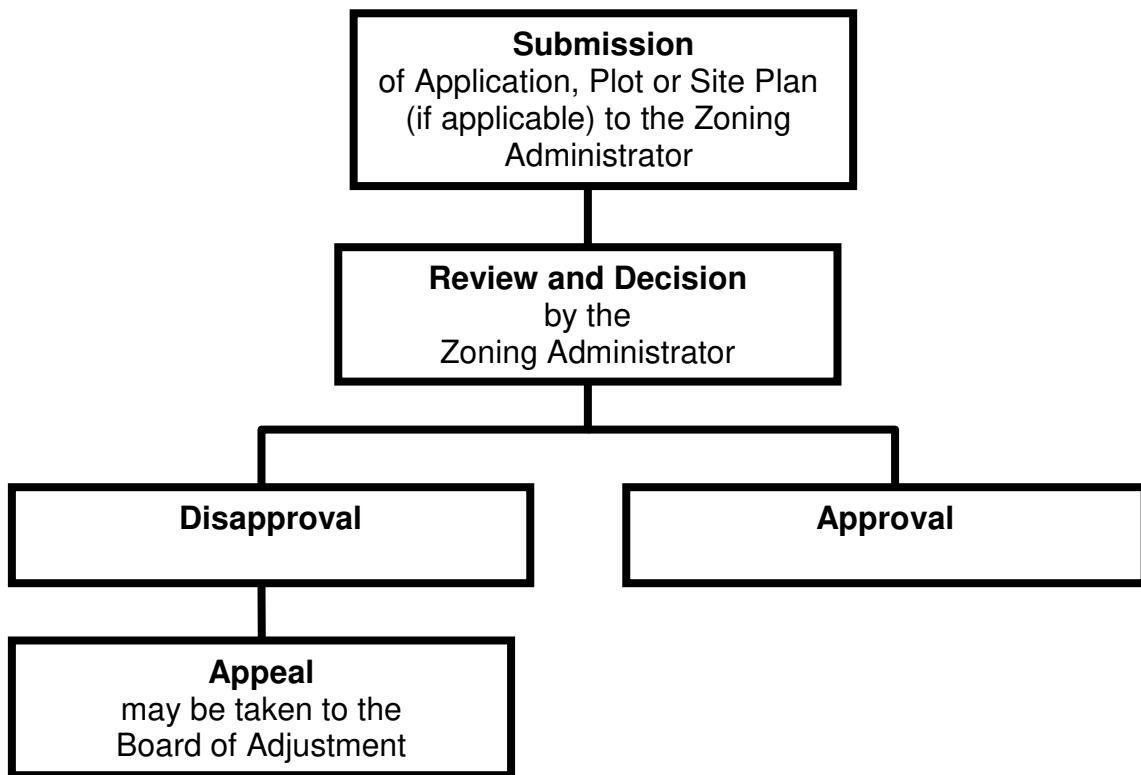
Zoning District: An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land and in which building and development standards are prescribed. Also referred to as 'zone'.

Zoning Permit: A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

APPENDIX A: PROCEDURAL FLOW CHARTS

- A-1-1 Zoning Permits
- A-1-2 Special Use Permits
- A-1-3 Administrative Appeals, Variances (except watershed protection variances) and Interpretations
- A-1-4 Variances from Watershed District Overlay Requirements
- A-1-5 Conventional Rezonings and Text Amendments
- A-1-6 Conditional Zoning Districts

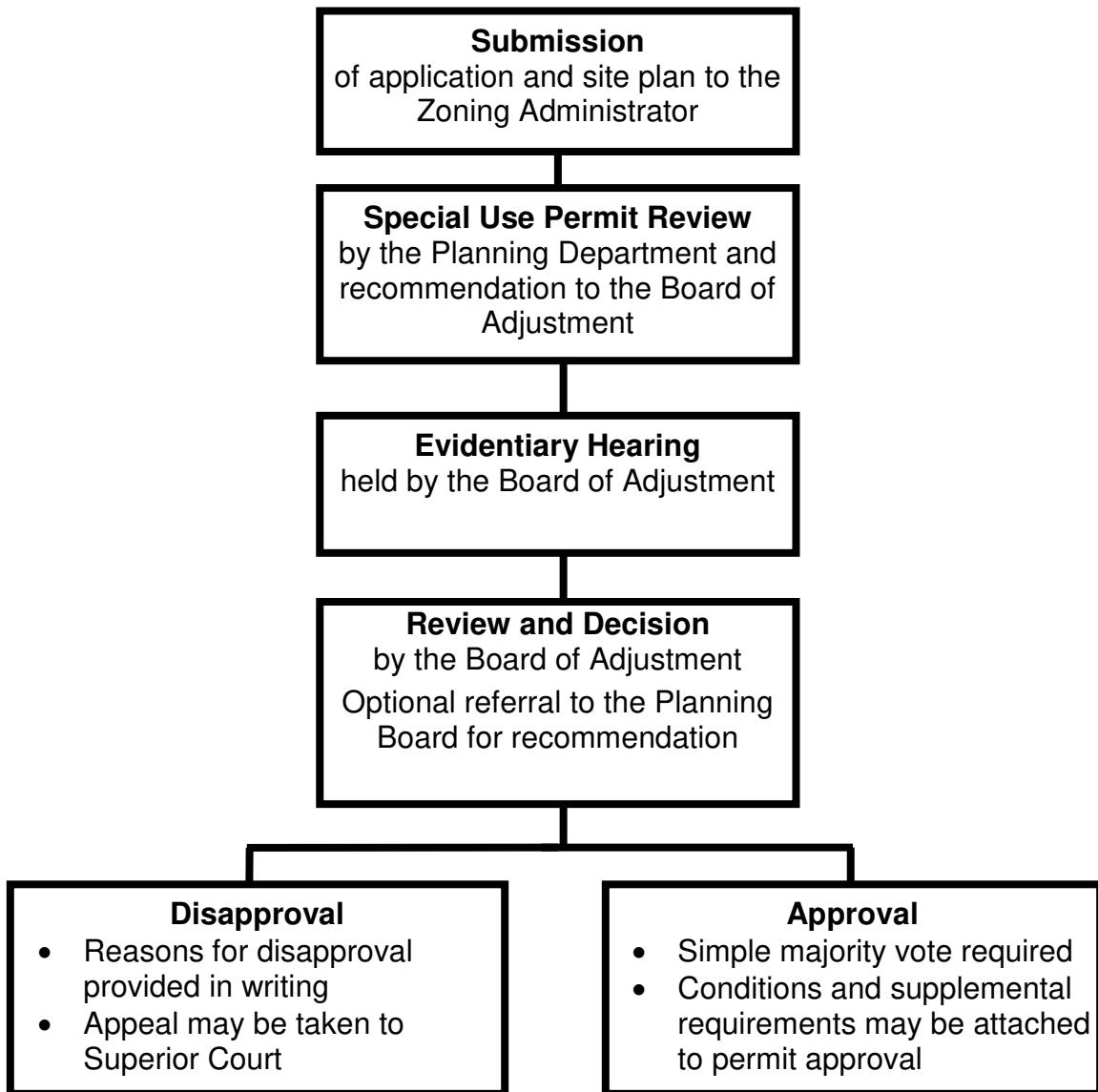
A-1-1
Zoning Permits



References:

- Section 3(C), Permit Exemptions
- Section 3(D), Permit Applications and Plans
- Section 3(I), Zoning Permits

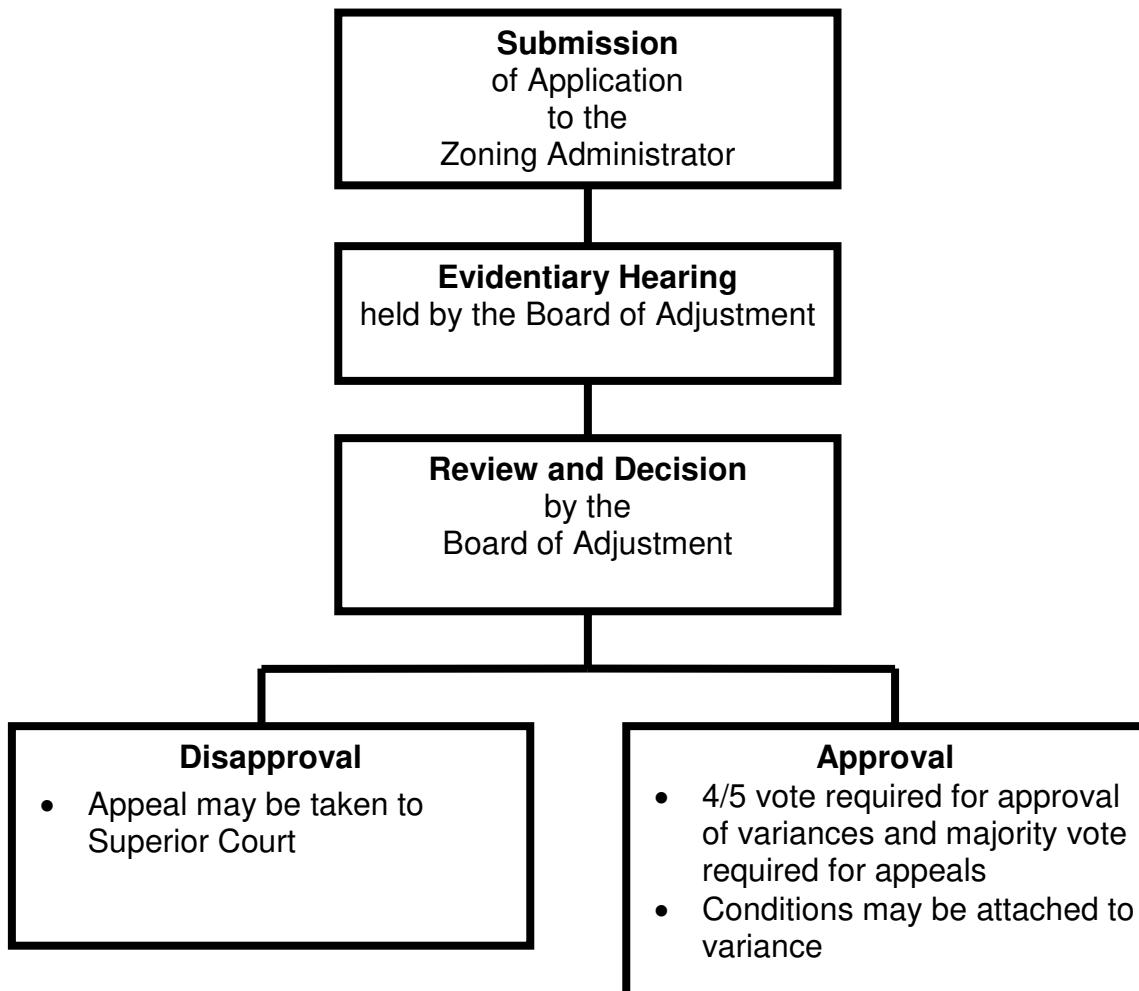
A-1-2
Special Use Permits



References:
Section 3(K), Special Use Permits
Section 3(L), Recommendations on Special Use Permits
Section 3(N), Action on Special Use Permits

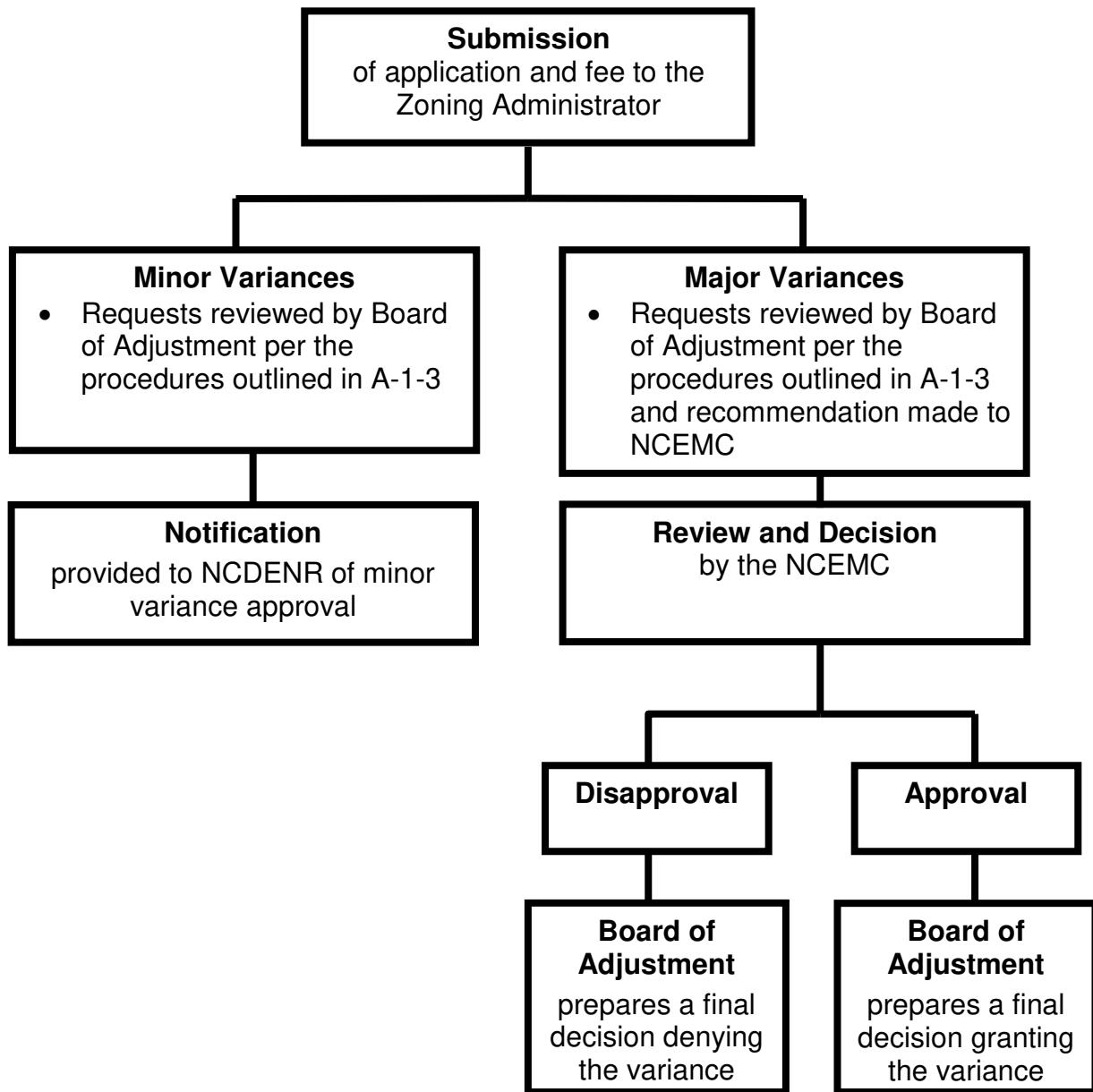
A-1-3

Administrative Appeals, Variances (except watershed protection variances) and Interpretations



References:
Section 13, Appeals, Variances, Interpretations

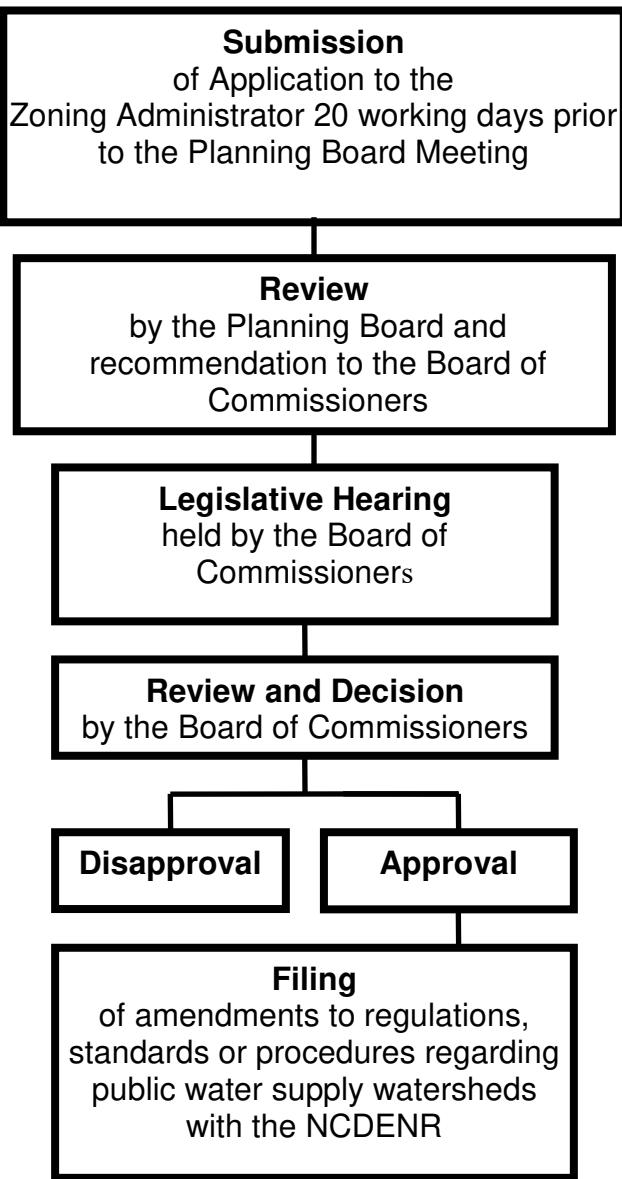
A-1-4
Variances from Watershed District Overlay Requirements



References:

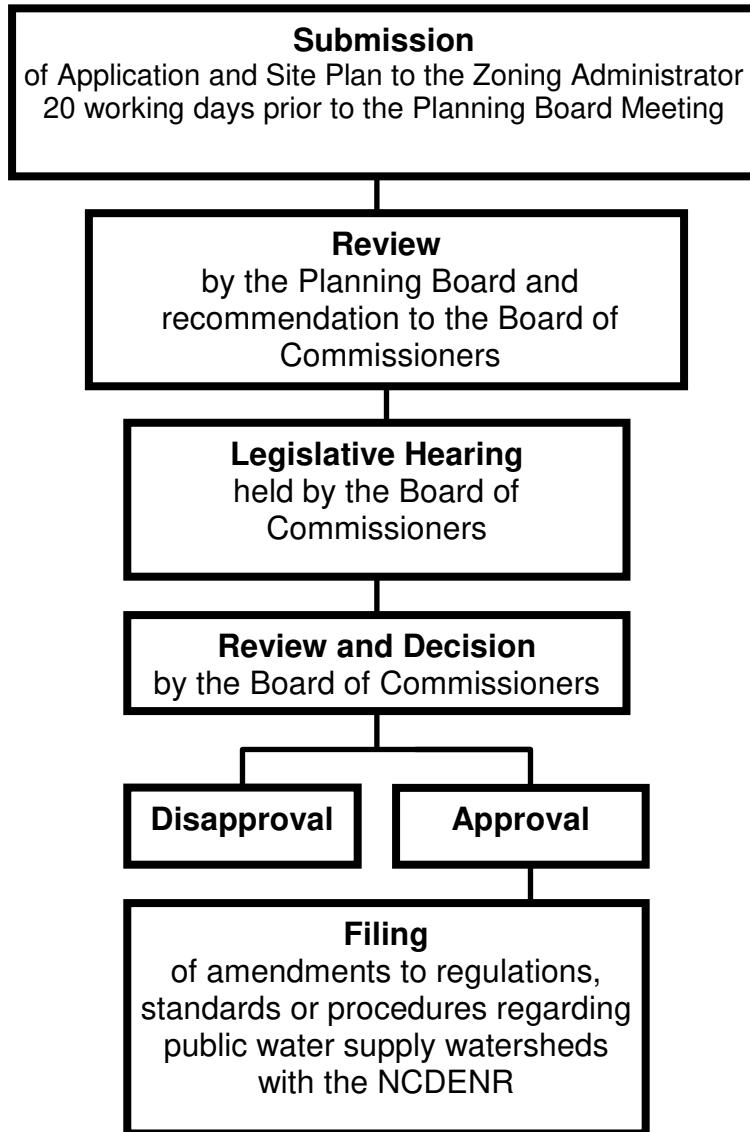
Section 7, Variances for Watershed District Overlay Requirements
Section 13, Appeals, Variances, Interpretations

A-1-5
Conventional Rezonings and Text Amendments



References:
Section 14, Amendments

A-1-6
Conditional Zoning Districts



References:

Section 14, Amendments

Section 14(G), Conditional Zoning Districts

APPENDIX B: INFORMATION REQUIRED WITH APPLICATIONS

B-1-1 Number of Review Copies to be Submitted

Type of Map or Plan	# of Prints
Plot or Sketch Plan	2
Site Plan	4 Sets
Site Layout Water, Sewer and Drainage Utility Landscaping Plan	

B-1-2 Required Information Sketch Plans, Plot Plans and Site Plans

Submission of all maps and/or plans shall contain the following information before submission to the Zoning Administrator for review. An 'X' indicates required information. Information required on site plan sheets is indicated by the following codes: 'A' to be included on all sheets, 'S' to be included on Site Plan sheet, 'U' to be included on Utility sheet, and 'L' to be included on Landscaping sheet. A 'blank space' indicates that the information is not required. Depending on the scale or complexity of the development, any or all the sheets may be combined. Additional information may be required for approval of the site plan. The Zoning Administrator may waive items required if it is judged that they are not necessary to complete the review.

Information	Sketch Plan	Plot Plan	Site Plan
Map or plan size: Maps submitted shall not exceed a maximum size of 24" by 36"			A
Maps or plans may be drawn on more than one sheet with appropriate match lines			A
Plan Endorsement Block			A
Title Block containing: Name of Development	X	X	A
Name of map or plan			A
Owner's name with address and daytime phone number	X	X	A
Location (including address, township, county and state)	X	X	A
Date(s) map(s) prepared or revised	X	X	A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'.			A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 40'.		X	
Bar graph			A
Name, address, and telephone # of preparer of map (licensed surveyor, engineer, landscape architect, or architect)			A
Developer's name, address, and daytime phone number (if different from owner's)			A
Zoning district(s) within the property and on adjacent properties	X	X	S, L
Existing land use within the property and on adjacent properties			S, L
Plat book or deed book reference		X	S
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)			S

Information	Sketch Plan	Plot Plan	Site Plan
Tax map, block, and parcel(s) number	X	X	S
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1" = 2,000'			S
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract		X	A
Registration and seal of land surveyor			S
North arrow and orientation (north arrow shall not be oriented towards bottom of map)		X	A
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer			S
Boundaries of the tract to be subdivided or developed: Distinctly and accurately represented and showing all distances			A
Tied to nearest road intersection (within 300') or USGS (within 2000')			S
Showing locations of intersecting boundary lines or adjoining properties			S
Location and descriptions of all monuments, markers, and control corners			S
Existing property lines on tract to be subdivided or developed. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines			S
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to the closest property lines; building setback lines (or note).	X	X	S
The name and location of any property or building on the National Register of Historic Places or locally designated historic property			S
Railroad lines and right-of-ways		X	A
Water courses, ponds, lakes or streams	X	X	A
Marshes, swamp and other wetlands			A
Areas to be dedicated or reserved for the public or a local jurisdiction			A
Areas designated as common area or open space under control of an Owners' Association			S, L
Proposed building locations for zero side setback developments		X	S
Location of manufactured dwelling spaces and whether they are designated for single- or double-wide dwellings			S
Typical diagram of manufactured dwelling space			S
Location of designated recreation areas and facilities			S
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations, if applicable		X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level	X		A
Proposed lot lines and dimensions	X	X	A
Site calculations including: Acreage in total tract	X	X	S
Acreage in public open space			S, L
Total number of lots proposed			S
Linear feet in roads			S
Area in newly dedicated right-of-way			S
Lots sequenced or numbered consecutively			S
Show dimensions and location of all parking areas, total provided and	X	X	S, L

Information	Sketch Plan	Plot Plan	Site Plan
minimum required number of parking spaces, driveways, service areas, off-road loading facilities and pedestrian walkways			
Within parking areas, clearly indicate each parking space, angle of parking and typical size		X	S
Road data illustrating: Existing and proposed rights-of-way lines within and adjacent to property	X	X	S
Existing and proposed rights-of-way within and adjacent to property showing: Total right-of-way width dimension			S
Right-of-way width dimension from centerline of existing public roads		X	S
Existing and proposed roads showing: Pavement or curb lines			S
Pavement width dimension (face-to-face)			S
Cul-de-sac pavement radius			S
Existing and proposed road names		X	A
Location, dimension and type of all easements		X	A
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines: Sanitary sewer		X	U
Water distribution		X	U
Natural gas, electric, cable TV, etc.		X	U
Stormwater Management Plans for property located within a watershed protection overlay district: Location of public water supply watershed boundaries		X	X
Area to be disturbed with number of graded acres and percentage noted		X	X
Maximum allowable built-upon area for each lot or tract (if applicable)		X	X
Total impervious surface area, including roads, roofs, patios, parking areas, sidewalks and driveways		X	X
Permanent watershed protection controls including wet detention ponds, maintenance and access easements and natural filtration and infiltration areas		X	X
Location and width of required buffer areas		X	X
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations		X	X
Engineering certification statement, if required by this Ordinance		X	X
Certification of Compliance indicating that the plan complies with the requirements of Section 7(A)		X	X
Documentation of Submission of an Erosion Control Plan , if disturbing greater than one acre			X
Evidence of Notification to US Army Corps of Engineers of Earth-Disturbing Activities in Wetlands , if applicable			X
Landscaping Plan shall include: Location of any required planting yard and/or parking Lot plantings			L
Location and screening of dumpsters/compactors			L
Location, species, size, number, spacing, height of trees and shrubs in required planting areas. (If existing vegetation is to be preserved, indicate approximate height and species mix)			L

Information	Sketch Plan	Plot Plan	Site Plan
Size of planting yard, walls, berms and fences			L
Provisions for watering, soil stabilization, plant protection and maintenance access			L
Location and description of barriers to protect any vegetation from damage both during and after construction			L
Existing and proposed signs (location, height and area)			S
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities			S
Front, side and rear elevations of proposed building(s)			If required by the Zoning Administrator

B-1-3 Documents and Written Information in Addition to Maps and Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested at the time of plan submission:

Information	Sketch or Plot Plan	Site Plan
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.	X	X
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.		X
Detailed descriptions of recreational facilities to be provided.		X
Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.		X
Bonds, letters of credit, or other surety devices.		X
A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner.		X
Time schedules for the completion of phases in staged development.		X
If any road is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations.		X

B-2 Highway Corridor Overlay District Buffer Yard Diagrams

In accordance with Section 7(D)(4), trees shall be planted in required buffer yards according to one (1) of the following guidelines:

- (i) A minimum of one canopy tree or two understory trees shall be planted for each 40 linear feet of road frontage within the highway buffer yard. One canopy tree or two understory trees shall be required for each 40 linear feet of adjoining property line within any required side or rear buffer yard. A 'canopy tree' is a variety expected to reach a height in excess of 30 feet at maturity (e.g., oaks, pines, sycamores, etc.). 'Understory tree' is a variety not expected to reach a height of 30 feet at maturity (e.g., dogwoods, crepe myrtles, certain types of maples, etc.).
- (ii) A combination of both canopy and understory trees shall be planted with a minimum of one canopy tree and two understory trees for each 80 linear feet of road frontage within the highway buffer yard. One canopy tree and two understory trees shall be required for each 80 linear feet of adjoining property line within any required side or rear buffer yard.

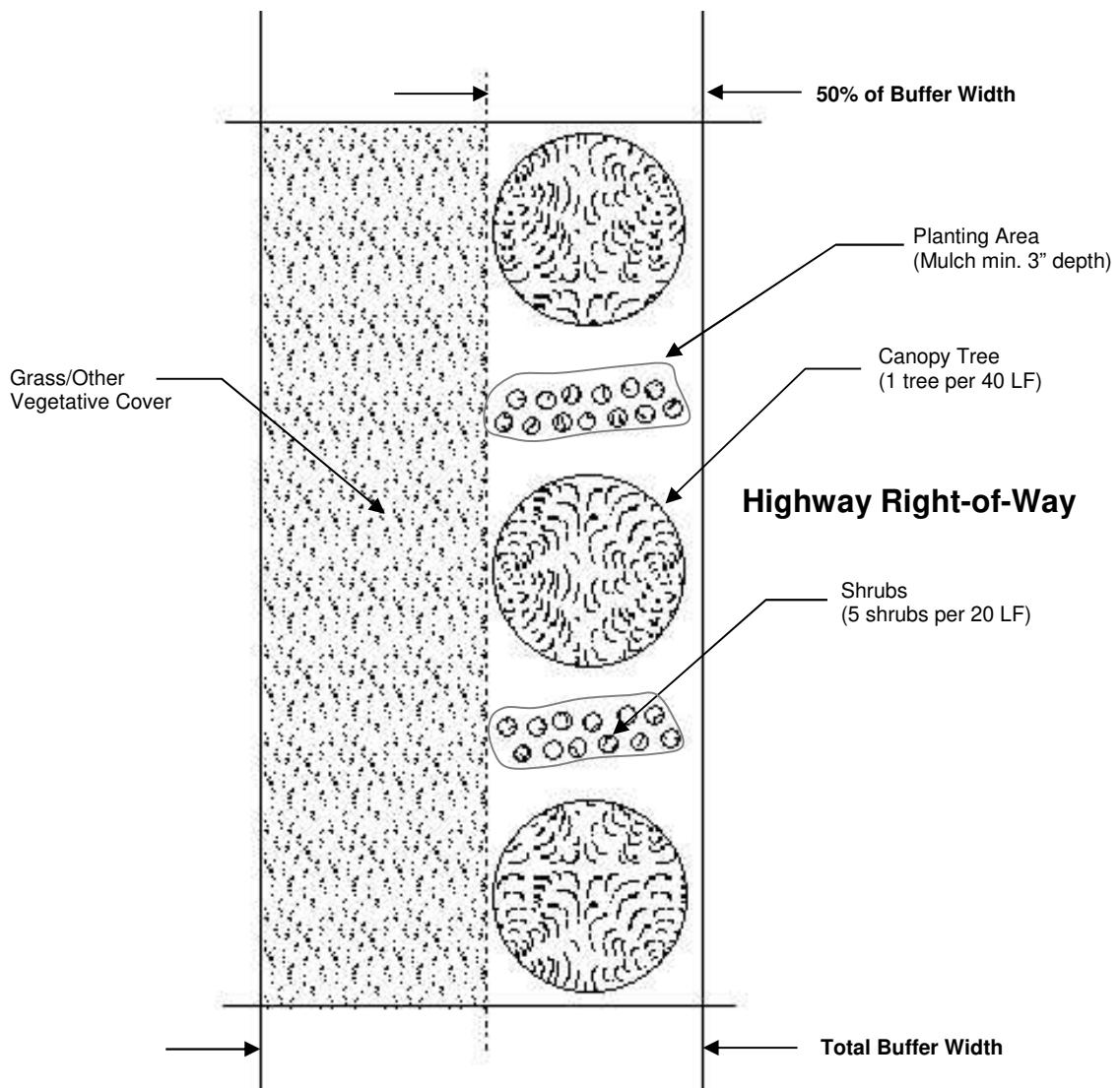
The following are representative diagrams of landscaping within any required buffer yard:

B-2-1 Canopy Tree Installation

B-2-2 Understory Tree Installation

B-2-3 Combination of Canopy and Understory Tree Installation

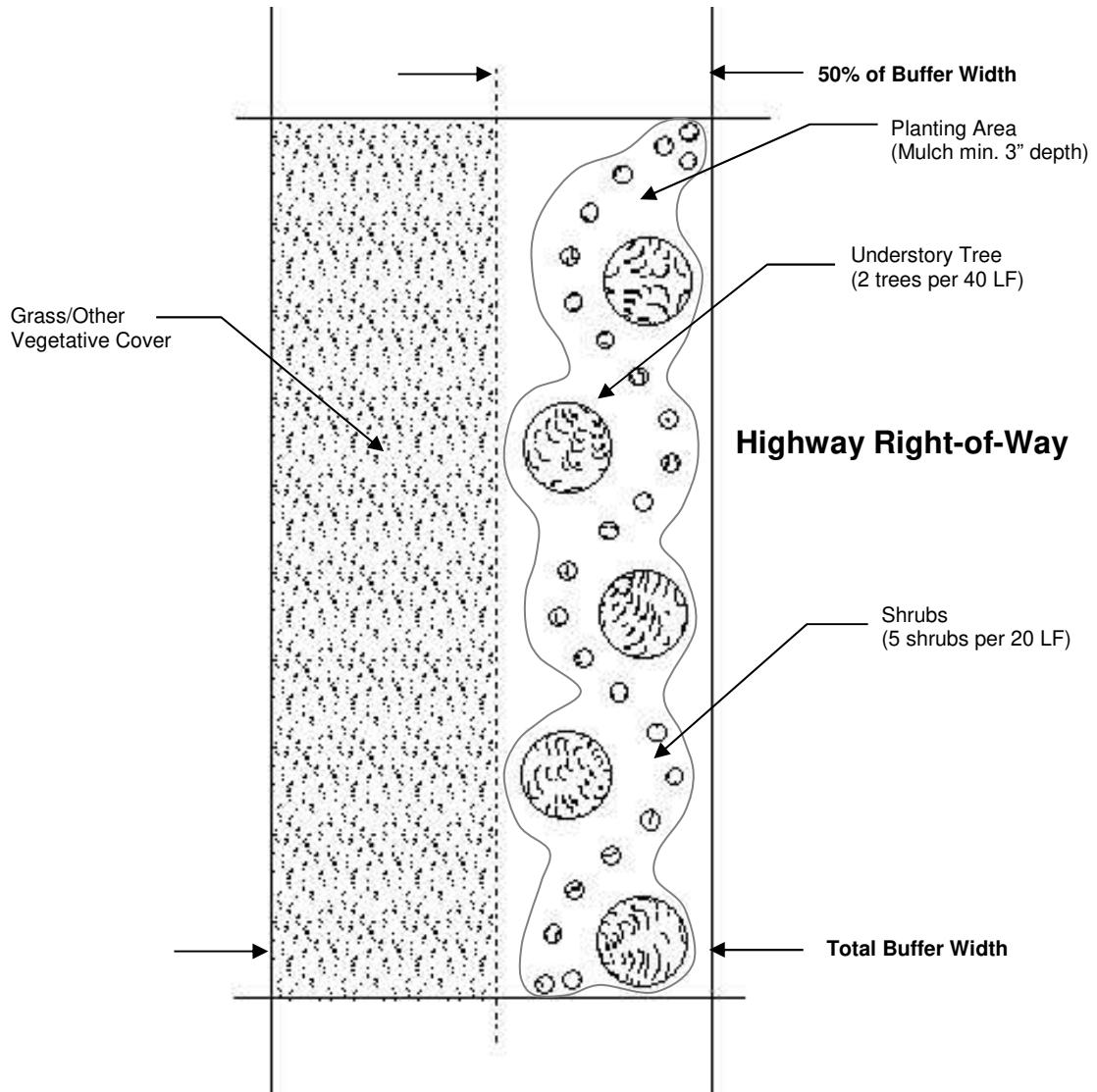
B-2-1
Canopy Tree Installation



For illustrative purposes only

References:
Section 7(D)(4), Landscaping of Buffer Yards

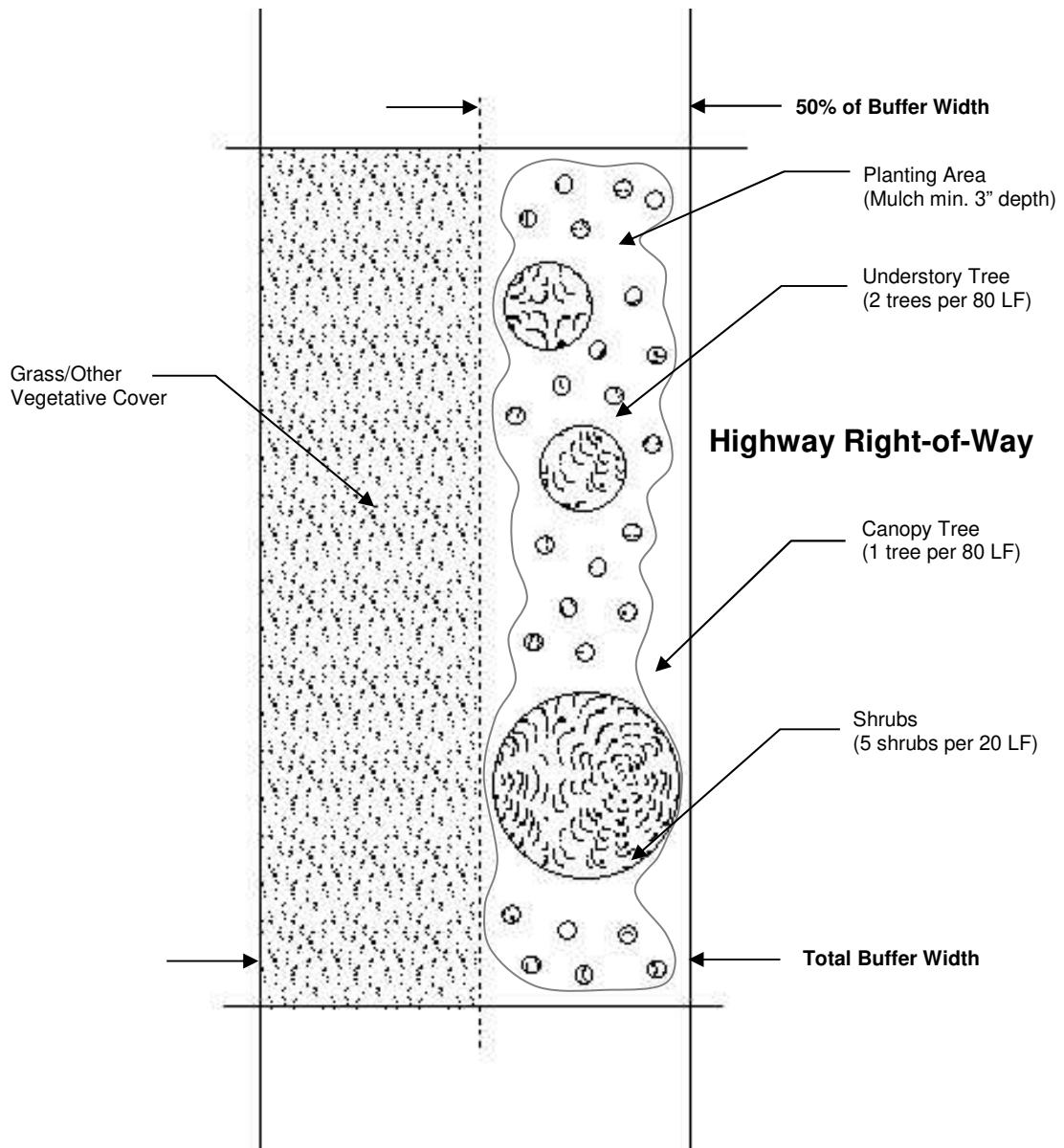
B-2-2
Understory Tree Installation



For illustrative purposes only

References:
Section 7(D)(4), Landscaping of Buffer Yards

B-2-3
**Combination of Canopy and
Understory Tree Installation**



For illustrative purposes only

References:
Section 7(D)(4), Landscaping of Buffer Yards

**APPENDIX C: REQUIRED INFORMATION FOR OBTAINING A ZONING, SIGN,
AND SPECIAL USE PERMIT**

Information	Zoning	Sign	Special Use
Plot Plan or Site Plan	X	X	X
Address of Project	X	X	X
Name, Address and Telephone of...			
Property Owner	X	X	X
Building Contractor	X	X	X
Name of Subdivision or Development	X		X
Plat Book and Page Number	X		X
Property Tax Map Identification Number (PIN)	X	X	X
Township	X	X	X
Type of Sewage Disposal (i.e. public sewer, septic tank, etc.)	X		X
Type of Water Supply (i.e. public water, private well, etc.)	X		X
Proposed Use (i.e. single-family, church, garage, etc.)	X		X
Application Type (new construction, addition, alteration or installation)	X	X	X
Documentation of Submission of an Erosion Control Plan, if disturbing greater than one acre	X		X
Stormwater Management Plan, if located within a Watershed Protection Overlay District	X		X
Evidence of Notification to US Army Corps of Engineers of Earth-disturbing Activities in Wetlands, if applicable	X		X
Number of Stories of Proposed Buildings	X		X
Electrical Power Company	X	X	X
Type of Sign		X	
Dimensions of Sign		X	
Sign Illumination (electrical contractor)		X	
Master Sign Plan, if required		X	

APPENDIX D: List of Amendments to Pitt County Zoning Ordinance

Amendments

November 17, 2003

(Section 4.3.4, 7.2, 13.2.2)

March 14, 2005

1. Section 4.3.4
2. Amended Table 5-1, Table of Permitted Uses to include Tattoo Parlors, Recording Studios, and Tutoring/Mentoring Centers (less than 5 students).
3. Section 5.7(4)
4. Amended Table 6-1, Table of Density and Dimensional Requirements to include minimum square footage for each additional, multi-family dwelling unit in RR; changed "All Other Roads" to read "Interior Subdivision Roads"; and added footnote regarding corner lot setbacks.
5. Section 6.3.7 to include Figure 1, Flag Lots.
6. Replaced Section 7.2, Flood Hazard District Overlay Requirements.
7. Replaced Section 7.5, Stormwater Management.
8. Section 11.5.1, 11.5.4 to include dollar amount for civil penalties.
9. Deleted Section 13.2.2 Variances from Flood Hazard Overlay Requirements and renumbered subsequent sections.
10. Section 14.2(1)(a) to require notarized signature of property owner on rezoning applications.
11. Section 14.2(2) to increase submittal deadline from 10 working days to 20 working days.
12. Deleted Section 14.10, Protest Petitions and renumbered subsequent sections.
13. Section 15.4, Definitions, deleted Flood Hazard Area definition.
14. Section 15.4, Definitions, amended definition of Rural Family Occupation.
15. Corrected Table of Contents, General Index, Executive Summary, and various Section numbers.

February 21, 2006

1. Amended Executive Summary and Commentary
2. Amended Table 5-1, Table of Permitted Uses to include Motor Vehicles (Wholesale Trade) in LI and Plumbing and Heating Equipment (Wholesale Trade) to GC; and removed "Substation" from Utility Related Appurtenances.
3. Section 6.4.1.(3), changed "Planning Director" to "Zoning Administrator."
4. Section 6.4.2(1), changed to preclude buildings or structures from meeting access requirements when constructed, erected, or placed on lots that are exempt from subdivision requirements.
5. Section 7.4 Highway Corridor Overlay Requirements, changed "Planning Director" to "Zoning Administrator".
6. Section 8.20.2, reduced the minimum use separation for Contractors, General Building and Contractors, Special Trade from 300' to 100'.
7. Section 8.54.2, reduced the minimum use separation for Mining Operations from 300' to 100'.
8. Section 8.62.4, changed "Planning Director" to "Zoning Administrator".
9. Section 8.65, changed all references to "Conditional Use Permit" to "Zoning Permit".
10. Deleted Section 8.70.7 Environmental Review and renumbered subsequent sections.
11. Section 8.88, removed "Substations" from Utility Related Appurtenances.
12. Section 10.4(c) Design Standards for Parking, Stacking and Loading Areas, amended to allow parking facilities for any use that operates on an irregular basis for no more than three days per week.
13. Section 15.4 Definitions, amended definition of "Subdivision" to make it consistent with the definition as found in the Pitt County Subdivision Ordinance.
14. Section 15.4 Definitions, added definition of "Utility Related Appurtenance".
15. Amended Appendix A: Procedural Flow Charts

June 4, 2007

1. Amended Table of Contents
2. Amended General Index
3. Revised Executive Summary and Commentary
4. Section 3.3 Permit Exceptions
5. Section 4.1 General Zoning Districts to incorporate new commercial zoning districts.
6. Section 4.2, amended and renamed from "Conditional Use Zoning Districts" to "Conditional Zoning Districts".
7. Removed Section 5.2 "Permissible Use Not Requiring Permits and labeled "Reserved".
8. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate new commercial zoning districts.
9. Amended table 6-1 Table of Density and Dimensional Requirements to incorporate new commercial zoning districts.
10. Section 8.0 Development Standards for Individual Uses to reflect changes to Permitted Use Table.
11. Section 9.3 Exempt Signs, amended to reduce maximum square footage for exempt signs.
12. Amended Table 9-1 Table of Permitted Signs to incorporate new commercial zoning districts.
13. Section 14.7, removed requirements for "Conditional Use District Rezonings" and replaced with requirements for "Conditional Zoning Districts".
14. Section 15.4, amended definition for "Conditional Use Permit".
15. Section 15.4, amended definition for "Nonresidential Zoning District".
16. Section 15.4, amended definition for "Residential Zoning District".
17. Amended Appendix A: Procedural Flow Charts.

September 1, 2008

1. Revised Sections 7.4.2-7.4.4 to clarify the buffering and landscaping requirements of the Highway Corridor Overlay Districts.
2. Revised Section 10.8 Parking and Loading Area Landscaping
3. Amended Table 5-1 Table of Permitted Uses to add "Landfill, Construction and Demolition", "Landfill, Land Clearing and Inert Debris", and to change "Refuse and Raw Material Hauling" to a Conditional Use in General and Light Industrial districts.
4. Revised Section 8.0 Development Standards for "Landfill, Construction and Demolition and Landfill, Land Clearing and Inert Debris".
5. Added development standards for "Refuse and Raw Material Hauling".
6. Amended Section 15 Definitions for "Landfill, Construction and Demolition", "Landfill, Land Clearings and Inert Debris", and "Refuse and Raw Material Hauling".
7. Amended Section 9.1(22)(a) definition of "Sign Area" to include electronically controlled message signs.
8. Amended Section 9.5(5) Identification Signs.
9. Amended Figure 1: Flag Lots
10. Amended Section 6.3.7 Setbacks for Flag Lots.
11. Amended Appendix B to include landscaping diagrams for highway corridor overlay district buffer yards.

August 3, 2009

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Day Care Facility, Residential".
2. Amended Section 8.25 Day Care Center, Child or Adult to incorporate "Day Care Facility, Residential" and to amend hours of operation.
3. Amended Section 15 Definitions to incorporate new definitions for "Day Care Center, Child or Adult" and "Day Care Facility, Residential".

April 1, 2010

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Wind Energy Facility, Accessory".
2. Added Section 8.92 "Wind Energy Facility, Accessory".
3. Amended Section 15 Definitions to incorporate new definitions for "Wind Energy Facility, Accessory" and "Wind Turbine".
4. Corrected Formatting/Numbering errors within Sections 5, 6, 7, 8, 9, 10 and 14 for consistency purposes.

August 2, 2010

1. Reformatted version of Pitt County Code adopted by the Board of County Commissioners.

November 15, 2010

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Miscellaneous Educational Services"
2. Amended Section 15 Definitions to incorporate new definition for "Educational Services, Miscellaneous".

November 7, 2011

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Halfway House" and amend "Group Care Facility".
2. Amended Section 8.JJ "Group Care Facility" to amend where required and property separation requirements.
3. Added Section 8.KK "Halfway House"
4. Amended Table 10-1 "Off-Street Parking Requirements" to establish parking standards for Halfway Houses.
5. Amended Section 15 Definitions to amend working definition for "Halfway House".

January 9, 2012

1. Amended Section 15 Definitions to amend working definition for "Halfway House".

October 15, 2012

1. Amended Table 5-1 Pitt County Table of Permitted Uses to permit "Outdoor Fruit and Vegetable Markets" in the Low Density Residential (R40) zoning district.

March 25, 2013

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Solar Collector, Accessory" and "Solar Energy Facility".
2. Added Section 8.DDDD "Solar Energy Facility"
3. Amended Section 15 Definitions to incorporate new definitions for "Solar Collector, Accessory" and "Solar Energy Facility".

October 21, 2013

1. Amended NCGS reference numbers regarding the Board of Adjustment.
2. Amended Board of Adjustment voting section in the Preamble.
3. Amended Permits and Hearing Procedures section under "Public Hearing Requirements and Procedures"
4. Amended the Preamble section Appeals, Variances, Interpretations under "Variances"
5. Amended Section 2.C.(1) Board of Adjustment to update NCGS reference number.

6. Amended Section 2.C.(2)(d) to remove BOA authority to interpret zoning map, disputed district boundary lines, and lot lines.
7. Amended Section 2.C.(7) to update voting requirements for BOA.
8. Amended Section 3.M.(3) to update mailed hearing notice requirements.
9. Amended Section 3.M.(4) to update requirements for posting of hearing notices.
10. Amended Section 3.N.(2) to update voting requirements for BOA.
11. Amended Section 3.N.(3)(b) to update voting requirements for BOA.
12. Reordered Solar Farm Standards in Section 8 to correct alphabetized order.
13. Amended Section 11.G. to update NCGS reference numbers and timing for appeals of zoning decisions.
14. Amended Section 13.A. to update requirements for appealing zoning decisions to BOA.
15. Amended Section 13.B.(1)(b) to update requirements for granting a variance.
16. Amended Section 13.C. to remove BOA authority to interpret zoning map, disputed district boundary lines, and lot lines.
17. Amended Section 13.F.(1) to update voting requirement for appeals.
18. Amended Section 13.H. to update requirements for providing notice of BOA public hearings.
19. Amended Section 14.E.(3) to update mailed notice requirements.
20. Amended Section 15.C.(2) to remove BOA authority to interpret zoning map, disputed district boundary lines, and lot lines
21. Amended Appendix A (A-1-2) to update voting requirement for approval.
22. Amended Appendix A (A-1-4) to update voting requirement for approval.

December 16, 2013

1. Amended Section 8(NNN)(2)(i) to fix incorrect reference numbers.
2. Amended Section 8(NNN)(3) to fix incorrect reference numbers.
3. Amended Section 8(NNN)(4) to change tower setbacks and remove the provision for modifying setbacks.
4. Amended Section 8(NNN)(6) to remove excessive separation conditions and make the separation distance consistent irrespective of the type of tower construction.
5. Amended Section 8(NNN)(13) to fix incorrect reference numbers.
6. Amended Section 8(NNN)(14)(a) to fix incorrect reference numbers.
7. Amended Section 8(NNN)(16)(b) to fix incorrect reference numbers.

November 18, 2014

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Wedding/Event Facility".
2. Added Section 8(PPPP) Wedding/Event Facility.
3. Amended Section 15 Definitions to incorporate new definitions for "Wedding/Event Facility" and "Agritourism".

December 16, 2014

1. Amended Section 3.A.4 and 3.B "Permits and Hearing Procedures" to incorporate "high Density development (for water supply watershed)".
2. Added Section 3.X High Density Development Permit Application (for water supply watershed).
3. Added Section 7.A.3.d Vegetative Swale Requirements (for water supply watershed).
4. Added Section 7A.3.e,f,g and h High Density Option (for water supply watershed).
5. Amended Section 15 Definitions to include "Technical Review Committee" and "Watershed Administrator".

December 21, 2015

1. Amended Section 3.C. "Permit Exemptions".
2. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Accessory Structures and Buildings (Noncontiguous)".

3. Amended Section 6.B., "Accessory Uses, Buildings, and Structures".
4. Added Section 8.D. "Accessory Structures and Buildings (Noncontiguous)".
5. Amended Section 15.D. Definitions for "Accessory Building" and "Accessory Structure".

March 21, 2016

1. Amended Section 8(P). "Cemetery or Mausoleum, Not on Same Property as Church" to reduce setbacks for interment.

January 1, 2017

1. Amended Executive Summary and Commentary, mailing distance for Public Hearing Requirements and Procedures.
2. Amended Section 3.(M.)(3.) "Public Hearing Requirements and Procedures" for mailing distance.
3. Amended Section 13.(H.)(2.) "Notice of Hearing" for mailing distance.
4. Amended Section 14.(E.)(3.) "Public Hearing Requirements" for mailing distance.
5. Amended Section 3(Q.)(1.) "Expiration of Permits" for length of time before expiration.

February 20, 2017

1. Amended table 5-1 Pitt County Table of Permitted Uses to incorporate Recreational Vehicles.
2. Amended Section 8. KKK. Private Campground/RV Park.
3. Added Section 8. PPP. Recreational Vehicles.
4. Amended Section 15 D. Definitions for Dwelling Unit, Park Model Recreational Vehicle, Recreational Vehicle, Recreational Vehicle Park, and Tiny House.

December 18, 2017

1. Amended Executive Summary and Commentary to remove references to swine farms.
2. Amended Table 5-1 Pitt County Table of Permitted Uses to make Swine Farm an exempt use in all districts.
3. Amended Section 8.DDD. Use Separation for Mining, Quarrying, Sand Pits, and Mineral Extraction
4. Amended Section 8.IIII. to remove development standards for Swine Farms
5. Amended Section 15 D. Removed definition of "Swine Farm".

September 23, 2019

1. Amended Table 6-2 Table of Density and Dimensional Requirements to clarify front setbacks on State-maintained roads.
2. Amended Section 6(C)(3) to increase maximum area of encroachment into front and rear setbacks.
3. Amended Section 6(F) Special Purpose Lots to include mail cluster box units.
4. Amended Section 13(B) Variances
5. Amended Section 13(F) Board Action on Appeals and Variances to correct typographical errors.

January 1, 2020

1. Amended Executive Summary to add "and setbacks" to Cluster Development Summary.
2. Amended Executive Summary to add Southwest Bypass Highway Corridor Overlay summary.
3. Amended Section 4(C) to create Southwest Bypass Highway Corridor Overlay district, purpose, and applicability.
4. Amended Table 5-1 Pitt County Table of Permitted Uses to remove "Swine Farms" and "Subdivision" as land uses.

5. Amended Section 6(A)(2) Cluster Development to expand development standards, introduce standards for open space, site design standards and incentives associated with lot size reduction and front yard setback reductions.
6. Renumbered Table 6-2 Table of Density and Dimensional Requirements to Table 6-1.
7. Amended Section 7(D)(5) to expand lighting standards in the Highway Corridor Overlay.
8. Added Section 7(E) to create Southwest Bypass Highway Corridor Overlay and renumbered subsequent sections.
9. Amended Section 8(B)(3) to expand lighting standards for non-residential uses.
10. Amended Section 14(G) Conditional Zoning Districts to allow a conceptual sketch plan to be submitted instead of a site plan.
11. Amended Section 15 Definitions to include definition for "Cluster Subdivision"
12. Changed "Planned Unit Development" to "Planned Development" throughout the ordinance.

July 1, 2021

1. Updated entire ordinance to comply with Chapter 160D of the North Carolina General Statutes.

September 28, 2021

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Data Processing Facility (Large Scale)".
2. Added Section 8(UUUU) "Data Processing Facility (Large Scale)".
3. Amended Section 15 Definitions to incorporate new definition for "Data Processing Facility (Large Scale)".

January 11, 2022

1. Amended Table 5-1 Pitt County Table of Permitted Uses to remove "Data Processing Facility (Large Scale)" from the RR zoning district.
2. Amended Section 8(UUUU) "Data Processing Facility (Large Scale)".
3. Amended Section 15 Definitions to clarify the definition for "Data Processing Facility (Large Scale)".

August 1, 2022

1. Amended ordinance to change "Class 1 Special Uses" to require a "Conditional Zoning District" for approval, and changed "Class 2 Special Uses" to "Special Uses"
2. Amended Section 6(F) to allow "off-septic systems as a special purpose lot.
3. Amended Section 8(XX) Manufactured Home, (Low Density Residential District (R40)) to remove masonry curtain wall on land leased to owner of the home to comply with NCGS 160D-910.
4. Amended Section 11(D) and 11(E) to remove criminal penalties to comply with NC General Statutes.

October 3, 2022

1. Amended Section 8(GG) to reduce the minimum separation from residentially-zoned property to 200 feet and to require a minimum separation of 500 feet from any lot upon which an existing residence is located; added requirement allowing only electric go-carts on such raceways.

April 3, 2023

1. Amended Table 5-1 Pitt County Table of Permitted Uses to incorporate "Oversized Vehicle Parking (Commercial)", and amended all "Landfill" uses to require approval of a Conditional Zoning District in the GI district.

2. Amended Sections 8(WW) "Manufactured Home on Individual Lot" and 8(XX) "Manufactured Home (Low Density Residential District (R40))" to require skirting to be installed prior to approval for occupancy (previously required to be installed within 60 days of occupancy).
3. Added Section 8(VVV) "Oversized Vehicle Parking (Commercial)".
4. Amended Section 15 Definitions to incorporate new definitions for Automobile Parking (Commercial) and "Oversized Vehicle Parking (Commercial)"

July 1, 2024

1. Deleted Section 3(W) and replaced Sections 7(A) and 13(B)(2) regarding regulations for the Watershed Protection Overlay District to bring this ordinance into compliance with State law for water supply watersheds and revisions to the North Carolina Division of Environmental Quality (NCDEQ) Model Water Supply Watershed Protection Ordinance.

July 21, 2025

1. Amended Executive Summary and Commentary to add "Conservation Area Overlay District" to "Zoning Districts and Zoning Map" and to add "Conservation Area Overlay Requirements" to "Overlay Districts Provisions and Special Purpose Regulations".
2. Amended Section 4(C) to create "Conservation Area Overlay District" purpose and regulated area.
3. Added Section 7(F) to create "Conservation Area Overlay" and renumbered subsequent sections.

November 17, 2025

1. Removed Section 14(J) "Petition Resubmittal" to remove the one year waiting period for resubmitting a rezoning or text amendment application that has been previously denied by the Board of County Commissioners in order to comply with the North Carolina General Statutes.

APPENDIX E
SUBJECT INDEX
PITT COUNTY ZONING ORDINANCE

SUBJECT	2003 SECTION REFERENCE	11-17-2025 SECTION REFERENCE
Access Requirements		
General	6.4.2	6(D)(2)
In highway corridor overlay districts	7.4.8; 7.4.9	7(D)(8); 7(D)(9)
Accessory buildings and structures	6.2; Table 6-2	6(B); Table 6-1
Accessory dwelling unit	8.3	8(C)
Accessory uses	5.6; 6.2	5(F); 6(B)
Airport height overlay districts		
General	4.3.1; 7.3	4(C)(1); 7(C)
Prohibited uses in	7.3.5	7(C)(5)
Variances from	13.2.4	13(B)(3)
Appeals	13.1; Appendix A-1-4	13(A); Appendix A-1-3
Amendments		
Board of Commissioners action on	14.4	14(D)
Conditional Zoning Districts	14.7	14(G)
Conventional (formerly "General")	14.0	14
Planning Board recommendations on	14.3	14(C)
Procedural flowcharts for	Appendices A-1-6; A-1-7	Appendices A-1-5; A-1-6
To permits	3.19	3(S)
To watershed protection regulations	14.8	14(H)
Annexation	15.3.3	15(C)(2)
Billboards	9.5.1	9(E)(1)
Board of Adjustment		
General/duties	2.3	2(C)
Action on appeals	13.1	13(A)
Action on nonconformities	12.3.3(6)	12(C)(3)(f)
Action on special exceptions	12.3.3(6)	12(C)(3)(f)
Action on special use permits	3.14	3(N)
Action on variances	13.2	13(B)
Airport height overlay requirements	13.2.4	13(B)(3)
General requirements for variances	13.2.1	13(B)(1)
Watershed overlay requirements	13.2.3	13(B)(2)
Interpretations		
Boundary	15.3.2	15(C)(1)
Board of County Commissioners		
General/duties	2.1	2(A)
Action on amendments	14.4; 14.6	14(D); 14(F)
Action on special use permits	3.14	3(N)
Action on vested rights	3.22	3(V)
Hearing procedures on special use permits	3.13; 3.14.2	3(M); 3(N)(1)
Bonds	3.15; 10.8.8	3(O); 10(H)(8)
Buffers	7.1.6; 7.5.3	7(A)(6), 7(E)(3)
Buffer yards		
for highway corridor overlay districts	7.4.2(b); 7.4.2(c); 7.4.3;	7(D)(2)(b); 7(D)(2)(c);
	7.4.4	7(D)(3); 7(D)(4)
for non-residential uses	10.8	10(H)
Buildable lot	6.4.1; 6.5.2	6(D)(1); 6(E)(2)
Building		
Accessory	6.2	6(B)
Height	Table 6-2	Table 6-1
Principal buildings per lot	6.4.1	6(D)(1)
Setbacks	Table 6-2	Table 6-1
Change in use	5.3	5(C)

SUBJECT	2003 SECTION REFERENCE	11-17-2025 SECTION REFERENCE
Civil penalties	11.4.2; 11.5	11(D)(2); 11(E)
Cluster development	6.1.2; Table 6-1; 7.1.5	6(A)(2); Table 6-1; 7(A)(5)
Combination uses	5.4	5(D)
Common areas		
Maintenance of	3.21	3(U)
Communication towers	8.18; 8.65	8(S); 8(OOO)
Compliance	1.7	1(G)
Conditional Zoning Districts	14.7; Appendix A-1-7	14(G); Appendix A-1-6
Definitions		
Airport height overlay district	7.3.3	7(C)(3)
General	15.0	15
Signs	9.1	9(A)
Vested rights	3.22.2	3(V)(2)
Density and dimensional requirements	6.0; 6.3; Table 6-2	6; 6(C); Table 6-1
In watershed overlay districts	7.1.2(2); 7.1.3(2); 7.1.3(3)	7(A)(2)(b); 7(A)(3)(b); 7(A)(3)(c)
In planned developments	6.7.2; 8.60	6(G)(2); 8(JJJ)
Development standards for individual uses	8.0	8
Encroachment		
In easements	6.3.4	6(C)(4)
Into required setbacks	6.3.3	6(C)(3)
Enforcement	11.0	11
Exempt uses	1.2; Table 5-1	3(C); Table 5-1
Extraterritorial jurisdiction	1.2; 15.3.4	1(B); 15(C)(3)
Family care homes	8.28	8(CC)
Fees	1.9	1(I)
Flag lot setback requirements	6.3.7	6(C)(7)
Flood hazard overlay districts		
General	4.3.4; 7.2	4(C)(4); 7(B)
Prohibited uses in	5.7.4	5(G)(4)
Group developments	6.4.3	6(D)(3)
Hearing requirements		
Amendments	14.5	14(E)
Appeals and variances	13.7	13(G)
Procedural requirements for Board of Commissioners	3.14.2	3(N)
Special use permits	3.13	3(M)
Height requirements		
Accessory buildings	6.2.3	6(B)(3)
In Airport Height Overlay Districts	7.3	7(C)
Principal buildings	Table 6-2	Table 6-1
Signs	9.5	9(E)
Highway corridor overlay district	4.3.3; 7.4	4(C)(3); 7(D)
Interpretations		
General	13.3; 15.1; 15.2	13(C); 15(A); 15(B)
Of zoning district boundaries	15.3	15(C)
Judicial review	11.7	11(G)
Jurisdiction of zoning ordinance	1.4	1(D)
Land use plan	1.8	1(H)
Landscaping and screening		
In highway corridor overlay districts	7.4.4; Appendix B-2	7(D)(4); Appendix B-2
In parking and loading areas	10.8	10(H)
Lots		
Access to	6.4.2	6(D)(2)

SUBJECT	2003 SECTION REFERENCE	11-17-2025 SECTION REFERENCE
Buildable Cluster development	6.4.1 6.1.2; Table 6-1; 7.1.5	6(D)(1) 6(A)(2); Table 6-1; 7(A)(5)
Minimum area	Table 6-1; Table 6-2; 7.1.2(2); 7.1.3(2); 7.1.3(3)	Table 6-1; 7(A)(2)(b); 7(A)(3)(b); 7(A)(3)(c)
Minimum size	Table 6-1; Table 6-2	Table 6-1
Minimum width	Table 6-2	Table 6-1
Nonconforming	12.2	12(B)
Prohibitions to reduction of	6.5	6(E)
Recombination of nonconforming	12.2.2	12(B)(2)
Setbacks	Table 6-2	Table 6-1
Special purpose	6.6	6(F)
Manufactured homes on individual lots	8.47; 8.48	8(WW); 8(XX)
Manufactured home parks	8.49	8(YY)
Multi-family dwellings	8.55	8(EEE)
Nonconformities		
General	12.0	12
Changes in use	12.5.2	12(E)(2)
Completion of nonconforming project	12.6	12(F)
Extension, enlargement, or replacement of Lots	12.3.3; 12.4.2(1) 12.2	12(C)(3); 12(D)(2)(a) 12(B)
Miscellaneous situations	12.5	12(E)
Signs	9.6; 12.7	9(F); 12(G)
Special exception for	12.3.3(6)	12(C)(3)(f)
Structures	12.4	12(D)
Use of land	12.3	12(C)
Overlay districts		
General	4.3	4(C)
Airport height overlay requirements	4.3.1; 7.3	4(C)(1); 7(C)
Flood hazard overlay requirements	4.3.4; 7.2	4(C)(4); 7(B)
Highway corridor overlay requirements	4.3.3; 7.4	4(C)(3); 7(D)
Watershed protection overlay requirements	4.3.2; 7.1	4(C)(2); 7(A)
Parking, stacking and loading		
General Requirements	10.1	10(A)
Change in use requirements for	10.2	10(B)
Design standards	10.4; Table 10-2	10(D); Table 10-2
Excessive illumination	10.9	10(I)
Landscaping of	10.8	10(H)
Loading requirements	10.7	10(G)
Location of	10.5	10(E)
Minimum number of spaces required	10.1.4; 10.3; Table 10-1	10(A)(4); 10(C); Table 10-1
Shared/combined	10.6	10(F)
Surface materials	10.4.3	10(D)(3)
Table of minimum parking requirements	Table 10-1	Table 10-1
Penalties and remedies	11.4	11(D)
Permits		
General	3.0	3
Amendment/modification to	3.19	3(S)
Applications and plans	3.4; Appendices B & C	3(D); Appendices B&C
Evidentiary hearing requirements for	3.13	3(M)
Exemptions	3.3	3(C)
Expiration of	3.17	3(Q)
Revocation of	11.6	11(F)
Reconsideration of	3.20	3(T)
Special use	3.10; Appendix A-1-2	Appendix A-1-2
Submission requirements	3.4; 3.5; Appendices B & C	3(D); 3(E);

SUBJECT	2003 SECTION REFERENCE	11-17-2025 SECTION REFERENCE
Uses not requiring permits	3.3	Appendices B&C
Zoning	3.9; Appendix A-1-1	3(C)
Permitted uses	5.0	3(I); Appendix A-1-1
Permitted use table	5.1, Table 5-1	5
Phased development	3.16	5(A), Table 5-1
Planned development	6.7; 8.60	3(P)
Planning Board		6(G); 8(JJJ)
General	2.2	2(B)
Recommendation on amendments	14.3	14(C)
Planning Department	2.4	2(D)
Planning Director	2.4.1(1)	2(D)(1)(a)
Plot plan	3.5; 3.6; Appendices B&C	3(E); 3(F); Appendices B&C
Procedural flowcharts	Appendix A	Appendix A
Prohibited uses	5.7	5(G)
Purpose		
General	1.2	1(B)
Conventional zoning districts	4.1	4(A)
Overlay zoning districts	4.3	4(C)
Rezonings		
Conditional Zoning Districts	14.7	14(G)
Conventional	14.0	14
Legislative hearing requirements for	14.5	14(E)
Procedural flowcharts for	Appendices A-1-6; A-1-7	Appendices A-1-6; A-1-7
Riparian buffers	7.5.2	7(E)(2)
Rural family occupation	8.76	8(VVV)
Setbacks		
Accessory building	6.2.1; Table 6-2	6(B)(1); Table 6-1
Encroachments permitted in	6.3.3	6(C)(3)
Flag lot	6.3.7	6(C)(7)
In cluster developments	Table 6-1	Table 6-1
In highway corridor overlay districts	7.4.3	7(D)(3)
Prevailing road	6.3.2	6(C)(2)
Principal building	Table 6-2	Table 6-1
Sign	9.5	9(E)
Zero side	6.1.3	6(A)(3)
Sewage disposal	6.4.4	6(D)(4)
Sexually-oriented business	8.75	8(AAAA)
Signs		
Advertising/billboards	9.5.1	9(E)(1)
Construction	9.3.1(7)	9(C)(1)(g)
Definitions	9.1	9(A)
Exempt	9.3	9(C)
General standards	9.2	9(B)
Height of	9.5	9(E)
Identification	9.5.5	9(E)(5)
Menu	9.5.6	9(E)(6)
Nonconforming	9.6; 12.7	9(F); 12(G)
On-premises	9.5.2	9(E)(2)
Permit	9.0	9
Professional or occupational	9.5.4	9(E)(4)
Prohibited	9.4	9(D)
Setback	9.5	9(E)
Table of permitted signs	Table 9-1	Table 9-1
Temporary	9.3	9(C)
Wall	9.5.3	9(E)(3)
Site plans	3.5; 3.6	3(E); 3(F)
Soil erosion and sedimentation control	7.6	7(F)
Special exception	12.3.3(6)	12(C)(3)(f)

SUBJECT	2003 SECTION REFERENCE	11-17-2025 SECTION REFERENCE
Special purpose lots	6.6	6(F)
Special use permits		
General	3.10	3(K)
Modifications to	3.19	3(S)
Board of Adjustment action on	3.14	3(N)
Development standards for	8.0	8
Expiration of	3.17	3(Q)
Hearing procedures	3.13	3(M)
Reconsideration of	3.20	3(T)
Revocation of	11.4.5; 11.6.2	11(D)(5); 11(F)(2)
Submission requirements	3.11.1; Appendices B&C	3(K)(1); Appendices B&C
Where required	Table 5-1	Table 5-1
Stormwater management	7.5	7(E)
Sureties and improvements guarantees		
Before completion of development under zoning, special use, or conditional use permits	3.15	3(O)
For parking lot landscaping	10.8.8	10(H)(8)
Temporary emergency/construction residence	8.84	8(JJJJ)
Use table	Table 5-1	Table 5-1
Utilities	6.4.4	6(D)(4)
Variances		
General	13.2.1	13(B)(1)
Board of Adjustment action on	13.6	13(F)
From airport height overlay requirements	13.2.4	13(B)(3)
From watershed protection overlay requirements	13.2.3	13(B)(2)
Procedural flowcharts for	Appendices A-1-4; A-1-5	Appendices A-1-3; A-1-4
Vested rights	3.22	3(V)
Violations	11.1	11(A)
Water service	6.4.4	6(D)(4)
Watershed protection overlay districts		
General	4.3.2	4(C)(2)
Amendments to	14.8	14(H)
Density and built-upon area standards	7.1.2(2); 7.1.3(2); 7.1.3(3)	7(A)(2)(b); 7(A)(3)(b); 7(A)(3)(c)
Prohibited uses in	5.7	5(G)
Variances from	13.2.3; Appendix A-1-5	13(B)(3); Appendix A-1-5
Wetlands	7.7	7(G)
Zero side setbacks	6.1.3	6(A)(3)
Zoning Administrator		
General	2.4.1(2)	2(D)(1)(b)
Amending/modifying permits	3.19	3(S)
Approval of zoning permits	3.9.2	3(I)(2)
Enforcement duties	11.2; 11.3	11(B); 11(C)
Floodplain management duties	7.2.11	7(B)(11)
Inspections and investigations	3.8	3(H)
Interpretation of permissible uses	5.1.2(2)	5(A)(2)(b)
Revoking permits	11.6	11(F)
Zoning districts		
Amendments to	14.0	14
Conditional Zoning Districts	4.2	4(B)
Conventional (formerly "General")	4.0; 4.1	4; 4(A)
Interpretation of district boundaries	15.3	15(C)
Lots divided by zoning districts	15.3.1(3)	15(C)(1)(c)
Overlay	4.3	4(C)
Uses permitted within	Table 5-1	Table 5-1
Zoning jurisdiction	1.4	1(D)
Zoning map	4.4	4(D)

SUBJECT	2003 SECTION REFERENCE	11-17-2025 SECTION REFERENCE
Zoning permits		
General	3.9	3(I)
Amendments/modifications to	3.19	3(S)
Approval by Zoning Administrator	3.9.2	3(I)(2)
Certificate of zoning compliance	3.23	3(W)
Exemptions	3.3	3(C)
Expiration of	3.17	3(Q)
Procedural flowchart for	Appendix A-1-1	Appendix A-1-1
Revocation of	11.4.5; 11.6.3	11(D)(5); 11(F)(3)
Submission requirements	3.4; 3.5; Appendices B&C	3(D); 3(E); Appendices B&C
Where required	Table 5-1	Table 5-1
Zoning purpose	1.2	1(B)
Zoning vested rights	3.22	3(V)