EXHIBIT "A"
PERSON COUNTY
UNIFIED DEVELOPMENT ORDINANCE

PUBLIC REVIEW DRAFT
EFFECTIVE DATE: 2023

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ARTICLE 1. PURPOSE & AUTHORITY

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1.1 TITLE

This Ordinance shall be known as the "Person County Unified Development Ordinance", and may also be known as the "Unified Development Ordinance". The associated zoning map is identified by the title "Official Zoning Map of Person County, North Carolina", and may also be known as the "Official Zoning Map" or "Zoning Map".

1.2 PURPOSE OF THE UNIFIED DEVELOPMENT ORDINANCE

A. This Ordinance is enacted to promote and to protect the health, safety and welfare of the people within the designated planning jurisdiction of Person County (County). It is the intention of the Person County Board of Commissioners (Board of Commissioners) that the provisions of this Ordinance will implement the purpose and intent of the adopted development plans of the County by encouraging the most desirable use of the land for residential, agricultural, commercial, industrial, conservation, public service, floodplain and drainage purposes, and the most appropriate use and occupancy of buildings, and by promoting good land use planning.

B. This Ordinance is enacted for the further purpose of:
   1. providing for orderly, planned growth vital to the economic future and livability of Person County;
   2. protecting and conserving the value of land throughout Person County, the value of buildings or other improvements thereupon, and minimizing the conflicts among the uses of land and buildings;
   3. assuring clean, non-polluted drinking water;
   4. protecting watersheds;
   5. controlling hazardous waste;
   6. assuring adequate light and air;
   7. ensuring the provision of adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
   8. establishing reasonable standards for the division of land in order to further the orderly layout and use of land;
   9. encouraging the rational and efficient utilization and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
   10. preserving the natural beauty and topography of the County and to ensure that development is consistent with indigenous natural and physical features; and
   11. providing for open spaces through the most efficient design and layout of the land.

1.3 AUTHORITY

A. This Ordinance is adopted pursuant to the authority granted by North Carolina General Statutes (NCGS) § 160D.

B. In accordance with the requirements of NCGS § 160D-703 that zoning regulation be by districts, the County, as shown on the Official Zoning Map accompanying this Ordinance, is

divided into districts, as set forth in Article 5, which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

1.4 OFFICIAL ZONING MAP

1.4.1 Adoption By Reference

The Official Zoning Map and all the notations, references and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance, the same as if such information set forth on the map were all fully described and set out herein. The Official Zoning Map shall also include supplemental maps referenced in this Ordinance including the Watershed Map and Airport Overlay Map. The Official Zoning Map is on file in the Planning & Zoning Department and is available for inspection by the public.

1.4.2 Official Zoning Map Maintenance

In accordance with NCGS § 160D-105, the Administrator or designee shall maintain in paper and/or digital format the Official Zoning Map and any state or federal maps incorporated by reference into the map. The Official Zoning Map shall be retained in the office of the Administrator. Upon notification by the Board of Commissioners that a zoning change has been made, the Administrator shall make the necessary changes on the Official Zoning Map to keep the map current.

1.5 APPLICABILITY

1.5.1 Jurisdiction

These regulations shall govern the use of all land and the development thereof within Person County, North Carolina.

1.5.1 Ordinance Applicability & Exemptions

A. No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any change of use be established for any building, structure, or land, unless in conformity with the general provisions of this Ordinance and the specific provisions for the district in which it is located, except as specified throughout this Ordinance.
B. These regulations shall not apply to any land or structure for which, prior to the effective date hereof, there is a properly approved site-specific plan as required by the requirements previously adopted. Any preliminary or final development plan approvals required for such approved and exempted site-specific plans shall be conducted in accordance with the requirements of the development regulations under which they were approved.
C. The provisions of this Ordinance shall apply to all land as shown on the Official Zoning Map of Person County, North Carolina. Subject to NCGS § 160D-903, this Ordinance shall in no way regulate, restrict, or prohibit any bona fide farm and its related uses, but any use of such property for non-farm purposes shall be subject to such regulations.

D. Nothing in this Ordinance shall be construed to interfere with the operation of any valid covenant or condition which runs with the land or shall be construed to allow noncompliance with any building or environmental law, rule or ordinance.

1.5.2 Minimum Regulations

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standards shall govern. Where a property has multiple zoning districts within it, a unifying rezoning action (i.e. zoning amendment) shall occur prior to any development application or permit issuance.

1.6 ABROGATION & SEPARABILITY

A. Should any section or provision of these regulations be for any reason held void or invalid by the courts, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.
B. Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulations shall govern.

1.7 PLAN CONFORMITY & RIGHT-OF-WAY DEDICATION

A. In accordance with the requirements of NCGS § 160D-701, the regulations adopted pursuant to this Ordinance shall be consistent with the *Person County & City of Roxboro Joint Comprehensive Land Use Plan* (Comprehensive Plan) and any specific plans adopted by the Person County Board of Commissioners. All new developments shall be designed in conformance with adopted plans including but not limited to adopted comprehensive plans, comprehensive transportation plans, small area plans, land use plans, greenway and trails plans, parks and recreation plans, farmland preservation plans and any other adopted plans.
B. When a proposed development includes any part of a thoroughfare which has been designated as such upon the officially adopted *Person County & Roxboro Comprehensive Transportation Plan* (CTP), such thoroughfare right(s)-of-way shall be dedicated and constructed by the developer(s) as shown on the plan. Where such right-of way does not currently exist, the developer shall be required to dedicate the necessary right-of-way on the development side of the street.

1.8 VESTED RIGHTS

Subject NCGS § 160D-108 and 143-755, the provisions of this Section shall apply to vested rights for development approval.

1.8.1 Development Approval Duration

A. Pursuant to NCGS § 160D-1109, building permits expire six (6) months after issuance unless work under the permit has commenced and work has not been discontinued for a period of more than twelve (12) months after the work has commenced.

B. Unless otherwise specified, development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced, as verified by the Administrator or designee. For the purposes of this Section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a consecutive period of not less than twenty-four (24) months, and the statutory vesting period granted by this Section for a non-conforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than consecutive twenty-four (24) months. The 24-month discontinuance period is automatically tolled during the pendency of any Board of Adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this Section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.
C. Where multiple development permits are required to complete a development project, the development permit Applicant may choose the version of each of the local land 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 eighteen (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.
D. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a Site Plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven (7) years from the time a Site Plan approval is granted for the initial phase of the multi-phased development.
E. Following issuance of a development permit, the County may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.
F. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, then NCGS § 143-755 applies.

1.8.2 Establishment of Extended Development Vested Rights

Pursuant to NCGS § 160D-108.1 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site-specific vesting plan approval which shall entitle said landowner to develop property in accordance with said site specific development. The procedure for establishing a vested right for two (2) to five (5) years is set forth in Section 4.5.5.

1.8.3 Development Agreements

Development Agreements may be approved by the Board of Commissioners, in accordance with NCGS § 160D, Article 10 and Section 4.5.6 of this Ordinance, as statutory agreements. Non-statutory agreements shall not be authorized to issue development rights.

1.8.4 Previously Approved Conditional Use Permits & Special Use Districts

Any special use district or conditional use district zoning district that is valid and in effect as of January 1, 2021, shall be deemed a Conditional Zoning District consistent with the terms of the NCGS § 160D and the special or conditional use permits issued concurrently with establishment of those districts shall be valid as specified in North Carolina State Law 2019-111, Section 8.1. Any valid "conditional use permit" issued prior to January 1, 2021 shall be deemed a "special use permit" consistent with the provisions of the NCGS § 160D.

1.9 REPEAL, ADOPTION, & EFFECTIVE DATE

These regulations shall become effective immediately upon adoption (i.e. Effective Date) that is listed on the cover page of this Ordinance. Upon such date, these regulations shall supersede, repeal, and replace the following adopted ordinances within Person County – *Person County Planning Ordinance*, *Subdivision Regulations of Person County*, *Minimum Construction Standards for Private Roads in Person County*, *Falls Watershed Stormwater Ordinance for New Development*, *Zoning Ordinance to Limit Height of Objects Around Person County Airport*, *Mobile Home Park Ordinance of Person County*, *Ordinance Regulating Sexually Oriented Businesses in Person County*, *Ordinance Regulating Automobile Graveyards and Junkyards in Person County*, *Person County Solar Energy System Ordinance*, *and Flood Damage Prevention Ordinance of Person County, NC*.

ARTICLE 2. ADMINISTRATION & ENFORCEMENT

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2.1 PURPOSE

The purpose of this Article is to set forth the powers and duties of the Unified Development Ordinance Administrator, Technical Review Committee, Planning Board, Board of Adjustment, and Board of Commissioners as they relate to this Ordinance and its enforcement.

2.2 ADMINISTRATOR & ADMINISTRATIVE STAFF

2.2.1 Appointment

A. Subject to NCGS § 160D-402, the Board of Commissioners shall authorize the County Manager to appoint a Planning & Zoning Director as the Administrator of this Ordinance. The Administrator shall oversee the enforcement of this Ordinance and delegate tasks to Planning & Zoning Department staff as appropriate.

B. The Administrator shall appoint one (1) or more Enforcement Officers who are duly charged with the enforcement of the provisions of this Ordinance. If the Enforcement Officer(s) finds that any of the provisions of this Ordinance are being violated, then they shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. The Enforcement Officer(s) shall also take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

2.2.2 Duties

A. Duties assigned to Planning & Zoning Department staff may include, but are not limited to:
   1. Drafting and implementing plans and development regulations to be adopted pursuant to this Ordinance;
   2. Determining whether applications for development approvals are complete;
   3. Receiving and processing applications for development approvals;
   4. Providing notices of applications and hearings;
   5. Making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance;
   6. Conducting inspections; issuing or denying certificates of compliance or occupancy;
   7. Enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records;
   8. Performing the duties of the Watershed Administrator and Stormwater Administrator as set forth in Section 6.3.2 and 6.3.3;
   9. Performing the duties of the Floodplain Administrator as set forth in Section 6.3.4; and
   10. Any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction.

B. In accordance with NCGS § 160D-402, the administrative and enforcement provisions related to building permits set forth in NCGS § 160D Article 11 shall be followed for those permits.

2.2.3 Conflict of Interest

A. In accordance with NCGS § 160D-109(c), no staff member shall make a final decision on an administrative decision required in 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 such other staff person as may be designated by the development regulation or other ordinance.

B. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved.

C. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

2.3 TECHNICAL REVIEW COMMITTEE

2.3.1 Establishment & Composition

The Technical Review Committee (TRC) is hereby established and shall consist of the following members/representatives or their designees, as applicable:

2.3.1.1 Regular Members

A quorum is established with three (3) or more members:

- Administrator
- Planner
- GIS Director
- Director of Inspections
- Environmental Health Supervisor

2.3.1.2 Agency Representatives

Agency representatives may provide technical review comments and/or attend TRC meetings on a proposed development based upon their area of expertise, as applicable:

- County Engineer (may be a contract position)
- Person County Fire Marshal, Volunteer Fire Department, Emergency Management, and/or City of Roxboro Fire Department representative
- Person County Code Enforcement representative (may be a contract position)
- City of Roxboro Public Works representative
- City of Roxboro Planning & Development Department representative
- North Carolina Department of Transportation (NCDOT) representative
- North Carolina Department of Environmental Quality (NCDEQ) representative
- Other local, state, or federal agencies that have an interest in the proposed development

2.3.2 Duties

A. The TRC shall meet or confer on an as-needed basis as determined by the Administrator to assist the Administrator with the review of site development plans, other than single-family and two-family residential development. The TRC shall follow an agenda provided to the Applicant in advance. A summary of the meeting will be provided to the Applicant following the TRC meeting in a memorandum from the Administrator.
B. Members of the TRC shall provide comments to the Administrator regarding their area of expertise and shall confer with the other disciplines when providing such comments.
C. TRC comments shall be provided to the Applicants of site development plans in a memorandum from the Administrator.

2.3.3 Conflict of Interest

Members of the TRC shall be subject to the same standards regarding Conflict of Interest as staff, as set forth in Section 2.2.3 and NCGS § 160D-109(c).

2.4 PLANNING BOARD

2.4.1 Establishment & Composition

A. A Planning Board for Person County is hereby created under the authority of NCGS § 160D-301.
B. The Planning Board shall consist of seven (7) regular members. The County's "Appointment Process for Authorities, Boards, and Commissions" shall be followed in the appointment of board members. Planning Board members shall be residents of the County and shall be appointed for three (3) year staggered terms. Upon expiration of a member's term of office, that member may be reappointed by the Board of Commissioners and may continue to serve until a new member is appointed. At the discretion of the Board of Commissioners, the same members of the Planning Board may serve on the Board of Adjustment.
C. Vacancies occurring on the Planning Board shall be filled by the Board of Commissioners for the remaining portion of an unexpired term.
D. The Board of Commissioners may remove members for cause upon written charges for failure to comply with the attendance requirements of the County's "Appointment Process for Authorities, Boards, and Commissions", for failure to comply with the Conflict of Interest requirements in Section 2.4.3 and NCGS § 160D-109(d), or for conduct unbecoming of an appointed board member.

2.4.2 Duties

A. The Planning Board shall serve in an advisory capacity to the Board of Commissioners, providing recommendations pertaining to Official Zoning Map or Text Amendments and Major Subdivision Preliminary Plats.
B. The Board of Commissioners may request the Planning Board to advise them on other matters as designated in NCGS § 160D-301 including:
    1. To prepare, review, maintain, monitor, and periodically update and recommend to the Board of Commissioners a comprehensive plan, and such other plans deemed

appropriate, and conduct ongoing related research, data collection, mapping and analysis;

2. To facilitate and coordinate citizen engagement and participation in the planning process;
3. To develop and recommend to the Board of Commissioners policies, ordinances, development regulations, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;
4. To advise the Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS § 160D-604;
5. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct; and
6. To perform any other related duties that the Board of Commissioners may direct.

2.4.3 Conflict of Interest

A. In accordance with NCGS § 160D-109(b), members of the Planning Board shall not vote on an advisory or legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
B. Members of the Planning Board shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the Applicant for a text amendment is a person with who the member has a close familial, business, or associational relationship. If an objection is raised as to a member's participation, and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

2.5 BOARD OF ADJUSTMENT

2.5.1 Establishment & Composition

A. A Board of Adjustment is hereby created as provided in NCGS § 160D-302.
B. The Board of Adjustment shall consist of six (6) members. The County's "Appointment Process for Authorities, Boards, and Commissions" shall be followed in the appointment of board members. Board of Adjustment members shall be residents of the County and shall be appointed for three (3) year staggered terms. Upon expiration of a member's term of office, that member may be reappointed by the Board of Commissioners and may continue to serve until a new member is appointed. At the discretion of the Board of Commissioners, the same members of the Planning Board may serve on the Board of Adjustment.
C. Vacancies occurring on the Board of Adjustment shall be filled by the Board of Commissioners for the remaining portion of an unexpired term.
D. The Board of Commissioners may remove members for cause upon written charges for failure to comply with the attendance requirements of the County's "Appointment Process for Authorities, Boards, and Commissions", for failure to comply with the Conflict of Interest requirements in Section 2.5.3 and NCGS § 160D-109(d), or for conduct unbecoming of an appointed board member.

2.5.2 Duties

The Board of Adjustment shall have the following powers and duties pursuant to NCGS § 160D-302(b):

A. To hear and decide Appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Ordinance, in accordance with Section 4.4.2;
B. To authorize, in specific cases, Variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, in accordance with Section 4.4.3;
C. To authorize, in specific cases, Watershed Variance in accordance with the Water Supply Watershed Protection requirements of Section 6.3.2 and 6.3.3;
D. To perform the powers and duties as set forth in the Flood Damage Prevention regulations as set forth in Section 6.3.4;
E. To hear and decide other quasi-judicial matters as delegated in this Ordinance; and
F. The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under 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 appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

2.5.3 Conflict of Interest

In accordance with NCGS § 160D-109(d), Members of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

2.6 BOARD OF COMMISSIONERS

2.6.1 Establishment & Composition

A. The Person County Board of Commissioners is the elected governing board and shall fulfill the designated role of the governing board as outlined in NCGS § 160D as it relates to this Ordinance.

B. The Board of Commissioners shall be composed, elected, and operated as set forth in NCGS § 153A.

2.6.2 Duties

The Board of Commissioners shall hold the following powers and duties related to this Ordinance:

A. To review, hold public hearings and make decisions for Official Zoning Map Amendments and Ordinance Text amendments in accordance with Section 4.5;
B. To review and approve Major Subdivision Preliminary Plats in accordance with Section 4.3;
C. To enter into Development Agreements in accordance with Section 4.5.6 and pursuant to § 160D, Article 10;
D. To hear and decide requests for Special Use Permits, acting in the capacity as a Board of Adjustment in accordance with Section 4.4 and pursuant to NCGS § 160D-406;
E. To make decisions on all issues related to the Unified Development Ordinance, Official Zoning Map, Comprehensive Plan and other land use plans which may be adopted from time to time; and
F. To enact fee schedules relating to the administration and the enforcement of this Ordinance.

2.6.3 Conflict of Interest

A. In accordance with NCGS § 160D-109 (a), a Board of Commissioners member shall not vote on any legislative decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Board of Commissioners member shall not vote on any zoning amendment 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.
B. In accordance with NCGS § 160D-109(d), in any matter, such as the hearing of Special Use Permits, the Board of Commissioners acting in the capacity of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

2.7 UNIFIED DEVELOPMENT ORDINANCE CODE ENFORCEMENT

Person County shall maintain an enforcement process, per NCGS § 160D-404, to uphold adopted County regulations for the public's general health, safety, and welfare. For purposes of State law, this Ordinance is the public nuisance ordinance for Person County. The County shall ensure that basic property maintenance occurs, public nuisances are minimized, and property values are protected. The Enforcement Officer supports, but does not enforce minimum housing standards. The County shall employ a staff to proactively inspect properties, respond to resident complaints, and notice properties of violations to adopted County regulations. The County shall require

permits prior to development activity and those permits shall be maintained throughout the construction process. The Administrator with the assistance of the Enforcement Officer shall ensure that work is conducted in accordance with permits.

2.7.1 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 Section and by State law, specifically NCGS § 160A-175, and NCGS § 160D-404:

A. Subdivision of land without approval;
B. Development or use that is inconsistent with development approvals;
C. Purposeful acts of errors or omissions;
D. Violation of land use, structure use, or any other development regulation of this Ordinance;
E. Continuing a violation upon notification; or
F. A public nuisance adversely impacting the general health, safety, and welfare of Person County.

2.7.2 Enforcement Procedures

2.7.2.1 Inspection & Investigation

A. In accordance with NCGS § 160D-403(e), the Administrator, Enforcement Officer, or other designated staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and the terms of the approval where there is probable cause for a public nuisance violation. In exercising this power, staff may enter any premises within the County for the purposes of inspection or other enforcement action, upon presentation of proper credentials, as long as the appropriate consent has been given for inspection or an appropriate inspection warrant has been secured.
B. The Administrator shall have the power to require written statements, certifications, or the filing of reports with respect to pertinent questions relating to complaints or alleged violations of this Ordinance, as necessary to determine compliance with this Ordinance. Upon inspection or in response to a complaint that is considered a public nuisance, the Enforcement Officer shall open an Enforcement case and assign a case number. Persons responsible with violation of this Ordinance are heretofore considered to be the Offender. The Offender may be the property owner, tenant, or any other entity using the property in violation of County regulations.

2.7.2.2 Notices of Violation, Remedies, & Civil Penalties

A. In accordance with NCGS § 160D-404(a), when the Enforcement Officer determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this Ordinance or other local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written Notice of Violation shall be issued via Certified Mail with no return receipt required. Compliance shall be requested

to be performed within thirty (30) calendar days from the date of the letter to close the Enforcement case.

B. Where no compliance is observed by the Enforcement Officer within that period, a second Notice of Violation will be sent via Certified Mail with no return receipt requested to the Offender with a statement that the County will pursue civil penalties towards costs incurred through inspections and estimated costs for abatement. Subject to NCGS § 160A-175, 160D-106, and 160D-404, any person, firm or corporation violating any provision of this Ordinance beyond the first Notice of Violation shall be subject to remedies and penalties. The remedies identified in this Section are cumulative and the County shall pursue any or all of the same as its discretion to protect the general health, safety, and welfare of the public.

C. Remedies and civil penalties shall result in one or a combination of Stop Work Order issuance, revocation of a development approval, and/or court action. Where a Stop Work Order is issued by the Administrator, work must cease until the violation is remedied. Revocation of a development approval shall occur in the same manner in which the approval was given, subject to NCGS § 160D-403 (f), unless the violation is remedied. Civil penalties of $50.00 per day shall commence on the day that the second Notice of Violation letter is sent via Certified Mail. The County reserves the right to use property management services for abatement of a violation, with civil penalties or liens being used towards abatement costs.

D. Except as provided by NCGS § 160D-1123, § 160D-1206, or otherwise provided by law, a Notice of Violation may be appealed to the Board of Adjustment, and enforcement action shall be stayed for the duration of the appeal, pursuant to NCGS § 160D-405. Except as provided by NCGS § 160D-1112 and NCGS § 160D-1208, a Stop Work Order may be appealed 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. Violation of a Stop Work Order shall constitute a Class 1 misdemeanor. The County may also seek any appropriate equitable relief issuing from a court of competent jurisdiction that it deems necessary to ensure compliance with the provisions of this Ordinance. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.

ARTICLE 3. DEFINITIONS

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3.1 PURPOSE

For the purpose of interpreting this Ordinance, certain words, concepts and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

3.2 INTERPRETATION

3.2.1 Terminology

The following guidance is provided for interpretation of terms used throughout this Ordinance:

A. Words used in present tense include the future tense.
B. Words used in the singular number include the plural and words used in the plural number include the singular.
C. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions, and events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.
D. The word person includes a firm, joint venture, association, organization, partnership, corporation, trust and company, as well as an individual.
E. Words used in the masculine gender include the feminine gender, and vice versa.
F. The word "lot" includes the words "plot," "parcel," "site" or "tract."
G. The word "building" includes the word "structure".
H. The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.
I. The words "uses" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
J. The word "street" includes the words "road" and "highway".
K. The words "Zoning Map" or "Official Person County Zoning Map" shall mean the Official Zoning Map of Person County, North Carolina.
L. The words “Watershed Map or “Official Person County Watershed Map” shall mean the watershed map of Person County, North Carolina, which is a supplement to the Official Zoning Map.
M. The term “Board of Commissioners” shall mean the Board of Commissioners of Person County, North Carolina.”
N. The term “Planning Board” shall mean the Planning Board of Person County, North Carolina.
O. The term ‘Board of Adjustment’ shall mean the Board of Adjustment of Person County, North Carolina.
P. The term “Administrator” shall mean the Administrator, Subdivision Administrator, Floodplain Administrator, or Zoning Administrator of the *Unified Development Ordinance*.
Q. The term “manager” or “County Manager” shall mean the manager of Person County, North Carolina.
R. The term “County” shall mean Person County, North Carolina.
S. The term “State” shall mean the State of North Carolina.

T. Any reference to a section shall mean a section of the *Unified Development Ordinance*, unless otherwise specified.
U. The term "Ordinance" shall be synonymous and refer to the *Unified Development Ordinance*.

3.2.2 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by Person County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by Person County.

3.2.3 Text Controls in the Event of Conflict

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

3.3 ACRONYMS & ABBREVIATIONS

Below is a list of acronyms and abbreviations and their meanings found throughout the Ordinance. Zoning district abbreviations can be found in Section 5.3.

- ADA: Americans with Disabilities Act
- BFE: Base Flood Elevation
- BOA: Board of Adjustment
- CTP: Comprehensive Transportation
- DU: Dwelling Unit
- DUA: Dwelling Units per Acre
- FEMA: Federal Emergency Management Agency
- FIRM: Flood Insurance Rate Maps
- HOA: Homeowner Association
- MPO: Metropolitan Planning Organization
- NAICS: North American Industrial Classification System
- NC: North Carolina
- NCDEQ: North Carolina Department of Environmental Quality (formerly DENR)
- NCDOT or DOT: North Carolina Department of Transportation
- NCEMC: North Carolina Environmental Management Commission
- NCGS or GS: North Carolina General Statute
- ROW: Right-of-way
- RPO: Rural Planning Organization
- SR: Supplemental Regulations
- TRC: Technical Review Committee
- UDO: Unified Development Ordinance
- US: United States of America
- USGS: United States Geological Survey

3.4 GENERAL DEFINITIONS

A

ABANDONED – The intentional or unintentional cessation of use when one (1) or more of the following conditions exists:

1. The use is discontinued for a consecutive period of 180 calendar days; or
2. The premises are devoted to another use; or
3. Failure to take all positive action to resume the non-conforming use with reasonable dispatch, including the failure to advertise the property for sale or lease.

ABC RETAIL SALES – A retail establishment that sells alcohol under the oversight of the North Carolina Alcoholic Beverage Control (ABC) System, subject to NCGS § 18B.

ACCESSORY STRUCTURE – A structure located on the same lot with, or of a nature specifically incidental or subordinate to, and of a character related to the principal use or structure except as provided elsewhere in the Ordinance for residential or non-residential uses. Accessory structures include, but are not limited to sheds, garages, lean-tos, storage buildings, carports, pools, dog houses, playhouses, and similar structures that do not exceed fifty (50%) percent of the principal structure on the same lot. Well houses designed for well covering purposes only are not considered accessory structures.

ACCESSORY USE – A subordinate use clearly incidental to the principal use of a zoning lot.

ADJACENT/ABUTTING PROPERTY – This term shall mean anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist, unless the right-of-way is greater than 100-ft. wide.

ADMINISTRATIVE DECISION – 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 local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

ADMINISTRATOR – The person appointed by the County Manager to carry out, enforce, and ensure compliance with this unified development ordinance. This definition also includes any person designated by the Administrator to assist with carrying out, enforcing, or ensuring compliance with this Ordinance, including, but not limited to an Enforcement Officer, staff planners, or contracted assistance. May also be referred to as “Planning & Zoning Director”, “Unified Development Ordinance Administrator”, “Floodplain Administrator”, and “Stormwater Administrator”.

AGRICULTURAL USE (BONA FIDE FARM) – Subject to NCGS § 160D-903, the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in

NCGS § 106-581.1. NCGS § 106-581.1, defines the terms "agriculture," "agricultural," and "farming" to include the following activities:

- The cultivation of soil for production and harvesting of crops, including fruits, vegetables, sod, flowers, and ornamental plants;
- The planting and production of timber;
- Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, deer, elk, and other animals for individual and public use, consumption, and marketing;
- Aquaculture;
- The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; and
- When performed on the farm, the marketing and selling of agricultural products; agritourism; the storage and use of materials for agricultural purposes; and packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm.

This includes tenant housing built for farm workers, but not to the construction of houses built for family members or others who do not make their living from the farm; and to the storage, processing, and sale of agricultural products raised on the premises. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Uses which shall not be deemed as "agricultural uses" include (I) zoos, (II) kennels, (III) riding stables and academies, (IV) non domesticated animals, and (V) animals commonly perceived to be a threat to humans.

AGRICULTURAL USE (NON-BONA FIDE FARM) – A use that includes one or more of the activities listed in NCGS § 106-581.1, but does not qualify as a bona fide farm under NCGS § 160D-903(a).

AIRPORT/HELIPORT – An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, ultra-lights, other mechanical aircraft, or other flying apparatus whether or not so designated by the Federal Aviation Authority (FAA). This definition includes parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word aircraft shall include fixed-wing as well as rotary-wing craft, excluding hot air balloons.

ALLEY – A minor right-of-way, privately or publicly owned, primarily for service access to the rear or side of properties which have principal frontage on some other street.

AMENDMENT (MAP OR TEXT) – Subject to NCGS § 160D, Article 6, any change to the text of this Ordinance or its associated Official Zoning Map.

AMUSEMENT ARCADE – A building or any part of a building in which five (5) or more pinball machines, video games or machines or other similar player operated amusement devices are maintained. Adult arcade and electronic gaming operations are specifically excluded from this definition.

AMUSEMENT PARK/CENTER – A commercially-operated entertainment establishment with indoor or outdoor amusements including but not limited to rides (i.e. roller coasters, carousels), games, concessions.

ANCHORING – The fastening of a mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.

APPEAL – A request for the review of an Administrator determination in relationship to the interpretation of this Ordinance subject to the statutory requirements set for in NCGS § 160D-405.

APPLIANCE SALES & SERVICE – A commercial establishment that sells and/or repairs household appliances, including but not limited to refrigerators, washers, dryers, dishwashers, and stoves.

APPLICANT – Any person seeking approval under these regulations for any form of development or use of land.

ARTS & CRAFTS STUDIO – A commercial establishment in which an artist or craftsperson produces works of art, pottery, or crafts for sale and/or provides arts and crafts lessons or workshops.

ASSEMBLY HALL/AMPHITHEATER/LODGE – A commercial or institutional establishment that provides space for large gatherings for events or performing arts.

ASSISTED LIVING/INDEPENDENT LIVING FACILITY – A commercial or institutional use that provides living accommodations for older or infirm residents that require low to moderate levels of assistance, and may require incidental medical care.

AUCTION HOUSE (NON-LIVESTOCK) – Any establishment where items are sold at auction to the highest bidder, but no including livestock.

AUTOMOBILE GRAVEYARD – Any commercial establishment tract of land which is maintained, used, or operated for storing, salvaging, keeping, buying and selling two or more wrecked, scrapped, ruined, dismantled or inoperable motor vehicles and which are not being restored to operation, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. The phrase “automobile graveyard” as used herein shall be interpreted to include all service stations, repair shops, salvage yards, or tow yards, which have on their premises four (4) or more wrecked scrapped, ruined, dismantled or inoperable motor vehicles which are not being restored to operation.

AUTOMOBILE SALES, PARTS, RENTAL, & SERVICE (WITH DEALERSHIP) – The use of any building or portion thereof, or any premises or portion thereof, for the display, sale, rental, or lease of new or used motor vehicles as a principal or ancillary use of a lot or tract, except for the incidental sale of not more than two (2) vehicles per year, provided those vehicles are owned by a resident of the premises and were not purchased with the specific intent to resell them, or the use of said premises for the preparation of such vehicles for sale if such preparation is part of either a full- or part-time income-producing venture. Such use may also include the repair of vehicles, not including major automotive work such as body work or storage of wrecked motor vehicles.

AUTOMOBILE SERVICE (WITHOUT DEALERSHIP) – An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to automobiles or other motor vehicles.

B

BANK/FINANCIAL SERVICE – A facility engaged in deposit banking or extending credit in the form of loans, excluding brokers, financial planners, credit counselors and similar uses that are located in professional offices.

BATTERY ENERGY STORAGE SYSTEM – A large-scale system of battery devises assembled together on the same site for the purpose of storing electrical energy to a chemical form and making energy available to convert from chemical energy back to electrical energy. These uses are often located in close proximity to power generation plants or electrical transmission grids.

BARBERSHOP/SALON – An establishment primarily engaged in providing hair care and beauty service(s) to individuals, including massage therapy, esthetician, nail salon, or similar uses.

BEST MANAGEMENT PRACTICE (BMP'S) – 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.

BLACKSMITH/GUNSMITH SERVICE – Commercial establishment providing low volume metalworking, forging, or firearm repair services.

BLOCK – A grouping of lots bordered by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of watercourses or boundary lines of municipalities.

BOARDING OR ROOMING HOUSE – A dwelling, or part thereof, in which lodging is provided to more than two (2) guests on a long-term basis and where the rooms rented, neither individually nor collectively, constitute separate dwelling units in accordance with NC Building Code.

BOARD OF ADJUSTMENT – A quasi-judicial body composed of representatives from or for the planning jurisdiction of Person County which are given certain powers under and relative to this

Ordinance. In the case of Special Use Permits, the Board of Commissioners acts as a Board of Adjustment.

BOAT/VESSEL SALES & SERVICE – The use of any building or portion thereof, or any premises or portion thereof, for the display, sale, rental, or lease of new or used boats or water vessels, including personal watercraft, as a principal or ancillary use of a lot or tract, except for the incidental sale of not more than two (2) boats/vessels per year, provided those vehicles are owned by a resident of the premises and were not purchased with the specific intent to resell them, or the use of said premises for the preparation of such boats/vessels for sale if such preparation is part of either a full- or part-time income-producing venture. Such use may also include the repair of boats and water vessels.

BONA FIDE FARM – As defined in NCGS § 160D-903, a bona fide farm exists if a property is subject to one or more of the following:

- A farm sales tax exemption certificate issued by the Department of Revenue;
- A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to NCGS §105-277.3;
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or
- A forestry management plan.

BOARD OF COUNTY COMMISSIONERS – The Board of County Commissioners of the County of Person, North Carolina.

BOND – Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to Person County for required improvements that have not yet been installed or constructed on a property in accordance with the construction plans.

BOWLING ALLEY/SKATING RINK – A commercial entertainment establishment in which patrons can bowl or skate (roller or ice), which may as an accessory may have concessions, a restaurant, or amusements.

BREWERY/DISTILLERY/WINERY – A legal establishment for the manufacture, blending, fermentation, processing and packaging of beer, distilled alcohol spirits, or wine for distribution, retail, or wholesale, on or off-premise. The establishment may have tours of the facility, tastings of the products produced on-site, and periodic events. Such facility must comply with all ABC commission laws and permits. This facility may include retail sales, catering, lodging facilities, restaurants, live music, wedding venues, tours, farmers market, or other subordinate activities.

BROADCAST STUDIO/FILM STUDIO – A facility with audio and/or video production technologies for broadcasting radio, television or online media, excluding broadcast towers of greater than 50-ft.

BUFFER (RIPARIAN) – Natural or vegetated area through which stormwater run-off flows in a diffuse manner so that the run-off does not become channelized and provided for infiltration of run-off and filtering of pollutants. The buffer is measured landward from the normal pool evaluation of impounded structures and from the bank of each side of perennial streams or rivers. The area shall be included in the calculation of minimum lot size required by this Ordinance.

BUFFER (LANDSCAPE) – A strip of land that is planted with landscaping in a manner to provide an opaque screen between different land uses.

BUILDER'S SUPPLY (WITH OUTDOOR DISPLAY) – A commercial establishment which sells lumber, masonry, building materials, hardware, and tools related to construction. Excludes large scale wholesale distribution.

BUILDING – Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.

BUILDING INSPECTOR – The person or persons with the Person County Inspections Department designated to enforce NC Building Code within its territorial jurisdiction.

BUILDING ENVELOPE – The area between the minimum required front, side, and rear setbacks for a property in which a primary building/structure may be constructed.

BUS/TRAIN/TRANSIT STOP – A location at which persons can board or disembark public or private transportation on a curbside or along the route, as opposed to at a central station.

BUS/TRAIN/TRANISIT STATION – A location at which persons can board or disembark public or private transportation including buses, trains, and other similar forms of mass transportation.

BUS/TRAIN/TRANISIT TERMINAL – A facility at the terminus of a form of mass transportation where buses, trains, or similar vehicles are parked, stored, and/or repaired.

C

CABIN – A site built or manufactured dwelling unit used for temporary overnight occupancy; typically, within a campground, RV park, or park setting.

CALIPER – The diameter measurement of a tree trunk.

CANOPY TREE – A species of tree which normally grows to a mature height of 35-ft. or more with a minimum mature crown width of 30-ft.

CAMPER/RECREATIONAL VEHICLE – A vehicular type unit designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

CAMPGROUND/RV PARK (COMMERCIAL & WORKFORCE HOUSING) – Any site or tract of land upon which two (2) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

CAPITAL IMPROVEMENTS PROGRAM – A proposed schedule of all future projects in order of construction priority which are to be encumbered by Person County.

CARWASH – An establishment that provides equipment and/or services that clean and/or vacuum vehicles.

CATERING SERVICE – A service use in which food and beverages are prepared for off-site consumption.

CEMETERY (CHURCH OR FAMILY PLOT) – A cemetery associated with a church or other religious institution or a family plot located on private land, meeting the requirements of the State of North Carolina.

CEMETERY (COMMERCIAL) – A cemetery that provides funeral, internment, and burial services on a for-profit basis, meeting the requirements of the State of North Carolina.

CENTRAL SEWER SYSTEM – Any sewage disposal system whether operated publicly or privately other than a pit privy or a septic tank located on the lot and approved by the Person County Health Department and the North Carolina Department of Environmental Quality (NCDEQ).

CENTRAL WATER SYSTEM – A public or private water system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals, and which must be approved by the Person County Health Department and the North Carolina Department of Environmental Quality (NCDEQ).

CERTIFICATE OF COMPLIANCE/ZONING PERMIT – An approval issued by the Person County Planning & Zoning Department stating that all requirements of the Unified Development Ordinance have been met, and that a Certificate of Occupancy can be issued or a use may operate, as applicable.

CERTIFICATE OF OCCUPANCY – An approval issued by the Person County Inspections Department setting forth that the building/structure complies with NC Building Code, has received a Certificate of Compliance/Zoning Permit from the Planning & Zoning Department, and may be occupied for its intended use.

CHANGE OF USE (MAJOR) – A change in the use of a structure or land from one use category to another use category. For example, a change from a "Dwelling" use in the "Residential Uses" category to a "Retail Use" in the "Office, Retail, and Service Uses" category is a significant change of use.

CHANGE OF USE (MINOR) – A change in the use of a structure or land from one use to another use within the same category as listed in the Table of Uses. For example, a change from a "Retail Use" to a "Office Use" within the "Office, Retail, and Service Uses" category is a minor change of use.

CHURCH/RELIGIOUS INSTITUTION – A church or a building primarily used for public divine worship and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site, subject to the Religious Land Use and Institutionalized Persons Act (RLUIPA).

CHRONIC OFFENDER – A person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three (3) times under any provision of this Ordinance.

CIVIC USE – A land use related to government or community functions. Examples include government offices, libraries, and community centers.

CLOTHING DONATION BIN – A container or kiosk located outside of a fully-enclosed building used for the collection of clothing and shoes by a non-profit or commercial operation.

COMBINED-CYCLE POWER PLANT – Combined-cycle power plants use a combination of gas and steam turbines that produces up to fifty (50%) percent greater amount of electricity from the same quantity of fuel than a simple-cycle plant, by capturing the waste heat from the gas turbine and transferring it to the steam turbine.

COMMERCIAL JUNKYARD/SALVAGE YARD/TOW YARD – Any establishment or place of business which is maintained, operated, or used for storing, salvaging, keeping, buying or selling junk or for maintenance or operation of an automobile graveyard, but shall not include garbage dumps or county-operated sanitary landfills.

CONDITIONAL ZONING – A legislative zoning map amendment, subject to NCGS § 160D-703(b) with site-specific conditions incorporated into the zoning map amendment.

CONSERVATION DEVELOPMENT – Residential subdivisions that are characterized by large areas of dedicated common open space and clustered lots. The purpose of a conservation development is to protect farmland, open space and/or natural resources while allowing for a maximum number of residences, consolidated infrastructure, and reduced development costs.

CONSTRUCTION OFFICE (TEMPORARY) – Any building or portion of a building or mobile unit used as a temporary field office for the coordination of a nearby construction project by the general contractor and/or subcontractors. No portion of a temporary construction building may be used as an accessory occupancy (such as a sales office) into which the general public would be allowed access.

CONSTRUCTION PLANS – The plans completed as part of Site Plan approval process for a non-residential or multi-family residential development or part of the subdivision approval process, following the approval of a Major Subdivision Preliminary Plat, that provide the detailed information necessary to install the physical improvements of a development, including but not limited to buildings, parking areas, streets, stormwater systems, utilities, and similar improvements.

CONSTRUCTION, TRADES & SERVICE – An individual or business who, under contract with another, engages in construction or specialized trade such as plumbing, heating, wiring, sheet metal and roofing work, etc.

CONVENIENCE STORE – A small retail establishment that provides limited grocery, food, beverage, personal care, and household items.

CUL-DE-SAC – A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement in accordance with NC Fire Code.

D

DATA CENTER – A facility that provides a large group of networked computer servers for remote data storage, processing, and distribution of digital data.

DAYCARE FACILITY (ADULT OR CHILD) – A facility where daytime care is provided to six (6) or more children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

DENSITY, RESIDENTIAL – The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

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 – The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. This includes any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of perception into the soil.

DEVELOPMENT APPROVAL – An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, Zoning Permits, Site Plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, Development Agreements entered into, and building permits issued.

DEVELOPMENT REGULATION – A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, communication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this Ordinance, or a local act or charter that regulates land use or development.

DIAMETER AT BREAST HEIGHT (DBH) – The measurement of the diameter of an existing semi-mature or mature tree measured at four and one-half (4.5) feet above the existing ground on the uphill side of the tree.

DISCHARGING LANDFILL – A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

DORMITORY – A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six (6) persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution and which is co-located with and subordinate to such institution. “Dormitory” shall not include a boarding house, motel, hotel, group home, or health institution.

DRY CLEANING & LAUNDRY SERVICE – A commercial establishment that provides cleaning services for articles of clothing, fabrics, or textiles. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system. This shall not include industrial dry cleaning and laundry facilities.

DWELLING (UNIT) – A building that contains one (1) or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING (ACCESSORY) – A secondary dwelling unit constructed to NC Building Code established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

DWELLING, ACCESSORY (LIVE-WORK UNIT) – A dwelling that is attached and accessory to a permitted commercial use where the owner or an employee of the commercial establishment resides.

DWELLING, ACCESSORY (TEMPORARY CONSTRUCTION CAMPER/RV) – A temporary dwelling accessory to a permitted principal dwelling for use for use during construction of the principal dwelling or while a principal dwelling is being renovated, subject to the requirements of Section 5.7.2.3.

DWELLING, ACCESSORY (TEMPORARY HARDSHIP MANUFACTURED HOME) – A temporary manufactured home accessory to a permitted principal dwelling for use by a person or persons occupying the manufactured home who are physically dependent upon the person or persons occupying the principal dwelling, or the person or persons occupying the principal dwelling are physically dependent upon the person or persons occupying the manufactured home, subject to the requirements of Section 5.7.2.3.

DWELLING (CARETAKER RESIDENCE FOR INDUSTRIAL USES) – A dwelling or dwelling units, accessory to and located on the same premises as a permitted principal industrial use, intended to house a caretaker or overseer of the property or to house employees of the industrial use, subject to NC Building Code for multi-family residential.

DWELLING (FAMILY CARE HOME) – As defined in NCGS § 160D-907, a home with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) resident persons with disabilities.

DWELLING (MULTI-FAMILY) – A residential building constructed to NC Building Code standards, which contains three (3) or more attached dwelling units located on the same lot of record. This definition includes condominiums and apartment complexes.

DWELLING (SINGLE-FAMILY ATTACHED) – A residential building constructed to NC Building Code standards, with more than two (2) attached single-family dwelling units located on their own lots of record. Also known as a townhouse or townhome.

DWELLING (SINGLE-FAMILY DETACHED) – A detached residential building constructed to NC Building Code standards, which contains one (1) dwelling unit for one (1) family unit and occupies its own lot of record. This term also includes modular housing units built to NC Building Code, but does not include manufactured homes as defined by this Ordinance.

DWELLING, TWO-FAMILY (DUPLEX) – A two-family residential building constructed to NC Building Code standards, which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and where each dwelling unit has living space on the ground floor, and a separate ground floor entrance, driveway, utility service, and address.

E

EASEMENT – Authorization by a property owner for the use by another, and for a specified purpose, or any designated part of his property, including but not limited to access easements, utility easements, and drainage easements.

ELECTRONIC GAMING OPERATION/INTERNET CAFÉ – Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals, to conduct games of chance or games of skill, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds or skill. The term includes, but is not limited to internet sweepstakes, internet sweepstakes café, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

EMERGENCY SERVICE – Government or institutional organizations that respond to emergency situations. These organizations generally provide police, EMT/EMS, ambulance, and firefighting services.

ENTERTAINMENT USE – A land use primarily intended for entertainment, amusement, events, or recreation. Examples include theaters, banquet and events facilities, and indoor recreation facilities, such as bowling and skating, and outdoor recreation facilities such as batting cages and water parks.

ERECT – To build, construct, rebuild, reconstruct as the same are commonly defined.

EQUESTRIAN USE – A commercial boarding and riding stable establishment where horses are boarded and cared for, instructions offered in riding, jumping, and showing, or for horses that may be hired for riding.

EVENT CENTER – A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, on- and off-site parking and outdoor recreation facility

F

FAMILY – One (1) or more persons related by blood, adoption or marriage, or a group of not more than five (5) persons not related by blood, adoption or marriage living together as a single housekeeping group in a dwelling unit.

FARM & GARDEN SUPPLY, EQUIPMENT SALES, & SERVICE – A business which sells trees, plants, seeds, bulbs, sod, fencing, feed, tools, and farm equipment for gardening, the cultivation of crops or care of livestock or fowl, or equipment repair. This use typically includes outdoor display areas for plants, feed stores, or farm/lawn equipment sales and service.

FARMERS MARKET – An outdoor open-air market at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis.

FENCE/SOLID FENCE – A continuous, opaque, unperforated barrier forming a screen that extends from the surface of the grounds to a uniform height at least six (6) feet from the grade of the ground at any given point, and constructed of dirt (berm), wood, stone, steel, or other metal, or any substance of a similar nature and strength.

FITNESS FACILITY (INDOOR) – Establishments engaged in providing indoor fitness services. Such may include public or private health or exercise clubs, gymnasiums, sports facilities, tennis or other racquet courts, swimming pools, YMCA's, YWCA's, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the fitness use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal use.

FITNESS FACILITY (OUTDOOR) – Establishments engaged in providing outdoor fitness services such as outdoor sports for physical fitness (excluding motor sports) that are located outside of a public park which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall include any accessory uses, such as snack bars, pro shops, and field houses which are designed and intended primarily for the use of patrons of the principal recreational use.

FLOOR AREA RATIO, NON-RESIDENTIAL – The floor area ratio (FAR) is the relationship between the total amount of usable floor area for a building and the total area of the lot on which the building stands.

FOOTCANDLE – One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the imperial system. One footcandle equals approximately 10.8 lux.

FRONTAGE – The property line that abuts on one (1) side of a street measured along the street.

FULL CUTOFF LIGHT FIXTURE – A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per

1000 lamp lumens.

FULLY SHIELDED LIGHT FIXTURE – A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

FUNERAL & CREMATION SERVICE – An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries as accessory uses.

G

GENERAL STORE (SPECIALTY RETAIL/VARIETY) – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods in a general store manner. This retail store is often referred to as a specialty retail or variety store.

GOVERNMENT FACILITY (CORRECTIONS/JAIL) – A local, state, or federal jail, prison, or other correctional institution used to confine or provide treatment or rehabilitation to those accused or convicted of violations of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station or court facility.

GOVERNMENT FACILITY (OFFICES/OPERATIONS) – A building or land use for a public government purpose or activity that protects the public health, safety or general welfare, excluding correctional facilities.

GRADE – The slope of a road, street, or other public way specified in percentage (%) terms.

GROCERY STORE – A retail establishment that primarily sells fresh and prepackaged food and beverage items for consumption off-premises and household goods.

GROCERY & GENERAL MERCHANDISE (WHOLESALE CLUB) – A large wholesale membership-based establishment that sells bulk fresh and prepackaged food and beverage items for consumption off-premises and household goods.

GROSS FLOOR AREA – The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the centerline of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and

maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

H

HAZARDOUS MATERIAL – As defined in NCGS § 95, Article 18, any element, chemical compound or mixture of elements and/or compounds which is a physical hazard or health hazard as defined in subsection (c) of the OSHNC Standard or a hazardous substance as defined in standards adopted by the Occupational Safety and Health Division of the North Carolina Department of Labor in Title 13, § 7 of the North Carolina Administrative Code (13 NCAC 7).

HAZARDOUS MATERIAL/SOLID WASTE DISPOSAL OR STORAGE – A facility which stores or disposes of hazardous material.

HEARING, ADVISORY – A courtesy hearing held by the Planning Board regarding proposed amendments to this Ordinance or the associated Official Zoning Map or for approval of extended vested rights or a Development Agreement in which the Planning Board ultimately makes a recommendation to the Board of Commissioners prior to their legislative hearing.

HEARING, EVIDENTIARY – A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Ordinance.

HEARING, LEGISLATIVE – A hearing to solicit public comment on a legislative decision in regards to proposed amendments to this Ordinance or the associated Official Zoning Map, or for approval of extended vested rights or a Development Agreement.

HEIGHT, BUILDING – The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

HOME OCCUPATION – Any business use conducted by the occupants of a dwelling unit that the use is clearly incidental and subordinate to the residential use and does not change the dwelling unit character in connection. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, parking, traffic circulation, or physical evidence that the property is used for non-residential purposes, other than a small building-mounted sign attached to the dwelling unit.

HOSPITAL – An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities, emergency services, and staff offices.

I

ICE VENDING MACHINES – An outdoor kiosk/vending machine that mechanically provides ice for a fee.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM – A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device permitted by the Person County Health Department.

INDIVIDUAL WATER SYSTEM – The provision of a potable water system by means of an on-site well permitted by the Person County Health Department.

INDUSTRIAL USE – A non-residential employment use engaged in the manufacturing and basic processing of materials or products predominately from extracted or raw materials or previously prepared materials. This use may also include processing, fabrication, assembly, treatment, packing, storage, sales and distribution of such products.

INDUSTRIAL (HEAVY) – A manufacturing establishment whose operations, including storage of materials, processing, fabrication or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts could impact adjacent properties. These uses generally involve impacts to the public health, safety and/or welfare which are greatest. For the purposes of this Ordinance, heavy industrial uses include:

- Extraction of or manufacturing from raw materials; including mining and quarrying
- Power generation, fossil fuel and nuclear (NAICS Codes 221112 & 221113)
- Resource extraction (NAICS Codes starting with 21)
- Animal processing (NAICS Codes starting with 3116)
- Tobacco manufacturing (NAICS Codes starting with 3121)
- Leather and allied product manufacturing (NAICS Codes starting with 316)
- Wood product manufacturing (NAICS Codes starting with 321, excluding sawmills and millwork)
- Paper manufacturing (NAICS Codes starting with 322)
- Petroleum and coal products manufacturing (NAICS Codes starting with 324)
- Chemical or pharmaceutical manufacturing (NAICS Codes starting with 325)
- Plastics and rubber manufacturing (NAICS Codes starting with 326)
- Nonmetallic mineral product manufacturing, including asphalt and concrete plants (excluding artisans and craftsmen creating glass or clay products for sale) (NAICS Codes starting with 327)
- Primary metal manufacturing (NAICS Codes starting with 331)
- Fabricated Metal Product manufacturing (excluding artisans and craftsmen creating custom metal products for sale, and low volume machine shops) (NAICS Codes starting with 332)

INDUSTRIAL (LIGHT) – A manufacturing establishment whose primary operations, including storage of materials, processing, fabrication or assembly of products; and loading and unloading of new materials and finished products at loading docks and which does not produce or utilize in large quantities of noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. No mining or quarry operations. For the purposes of this Ordinance, light industrial uses include:

- Assembly of premanufactured components including furniture assembly, cabinet making, millwork, apparel manufacturing (from premanufactured textiles), and similar uses
- Food manufacturing, excluding animal process (NAICS Codes starting with 311)
- Beverage manufacturing (NAICS Codes starting with 3121)
- Textile and apparel manufacturing (NAICS Codes starting with 313, 314, 315)
- Machinery manufacturing (NAICS Codes starting with 333)
- Computer, medical equipment, instrument, and telecommunications component assembly (excluding those that involve hazardous materials) (NAICS Codes starting with 334)
- Electrical Equipment, Appliance, and Component Manufacturing (NAICS Codes starting with 335)
- Transportation equipment manufacturing (NAICS Codes beginning with 336)
- Furniture and related product manufacturing (NAICS Codes starting with 337)
- Sawmills (NAICS Code 321113)
- High volume commercial printing (NAICS Codes starting with 323)
- Low volume machine shops (NAICS Code 33271)
- Machinery manufacturing (NAICS Codes starting with 333)
- Computer and electronic manufacturing (NAICS Codes starting with 334)
- Electrical equipment, appliance and component manufacturing (NAICS Codes starting with 335)
- Transportation Equipment Manufacturing (NAICS Codes starting with 336)
- Miscellaneous manufacturing (NAICS Codes starting with 339)

INSTITUTIONAL USE – A land use which serves the community's social educational, health, and cultural needs, typically through a government entity or non-profit organization.

ITINERANT MERCHANT – As defined in NCGS § 66-250**,** a person, other than a merchant with an established retail store in the County, who transports an inventory of goods to a building, vacant lot, or other location in a county and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

J

JANITORIAL SUPPLIES & SERVICE – A business that provides cleaning products and implements for sale and/or cleaning services for households or businesses.

JUNK – The term "junk" shall include scrap metal, rope, rags, batteries, paper, trash, rubber, debris, tires, waste, salvage, junked, dismantled or wrecked motor vehicles.

K

KITCHEN – A designated room in a building, by design for a specific function of food preparation, that typically includes a refrigerator, stove, microwave, sink, food preparation space, and electrical service.

KITCHENETTE – An area smaller than a full-sized kitchen that typically includes a refrigerator, stove, microwave, sink, food preparation space, and electrical service.

L

LANDFILL/RECYCLING/SOLID WASTE FACILITY – A facility for the disposal of solid waste on land in a sanitary manner in accordance with NCGS § 130A, Article 9, recycling, or solid waste handling. For the purpose of this Ordinance, this term does not include composting facilities.

LANDSCAPING – The part of site development that includes installation or preservation of plant materials, including trees and shrubs, and the seeding of turf or provision of ground cover that excludes impervious area.

LANDSCAPING SERVICE – A business that provides services involving the installation, removal, and maintenance of landscaping, turf, and ground cover.

LANDSCAPING SUPPLY/PLANT NURSERY – A retail or wholesale establishment for the growth, display, and sale of plants, shrubs, trees, and materials used in their growth directly to the public in an indoor or outdoor retail setting; or for wholesale sales and distribution.

LIQUEFIED NATURAL GAS STORAGE FACILITY – A facility at which liquefied natural gas is stored in vessels located above ground including equipment for liquefying natural gas, compressors to capture and re-liquefy boil-off gas, re-condensers, and vaporization units for re-gasification.

LIVESTOCK SALES & AUCTIONS – Any establishment where cattle, sheep, swine, or other livestock are offered or exposed for sale, or sold, by weight or by head, at auction.

LODGING (VACATION RENTAL UNITS) – This land use may be as follows:

1. Bed & Breakfast Home, per NCGS § 130A-247 (5a);
2. Bed & Breakfast Inn, per NCGS § 130A-247(6); or
3. Vacation Rental/Short Term Rental/Whole House Lodging, per NCGS § 42A.

LODGING (HOTEL WITH ON-SITE MANAGER & INTERIOR HALLWAYS) – A building or group of buildings containing nine (9) or more individual rooms for the purpose of providing overnight accommodations to the general public for compensation, with or without meals, and which has

common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Hotels may or may not provide onsite parking and access to hotel rooms is generally provided through interior hallways. Hotels may include meeting rooms, conference facilities, and recreation facilities for use by reservation.

LOT – Land area which is composed of a single parcel or contiguous parcel of land under same ownership and is recorded as such in the office of the Person County Register of Deeds.

LOT AREA – The horizontal land area enclosed within the boundaries formed by the property lines.

LOT (CORNER) – Any parcel of land having frontage on more than one street (road) which abuts an intersection of those streets (roads).

LOT DEPTH – The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

LOT (DOUBLE-FRONTAGE) – A continuous lot of the same depth as the width of a block, accessible from both rights-of-way upon which it fronts.

LOT IMPROVEMENT – Any building, structure, place, work of art, or other object, or improvement of the land in which said improvements is situated which contributes a physical betterment of real property or any part of such betterment.

LOT LINE – Any boundary of a parcel of land.

LOT LINE (FRONT) – Any boundary line of a lot running along a street right-of-way line.

LOT LINE (REAR) – The property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the Final Plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint of the front lot line.

LOT LINE (SIDE) – A boundary line which is not defined as a front or rear lot line.

LOT OF RECORD – A lot which has been recorded in the Office of the Register of Deeds of Person County or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.

LOT WIDTH – The horizontal distance between the side lines measured along the front building line as specified by applicable front yard setback in this Ordinance.

M

MANUFACTURED HOME – A dwelling unit that:

- Is not constructed in accordance with the standards set forth in the North Carolina State Building Code;
- Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis;
- Exceeds forty (40) feet in length and eight (8) feet in width; and
- Was assembled or constructed in accordance with HUD standards if effect June 15, 1976.
- Is limited to one (1) manufactured home per lot, unless located within an existing manufactured home park.

MANUFACTURED HOME (CLASS A) – A manufactured home that meets the following additional criteria:

- The structure is made up of two or more sections designed to be installed or assembled into one unit at the building site;
- The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis; and,
- The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths (2.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- Was assembled or constructed in accordance with HUD standards on or after June 15, 1976.

This definition includes typical "double-wide" manufactured homes and does not include modular housing as regulated by North Carolina State Building Code.

MANUFACTURED HOME (CLASS B) – A manufactured home that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home. A Class B manufactured home is typically a "single-wide" manufactured home but may also include a double-wide (or triple-wide) manufactured home that does not meet all the criteria to be classified as a Class A manufactured home. A Class B Manufactured home was constructed in accordance with HUD standards on or after June 15, 1976.

MANUFACTURED HOME PARK – Any lot upon which two (2) or more manufactured homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.

MANUFACTURED HOME SPACE – Any delineated area within a manufactured home park designated for the exclusive use of one manufactured home.

MANUFACTURED HOME (TEMPORARY CONSTRUCTION) – An accessory manufactured home located on the same lot with a permitted principal dwelling that is currently under construction with a valid building permit.

MANUFACTURED HOME (TEMPORARY HARDSHIP) – An accessory manufactured home located on the same lot with a permitted principal dwelling for the purposes of a caregiver to provide care for up to two (2) persons physically dependent upon the occupant of the other dwelling unit on the lot.

MARINA – A dock or basin providing secure moorings for small watercraft which may include ancillary uses to include fuel sales, restaurant, and convenience items for boating and water-related recreation.

MEDICAL CLINIC/EMERGENCY CARE/LABORATORY – A medical service offering diagnostic, therapeutic, or preventive outpatient services, which may include diagnostic laboratory testing.

MINING – The extraction of or manufacturing from raw materials, including but not limited to mining, quarrying, earth disturbance, removal, processing, use of blasting, hauling, or any primary, secondary, or tertiary sources of material removal.

MOBILE HOME – A detached manufactured housing unit on a chassis, that does not meet the HUD standards for a manufactured home assembled or constructed in accordance with HUD standards in effect June 15, 1976. This excludes recreational vehicles and campers.

MODULAR HOME – A single-family or two-family residential structure assembled in a manufacturing plant either on-frame or off-frame, which has been constructed in and labeled indicating compliance with the *North Carolina State Building Code, Volume VII - Residential*.

MOVIE THEATER – A commercial auditorium intended for viewing motion pictures which may including ancillary uses to include concessions and amusements.

MOVING COMPANY/TRUCK RENTAL – A business that provides packing materials, packing services, transport, temporary storage and truck rental for the moving of household goods, furniture, and similar items from one location to another.

MULTI-PHASE DEVELOPMENT – A large development that (i) is submitted for Site Plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval (NCGS § 160D-108).

N

NON-CONFORMING LOT – Surveyed and recorded lots that met existing dimensional standards within the zoning regulations when created but no longer conform with the current adopted regulations.

NON-CONFORMING STRUCTURE – A building or structure that is not in conformance with the provisions of the district in which it is located.
NON-CONFORMING USE – A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations before adoption of this Ordinance, as amended, or the predecessor Person County Planning Ordinance.

NON-NOXIOUS – Any substance not physically harmful or destructive to the environment or health threatening.

NON-WIRELESS TELECOMMUNICATIONS TOWER – Any structure, other than a wireless telecommunications tower/structure, that is used for the purpose of transmitting radio signals, television signals, telemetry, or weather data.

O

OFFICE (HOME) – An office within a home where services are predominantly of an administrative, professional, or clerical manner and no additional off-street parking or signage is required to conduct business.

OFFICE (MEDICAL/PROFESSIONAL) – Offices of accountants, appraisers, architects, attorneys, financial consultants, dentists, physicians, real estate agencies and similarly recognized professionals.

OFFICIAL PLAN – Any plan officially adopted by the County Commissioners of Person County as a guide for the development of the County consisting of maps, charts, and/or texts, including but not limited to a comprehensive plan, transportation plan, capital improvements plan, and parks & recreation plan.

OUTDOOR DISPLAY – Any area used for the commercial display of materials and items for sale or demonstration outside of a fully enclosed building.

OUTDOOR STORAGE – Any area which contains outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, but excluding temporary construction and related activities and closed bay docks.

OWNER – The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other *person* or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties

for profit; and every *person* or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

OWNERSHIP, SAME – Ownership by the same person, corporation, firm entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

P

PAIN CLINIC (PILL-MILL) – A place that is not a pharmacy, as regulated in NCGS § 90-85.21 and defined in NCGS § 90-85.3, where prescription drugs are dispensed or compounded. Also known as "pill-mills", this land use is often includes the use of an on-site pharmacy-like facility, clinic, and/or doctor to prescribe or dispense controlled prescription drugs in an inappropriate and/or illegal manner.

PARKING LOT (COMMERCIAL) – A principal or accessory use of a lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PARKING SPACE – A vehicular storage space of not less than nine (9) feet by eighteen (18) feet; plus, the necessary access space. It shall always be located outside any dedicated right-of-way.

PARKS/OUTDOOR RECREATION/TRAILS/TRAILHEADS – Any planned, designed, and constructed facility used for recreational, educational, cultural, or aesthetic use.

PAVING/ASPHALT/CONCRETE PLANT – A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes poured concrete foundation and structure contractors, and asphalt paving mixture and block manufacturing.

PAWN SHOP – An establishment at which a pawnbroker, as defined in NCGS § 91A- 2, regularly conducts business.

PEST CONTROL SERVICE – A business that provides services which include the removal or extermination of insects and other vermin, which may or may not include the use of chemicals such as pesticides.

PHARMACY – As regulated in NCGS § 90-85.21 and defined in NCGS § 90-85.3, any place where prescription drugs are dispensed or compounded.

PHARMACEUTICAL/VITAMIN PACKAGING & SALES – An establishment at which medications or vitamins are packaged and/or sold, but does not include manufacturing or compounding, subject to any applicable requirements of NCGS § 90, Article 4A.

PHOTOGRAPHY STUDIO – A business that provides photography and/or photo production services on-site.

PLANS (CONSTRUCTION) – The drawings showing the specific location and design of improvements to be installed for a subdivision, nonresidential building site, or multi-family residential building site.

PLANNING BOARD – A body appointed by the County Commissioners to carry out the duties set forth in Section 2.4 of this Ordinance.

PLAT – A map or plan of a parcel of land which is to be, or has been subdivided and recorded.

PLAT (PRELIMINARY) – A site-specific development plan for Major Subdivision, to enable the developer to save time and expense in reaching general agreement with the Planning Board and Board of County Commissioners relative to the general layout and design of the proposed subdivision.

PLAT (FINAL) – The map, plan or record of a subdivision, and any accompanying material as described herein that is recorded.

PLOT (PLAN) – A simple scale drawing or survey map showing the proposed location of a new principal or accessory structure or addition for a single-family or two-family residential use or a new sign in relationship to the property lines, also showing the means of access to the property.

POST OFFICE – A location for the collection and receipt of mail and packages, not to include package logistics and distribution centers or hubs.

PRINCIPAL STRUCTURE/USE – The primary building or use of a parcel or lot. A principal building or use has to be established before the permitting approval, permit issuance, and construction of an accessory structure or use on the same parcel or lot. Only one (1) principal structure or use shall be permitted per lot.

PRINTING, BINDING, & REPROGRAPHIC SERVICE – A business that specializes in the printing of materials, binding documents securely, and reproduction of graphics or large-scale imaging.

PRODUCE STAND – A facility that sells agricultural products such as fruits, vegetables, herbs, cut flowers, eggs, meat, and similar items.

Q

QUASI-JUDICIAL DECISION – Subject to NCGS § 160D-406, 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. Decisions on the approval of subdivision plats and Site Plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

R

RACETRACKS (ANIMAL, MOTORSPORTS, BMX) – A spectator venue for the racing of motor vehicles, motorbikes, bicycles, or animals, which may include ancillary uses such as concessions and vendors.

RECREATION USE – A public or private, indoor or outdoor land use that provides for fitness or leisure activities. This includes parks, campgrounds, pools, tennis courts, golf courses, gymnasium facilities, athletic facilities, sports facilities, and similar uses.

RECREATIONAL VEHICLE (RV) – As defined in NCGS § § 20-4.01 (32b), a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. This term shall not include a manufactured home as defined in NCGS § 143-143.9(6). The basic entities are defined as follows:

- Camping trailer – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- Fifth-wheel trailer – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- Motor home – As defined in NCGS § 20-4.01(27)k, A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or an LP gas supply.
- Travel trailer – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

- Truck camper – A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

RECREATIONAL VEHICLE (RV)/CAMPER/TEMPORARY EMERGENCY – A recreational vehicle that is temporarily placed on the site of a dwelling unit that is being repaired as the result of a fire, flood, or other natural disaster.

RESEARCH, DEVELOPMENT, OR TESTING FACILITY – A facility directed to the innovation, introduction, and improvement of products and processes for various industrial applications, excluding hazardous materials.

RESIDENTIAL DEVELOPMENT SALES OFFICE (TEMPORARY) – A temporary office located within a residential subdivision or development that is under construction to conduct real estate marketing and sales for dwellings until such development is complete and all units have been sold. This office may be located within a model home or mobile office unit.

RESTAURANT – An establishment which prepares and serves food and beverages to customers for consumption either on or off the premises.

RETAIL STORE – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods and are not sold in a general store manner (see General Store definition).

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

RIGHT-OF-WAY (PARTIAL-WIDTH) – A street right-of-way which has a width of less than fifty (50) feet.

ROAD/STREET (PUBLIC) – Any road or highway which is now or hereafter designated and maintained by NCDOT as part of the State Highway System, whether primary or secondary, and any road which is a neighborhood public road as defined in NCGS § 136-67.

S

SCHOOL – Any public or private institution for teaching which is recognized and approved by the State of North Carolina.

SCHOOL (MOBILE UNIT) – A temporary accessory modular unit used for additional overflow classroom space on a property with an established school as a principal use to be used until enrollment can be accommodated within the permanent building.

SCHOOL (PUBLIC/PRIVATE SECONDARY, POST-SECONDARY, OR COLLEGE) – A public or private school, college, university, vocational, or trade school that provides educational or vocational training that results in certificates, diplomas, or degrees being obtained by attendees.

SCHOOL (PRE-K/MONTESSORI) – A facility used for the initial early education of children prior to their attendance a kindergarten or other formal education facility. Such land uses may be located within houses, office buildings, retail suites, or within standalone structures. Redevelopment of structures to accommodate these facilities shall be required to achieve all permitting, internal traffic circulation, and life-safety measures prior to issuance of a Certificate of Occupancy.

SEPTIC SYSTEM – A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipe lines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance, or any other system approved by the Person County Health Department.

SERVICE, USE (OTHER) – An establishment primarily engaged in providing a service(s) to businesses and individuals that are not otherwise listed in the Permitted Uses Table. All equipment and goods are stored inside a fully-enclosed building, unless outdoor storage is permitted in the zoning district in which the use is located. This definition includes office support services, services to buildings and dwellings, machinery and equipment (except automotive) repair and maintenance, personal and household goods repair and maintenance, all other special trade contractors.

SETBACK – The minimum required distance between the building line and the property line or edge of street right-of-way.

SETBACK (FRONT) – That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

SETBACK (REAR) – That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

SETBACK (SIDE) – That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

SHOOTING RANGE (INDOOR COMMERCIAL/CLUB) – The use of a completely enclosed structure, with a fee or membership basis, for archery and/or the discharging of firearms for the purposes of target practice, training, or competitions, subject to all local, state, and federal firearms laws.

SHOOTING RANGE (OUTDOOR COMMERCIAL/CLUB) – The use of a property, with a fee or membership basis, for archery and/ or the discharging of firearms for the purposes of target practice, training, or competitions, subject to all local, state, and federal firearms laws. Outdoor shooting ranges for personal use by the owner of the property shall be permitted, subject to all local, state, and federal firearms laws.

SIGN MANUFACTURING – A light manufacturing use that prints, produces, or fabricates signs from a variety of materials for installation at other locations.

SITE SPECIFIC VESTING PLAN – Any of the following development approvals including Special Use Permits, recorded subdivision plats, Site Plans, preliminary or general development plans, CD-rezonings, and formerly site-specific and phased development plans.

SPECIAL USE PERMIT – A permit issued through a quasi-judicial process, as set forth in NCGS § 160D-406 and § 160D-705, to authorize development or land sues 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.

STRUCTURE OR BUILDING – Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. Structure or Building also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment.

SUBDIVISION – In accordance with NCGS § 160D-802, all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions 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 Section:

- 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 this Ordinance;
- The division of land into parcels greater than 10-acres where no street right-of-way dedication is involved;
- The public acquisition by purchase of strips of land for the widening or opening of streets;
- The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant Lots are equal to or exceed the standards of this Ordinance; or
- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NCGS § 29.

SUBDIVISION (MAJOR) – All subdivisions not classified as a Minor Subdivision including, but not limited to, subdivisions of more than five (5) lots, or any size subdivision requiring any new public street or extension of local government facilities, or the creation of any public improvements.

SUBDIVISION (MINOR) – Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new public street or road, or the extension of municipal facilities,

or the creation of any public improvements and not adversely affecting the remainder of the parcel of adjoining property.

SUBDIVISION (NON-REDIDENTIAL) – A subdivision having intended use other than residential, such as commercial or industrial or recreational.

STREET – A public or private thoroughfare with a width of at least fifty (50) feet which affords access to abutting property and is recorded as such in the office of the Person County Register of Deeds. Particular kinds of streets are as follows:

- COLLECTOR STREET – A street intended to move traffic from local streets to secondary arterials.
- CUL-DE-SAC – A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- BOULEVARD – Streets and highways so designated as boulevards on the *Person County Comprehensive Transportation Plan* "Highway Map".
- DEAD-END STREET – A street, or portion of a street, with only one vehicular outlet, which by design may be extended in order to serve additional lots or to provide access to another street.
- EXPRESSWAY – Streets and highways so designated as expressways on the *Person County Comprehensive Transportation Plan* "Highway Map".
- THOROUGHFARE – Streets and highways so designated as major or minor thoroughfares on the *Person County Comprehensive Transportation Plan* "Highway Map".
- MARGINAL ACCESS STREET – A minor street which is parallel to and adjacent to major highways; and which provides access to abutting properties and protection from through traffic.
- LOCAL STREET – Streets which have been designed primarily to afford access to abutting properties.
- STREET, PRIVATE – A street right-of-way serving residential lots within a subdivision and dedicated for the exclusive use of property owners therein and permitted guests. Private road maintenance responsibilities are shared jointly by abutting property owners.

T

TATTOO/MICROBLADE/BODY PIERCING STUDIO – An establishment that provides tattooing, microblading, body piercing, or similar body art services.

TAXICAB STAND OR OFFICE – A location for taxis to park/queue, while waiting for-hire, or the associated office or facility typically used in conjunction with establishing the for-hire fare and queuing.

TAXIDERMY – An establishment that cleans, prepares, preserves, stuffs, and/or mounts the skins or body parts of dead animals.

TECHNICAL REVIEW COMMITTEE – A group of professionals tasked with reviewing proposed development plans for compliance with local, state, federal regulations and best management practices.

TEMPORARY HEALTH CARE STRUCTURE – A transportable residential structure permitted under NCGS § 160D-915. providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 Gross SF (GSF), and (iv) complies with applicable provisions of the State Building Code and NCGS § 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. Additional definitions related to temporary health care structures include:

- Activities of daily living - Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- Caregiver - An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.
- First- or second-degree relative - A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- Mentally or physically impaired person - A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

TEMPORARY WORKFORCE HOUSING – Temporary workforce housing is a form of affordable housing within campgrounds and recreational vehicle parks, where some units are rented to workers on area projects for a seasonal or per-project basis.

THRIFT/CONSIGNMENT STORE – An establishment that sells secondhand items on a resale or consignment basis.

TIMBER MILL – An establishment often operating as a sawmill to break bulk timber into wood products, such as lumber and heavy timbers.

TOBACCO PRODUCT SALES/VAPE SHOP (NON-AGRICULTURAL) – A retail establishment that predominantly sells tobacco or vape products for use or consumption. This does not include the wholesale distribution or sale of tobacco as an agricultural product.

TRUCK STOP – A facility which accommodates the trucking industry by providing fueling stations, weigh stations, restaurants, convenience foods, bathing facilities, and occasionally, overnight rooming accommodations. These facilities are typically located near state, federal or highways.

TRUCK TERMINAL, REPAIR, & HAULING – A facility where trucks of all sizes and make are stored, repaired, or hauled for repair.

U

UNCOVERED – Not covered by a roof or other covering.

USE BY RIGHT – A use which is listed as an unconditionally permitted activity in this Ordinance.

UTILITY SYSTEMS – Equipment and facilities that are used both publicly and privately for the provision of utilities. This may include, but is not limited to appurtenances, distribution lines, easements, battery energy storage systems, solar energy panels or systems, natural gas assemblies, liquefied natural gas, power plants, and central utility operations for water and wastewater provision.

V

VARIANCE – A modification or alteration of any of the requirements of this Ordinance issued by the Board of Adjustment through a quasi-judicial process as set forth in NCGS § 160D-406 and § 160D-705.

VESTED RIGHT – A right pursuant to the NCGS to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan, subject to NCGS § 160D-108 and § 160D-108.1.

VETERINARY CLINIC/ANIMAL BOARDING/GROOMING – Any facility used for the purpose of giving licensed medical treatment to animals or pets or any other treatment of animals, such as grooming, boarding, or ancillary sales of pet supplies. This use may include indoor or outdoor animal kennels.

VISIBLE – Capable of being seen from off-site, an adjacent property, or a public right-of-way without visual aid by a person of normal visual acuity.

W

WATER DEPENDENT STRUCTURE – Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat house, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

WAREHOUSE/DISTRIBUTION – An industrial use that provides large areas for the storage and organization of goods or products in order fulfill or package orders for transport or delivery to businesses or individuals.

WAREHOUSE (SELF-STORAGE OR GENERAL STORAGE) – A use that provides large storage areas for materials, products or household goods, but does not include distribution.

WATER TOWER – A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

X

Y

YARD – Any open space on the same lot with a building and unoccupied from the ground vertically except by trees, shrubbery, fences, open fire escapes, chimneys, flues, cornices, eaves and bay windows.

YARD (FRONT) – The area extending from the front building line to the front lot line or right-of-way.

YARD (REAR) – The area located behind the rear building line and extending to rear lot line or right-of-way.

YARD (SIDE OR STREET-SIDE) – The area between the side building line and side lot line or right-of-way, extending from the front building line to the rear building line.

YARD/GARAGE/ESTATE SALES – An outdoor sale of items conducted upon a property by one or more households or civic groups where goods sold are limited primarily to used merchandise provided by the yard sale participants. For purposes of this Ordinance, attic and garage sales, and the like shall be considered yard sales.

Z

ZONING DISTRICT – Subject to NCGS § 160D-703, a zoning district is a division of the jurisdiction of Person County in which land use, structure type, and dimensional requirements are determined based on proximity to transportation and utility amenities, surrounding and compatible land uses and need within the County.

ZONING PERMIT – A permit by the Administrator or designee that a course of action to use or occupy a tract of land or a building or to erect, install, or alter a structure, building, or sign situated in the zoning jurisdiction of the County fully meets the requirements of this Ordinance.

3.5 AIRPORT OVERLAY DEFINITIONS

AIRPORT ELEVATION – 609.4-ft. above mean sea level.

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 IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

CONICAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000-ft.

HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

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.

LDN (DAY NIGHT AVERAGE SOUND LEVEL) – A method of estimating a measurable quantity of noise at airports and is based upon an Equivalent Sound Level (Leg).

LEG (EQUIVALENT SOUND LEVEL) – An energy summation of the aggregate noise environment as measured in A - weighted sound level.

HEIGHT – For the purpose of determining the height limits in all zones, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE – A horizontal plane 150-ft. above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

NON-PRECISION 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 non-precision instrument approach procedure has been approved or planned.

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.

PRIMARY SURFACE – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200-ft. beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

STRUCTURE – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

TRANSITIONAL SURFACES – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (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. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000-ft. measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

3.6 WATERSHED PROTECTION OVERLAY DEFINITIONS

APPROVED ACCOUNTING TOOL – The accounting tool for nutrient loading approved by the North Carolina Environmental Management Commission for the relevant geography and development type under review.

BEST MANAGEMENT PRACTICES – A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals; often referred to as BMPs.

BEST MANAGEMENT PRACTICES (NON-STRUCTURAL) – Non-structural BMPs are non-engineered methods used to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

BUILT UPON AREA – That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. The project site or area must exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, state or local stormwater regulation.

COMMISSION – The North Carolina Environmental Management Commission (NCEMC).

DEPARTMENT – The North Carolina Department of Environmental Quality (NCDEQ).

DESIGN MANUAL – The stormwater design manual approved for use in this part of the Falls Watershed by the Department for the proper implementation of the requirements of the Falls Watershed stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

DESIGN STORM, 1-YEAR, 24-HOUR STORM – The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in twelve (12) months and with a duration of 24 hours.

DEVELOPED PARCEL – Any parcel of a parcel pair that, under any approval granted under this part, may be developed to a development density or intensity that exceeds the maximum development density or intensity that would apply to the parcel if the paired-parcel averaged-density development option were not available.

DEVELOPMENT – Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

DEVELOPMENT (EXISTING) – Development not otherwise exempted by this Ordinance that meets one of the following criteria:

- It either is built or has established a statutory or common-law vested right as of the effective date of this Ordinance; or
- It occurs after the effective date of this Ordinance, but does not result in a net increase in built-upon area and does not decrease the infiltration of precipitation into the soil.

DIVISION – The Division of Water Resources (DWR) within the North Carolina Department of Environmental Quality (NCDEQ).

ENGINEERED STORMWATER CONTROL – A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater control includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. “Engineered stormwater control” is synonymous with “structural practice,” “stormwater control facility,” “stormwater control practice,” “stormwater treatment practice,” “stormwater management practice,” “stormwater control measures,” “structural stormwater treatment systems,” and similar terms used in this Ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.

IMPERVIOUS SURFACE – Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements wooden slatted decks and the water area of a swimming pool are considered pervious.

INDUSTRIAL DISCHARGE – The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
- Stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

LAND DISTURBING ACTIVITY – Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE – Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

NONPOINT SOURCE POLLUTION – Pollution which enters waters mainly as a result of precipitation and subsequent run-off from lands which have been disturbed by man's activities and includes all sources of water pollution which are not required to have a permit in accordance with NCGS § 143.215.1(c).

OUTFALL – A point at which stormwater (1) enters surface water or (2) exits the property of a particular owner.

PAIRED PARCEL AVERAGED DENSITY DEVELOPMENT – A development proposal that includes a parcel pair meeting the development standards of this Section and that qualifies for local development approval under the density averaging provisions of Section 6.3.2.

REDEVELOPMENT – Any development on previously-developed land. Redevelopment of structures or improvements that (i) existed prior to December 2006 and (ii) would not result in an increase in built-upon area and (iii) provides stormwater control at least equal to the previous development is not required to meet the nutrient loading targets of Section 6.3.3.

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.

STORMWATER SYSTEM – All engineered stormwater controls owned or controlled by a person that drains to the same outfall, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

STREAM – A body of concentrated flowing water in a natural low area or natural channel on the land surface (NC Administrative Code: 15A NCAC 02B .0233(2)). There are three stream types: ephemeral, intermittent, and perennial.

STREAM BUFFER, RIPARIAN – 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 stream buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

STREAM (EPHEMERAL) – Channels that only carry stormwater in direct response to precipitation. They may have a well-defined channel and they typically lack the biological, hydrological, and physical characteristics commonly associated with intermittent or continuous conveyances of water. These features are typically not regulated by NCDEQ Division of Water Resources or the US Army Corps of Engineers.

STREAM (INTERMITTENT) – A well-defined channel that contains water for only part of the year (typically during winter and spring). The flow may be heavily supplemented by stormwater. When dry, they typically lack the biological and hydrological characteristics commonly associated with continuous conveyances of water. These features are regulated by NCDEQ Division of Water Resources and typically regulated by the U.S. Army Corps of Engineers. They are identified on seven and one-half minute (7.5') United States Geological Survey Quadrangle Maps by dashed blue lines.

STREAM (PERENNIAL) – A well-defined channel that contains water year-round during a year with normal rainfall. Groundwater is the primary source of water, but they also carry stormwater. They exhibit the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. These features are regulated by NC DWR and typically regulated by the U.S. Army Corps of Engineers. They are identified on seven and one-half minute (7.5') United States Geological Survey Quadrangle Maps by solid blue lines.

SUBSTANTIAL PROGRESS – For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) calendar days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

UNDEVELOPED PARCEL – The parcel in a parcel pair that is not developed.

VARIANCE (MAJOR) – A variance from the minimum statewide watershed protection or Falls rules that results in the relaxation, by a factor greater than five (5%) percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten (10%) percent, of any management requirement under the low density option. For provisions in this Ordinance that are more stringent than the state's minimum water supply protection rules and Falls rules, a variance to this Ordinance is not considered a major variance as long as the result of the variance is not less stringent than the state's minimum requirements.

VARIANCE (MINOR) – A variance from the minimum statewide watershed protection or Falls rules that 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 up to ten (10%) percent, of any management requirement under the low density option.

WATERSHED – The entire land contributing surface drainage to a specific point.

WATERSHED CRITICAL AREA – The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either 1/2 mile from the normal pool elevation of the reservoir in which the intake is located or to the ridgeline of the watershed whichever comes first; or 1/2 mile upstream and draining to the intake located in the stream or river (run-of-the-river), or to the ridgeline of the watershed (whichever comes first).

WATERSHED PROTECTED AREA – The area adjoining and upstream of the critical area of WS-IV watershed. The boundaries of the protected area are defined as within five (5) miles of and draining to the normal pool elevation of a 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.

WATER SUPPLY CLASSIFICATIONS – Classifications of Fresh Water Supplies for watersheds within Person County adopted by the Environmental Management Commission; definitions, as referenced in 15A NCAC 2B.0100 and .0200 as follows:

- Class WS-II, waters protected as water supplies which are generally in predominately underdeveloped watershed; point source discharges of treated waste water are permitted pursuant to Rules .0104 and .02ll of this Subchapter; local programs to control nonpoint sources and stormwater discharges of pollution area required; suitable of all Class C uses.
- Class WS-III, waters protected as water supplies which are generally in low to moderately developed watershed; point source discharges of treatment of treated waste water area permitted pursuant to Rules .0104 and .0211 of this Subchapter; local programs to control nonpoint sources and stormwater discharges of pollution area required; suitable for all Class C uses.
- Class WS-IV, waters projected as water supplies which are generally in moderately to highly developed watershed; point source discharges of treated waste water are permitted

pursuant to Rules .0l04 and .0211 of this Subchapter; local programs to control nonpoint sources and stormwater discharges of pollution area required; suitable for all Class C uses.

- Class C Uses, waters protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, agriculture and other uses suitable for Class C.

3.7 FLOOD DAMAGE PREVENTION DEFINITIONS

ACCESSORY STRUCTURE – A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure for residential and non-residential uses. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO EXISTING BUILDING) – An extension or increase in the floor area or height of a building or structure.

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

APPEAL – A request for a review of the Floodplain Administrator's interpretation of any provision of Section 6.3.4.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD – The land area that would be inundated by the one (1%) percent-annual-chance (100- year) flood based on future-conditions hydrology.

AREA OF SHALLOW FLOODING – A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BASE FLOOD – The flood having a one (1%) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

CHEMICAL STORAGE FACILITY – A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY – Any activity defined as development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) – The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DISPOSAL – As defined in NCGS § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

ELEVATED BUILDING – A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT – The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING BUILDING AND EXISTING STRUCTURE – Any building and/or structure for which the "start of construction" commenced before February 19, 1990, the initial effective date of the floodplain management regulations adopted by the community.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before February 19, 1990, the initial effective date of the floodplain management regulations adopted by the community.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- the overflow of inland or tidal waters; and/or
- the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) – An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE – Insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) – An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN – Any land area susceptible to being inundated by water from any source that is considered a flood prone area.

FLOODPLAIN ADMINISTRATOR – The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT – The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS – Section 6.3.4 of this Ordinance and other development regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL – Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY – The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT ANALYSIS – An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

FLOOD ZONE – A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD – The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

FUNCTIONALLY DEPENDENT FACILITY – A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

HAZARDOUS WASTE MANAGEMENT FACILITY – As defined in NCGS § 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE – Any structure that is:

- listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

  Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

LETTER OF MAP CHANGE (LOMC) – An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

LETTER OF MAP AMENDMENT (LOMA) – An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a Special Flood Hazard Area.

LETTER OF MAP REVISION (LOMR) – A revision based on technical data that may show changes to flood zones, flood elevations, Special Flood Hazard Area boundaries and floodway delineations, and other planimetric features.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) – A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the Special Flood Hazard Area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

LETTER OF MAP REVISION, CONDITIONAL (CLOMR) – A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of Special Flood Hazard Areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT DUTY TRUCK – Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 SF or less as defined in 40 CFR 86.082-2 and is:

- Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- Available with special features enabling off-street or off-highway operation and use.

LOWEST ADJACENT GRADE – The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP REPOSITORY – The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the Flood NC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

MARKET VALUE – The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

NEW CONSTRUCTION – Structures for which the “start of construction” commenced on or after February 19, 1990, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

NON-CONVERSION AGREEMENT – A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

NON-ENCROACHMENT AREA – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

POST-FIRM – Construction or other development for which the "start of construction" occurred on or after September 14, 1990, the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM – Construction or other development for which the "start of construction" occurred before September 14, 1990, the effective date of the initial Flood Insurance Rate Map.
"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

PUBLIC SAFETY – Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
"Recreational Vehicle (RV)" means a vehicle, which is:
(a) built on a single chassis;
(b) 400 SF or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and
(d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
(e) is fully licensed and ready for highway use.

REFERENCE LEVEL – The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO and A99.

REGULATORY FLOOD PROTECTION ELEVATION – The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION – To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the flood damage prevention regulations or otherwise deterring future similar

violations, or reducing Federal financial exposure with regard to the structure or other development.

RIVERINE - Relating to, formed by, or resembling a river (incl. tributaries), stream, brook, etc.

SALVAGE YARD – Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SOLID WASTE DISPOSAL FACILITY – Any facility involved in the disposal of solid waste, as defined in NCGS § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE – As defined in NCGS § 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA) – The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this Ordinance.

START OF CONSTRUCTION – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 calendar days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET – A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

TEMPERATURE CONTROLLED – Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE – A grant of relief from the requirements of Section 6.3.4.

VIOLATION – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE) – The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE – A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

3.8 SEXUALLY-ORIENTED BUSINESS DEFINITONS

The definitions below apply specifically to Sexually-Oriented Businesses as regulated in Section 5.7.4.4.

ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE – As defined in NCGS § 14-202.10(1), incorporated herein by reference.

ADULT CABARET – A nightclub, bar, restaurant, or similar commercial establishment that for at least ten (10%) percent of its business hours in any day features:

- persons who appear in a state of nudity or semi-nudity; or
- live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person for the purpose of participating in, engaging in, providing, or facilitating "specified sexual activities."

ADULT ESCORT AGENCY – A person or business that furnishes, offers to furnish, or advertises to furnish adult escorts as one of its business purposes for a fee, tip, or other consideration.

ADULT ESTABLISHMENT – As defined in NCGS § 14-202.10(2), incorporated herein by reference.

ADULT LIVE ENTERTAINMENT – As defined in NCGS § 14-202.10(3), incorporated herein by reference, as well as an Adult Live Entertainment Business, as defined in NCGS § 14-2 02.10(4), incorporated herein by reference.

ADULT MEDIA CENTER – Adult media center includes, but is not limited to, an adult book store, and an adult video store and means any place:

- which receives more than fifty (50%) percent of its gross income during any calendar month from the sale, rental, or both of books, periodicals, magazines, video-tapes, CD ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging medium which are distinguished or characterized by their emphasis on matter depicting, describing, or presenting specified anatomical areas as defined in NCGS § 14- 202.10 (10), or specified sexual activities as defined in NCGS § 14-202. 10 (11), or sexually-oriented devices as defined in NCGS § 14-202.10 (9), or any combination thereof, or

- having more than twenty-five (25%) percent of its merchandise inventory consisting of books, periodicals, magazines, video-tapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging medium which are distinguished or characterized by their emphasis on matter depicting, describing, or presenting specified anatomical areas as defined in NCGS § 14-202.10,(10), or specified sexual activities as defined in NCGS § 14-202. 10 (11), or sexually-oriented devices as defined in NCGS § 14-202.10 (9), or any combination thereof.
- A commercial establishment may have other business purposes in the same building site that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult media center. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult media center so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

ADULT MOTEL – A hotel, motel or similar commercial establishment that:

- offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videos, slides, or other photographic reproductions that are characterized by the depiction/description of specified sexual activities or specified anatomical areas; and has a sip visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or
- offers a sleeping room for rent for a period of time that is less than 12 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 12 hours.

ADULT MOTION PICTURE THEATER – As defined in NCGS § 14-202.10 (5), incorporated herein by reference that is similar to, but on a different scale than an Adult Mini Motion Picture Theater, as defined in NCGS § 14-202.10 (6), incorporated herein by reference.

ADULT THEATER – A theater, concert hall, auditorium, or similar commercial establishment that for at least ten (10%) percent of its business hours in any day, features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT VIDEO STORE – A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video tapes or cassettes, video reproductions, CD-ROMs, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or any combination thereof.

NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of

consideration. There is excepted from this definition any studio which is part of a school for artists who are regularly enrolled in a course of instruction in the arts, and in which the use of nude models involves less than ten (10%) percent of the course hours.

NUDITY OR A STATE OF NUDITY – The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

SEMI-NUDE – A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration:

- physical contact by customers in the form of wrestling or tumbling between persons of the opposite sex; or
- activities between male and female persons, or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY-ORIENTED BUSINESS – A business which offers its customers or patrons any device, activity or demonstration depicting specified sexual activities, or which is intended to appeal to sexual interests, titillation or arousal of the customer or patron. A sexually-oriented business shall include an adult establishment as defined in NCGS § 14-202.10(2) and, in addition, without limitation: adult arcade, adult bookstore, adult video store, adult cabaret, adult media center, adult live entertainment business, adult motel, adult motion picture theater, adult mini motion picture theater, adult theater, adult escort agency, nude model studio, and sexual encounter center.

SEXUALLY-ORIENTED BUSINESS ACTIVITIES – Those activities usually provided for, promoted, or offered by a sexually-oriented business as defined herein, whether or not, as the principal business purpose or as a sideline or accessory business purpose and whether or not in connection with or on the same premises with a business which is not a sexually-oriented business.

SEXUALLY-ORIENTED DEVICES – As defined in NCGS § 14-202.10(9), incorporated herein by reference.

3.9 SOLAR ENERGY SYSTEM DEFINITIONS

ABANDONMENT – Any solar energy system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned.

ACCESSORY EQUIPMENT – Any equipment serving or being used in conjunction with a solar energy system. The term includes utility or transmission equipment, power supplies, generators, batteries, equipment buildings, and storage sheds, shelters, or similar structures.

DECOMMISSIONING PLAN – A document that details the planned shut down and removal of a solar energy system from operation or use.

MAJOR MODIFICATION – Any change which would require findings of fact or evidence in addition to those in the record of the public hearing for the original Permit, or subsequent modifications, if any. By way of example, but not of limitation, any of the following shall constitute a major modification requiring an application to be resubmitted in accordance with applicable ordinance provisions:

- Significant changes in the zoning lot's boundaries, unless the purposes of this Ordinance or of the County's plan for the comprehensive development of the area within which the lot is located are satisfied to an equivalent or greater degree. Significant change in the boundaries of the site if public purposes are not satisfied to an equivalent or greater degree;
- A change in the use approved;
- Significant changes in the location of principal and/or accessory structures and/or uses;
- Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown in the plan;
- Significant changes in pedestrian or vehicular access or circulation; and
- Significant changes in the amount or location of required landscape screening if an alternate proposal does not provide the same or greater degree.

SOLAR ARRAY – An active solar energy system that converts sunlight into electricity using either Thermal or photovoltaic methods. Such a system has multiple solar collectors, and might include transformers, generators, batteries, and other appurtenant structures and/or facilities.

SOLAR COLLECTOR OR SOLAR PANEL – A device that converts sunlight into electricity using either thermal or photovoltaic methods.

SOLAR ENERGY SYSTEM – The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. Area restrictions are based on the acreage of panels. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES.

- Level 1 Solar Energy System (SES) – Includes the following in all Person County Zoning Districts:
  - Roof-mounted on any code-compliant structure.
  - Ground-mounted less than ½-acre.
  - Covering permanent parking lots and other hardscape areas.
  - Building integrated solar (i.e. shingle, hanging solar, canopy, etc.)

- Level 2 Solar Energy System (SES) – Ground-mounted systems greater than or equal to ½-acre and less than ten (10) acres in all Person County Zoning Districts.
- Level 3 Solar Energy System (SES) – Ground-mounted systems greater than or equal to ten (10) acres in all Person County Zoning Districts.

3.10 WIRELESS TELECOMMUNICATIONS DEFINITIONS

ABANDON – Occurs when an owner of a support structure intends to permanently and completely cease all business activity associated therewith.

ACCESSORY EQUIPMENT – Any equipment serving or being used in conjunction with a telecommunications facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

ADMINISTRATIVE REVIEW & APPROVAL – Non-discretionary evaluation and approval of a Zoning Permit that the Administrator or designee is authorized to grant after Administrative Review subject to the requirements of Section 4.2.5.

ANTENNA – Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

APPLICABLE CODES BUILDING/STRUCTURE (PRINCIPAL) – A building in which is conducted the principal use on the lot on which said building is situated. In any residential zoning district any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located. The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

BASE STATION – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

CARRIER ON WHEELS OR CELL ON WHEELS (COW) – A portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

CO-LOCATION – The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including, utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "co-location" does not include the installation of new utility poles, or wireless support structures.

COMMUNICATIONS FACILITY – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

COMMUNICATIONS SERVICE PROVIDER – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

CONCEALED (STEALTH) TELECOMMUNICATIONS FACILITY – Any telecommunications facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

ELIGIBLE FACILITIES REQUEST – A request for modification of an existing wireless support structure or base station that involves co-location of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT COMPOUND – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

EXISTING STRUCTURE – Previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which telecommunications facilities can be attached.

FALL ZONE – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

MICRO-WIRELESS FACILITY – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

MODIFICATIONS (MAJOR) – Improvements to existing telecommunications facilities or support structures that result in a substantial increase to the existing structure. Co-location of new

telecommunications facilities to an existing support structure without replacement of the structure shall not constitute a major modification.

MODIFICATIONS (MINOR) – Improvements to existing structures that result in some material change to the facility or support structure but of a level, quality or intensity that is less than a substantial increase. minor modifications include the replacement of the structure.

MODIFICATION (SUBSTANTIAL) – A substantial modification occurs when:

- The mounting of the proposed antenna on an existing structure that would increase the existing height of the existing structure by more than 10% percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20-ft., whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- The mounting of the proposed antenna to an existing water tower that would increase the existing height of the water tower by more than twenty (20%) percent; or
- The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new equipment shelter; or
- The mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the existing structure more than 20-ft., or more than the width of the structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the structure via cable; or
- The mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

MONOPOLE – A single, freestanding pole-type structure supporting one or more antenna. This structure is not a guy-wire or lattice tower.

ORDINARY MAINTENANCE – Ensuring that telecommunications facilities and support structures are kept in good operating condition. ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a support structure's foundation or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located. ordinary maintenance does not include Minor and Major Modifications.

REPLACEMENT – Constructing a new support structure of proportions and of equal height or such other height that would not constitute a substantial increase to a pre-existing support structure in order to support a telecommunications facility or to accommodate co-location and removing the pre-existing support structure.

SEARCH RING – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SMALL WIRELESS FACILITY – A wireless facility that meets both of the following qualifications:

- Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six (6) cubic feet; and
- All other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

SUPPORT STRUCTURE – A structure designed to support telecommunications facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

TELECOMMUNICATIONS FACILITY – Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more antennas and accessory equipment or one base station.

TOWER – A lattice-type, guy-wire, or monopole freestanding structure that supports one or more antennas.

UTILITY POLE – A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

WIRELESS FACILITY – Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

- Wireline backhaul facilities.
- Coaxial or fiber-optic cable that is between wireless structures or utility poles or public utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

WIRELESS PROVIDER – A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICE – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICE PROVIDER – A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities, including water towers and high-tension electric towers. A utility pole is not a wireless support structure.

3.11 SIGN DEFINITIONS

BILLBOARD – An off-premise advertising sign designed for the display of information and/or advertising.

SIGN – Any identification, description, illustration, or device, illuminated or no illuminated, which is visible from any thoroughfare or road that directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm, business, solicitation, idea or concept including permanently installed or situated merchandise or any emblem, painting, poster, bulletin board, pennant, placard or temporary sign designed to identify or convey information, with the exception state, municipal or national flags.

SIGN (FREESTANDING) – A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, braces in or upon the ground, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

SIGN (NON-CONFORMING) – A sign that, when it was originally installed, was in conformance with the requirements in place at the time, but that no longer complies with this Ordinance, as amended.

SIGN (OFF-PREMISE OUTDOOR ADVERTISING) – Any sign advertising a product, business, or activity, sold, located, or conducted elsewhere than on the premises on which the sign is located, or which a product, service, business, or activity is sold, located, or conducted on such premises only incidentally, if at all.

SIGN (OFF-PREMISE DIRECTIONAL SIGNS) – Any off-premise sign indicating the location of or directions to a business, religious place of worship or other activity. The sign shall not include any information or message except the name of the business or activity, and directions or symbols indicating directions. If a sign exceeds the maximum area it shall be construed as an off-premise advertising sign.

SIGN (ON-PREMISE) – Any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, profession, commodity, attraction, service, entertainment, idea, or concept conducted, offered, sold, manufactured, provided, or entertained at a location on the premises where the sign is located or to which it is affixed.

SIGN (PERMANENT) – Any professionally constructed sign made of sturdy, durable, weather-proof materials affixed to a building or the ground that is intended to remain in place for the duration of the occupancy of a premises. See Section 7.4 for Permanent Sign Types.

SIGN (SNIPE) – Any sign placed upon or attached to any curb, utility pole, post, fence, hydrant, bridge, another sign or other surface, public bench, streetlight, or any tree, rock or other natural object located on, over or across any public street or public property. Provided, however, this provision shall not apply to the posting of public interest, security and warning signs nor to street signs placed upon poles by governmental units for designating the names of streets.

SIGN (TEMPORARY) – A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed with a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message display but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. See Section 7.3 for Temporary Sign Types.

ARTICLE 4. REVIEW & APPROVAL PROCEDURES

4.1 Purpose, Applicability, & General Procedures 4-2

4.2 Administrative Zoning Permit Procedures 4-5

4.3 Subdivision Procedures 4-18

4.4 Quasi-Judicial Procedures 4-41

4.5 Legislative Procedures 4-50

4.1 PURPOSE, APPLICABILITY, & GENERAL PROCEDURES

4.1.1 Purpose

The purpose of this Article is to establish an orderly process to develop land within Person County for Applicants, affected neighbors, County staff, related agencies, the Planning Board, Board of Adjustment, and the Board of Commissioners. This Article establishes the procedures for all approvals, administrative reviews and administrative relief required by this Ordinance. This article provides the user with a guide to the procedures to be followed and the criteria for making decisions on each of the applications. It also provides for appeals from decisions taken to the courts.

4.1.2 Applicability

A. The development review process applies to all new development and alterations of existing development within the County.

B. The Administrator may waive the required development review for a change in principal use, where such change would not result in an increase in levels of service, in lot coverage, parking, or other site characteristics. The development review may also be waived if the Administrator determines that the submission of a Site Plan in accordance with this Section would serve no useful purpose.

C. The following table indicates the appropriate approval process for each development type. General provisions for each approval type are outlined in Section 4.1.3 while specific procedures are outlined in the Section Reference denoted in the table.

TABLE 4.1-1 DEVELOPMENT REVIEW PROCESSES

Development Type	Approval Type	Administrator Approval	Planning Board Recommendation	Board of Adjustment Approval	Board of Commissioners Approval
Zoning Permit with Plot Plan (single-family & two-family residential)	Administrative	✓			
Zoning Permit with Site Plan (multi-family residential & non-residential)	Administrative	✓			
Zoning Permit for Sign	Administrative	✓			
Floodplain Development Permit	Administrative	✓			
Exempt Plat	Administrative	✓			
Subdivision, Minor	Administrative	✓			
Subdivision, Major (Preliminary Plat)	Administrative[1]		Advisory		✓[1]
Subdivision, Major (Construction Plans, Improvements, & Final Plat)	Administrative	✓			
Appeal	Quasi-judicial			✓	
Variance	Quasi-judicial			✓	
Watershed Variance	Quasi-judicial			✓	
Special Use Permit	Quasi-judicial[2]			✓[2]	
Ordinance Text Amendment	Legislative		Advisory		✓

Zoning Map Amendment	Legislative		Advisory		✓
Vested Rights (Extended)	Legislative		Advisory		✓
Development Agreements	Legislative		Advisory		✓

[1] Board of Commissioners acting as Administrator

[2] Board of Commissioners acting as Board of Adjustment subject to the requirements of NCGS § 160D-406

4.1.3 Decision Types

4.1.3.1 Administrative Decisions

Subject to NCGS § 160D-403, administrative decisions are routine, non-discretionary application of the Ordinance, carried out by the staff, including issuance of permits for permitted uses. In general, the Administrator is a purely administrative agent following the literal provisions of this Ordinance. The Administrator may engage in some fact finding. This involves determining objective facts that do not involve an element of discretion. In contrast to quasi-judicial hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this Ordinance. In the case of Major Subdivision Preliminary Plats, the Planning Board is acting in an advisory capacity and the Board of Commissioners is acting as an extension of the Administrator and reviewing the Preliminary Plat for compliance with the Ordinance.

4.1.3.2 Quasi-Judicial Hearing Procedures

Subject to NCGS § 160D-406, the provisions of this subsection apply to any application for a Special Use Permit, Variance, Appeal, or any other quasi-judicial action. In making quasi-judicial decisions, the decision-makers must investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land use policies to individual situations, such as Variances, Special Use Permits, and Appeals of administrative determinations. These decisions involve two (2) key elements: 1) the finding of facts regarding the specific proposal and 2) the exercise of some discretion in applying the standards of the Ordinance. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes a hearing with the right of the parties to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial, and material evidence. In the case of Special Use Permits, the Board of Commissioners is acting as a Board of Adjustment.

4.1.3.3 Legislative & Advisory Hearings

Subject to NCGS § 160D-601, the purpose of legislative hearings is to provide the public an opportunity to be heard. Unlike quasi-judicial hearings, a legislative proceeding does not require due process protections, such as right of the parties to offer evidence, sworn testimony, or findings of fact. Like quasi-judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Public hearings are required for legislative review hearings, such as amendments to the Comprehensive Plan, and amendments to this Ordinance (including zoning provisions of this Ordinance and the Official Zoning Map). The

Planning Board has the role of advisory board, making a recommendation to Board of Commissioners. The Board of Commissioners has the role of legislative board.

4.1.4 General Provisions for All Approval Types

4.1.4.1 Applications

In accordance with NCGS § 160D-403, applications for development approvals may be made by the landowner or a lessee, easement holder, or person holding an option or contract to purchase or lease land with authorization as an agent of the landowner.

4.1.4.2 Effect of Approval

A. In accordance with NCGS § 160D-403, development approvals shall be in writing and may contain a provision that the development shall comply with all applicable State and local laws. Person County may issue development approvals in print or electronic form. Development approvals issued exclusively in electronic form shall be protected from further editing once issued.
B. In accordance with NCGS § 160D-104, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Article and the NCGS attached to and running with the land.
C. In accordance with NCGS § 160D-403, After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. This section defines major modifications to development approvals that cannot be exempted or administratively approved. Person County shall follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval.
D. In accordance with 160D-403, development approvals shall be revoked 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 local government 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. Development approvals may be revoked by notifying the holder in writing stating the reason for the revocation. Person County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. The revocation of a development approval by a staff member may be appealed to the Board of Adjustment.

4.1.4.3 Effect of Disapproval

A. Whenever the Board of Commissioners or Board of Adjustment disapproves a petition from a member of the public (i.e., appeal, request for a special use permit, variance, request for an interpretation, request for text or Official Zoning Map amendment, vested

rights, etc.) on any basis other than the failure of the Applicant to submit a complete application, such action may not be considered until a period of twelve (12) months elapses, unless an Applicant clearly demonstrates that:

1. Circumstances affecting the property that is the subject of the application have substantially changed; or
2. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Administrator within the time period for an appeal to superior court. However, such a request does not extend the period with which an appeal must be taken.

B. Notwithstanding items (1) and (2) listed above, the applicable Board, may 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. This determination shall be rendered by the Administrator in writing within thirty (30) calendar days from the date of submittal.

4.1.4.4 Constructive Notice

Subject to NCGS § 160D-403 (b), it is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, so long as the sign remains on the property for at least ten (10) calendar days. A posted sign shall contain the words "Zoning Decision" or "Subdivision Decision" or similar language for other determinations in letters at least six (6) inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any sign posting is the responsibility of the landowner, Applicant, or person that sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. Absent an ordinance provision to the contrary, posting of signs is not required.

4.2 ADMINISTRATIVE ZONING PERMIT PROCEDURES

4.2.1 General Provisions for Zoning Permits & Certificates of Compliance

A. No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall the use of any building or property be changed, nor shall any grading, excavation, or filling of any lot be commenced until the Administrator or designee has issued a development approval or Zoning Permit for such, stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance. Zoning Permits shall be issued prior to the construction of any structure, solar energy system, or wireless telecommunications tower, or establishment of any land use, including commercial junkyards, subject to the requirements of this Ordinance, including watershed, stormwater, and flood damage prevention provisions. The Zoning Permit shall include a final inspection acknowledgement by the Administrator that is the Certificate of Compliance/Zoning Permit. Notwithstanding any other provisions of this Ordinance, no Zoning Permit is necessary for the following uses:

1. Street construction or repair;
2. Electric power, telephone, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
3. Specific signs exempted in Article 7 of this Ordinance; and
4. Mailboxes, newspaper boxes, walls, birdhouses, flag poles, pump covers, playhouses, animal pens, and doghouses under 50 SF.

B. All applications for Zoning Permits must be complete and application fees paid before the Administrator is required consider the application. An application is complete when it contains all the information necessary for the Administrator to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance. A fee shall be paid, as provided in the schedule of fees adopted by the Board of Commissioners.

C. The Administrator shall verify the location of the property in relation to any regulated Special Flood Hazard Area. Any property located within a Special Flood Hazard Area shall be subject to the Flood Damage Prevention Standards of Section 6.3.4, including the issuance of a Floodplain Development Permit. The Applicant is responsible for compliance with all FEMA provisions for floodplain management prior to construction commencement. This may include completing an Elevation Certificate by a licensed engineer or surveyor in the State of North Carolina. It may also include the need for extra development measures or any form of Letters of Map Revision.

D. Zoning Permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of this Ordinance and shall be subject to any and all sanctions as indicated under Section 2.7.

E. The Administrator, through the County's permitting software or other indexing program, shall maintain a record of all Zoning Permits on file, and copies shall be made available upon written request by interested parties. A fee may be assessed for copies.

F. No building which has been erected, added to, relocated, or structurally altered shall be used or occupied until a Certificate of Occupancy for compliance with the Building Code and Fire Code have been issued. No previously unoccupied structure shall be occupied until a Certificate of Occupancy is issued by the County's Inspections Department. No temporary utilities shall be connected until a Building Permit is issued. No permanent utilities shall be connected until a Certificate of Occupancy is issued. Temporary utilities shall only be issued for ultimate permanent construction and not for permanent occupancy. Where temporary utilities are deemed not associated with an effort towards permanent occupancy, the Administrator or County Inspections Department may revoke the temporary utility permit(s).

G. All new development projects, including the expansion of existing buildings, accessory structures, and impervious areas, within the Falls Watershed may also be subject to additional review as set forth in Section 6.3.3, as part of the Zoning Permit review process.

H. No gas, electric, or water company or municipal departments shall provide utility services or install a meter at a construction site unless a Zoning Permit has been issued.

I. Structures on Hyco Lake shall be subject to the *Guidelines for the Use of Residential Properties at Hyco Lake* and shall demonstrate approval by the Person-Caswell Lake Authority prior to the issuance of a Zoning Permit by the Person County Planning & Zoning Department.

4.2.2 Right of Appeal

A. If a Zoning Permit is denied, the Administrator shall specify the reasons for denial in writing. The Applicant may appeal the action of the Administrator to the Board of Adjustment. Such appeal shall be made by the Applicant in writing to the Administrator within thirty (30) calendar days of such permit denial, in accordance with Section 4.6 and NCGS § 160D-405.

B. Any other person with legal standing to appeal shall have thirty (30) calendar days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, given 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, in accordance with NCGS § 160D-405.

4.2.3 Certificate of Compliance/Zoning Permit

A. Except for farm purposes in accordance with NCGS § 160D-903 and single-family and two-family residential uses, no land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use for other than farm purposes until a Certificate of Compliance, in the form of a Zoning Permit, has been issued by the Administrator or designee stating that the building and/or the proposed use have been inspected and comply with the provisions of this Ordinance. At the discretion of the Administrator or as a requirement within a Watershed Protection Overlay, an as-built survey may be required to demonstrate compliance.

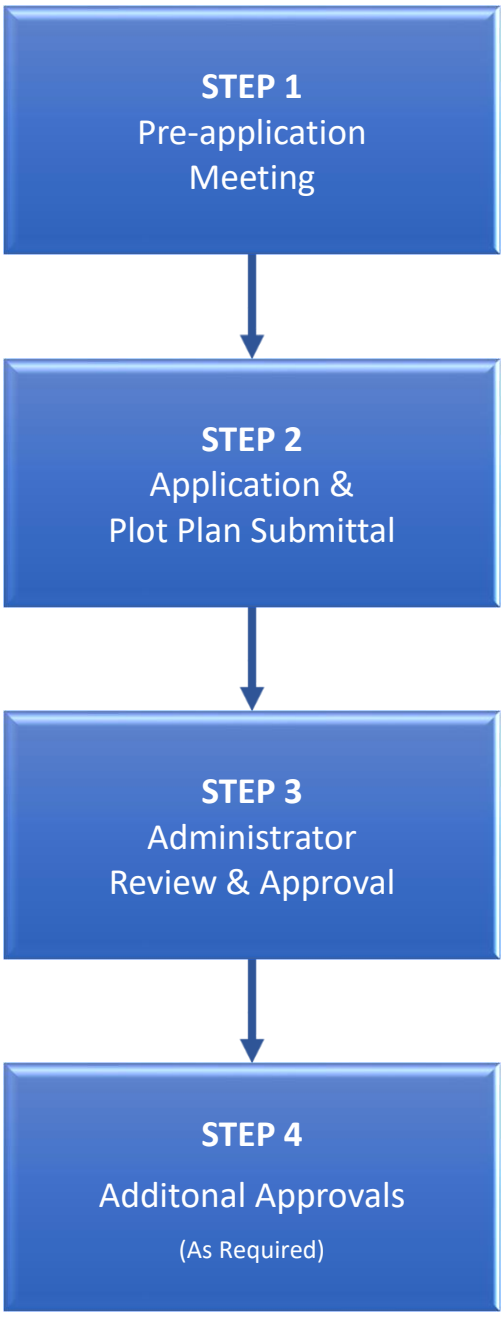
B. A Temporary Certificate of Compliance/Zoning Permit shall not be issued for a project, as the site development for a project is the sole responsibility of the Applicant or a developer. Person County shall allow for the issuance of a Temporary Certificate of Occupancy, issued by the Administrator for a period up to sixty (60) calendar days, only in emergency conditions or for stocking and training purposes. This condition is in the event that the required improvements to complete construction and occupancy has not been completed prior final zoning inspection due to weather, materials availability, or similar factor. The developer shall guarantee the completion of the required improvements in a development by the means outlined in Section 4.2.7.

4.2.4 Zoning Permit Procedures for Single-Family & Two-Family Residential Uses

Zoning Permits for single-family residential and two-family residential uses and their customary accessory structures shall be approved administratively. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages:

STEP 1.
Pre-Application Meeting

A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the Applicant and the Administrator or designee concerning the application of this Ordinance to the proposed development is required.



B. Before submitting a Zoning Permit application, the Applicant may submit to the Administrator a Sketch Plan showing the proposed development. The Sketch Plan shall include the following information:
   1. Property boundaries with total acreage and relationship to adjacent properties and vicinity;
   2. Site orientation with north arrow/compass rose shown;
   3. Proposed site layout including proposed structures, existing structures, and the intended use of structures;
   4. Proposed site access and designation as public or private right-of-way;
   5. Topography at a minimum of four (4) foot contour intervals and existing water courses;
   6. If the property will be served with central water and/or sewer or if well and on-site septic will be utilized;
   7. Sketch of any proposed drainage facilities and drainage arrows; and
   8. Land Use and Zoning designations of subject and adjacent properties.

Step 2. Application & Plot Plan Submittal

A. For all new single-family residential buildings, two-family residential buildings, and their customary accessory structures, the Applicant shall submit to the Planning & Zoning Department the application and fee.

B. The application shall be accompanied by a Plot Plan, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement, as applicable, including but not limited to:
   1. The exact shape, dimensions and location of the lot to be built upon and existing structures on the lot;
   2. The shape, dimensions, and location of the proposed structure(s);
   3. All minimum setback lines and distances from property lines to the proposed structure(s) affirmatively showing that the area of proposed location will meet all setback requirements;
   4. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
   5. The location and dimensions of off-street parking, driveways, off-site driveway connections, and surface material;
   6. Total impervious surface area, the impervious surface ratio (ISR) calculation, the ISR relationship to the applicable watershed protection overlay district, and any proposed mitigation measures;
   7. The location of any well, septic tank, or septic field, with location approval from the Person County Health Department; and
   8. Any other information that may be needed to ensure that the proposed structure is in compliance with all applicable provisions of this Ordinance.

Step 3. Administrator Review & Approval

A. The Administrator shall review the application and Plot Plan in accordance with the requirements of this Ordinance and any other applicable requirements and may inspect the premises upon which the proposed structure is to be built. A permit shall be issued or denied within thirty (30) calendar days of receipt of an application, provided the application is complete, all fees are paid, and all required support documentation is provided with the application. Failure to issue a Zoning Permit, based on these conditions, shall constitute denial.
B. The Administrator or designee may request other applicable agencies to provide comments regarding the proposed development.
C. If the application and Plot Plan are found to meet all of the applicable regulations of this Ordinance, then the Administrator shall issue a Zoning Permit.
D. If the Zoning Permit is denied, then the Administrator shall provide the reasons in writing to the Applicant. The Applicant may appeal the action of the Administrator to the Board of Adjustment as provided for in Section 4.4. Such appeal shall be made in writing to the Administrator within thirty (30) calendar days of such permit denial.

Step 4. Additional Approvals (If Applicable)

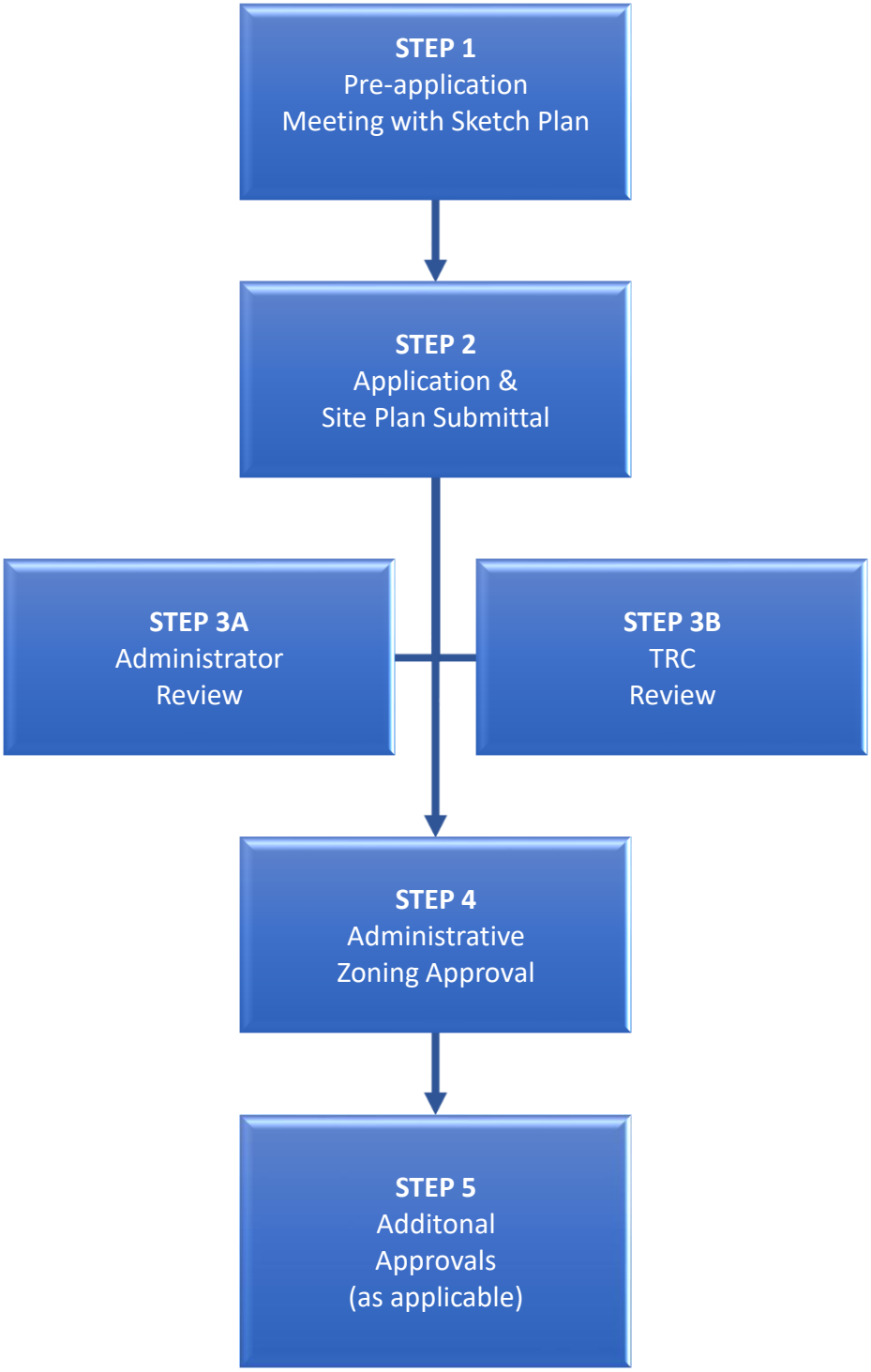
Following approval of the Zoning Permit, the Applicant may obtain a Building Permit and Certificate of Occupancy from Person County Building Inspections, if applicable.

4.2.5 Zoning Permit Procedures for Multi-Family Residential and Non-Residential Development

Zoning Permits for multi-family residential and non-residential development shall be approved administratively. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Step 1. Pre-Application Meeting with Sketch Plan

A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required. It is the intent to provide a preliminary review of a property's development potential and staff direction for additional needed information, but not as a type of approval.


STEP 1
Pre-application
Meeting with Sketch Plan
STEP 2
Application &
Site Plan Submittal
STEP 3A
Administrator
Review
STEP 3B
TRC
Review
STEP 4
Administrative
Zoning Approval
STEP 5
Additonal
Approvals
(as applicable)

B. Before submitting an application and Site Plan, the developer shall submit to the Administrator a Sketch Plan (either digital or hard copy) drawn at a scale with the following information, as applicable:
   1. Property boundaries with total acreage and relationship to adjacent properties and vicinity;
   2. Site orientation with north arrow shown;
   3. Proposed site layout including proposed structures, existing structures, and the intended use of structures, and parking;
   4. Proposed site access and designation as public or private;
   5. Topography at a minimum of four (4) foot contour intervals and existing water courses;
   6. If the property will be served with water and/or sewer or if well and on-site septic will be utilized and their locations;
   7. Sketch of any proposed drainage facilities and drainage direction;
   8. Land use and zoning designations of subject and adjacent properties; and
   9. For properties in the Falls Watershed, an Existing Conditions Plan, Natural Resources Inventory, and Stormwater Management System Conceptual Plan shall also be submitted subject to the requirements of Section 6.3.3.

C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements and shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed. Any development is subject to other state, federal, and private utility requirements.

Step 2. Applicant Submits Application & Site Plan

A. The following submittal requirements may be altered by the Administrator as applicable:
   1. One (1) full-size paper copy, one (1) reduced (11x17-inch) paper copy, one (1) digital copy in PDF format for initial review; and
   2. Two (2) full-size paper copies and one (1) digital copy that includes revisions, following staff comments.

B. The Applicant shall submit the application, fee, and the Site Plan that provides the following information:
   1. Title Block: Development name, developer's name, north arrow, scale (denoted graphically and numerically), date of plan preparation and revision, location of development (township, county, and state), County parcel identification number, name and seal of registered surveyor or engineer preparing plan.
   2. Vicinity Map: A vicinity map showing the location of the development in relation to the surrounding area.
   3. Site Data: Acreage in total tract, acreage in right-of-way, existing and proposed impervious area and percentage, open space listed in acreage and percentage, residential density in dwelling units per acre (if applicable).
   4. Zoning: Indicate both on and adjacent to the land to be developed, the zoning of property and location of zoning lines if property is located in more than one (1) zone.
   5. Tract Boundaries: Exact boundaries of the tract or portion thereof to be developed, with all bearings and distances accurately shown.

6. Property Lines: Property lines and owners' names of record of all adjoining properties and/or adjoining development of record which intersect with the perimeter of the tract being developed.
7. Topographic Lines: Topographic contour lines at a minimum of four (4) foot contour intervals.
8. Natural Features/Critical and Sensitive Areas: Streams, creeks, ponds, reservoirs, location of the floodway and flood fringe boundaries if applicable, wetlands, farmland, rock outcrops, wooded areas, slopes greater than 25%, significant cultural features including cemeteries and National Register of Historic Places landmarks or districts.
9. Existing Physical Features: Existing physical features including buildings, streets (include names, whether public or private, right-of-way, pavement type and width), railroads, power lines, drainage ways, culverts and drainpipes, sewer and water mains and any public utility easements on and adjacent to the tract being developed.
10. Proposed Site Layout: All proposed building and parking locations with dimensions, easements, designation of any dedication or reservations to be made, building setback lines (if applicable), traffic circulation, and proposed use of land.
11. Water & Sewer: Provision of water and sewer disposal shall be indicated by one (1) of the following methods:
    - Utility Plan: Plans showing water and sewer system layouts including location of lines, line sizes, location of manholes, pumps, hydrants, force mains or treatment facilities and the connection of the proposed system(s) with existing systems.
    - Health Department or Department of Environmental Quality Approval: Location plans for individual water supply and septic system as approved by Person County Health Department and/or the North Carolina Department of Environmental Quality (NCDEQ) (if connection to public systems is not possible).
12. Grading and Soil and Erosion Control Plan: A Soil and Erosion Control Plan approved by NCDEQ.
13. Driveway Permits: Any driveway permits approved by NCDOT.
14. Article 5 and 6 Standards: Demonstration that all of the development standards of Article 5 and Article 6 have been met to potentially include:
    - Supplemental requirements for certain uses as set forth in Section 5.7
    - Stormwater Plan, including compliance with Falls Watershed Requirements of Section 6.3.3, if applicable
    - Flood Damage Prevention compliance, subject to the requirements of Section 6.3.4
    - For multi-family residential developments, open space compliance, subject to the requirements of Section 6.3.5
    - Landscaping compliance, subject to the submittal of a landscaping plan and the requirements of Section 6.4
    - Parking and access compliance, subject to the requirements of Section 6.5
    - Infrastructure compliance, subject to the requirements of Section 6.6, including lighting plan
    - Building elevations (optional)

15. The location of any proposed freestanding signage, subject to the issuance of a separate Zoning Permit for Signs and the requirements of Article 7.

Step 3A & B. Administrator/TRC Review

A. Once a complete application and Site Plan are accepted, the Administrator and the Technical Review Committee (TRC) shall review the Site Plan in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.
B. The TRC may provide comments to the Administrator regarding the proposed development, and those comments shall be provided to the Applicant to be addressed on the Site Plan.
C. The developer shall address comments necessary to meet all applicable local, state, and federal requirements and submit a revised plan.

Step 4. Administrative Zoning Approval

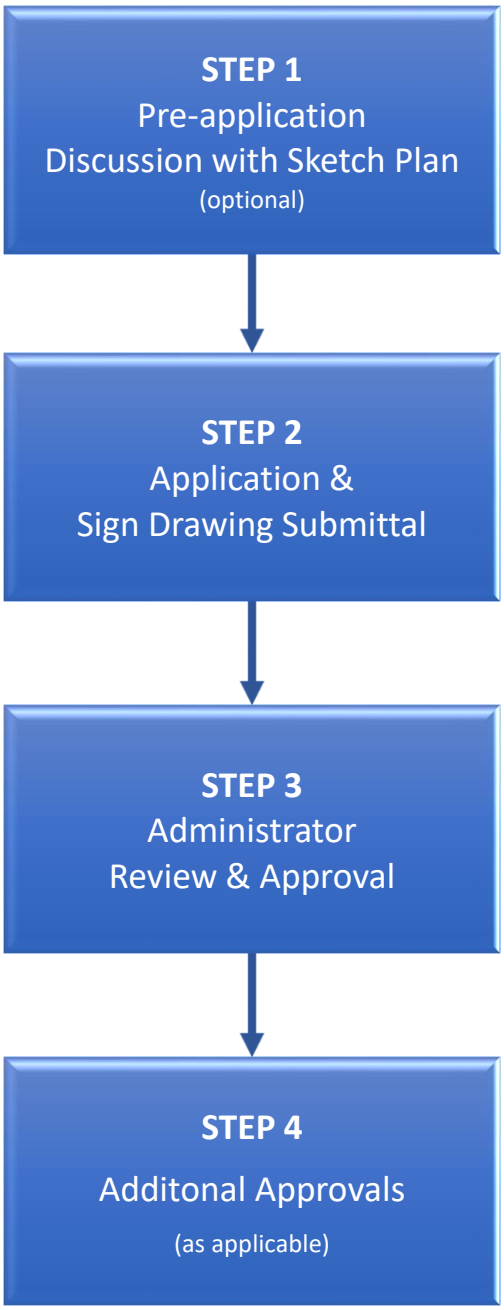
A. If a Site Plan is found to meet all applicable regulations of this Ordinance, then the Administrator shall issue a Zoning Permit.
B. If the Zoning Permit is denied, the Administrator shall provide the reasons in writing. The Applicant may appeal the action of the Administrator to the Board of Adjustment, as provided for herein. Such appeal shall be made within thirty (30) calendar days of such permit denial.

Step 5. Additional Approvals

Following approval of the Zoning Permit, the Applicant may obtain a Building Permit from the Person County Inspections Department, if applicable. Following completion of construction and prior the issuance of a Certificate of Occupancy by the Person County Building Inspector, the developer shall coordinate with the Administrator to conduct a final site development inspection to ensure that the approved plan has been followed and all required improvements have been installed to Person County development standards. Upon satisfactory completion of all required improvements a Certificate of Compliance shall be issued by the Administrator in accordance with Section 4.2.3, and the Certificate of Occupancy may be issued by the Person County Inspections Department.

4.2.6 Zoning Permit Procedures for Signs

Zoning Permits for signs shall be approved administratively and shall comply with the requirements of Article 7. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.


STEP 1
Pre-application
Discussion with Sketch Plan
(optional)
STEP 2
Application &
Sign Drawing Submittal
STEP 3
Administrator
Review & Approval
STEP 4
Additonal Approvals
(as applicable)

Step 1. Pre-Application Discussion with Sketch Plan (Optional)

A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the Applicant and the Administrator or designee concerning the application of this Ordinance to the proposed signage is recommended.
B. Before submitting a Zoning Permit application, the Applicant may submit to the Administrator a sketch showing the proposed sign layout, design, location, and dimensions. The Administrator shall advise the sign owner or his authorized agent of the regulations pertaining to the proposed sign and the procedures to be followed.

Step 2. Application & Sign Drawing Submittal

The Applicant shall submit the completed application, fee and a drawing of the sign and its location with the following information:

A. The shape, dimensions, content, colors, and type of the sign;
B. The location of the sign on the lot with respect to buildings, parking lots, property lines and adjacent rights-of-way;
C. Whether or not the sign is externally illuminated (electric permit may be required from Person County Inspections Department);
D. For wall signs, the building length and height; and
E. Any other information which the Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

Step 3. Administrator Review & Approval

A. The Administrator shall review the application and drawing in accordance with the requirements of this Ordinance and any other applicable requirements.
B. If the application and drawing are found to meet all of the applicable regulations of this Ordinance, then the Administrator shall issue a Zoning Permit for the sign.
C. If the Zoning Permit is denied, the Administrator shall provide the reasons in writing. The Applicant may appeal the action of the Administrator to the Board of Adjustment, as provided for herein. Such appeal shall be made within thirty (30) calendar days of such permit denial.

Step 4. Additional Approvals

Following approval of the Zoning Permit for an illuminated or freestanding sign, the Applicant may obtain a Building Permit or Electrical Permit from Person County Building Inspections, if required.

4.2.7 Performance Guarantees for Zoning Permits

A. In the event that the required improvements or construction has not been completed prior final zoning inspection, the developer shall guarantee the completion of the required improvements in a development by means of a bond with surety or other guarantees satisfactory to the County Manager or his/her designee in an equal amount to 125% of the estimated cost of the required improvements whereby improvements may be made and

utilities installed. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional 25% allowed under this section includes inflation and all costs of administration regardless of how such fees or charges are denominated. One of the following methods shall be pursued by the developer to ensure the installation of said improvements:

1. Filing a performance or surety bond with the developer/property owner as principal and a surety approved by the County Manager or his/her designee upon recommendation of the County Engineer; and in an amount approved by the County Manager or his/her designee upon recommendation of the County Engineer; or
2. Depositing or placing in escrow a certified check or cash in an amount to be determined by the County Manager or his/her designee upon recommendation of the County Engineer. Portions of the security deposit may be released as the work progresses; or
3. Filing an irrevocable letter of credit guaranteeing payment to Person County in the event of default in an amount to be determined by the County Manager or his/her designee upon recommendation of the County Engineer; or
4. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

B. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

C. The developer shall have the option to post one type of a performance guarantee as provided for in this subsection, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this Section.

D. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Person County, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in this subsection and shall include the total cost of all incomplete improvements.

E. A performance bond or other guaranty as allowed in this subsection may be reduced proportionally upon the satisfactorily completion of some of the required improvements. Any reduction shall be limited only to that percentage of completion as determined and certified by the Administrator. The reduction shall not exceed 75% of the said original bond or guarantee.

F. When the required improvements have been completed the developer shall notify the Administrator. The Administrator shall request comments relative to those improvements

from NCDOT, the North Carolina Department of Environmental Quality (NCDEQ), and the Person County Health Department, who will notify the Administrator that the improvements have been installed to their satisfaction. The Administrator shall request in writing to the County Manager to release the bond, letter of credit or funds from escrow. When required improvements that are secured by a bond are completed to the specifications of Person County, or are accepted by Person County, if subject to county acceptance, upon request by the developer, Person County shall timely provide written acknowledgement that the required improvements have been completed. In the event of default by the developer, the County Manager is authorized to call for payment of the bond or letter of credit or to release security from escrow and to utilize such funds for the completion of improvements in a manner as determined by the Board of Commissioners.

4.3 SUBDIVISION PROCEDURES

4.3.1 Subdivisions Defined

A. All plats and proposed subdivisions shall be reviewed by the Administrator for initial determination as to whether the proposed subdivision is to be classified as a subdivision or is exempt from subdivision requirements.

B. In accordance with NCGS § 160D-802, "Subdivision" shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions 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 Section:
   1. The combination or recombination of portions of previously subdivided and recorded;
   2. Lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
   3. The division of land into parcels greater than 10-acres where no street right-of-way dedication is involved;
   4. The public acquisition by purchase of strips of land for the widening or opening of streets;
   5. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant Lots are equal to or exceed the standards of this Ordinance; or
   6. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NCGS § 29.

C. In addition to the statutory definition of subdivision, for the purposes of this Ordinance, the following divisions of land shall be exempt from the subdivision process and minimum zoning dimensional requirements. However, lots created under these provisions shall not permit the construction of a habitable structure unless minimum zoning dimensional requirements and access standards are met:
   1. The division of a tract for the sole purpose of the placement of permanent equipment and buildings for the provision of water and sewer service;
   2. The division of land for use as gravesites;
   3. A division of land which has been created by a judicial partition and/or sale; and

4. Any plat presented for recordation on which a lot is shown and pledged as collateral for loan proceeds and where the property depicted by the plat is a portion of a larger tract of property owned by the same entity.

D. In accordance with NCGS § 160D-802(c), a subdivision plat may only be required for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
   1. The tract or parcel to be divided is not exempted under subsection (B) or (C);
   2. No part of the tract or parcel to be divided has been divided under this subsection in the years prior to division;
   3. The entire area of the tract or parcel to be divided is greater than five (5) acres;
   4. After division, no more than three (3) lots result from the division;
   5. After division, all resultant lots comply with all of the following:
      - Any lot dimension size requirements of the applicable land-use regulations, if any;
      - Use of the lots is in conformity with the applicable zoning requirements, if any; and
   6. A permanent means of ingress and egress is recorded for each lot.

4.3.2 Subdivision Plat Exemption

A. If the Administrator determines that a division of land does not meet the definition of a subdivision as set forth by NCGS § 160D-802, then the division shall be considered a subdivision plat exemption and shall not be subject to the subdivision review process. However, all minimum zoning district requirements, watershed, stormwater, and floodplain requirements of this Ordinance still apply.

B. Exempt plats shall be reviewed with a decision rendered within ten (10) calendar days.

C. The Administrator shall ensure that resultant lots comply with the dimensional, frontage and access requirements of the zoning district in which the property is located. Where a public street is to be created, dedicated and platted as part of the division, the division shall not be exempt from the provisions of this Ordinance regardless of any other factors. If the Administrator determines that the proposed subdivision plat is exempt from the subdivision provisions of this Ordinance, the subdivision plat shall be endorsed with the following certificates, signed and dated by all record property owner(s) with direct interest in the property, the surveyor, and the Administrator:
   - **Certificate of Subdivision Type by Surveyor**
     "This survey is of another category of subdivision such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision per NCGS § 160D-802."
   - **Exemption from NCGS § 160D-802 Compliance Statement by Surveyor**
     "Approval of this exempt subdivision plat constitutes compliance with NCGS § 160D-802 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable federal, state, and local laws, statutes, ordinances, and/or codes."

- **Exempt Plat Certificate**
  I certify that this plat is exempt from subdivision regulations in accordance with NCGS § 160D-802 and Section 4.3.1 of the Person County Unified Development Ordinance and meets the minimum zoning standards of Person County.

  _____ _____
  Administrator Date

4.3.3 Minor Subdivision Defined

A. A Minor Subdivision is defined as a subdivision where:
   1. No public streets are proposed;
   2. The parcel of land is not within an existing minor or Major Subdivision or a part thereof;
   3. No more than five (5) lots are created after the subdivision is completed and no additional lots are created without being subject to the requirements for a Major Subdivision within; and
   4. No public or community water or sewer systems are proposed.

B. Minor Subdivisions shall follow the review procedures in Section 4.3.5. Prior to Final Plat approval, the Applicant shall provide documentation of satisfactory approval by the Person County Health Department for on-site septic suitability for each new lot created.

4.3.4 Major Subdivision Defined

A. A major subdivision is defined as a subdivision where one (1) or more of the following exist:
   1. New public streets are proposed;
   2. More than five (5) lots will result after the subdivision is completed; and/or
   3. A public or community water and/or sewer system is proposed.

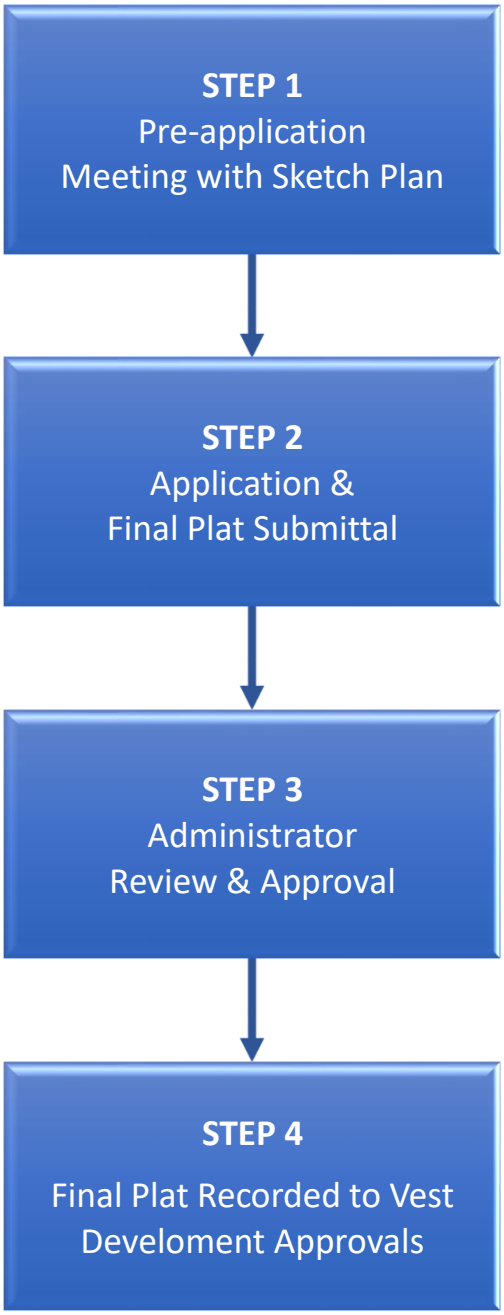
B. Major Subdivisions shall follow the review procedures in Section 4.3.6.

C. Major Subdivisions shall include a recorded plat for grating of development rights and vesting.

4.3.5 Minor Subdivision Procedures

Minor Subdivisions shall be reviewed administratively in accordance with the procedures of this Section.

Step 1. Pre-Application Meeting



A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required. It is the intent to provide a preliminary review of a property's development potential and staff direction for additional needed information, but not as a type of approval.
B. Before submitting an application and Final Plat, the Applicant may submit to the Administrator a Sketch Plan showing the proposed division and dimensions. The Administrator shall advise the Applicant of the regulations pertaining to the proposed division and the procedures to be followed.
C. For properties in the Falls Watershed that will disturb greater than one-half (1/2) acre, compliance, the Applicant shall demonstrate compliance with the requirements of Section 6.3.3.

Step 2. Application & Final Plat Submittal

A. The Applicant shall submit to the Administrator or his designated agent at least two (2) hard copies and one (1) PDF digital copy of the proposed Minor Subdivision and shall record the Final Plat. Unrecorded Final Plats do not grant development rights and are not vested.
B. The proposed Final Plat shall be prepared by a professional land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to 200-ft. and shall comply with NCGS § 47-30, as amended. Final Plats shall be of a size suitable for recording with the Person County Register of Deeds. Maps may be placed on more than one (1) sheet with appropriate match lines.
C. Final Plats shall include the following information:
    1. Title Block: Subdivision name, scale denoted graphically and numerically, date of plat preparation, Person County parcel identification number, and township, county and state in which the subdivision is located and the name(s) of the owner(s) and the registered surveyor responsible for the subdivision (including the seal and registration number of the registered surveyor).
    2. Vicinity Map and North Arrow: A vicinity map showing the location of the development in relation to the surrounding area.
    3. Tract Boundaries & Project Acreage: The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines and adjoining lands, with acreage totals of all tracts and remainder amounts.
    4. Adjoining Property Owners: The names and deed references of owners of adjoining properties and adjoining developments of record (proposed or under review).
    5. Zoning and Municipal Limits: Indicate both on and adjacent to the land to be subdivided the location of any municipal limits, zoning of property and location of zoning lines if property is located in more than one (1) zone.
    6. Watershed Protection Overlay Information: If the property is located in a watershed protection overlay, provide the name and boundaries of the overlay and any maximum impervious area, minimum lot size, or stormwater requirements applicable to the watershed.

7. Setbacks and Building Envelopes: Provide the minimum building setbacks in both table format and on the lot.
8. Location of Improvements: All visible and apparent existing structures, streets, utilities, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.
9. Surveying Data: Sufficient engineering data and datum reference to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line and setback line, including dimensions, bearings or deflection angles, radii, central angles and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
10. Monuments: The accurate locations and descriptions of all monument, markers and control points.
11. Lot Numbers: The lots numbered consecutively throughout the entire subdivision or portion to be recorded.
12. Utility and Drainage easements: Reservations and easements to be dedicated to public uses or sites for other than residential use with notations expressing the purpose and limitation thereof.
13. Rights-of-Way: The location and dimensions of all rights-of-way, utility or other easements, natural buffers, pedestrian or bicycle paths and areas to be dedicated to public use with the purpose of each stated.
14. Flood Information: The location of the floodway and flood fringe boundaries, if applicable.
15. Forms of Final Certifications: The following certificates shall be shown on the original and all copies of the Final Plat:
    - **Certificate of Approval of Subdivision Final Plat**
      This subdivision plat has been found to comply with the provisions of the Person County Unified Development Ordinance and is approved this date for recording in the Person County Office of the Register of Deeds.

      _____ _____
      Administrator Date
    - **Certificate of Ownership and Dedication**
      I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Person County and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all easements to public or private use as noted.

      _____ _____
      Owner Date
    - **Certificate of Survey and Accuracy in Accordance with the Standards and Practice for Land Surveying in North Carolina:**
      On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The Certificate shall include a statement on error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must

be clearly indicated of the map and a statement included in the certificate revealing the source of the information. The certificate shall take the following general form:
State of North Carolina, Person County
"I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision or positional accuracy as calculated is ____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this ____ day of ____, A.D., ____.
Seal or Stamp

_____
Professional Land Surveyor
License Number"

- **Certificate of Subdivision Type**
  It is the duty of the surveyor to certify to one of the following on the face of the plat:
  1. That the survey creates a subdivision of land within Person County that is regulated by the Person County Unified Development Ordinance, that regulates the subdivision of parcels of land; or
  2. That the survey is of an existing parcel or parcels of land; or
  3. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
  4. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to the provisions contained in (1) through (3) above.
- **Review Officer Certificate**
  State of North Carolina, County of Person
  I, _____, Review Officer of Person County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

  _____ _____
  Review Officer Date
- **Register of Deeds Certificate**
  State of North Carolina, County of Person
  This instrument was presented for registration and recorded in Map Book_____, Page _____ this _____day of_____, 20___ at _____ (a.m./p.m.)

  _____ By_____
  Register of Deeds Deputy
- **Special Flood Hazard Area or FUDS Camp Butner Range Note**
  Note: (Part of) this property (does/does not) lie in a Special Flood Hazard Area Reference: Floodway Panel #_____ Date:_____ (of Panel)
  (If part of the property is in a Special Flood Hazard Area it shall be shown graphically

on the Plat and comply with the Flood Damage Prevention Regulations of Section 6.3.4); or within the FUDS Camp Butner Range that shall be shown graphically.

- **Voluntary Agricultural District Statement**
  The following statement shall be placed on all subdivision plats that include lots located within a Voluntary Agricultural District:
  "These parcels are located within a Voluntary Agricultural District, subject to the Person County Voluntary Agricultural District Ordinance and NCGS § 106-701.
- **Voluntary Agricultural District Proximity Statement**
  The following statement shall be placed on all subdivision plats that include lots that are within one-half (1/2) aerial mile of a Voluntary Agricultural District:
  "These parcels are located within one-half (1/2) mile of property that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NCGS § 106-701 provides some protection for existing agricultural operations against nuisance laws."

Step 3. Administrator Review & Approval

A. The Administrator shall review the Final Plat and shall render the determination within ten (10) calendar days that said proposal meets all requirements relative thereto. Based upon those findings, the Administrator shall either approve or disapprove the proposed Final Plat.
B. Prior to Final Plat approval, the Applicant shall provide documentation of satisfactory approval by the Person County Health Department for on-site septic suitability with minimum separation from a well, if provided, for each new lot created.
C. The decision of the Administrator may be appealed to the Board of Adjustment by the Applicant. Failure of the Board of Adjustment to render a decision within forty-five (45) calendar days shall constitute approval thereof.

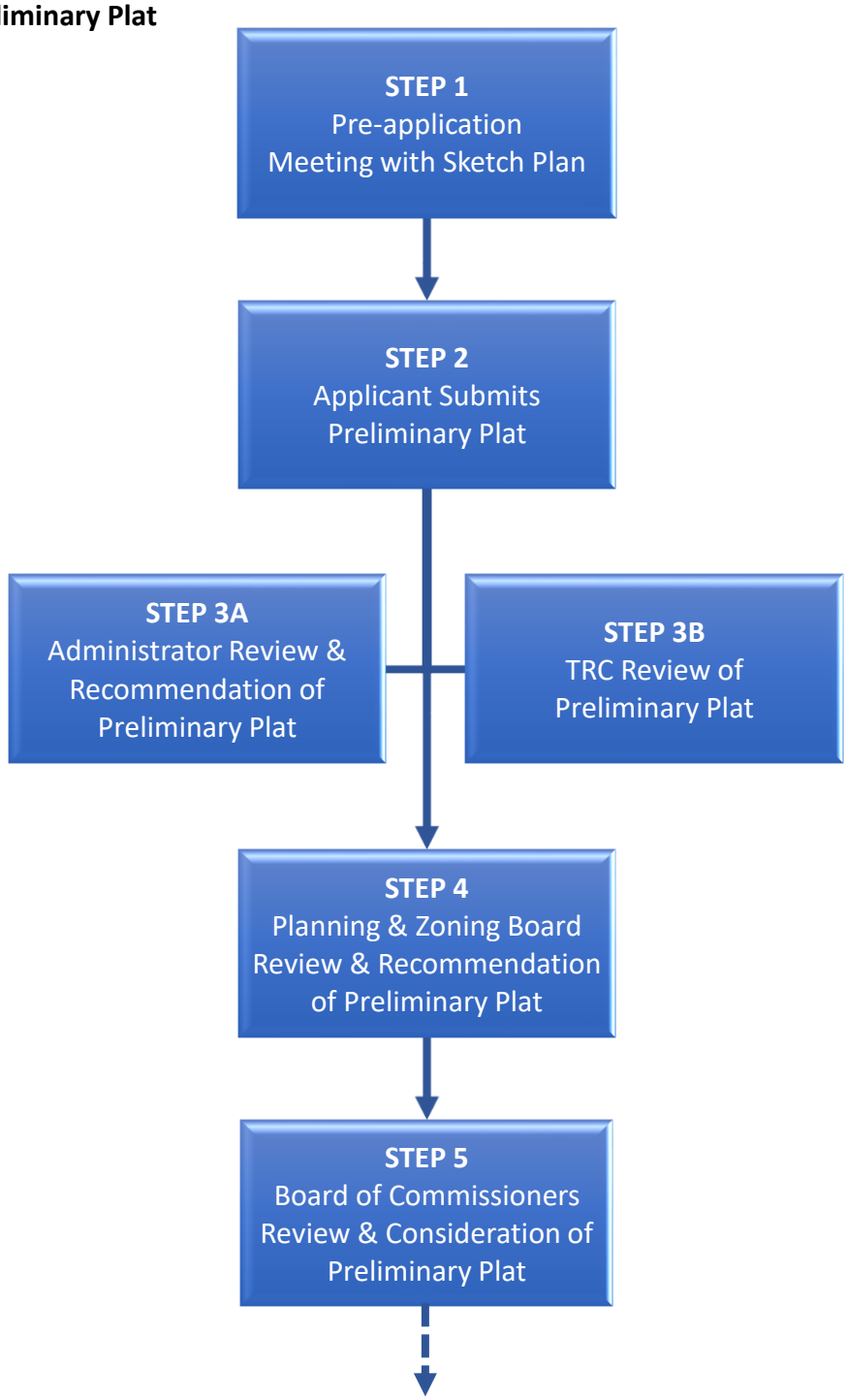
Step 4. Final Plat Recorded to Vest Development Approvals

A. After approval of the Final Plat by the Administrator and requisite Certificate signatures, the Final Plat shall be recorded within ninety (90) calendar days at the Person County Register of Deeds Office to create legal lots of record and to vest development approvals. Failure to record the Final Plat will not create legal lots of record and will not vest development approvals.
B. After the Final Plat is recorded, the property owner or agent may proceed with obtaining any necessary zoning and building permit approvals for construction, as required by this Ordinance and the North Carolina Building Code.

4.3.6 Major Subdivision Procedures

Major Subdivision Preliminary Plats shall be approved by the Board of Commissioners following a recommendation by the Planning Board, while Construction Plans, and Final Plats shall be approved by the Administrator. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Phase 1: Preliminary Plat



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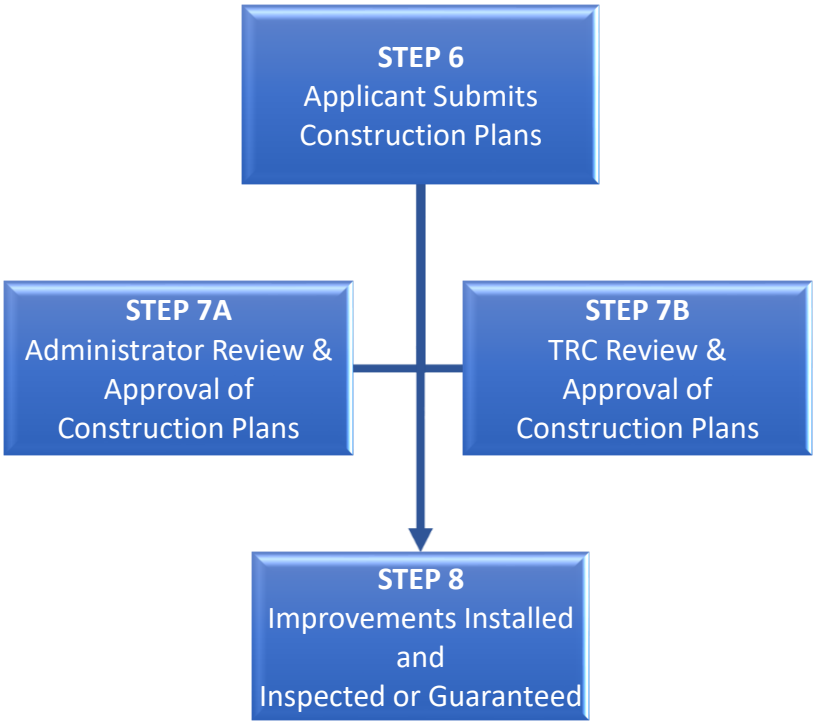
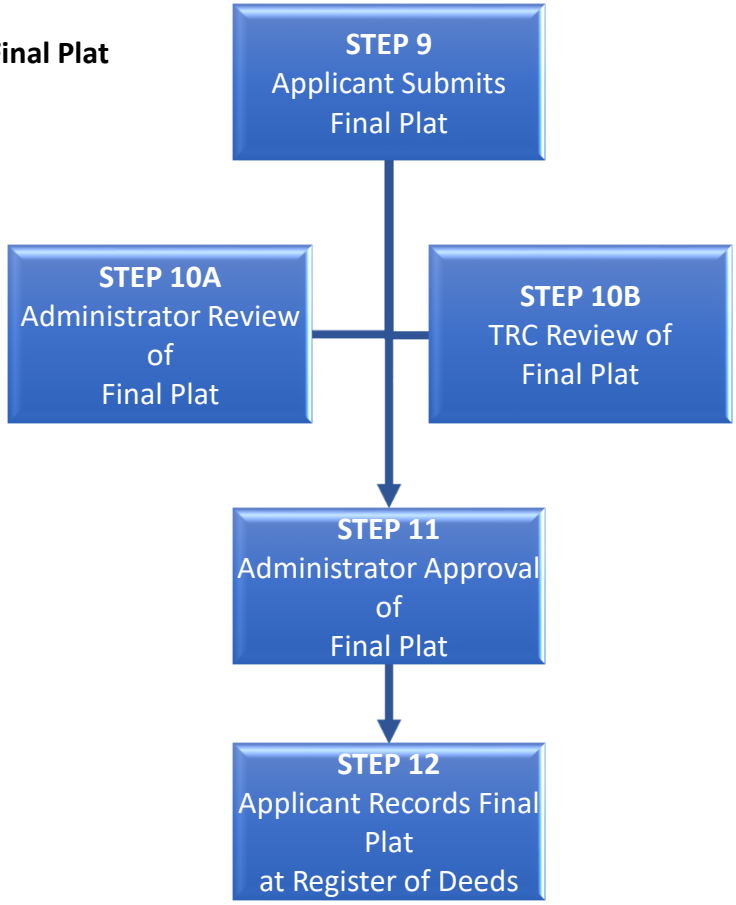
PHASE 2: Construction Plans



Phase 3: Final Plat



PHASE 1: PRELIMINARY PLAT REVIEW

Step 1. Pre-Application Meeting with Sketch Plan

A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the Administrator concerning the application of this Ordinance to the proposed development is required. It is the intent to provide a preliminary review of a property's development potential and staff direction for additional needed information, but not as a type of approval.

B. Before submitting an application and Preliminary Plat, the developer shall submit to the Administrator a Sketch Plan (either digital or hard copy) drawn at a scale no smaller than one (1) inch to 200 feet (1:200) with the following information:
   1. The name, address, and phone number of the property owner and name and County parcel identification number of the proposed subdivision;
   2. A vicinity map, including a north arrow, and showing the location of the proposed subdivision in relation to neighboring tracts, existing and/or platted subdivisions, roads, floodplains, wetlands and waterways;
   3. Tract Boundaries & Project Acreage: The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines and adjoining lands, with acreage totals of all tracts and remainder amounts.
   4. The existing and proposed uses of land within the proposed subdivision and the existing uses of land adjoining it with any proposed use of floodplains or wetlands whatsoever in or adjacent to the proposed subdivision clearly set forth and accompanied by a statement to the effect that no infringement on such areas will result;
   5. The proposed development access, street layout with approximate pavement and right-of-way width, and designation of streets as public or private;
   6. The zoning classification of the tract and of adjacent properties and whether the tract is located in a Watershed Protection Overlay;
   7. The lot layout, size of lots, and building envelopes showing zoning district setbacks on the lot and in table format;
   8. The streets and property lines of adjacent developed or platted properties;
   9. Sketch of location of any proposed drainage and required stormwater management facilities. In addition to and following the requirements of Section 6.3.3 for properties within the Falls Watershed, an Existing Conditions Plan, Natural Resources Inventory, and Stormwater Management System Conceptual Plan shall be submitted for Major Subdivisions; and
   10. Additional information required for Conservation Development as indicated in Section 6.2.4.

C. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and advise the developer or authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

Step 2. Application & Preliminary Plat Submittal

A. The Applicant shall submit the application, the applicable review fee, and three (3) hard copies and one (1) PDF digital copy of the Preliminary Plat, prepared by a Professional Land Surveyor currently licensed and registered by the North Carolina State Board for Professional Engineers and Land Surveyors.

B. The Preliminary Plat shall be submitted to the Administrator at least sixty (60) calendar days prior to the meeting at which the Applicant desires the Planning Board to review the Preliminary Plat. The Preliminary Plat shall be at a scale of not less than one (1) inch equals 200-ft. Maps may be placed on more than one (1) sheet with appropriate match lines.

C. The Preliminary Plat shall provide the following information:

1. Title Block: Subdivision name, scale denoted graphically and numerically, date of plat preparation, Person County parcel identification number, and township, county and state in which the subdivision is located and the name(s) of the owner(s) and the registered surveyor responsible for the subdivision (including the seal and registration number of the registered surveyor).
2. Vicinity Map and North Arrow: A vicinity map showing the location of the development in relation to the surrounding area.
3. Tract Boundaries & Project Acreage: The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines and adjoining lands, with acreage totals of all tracts and remainder amounts.
4. Existing Features Plan: A separate map drawn at the same scale as the Preliminary Plat showing the existing topography with contour intervals of four (4) feet, buildings, streets (include names, whether public or private, right-of-way, pavement type and width), railroads, power lines, drainage ways, culverts and drainpipes, sewer and water mains, public utility easements, existing groundcover, wetlands or streams, soil classifications, a statement in regard to the locations of any Special Flood Hazard Areas, identification of primary and secondary conservation areas, the proximity to or participation in a Voluntary Agricultural Districts, and significant cultural features including cemeteries and National Register of Historic Places landmarks or districts on and adjacent to the tract being subdivided.
5. Site Data: Acreage in total tract, smallest lot size, total number of lots, and linear feet of streets.
6. Watershed Protection Overlay Compliance and Stormwater Conceptual Plan for Major Subdivisions and non-residential projects: Demonstration of compliance with Watershed Protection Overlay requirements set forth in Section 6.2.3 and 6.3.3, as applicable.
7. Zoning and Municipal Limits: Indicate both on and adjacent to the land to be subdivided the location of municipal limits (if applicable), zoning of property and location of zoning lines if property is located in more than one (1) zone.
8. Tract Boundaries: Exact boundaries of the tract or portion thereof to be subdivided, with all bearings and distances accurately shown.
9. Property Lines and Information: Property lines and owners' names of record of all adjoining properties and/or adjoining development of record which intersect with the perimeter of the tract being subdivided.

10. Proposed Lot Layout: All proposed lot and street right-of-way lines with approximate dimensions, lot numbers, all easements, designation of any dedication or reservations to be made, building setback lines (if applicable), proposed use of land if other than single family residences, and proposed septic tank and drainfield locations for each lot (if applicable).
11. Street Layout: Proposed streets and alleys, showing pavement widths; rights-of-way; curbing if any.
12. Street Maintenance: Statement that street rights-of-way are dedicated to public use and once accepted, shall be turned over for maintenance to NCDOT.
13. Water and Sewer: Provision of public water and wastewater disposal shall be indicated (if applicable). Location of nearest existing and proposed water and sewer line sizes (if applicable) and types and statements regarding how property will be served with water, sewer, and fire protection.
14. Well and Septic: Written evidence of approval of the proposed well and septic areas by the Person County Health Department or certified soil scientist.
15. Other Improvements: Proposed location and description of any other improvements including, but not limited to, school sites, pedestrian or bikeways, buffers, reserved open space or recreational facilities as required by Section 6.3.5 (indicate whether public or private), along with deed restrictions or covenants for the maintenance of such.
16. Phasing: In the event that a subdivision is to be developed in phases, the Preliminary Plat shall be submitted for the entire development. All phase lines shall be shown on the Preliminary Plat. If a subdivision that is to be built in phases includes common area improvements that are designed to relate to, benefit, or be used by the entire subdivision (such as a swimming pool or tennis courts in a residential subdivision) then, as part of the application for subdivision approval, the developer shall submit a proposed schedule for completion of such common area improvements. The schedule shall relate completion of such common area improvements to completion of one (1) or more phases of the entire subdivision. Once a schedule of improvements has been approved, no land may be used or no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved.
17. Approval of Subdivision Name and Street Names: A letter from Person County E-911 Addressing shall be provided showing approval of the subdivision name and street names.
18. Approval Certificate: The Preliminary Plat shall include the following certificates to be signed after approval:
    - **Preliminary Plat Approval Certificate**
      I hereby certify that the Preliminary Plat shown hereon has been found to comply with the regulations of the Person County Unified Development Ordinance and has been approved by the Person County Board of Commissioners on this _____ day of _____, 20_____.

      _____ _____
      Person County Board of Commissioners Chair Date

Step 3A & B. Administrator/TRC Review of Preliminary Plat

A. The Administrator and the Technical Review Committee shall review the Preliminary Plat in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.
B. The Technical Review Committee shall provide comments to the Administrator regarding the proposed development. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer. The developer shall be notified of any deficiencies to be corrected in order forward to the Planning Board.

C. The developer shall address comments necessary to meet all applicable local, state, and federal requirements and submit a revised plan.

Step 4. Planning Board Review & Recommendation of Preliminary Plat

A. If a Preliminary Plat is found to meet all applicable regulations of this Ordinance, then the Administrator shall forward the plan to the Planning Board. The Administrator shall submit a written report with review comments, including comments of the Technical Review Committee on the proposed subdivision to the Planning Board. Said written report shall include a recommendation to the Planning Board to either approve, or conditionally approve, pending satisfaction of certain conditions to meet specific requirements of this Ordinance, or disapprove the Preliminary Plat.
B. The developer shall provide ten (10) hard copies and one (1) digital PDF copy of the Preliminary Plat for review by the Planning Board.
C. The Planning Board shall review the Preliminary Plat for compliance with this Ordinance and for consistency with any adopted plans. If the plan complies with all regulations and plans then the Planning Board shall recommend approval. If there are any deficiencies, then the Planning Board shall include conditions for compliance in its recommendation to the Board of Commissioners.
D. Failure of the Planning Board to render a decision within forty-five (45) calendar days after the Preliminary Plat is reviewed at a Planning Board meeting shall constitute approval thereof.

Step 5. Board of Commissioners Review & Approval of Preliminary Plat

A. After the Applicant has revised the plan to meet any conditions recommended by the Planning Board, the Board of Commissioners shall review the Preliminary Plat. The Applicant shall provide 10 hard copies and one (1) digital PDF copy of the plan.
B. In its review, the Board of Commissioners shall take into consideration any recommendations for conditions made by the Planning Board. If the Preliminary Plat is found to meet all of the applicable regulations of this Ordinance and any applicable state or federal regulations, then the Preliminary Plat shall be approved. Any remaining deficiencies can be addressed with conditions for compliance with this Ordinance and any applicable state or federal regulations.
C. If the Applicant is requesting any exceptions to the infrastructure requirements set forth in Section 6.6 of this Ordinance, then the Preliminary Plat shall be reviewed in accordance with quasi-judicial procedures set forth in NCGS § 160D-406.

D. An approval pursuant to this section shall expire twenty-four (24) months from the date of approval of the Preliminary Plat unless subject to extended vested rights established in NCGS § 160D-108 and Section 1.8 of this Ordinance. For a Preliminary Plat to remain valid, Construction Plans shall be submitted within twenty-four (24) months.

PHASE 2: CONSTRUCTION PLAN REVIEW & INSTALLATION OF IMPROVEMENTS

Step 6. Applicant Submits Construction Plans

A. If the proposed subdivision involves the grading of more than one (1) acre at a time, the installation of roads, or the installation of public (water and/or sewer) or private community well and septic facilities (not including well and septic on individual lots), then Construction Plans shall be submitted for review for the entire development depicted on the approved Preliminary Plat, unless it can be demonstrated that each project phase complies with the requirements of this Ordinance without being dependent on another part of the development for full compliance. The Applicant shall submit the Construction Plans and applicable review fee prepared by a surveyor or professional engineer licensed and registered to practice in North Carolina. The Construction Plans shall provide the following information meeting the landscaping and infrastructure requirements of Sections 6.4 and 6.6:

1. Approved Preliminary Plat.
2. Watershed Protection Overlay Compliance: Demonstration of compliance with Water Supply Watershed Protection and Falls Watershed Stormwater requirements set forth in Section 6.3.2 and 6.3.3, as applicable.
3. Tract Boundaries & Project Acreage: The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines and adjoining lands, with acreage totals of all tracts and remainder amounts.
4. Stormwater System Plan: Plans for proposed drainage facilities, including location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds or areas where water is to be diverted through grading, including calculations and any other evidence necessary to ensure that the proposed method of drainage is adequate to safeguard property in the County.
5. Grading and Soil and Erosion Control Plan: A Soil and Erosion Control Plan approved by NCDEQ.
6. Roadway Plan and Driveway Permits: Plans and profiles meeting the infrastructure requirements set forth in with accompanying approvals by NCDOT.
7. Utility Plan (if applicable): Plan showing water and sewer system layouts including location of lines, line sizes, location of manholes, pumps, hydrants, fire department water points, force mains or treatment facilities and the connection of the proposed system(s) with existing systems. A typical trench section shall be shown. Letters of approval for the plans for the proposed sanitary sewer and water distribution systems from the appropriate agencies shall be provided.
8. Well and Septic Approval: Written evidence of approval of the proposed well and septic areas by the Person County Health Department or certified soil scientist.

9. Landscaping Plan (if applicable): Plan showing calculations of minimum landscaping required as set forth in Section 6.4 and landscaping provided, identifying the species, number, and location of each plant.
10. Lighting Plan (if applicable): Plan showing the location, height, and design of any proposed lighting, subject to the requirements of Section 6.6.11.
11. US Army Corps of Engineers Approval (if applicable): If a developer 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.
12. Approval Certificates:
    - **Construction Plans Approval Certificate**
      I hereby certify that the construction plans shown hereon have been found to comply with the regulations of the Person County Unified Development Ordinance.
      _____ _____
      Administrator Date
    - **Certificate of NCDOT Approval**
      Department of Transportation - Division of Highways
      Proposed subdivision road construction standards design certification.
      Approved_____ _____
      District Engineer Date

Step 7A & B. Administrator/TRC Review & Approval of Construction Plans

A. The Administrator and the Technical Review Committee shall review the Construction Plans in accordance with the approved Preliminary Plat, any conditions of approval applied to the Preliminary Plat by the Board of Commissioners, and all requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee shall provide comments to the Administrator regarding the proposed development. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer. The developer shall be notified of any deficiencies to be corrected.

C. The developer shall address comments necessary to meet all applicable local, state, and federal requirements and submit a revised plan.

D. If all requirements of this Ordinance have been met and all TRC comments satisfactorily addressed, then the Administrator and NCDOT District Engineer shall sign the approval certifications. The Administrator shall then issue, in writing, a notice to proceed with the installation of improvements for the subdivision.

Step 8. Improvements Installed & Inspected or Guaranteed

A. Following Construction Plan approval, the developer may proceed with the installation of improvements as shown on the approved Construction Plans, and as set forth in Section 6.6 Infrastructure Standards. The installation of improvements and Final Plat shall constitute only that portion of the Preliminary Plat which the Applicant proposes to record and develop at

that time; nevertheless, such portion shall conform to all requirements of this Ordinance as if the entire subdivision were developed.

B. Approval of the Final Plat shall be subject to the developer having installed the required improvements or having guaranteed, to the satisfaction of the County, NCDOT, and utility provider, the installation of said improvements. The County Engineer, NCDOT, NCDEQ, and/or utility provider (as applicable) shall inspect the improvements to ensure compliance with applicable standards prior to approval of the Final Plat. Underground utilities shall be inspected by the utility provider and/or NCDEQ before they are covered. The final coat of asphalt shall not be installed until a minimum of 75% of the homes within the subdivision are constructed.

C. In the event that the required improvements have not been completed prior to the submission of the Final Plat, the developer shall guarantee the completion of the required improvements in a subdivision by means of a bond with surety or other guarantees satisfactory to the County Manager or his/her designee whereby the developer shall agree to complete all required improvements as specified by the approved Preliminary Plat and Construction Plans for that portion of the subdivision to be shown on the Final Plat within one (1) year of Final Plat approval. Once the security required herein is provided, the Final Plat may be approved by the Administrator, if all other requirements of this Ordinance are met. The Administrator shall require a certified cost estimate, at the expense of the developer, from a licensed contractor or engineer for the cost of completion of such improvements. The developer shall provide one (1) of the following guarantees in lieu of installation, in accordance with NCGS § 160D-804.1:
   1. Surety Performance Bond(s): The developer shall obtain a performance bond(s) from a surety bonding company licensed to do business in North Carolina. The bond(s) shall be payable to Person County and shall be made in an amount equal to 125% of the estimated cost;
   2. Letter of Credit: The developer shall secure a letter of credit issued by any financial institution licensed to do business in North Carolina in an amount equal to 125% of the estimated cost; or
   3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

D. The duration of the performance guarantee shall initially be one (1) year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

E. The developer shall have the option to post one type of a performance guarantee as provided for in in Subsection (C), in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this Section.

F. The developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of Person County, and the current

performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in Subsection (C) and shall include the total cost of all incomplete improvements.

G. When the required improvements have been completed the developer shall notify the Administrator. The Administrator shall request comments relative to those improvements from NCDOT, the NCDEQ Soil and Erosion Control and the Person County Health Department, who will notify the Administrator that the improvements have been installed to their satisfaction. The Administrator shall request in writing to the County Manager to release the bond, letter of credit or funds from escrow. When required improvements that are secured by a bond are completed to the specifications of Person County, or are accepted by Person County, if subject to county acceptance, upon request by the developer, Person County shall timely provide written acknowledgement that the required improvements have been completed. In the event of default by the developer, the County Manager is authorized to call for payment of the bond or letter of credit or to release security from escrow and to utilize such funds for the completion of improvements in a manner as determined by the Board of Commissioners.

H. The Administrator or designee will not release nor reduce a performance bond or other guarantee as allowed in Subsection (C) until a licensed North Carolina engineer has submitted a certificate stating that all required improvements have been satisfactorily completed.

I. A performance bond or other guarantee as allowed in Subsection (C) may be reduced proportionally upon the satisfactorily completion of some of the required improvements. Any reduction shall be limited only to that percentage of completion as determined and certified by the Administrator. The reduction shall not exceed 75 percent of the said original bond or guarantee.

PHASE 3: FINAL PLAT REVIEW

Step 9. Applicant Submits Final Plat

A. Following completion or guarantee of improvements, the Applicant may submit the applicable application, fee, and the Final Plat(s). The proposed Final Plat shall conform substantially to the Preliminary Plat and Construction Plans, as approved.

B. Final Plats shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. Final Plats shall conform to the provisions for plats, developments and mapping requirements set forth in NCGS § 47-30 and the Manual of Practice for Land Surveying in North Carolina. Final Plats shall be of a size suitable for recording with the Person County Register of Deeds and shall be at a scale of not less than one inch equals 200-ft. (1”=200’). Maps may be placed on more than one (1) sheet with appropriate match lines.

C. The following submittal requirements may be altered by the Administrator as applicable:
   1. Four (4) full-size paper copies for initial review and two (2) for revisions; and

2. One (1) digital copy in PDF format for initial review and revisions

D. Final Plats shall include the following information:

1. Title Block: Subdivision name, scale denoted graphically and numerically, date of plat preparation, Person County parcel identification number, and township, county and state in which the subdivision is located and the name(s) of the owner(s) and the registered surveyor responsible for the subdivision (including the seal and registration number of the registered surveyor).
2. Vicinity Map and North Arrow: A vicinity map showing the location of the development in relation to the surrounding area.
3. Tract Boundaries & Project Acreage: The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings and the location of intersecting boundary lines and adjoining lands, with acreage totals of all tracts and remainder amounts.
4. Adjoining Property Owners: The names and deed references of owners of adjoining properties and adjoining developments of record (proposed or under review).
5. Zoning and Municipal Limits: Indicate both on and adjacent to the land to be subdivided the location of municipal limits, zoning of property and location of zoning lines if property is located in more than one (1) zone.
6. Setbacks and Building Envelopes: Provide the minimum building setbacks in both table format and on the lot.
7. Location of Improvements: All visible and apparent existing structures, streets, utilities, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.
8. Surveying Data: Sufficient engineering data and datum reference to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line and setback line, including dimensions, bearings or deflection angles, radii, central angles and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
9. Monuments: The accurate locations and descriptions of all monument, markers and control points. All lot corners, all points where street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pins and property corner ties shall be established in accordance with North Carolina Administrative Code, Title 21, § 56, Section 1600, standards of practice for land surveying in North Carolina and NCGS § 47-30 mapping requirements.
10. Lot Numbers: The lots numbered consecutively throughout the entire subdivision or portion to be recorded.
11. Streets: Street names, right-of-way lines of all streets and the location and width of all adjacent streets and easements. Designation shall be made as to whether said streets are to be designated as public or private.
12. Utility and Drainage easements: Locations of water, sanitary sewer and storm drainage easements.
13. Rights-of-Way: The location and dimensions of all rights-of-way, utility or other easements, natural buffers, pedestrian or bicycle paths and areas to be dedicated to public use with the purpose of each stated.

14. Flood Information: The location of the floodway and flood fringe boundaries, if applicable.
15. Open Space: The location of dedicated open space with a note that the land shall not be developed for any purposes other than the designated open space type.
16. Watershed Information subject to Section 6.3.2 and 6.3.3 (if applicable): Provide information on any applicable watershed and limitations on lot size and/or maximum impervious area.
17. Forms of Final Certifications: The following certificates shall be shown on the original and all copies of the Final Plat:
    - **Certificate of Approval of Subdivision Final Plat**
      This subdivision plat has been found to comply with the provisions of the Person County Unified Development Ordinance and is approved this date for recording in the Person County Office of the Register of Deeds.

      _____ _____
      Unified Development Ordinance Administrator Date
    - **Certificate of Ownership and Dedication**
      I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Person County and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

      _____ _____
      Owner Date
    - **Certificate of Survey and Accuracy in Accordance with the Standards and Practice for Land Surveying in North Carolina:**
      On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The Certificate shall include a statement on error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated of the map and a statement included in the certificate revealing the source of the information. The certificate shall take the following general form:

      State of North Carolina, Person County
      I, _____certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page_____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:_____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book_____, Page_____); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____, 20 _____.

      _____
      Professional Land Surveyor
      Official Seal

_____
Registration Number

I, (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____day of _____, 20_____.

_____
Signature of Officer
Official Seal

- **Certificate of Subdivision Type**
  It is the duty of the surveyor to certify to one of the following on the face of the plat:
  1. That the survey creates a subdivision of land within the area of Mineral Springs that is regulated by the Person County Unified Development Ordinance, that regulates the subdivision of parcels of land; or
  2. That the survey is of an existing parcel or parcels of land; or
  3. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
  4. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to the provisions contained in (1) through (3) above.
- **Review Officer Certificate**
  State of North Carolina, County of Person
  I, _____, Review Officer of Person County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

  _____
  Review Officer Date
- **Register of Deeds Certificate**
  State of North Carolina, County of Person
  This instrument was presented for registration and recorded in Map Book_____, Page _____ this _____day of_____, 20___ at _____ (a.m./p.m.)
  _____ By_____
  Register of Deeds Deputy
- **NCDOT Construction Standards Certificate (if applicable)**
  I hereby certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance into the state highway system.
  OR
  I hereby certify that the streets on this plat designated as private do not satisfy the minimum right-of-way and construction standards established by the Board of Transportation and will not be accepted into the state highway system.

  _____

District Engineer Date

- **Certificate of Septic Suitability (if applicable)**
  The Person County Health Department has evaluated each lot shown for its own septic system. As of _____based on conditions noted in soil evaluation ASE#_____, each lot is suitable for a system. This statement does not guarantee that an improvement permit will be issued.
  _____
  Health Department Representative Date
- **Special Flood Hazard Area Note** (Word to represent situation)
  Note: (Part of) this property (does/does not) lie in a Special Flood Hazard Area
  Reference: Floodway Panel #_____ Date:_____ (of Panel)
  (If part of the property is in a Special Flood Hazard Area it shall be shown graphically on the Plat and comply with the Flood Damage Prevention Regulations of Section 6.3.4)
- **Voluntary Agricultural District Statement**
  The following statement shall be placed on all subdivision plats that include lots located within a Voluntary Agricultural District: "These parcels are located within a Voluntary Agricultural District, subject to the Person County Voluntary Agricultural District Ordinance and NCGS § 106-701."
- **Voluntary Agricultural Proximity Statement**
  The following statement shall be placed on all subdivision plats that include lots that are within one-half (1/2) aerial mile of a Voluntary Agricultural District: "These parcels are located within one-half (1/2) mile of property that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NCGS § 106-701 provides some protection for existing agricultural operations against nuisance laws."

Step 10A & B. Administrator/TRC Review of Final Plat

A. The Administrator and the Technical Review Committee shall review the Final Plat in accordance with the approved Preliminary Plat and Construction Plans, requirements of this Ordinance, and any other applicable local, state, or federal requirements.
B. The Technical Review Committee may provide comments to the Administrator regarding the proposed development. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the developer prior to Final Plat approval.
C. The developer shall address comments necessary to meet all applicable local, state, and federal requirements and submit a revised plan.

Step 11. Final Plat Approved

A. If the Final Plat is found to meet all of the applicable regulations of this Ordinance, then the Applicant shall provide the Final Plat printed on mylar suitable for recording at the Person County Register of Deeds. The Administrator shall ensure that all applicable certificates are signed (except the Review Officer and Register of Deeds certificates) and approve the Plat for recordation at the Person County Register of Deeds.
B. Pursuant to NCGS § 160D-806, the approval of a Final Plat pursuant to regulations adopted herein shall not be deemed to constitute or effect the acceptance by the County, a

governmental unit or a public body of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

Step 12. Final Plat Recorded at the Register of Deeds

A. Following approval, the Applicant shall obtain Person County Review Officer approval and record the Plat at the Person County Register of Deeds within thirty (30) calendar days of the date of approval. Otherwise, said plat shall be void and may be subjected to the entire review process.
B. Following recordation of the Plat, the appropriate Zoning Permit process in Section 3.2 shall be followed for any construction or establishment of uses on individual lots.

4.3.7 Resubdivision Procedures

For any re-platting or re-subdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision except that lot sizes may be varied on an approved plat after recording, provided that:

A. No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat;
B. Drainage, easements or rights of way shall not be changed;
C. Street alignment and block sizes shall not be changed;
D. The rear portion of lots shall not be subdivided from the front part; and
E. The character of the area shall be maintained.

4.3.8 Modifications & Variations

A. This section applies development where special design considerations require modification from traditional standards for residential development. The requirements of Section 6.6 Infrastructure standards may be modified by the Board of Commissioners upon the recommendation of the Planning Board, for proposed developments that have an alternate design if the Board finds that design provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. The Board of Commissioners may impose such conditions necessary to ensure adequate design and development.
B. Where**,** because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining unnecessary hardship), the Applicant may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the Board of Commissioners with recommendation and rationale for approval or disapproval. Any variation thus authorized by the Board of Commissioners required to be entered in writing in the minutes of the Board of Commissioners and the reasoning on which the departure was justified shall be set forth.
C. When acting upon approval of a subdivision that is requesting either a modification or variation, the Board of Commissioners shall act as a Board of Adjustment in accordance with the quasi-judicial procedures set forth in Section 4.4.

4.3.9 Disclosure of Subdivision Road Status

All streets within the subdivision regulation jurisdiction of Person County shall have a public or private designation and comply with either the minimum construction standards for secondary roads as required by the North Carolina Division of Highways for public roads or with minimum construction standards of private subdivision roads as specified in Section 6.6.3. However, the County encourages the Applicant to use the public designation and give careful consideration to the design of streets in accordance with those standards provided by NCDOT.

4.3.10 Filing of Plats

The Register of Deeds shall not file or record a plat of a subdivision located within the jurisdiction of Person County without the approval of the subdivision of the Administrator, as required in this Ordinance, except for plats dated prior to March 9, 1981. All approved Final Plats shall be recorded by the Register of Deeds. The property owner/developer shall remit to Person County such recordation fees in addition to review fees, before the Final Plat is recorded. The filing or recording of a plat or subdivision without the approval of the Administrator as required by this Ordinance, shall be null and void.

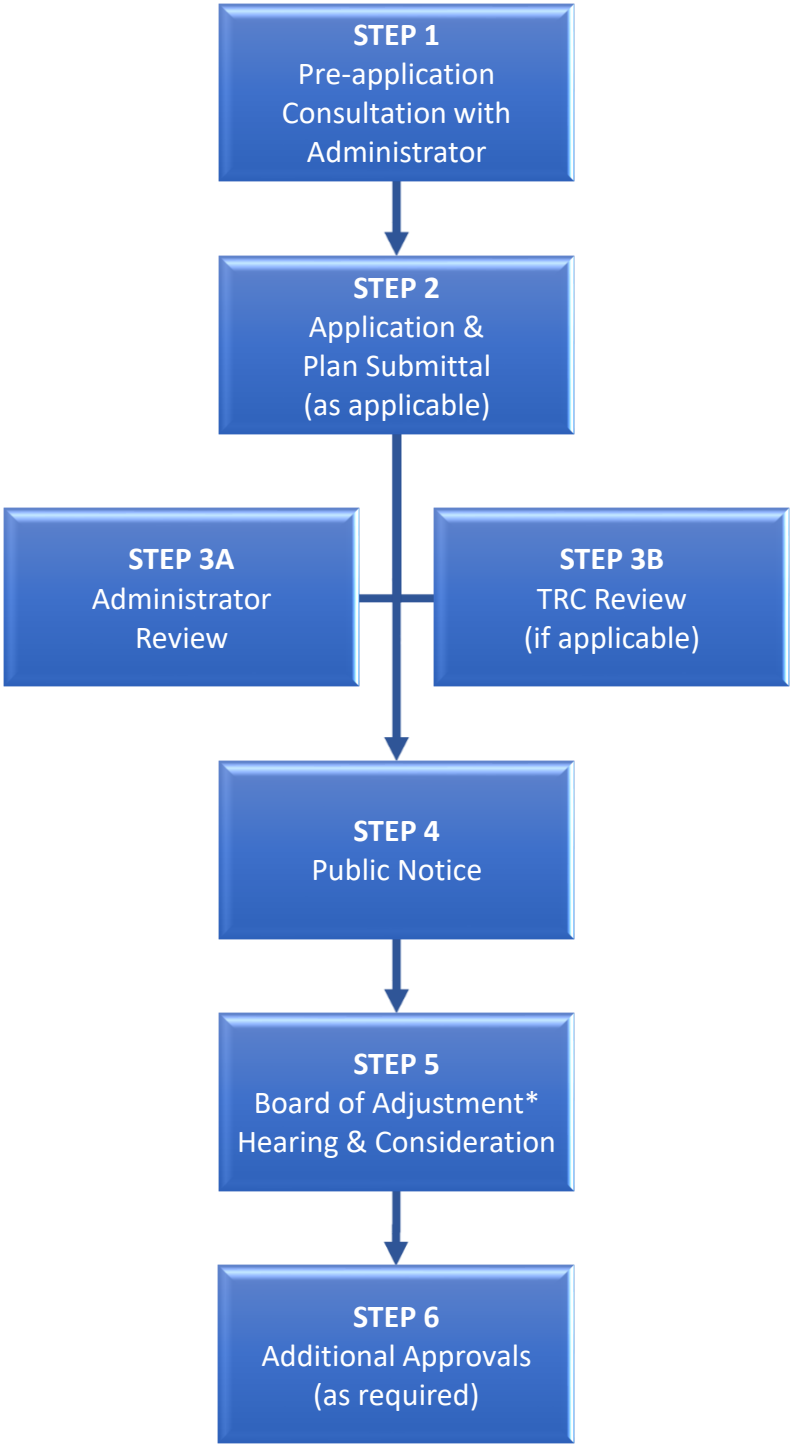
4.3.11 Appeals

Appeals of administrative decisions under the Subdivision regulations shall be heard by the Board of Adjustment. Appeal petitions shall be submitted in accordance with the quasi-judicial procedures of Section 4.4. Subject to NCGS § 160D-1403, appeals from quasi-judicial decisions regarding subdivisions shall be heard the Superior Court by a proceeding in the nature of certiorari.

4.4 QUASI-JUDICIAL PROCEDURES

The procedures of this section shall apply to all quasi-judicial proceedings including Variances, Appeals, Special Use Permits, Subdivision Modifications, and Variations, subject to NCGS § 160D-405, 160D-406, and 160D-705.

4.4.1 General Procedures



*or Board of Commissioners acting as a Board of Adjustment

Step 1. Pre-application Consultation with Administrator

A. To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation

between the Applicant and the Administrator concerning the application of this Ordinance is required.

B. Before submitting an application for a Variance, Special Use Permit, or Certificate of Nonconformity Adjustment, the Applicant shall submit to the Administrator a Sketch Plan. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the Applicant or their authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

Step 2. Application & Plan Submittal

A. The Applicant shall file a complete application on a prescribed form with the Administrator with an applicable plan and fee set forth in the schedule of fees.

B. Quasi-judicial requests that involve new construction or expansions shall be accompanied by a Plot Plan or Site Plan, as applicable below:

1. No development plan is required for the following permit types:
   - Change of Use

   However, the minimum number of parking spaces for the proposed use shall be in place in accordance with Section 6.5 and that solid waste receptacles shall be screened in accordance with Section 6.4.9. Additionally, the Board of Adjustment may require additional landscaping and screening as needed to meet required findings.
2. Plot Plans (in accordance with Section 4.2.4) shall be submitted with the application for the following permit types:
   - Single-family residential on individual lot
   - Two-family residential (duplex) on individual lot
   - Accessory structures
   - Non-residential expansions of less than 20% gross floor area, less than 20% impervious area expansion, less than 20,000 SF of additional impervious area (cumulative), and less than one (1) acre of disturbed area
3. Site Plans (in accordance with Section 4.2.5) shall be submitted with the application for the following permit types:
   - New multi-family residential
   - New non-residential development
   - Non-residential expansions of 25% or greater gross floor area, 25% or greater impervious area expansion, 20,000 SF or greater of additional impervious area (cumulative), and one (1) acre or greater of disturbed area

Step 3A & B. Administrator & TRC Review

A. The Administrator shall review the application in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee (TRC) shall provide comments to the Administrator regarding the application. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the Applicant.

C. The Applicant shall address comments necessary to meet all applicable local, state, and federal requirements and submit a revised plan.

Step 4. Public Notice

A. 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; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten (10) calendar days, but not more than twenty-five (25) calendar days, prior to the date of the hearing.

B. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement.

C. 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.

Step 5. Board of Adjustment Hearing & Consideration

A. Board

For the purposes of this Section, “Board” shall refer to the Board of Adjustment for Appeals and Variances. “Board” shall refer to the Board of Commissioners acting as a Board of Adjustment for Special Use Permits and Modifications & Variations for Major Subdivisions.

B. Administrative Materials

The Administrator or staff to the Board 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.

C. Presentation of Evidence

The Applicant, the local government, 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. 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, inclusion of non-evidentiary information, 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.

D. Oaths

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.

E. Subpoenas

The Board making a quasi-judicial decision under this Section 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 local government, 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 or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

F. Voting

The concurring vote of four-fifths (4/5) of the Board shall be necessary to grant a Variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under NCGS § 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

G. Decisions

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 decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Subject to NCGS § 160D-406 (d), every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record, and not on non-evidentiary information. 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. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board or such other office or official as the development regulation specifies. 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 local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

H. Judicial Review
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 or NCGS § 160D-1403, as applicable. Appeals shall be filed within the times specified in NCGS § 160D-1405(d).

Step 6. Additional Approvals (As Required)

Following a quasi-judicial approval by the Board of Adjustment, the Applicant may need to obtain additional approvals which may include additional approvals, such as Zoning Permits or Building Permits, before work may begin.

4.4.2 Appeals Provisions

In addition to the provisions of this Section, all Appeals shall follow the quasi-judicial procedures set forth in Section 4.4.

4.4.2.1 Appeals in Nature of Certiorari

A. When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in NCGS § 160D-1402(j).
B. Except as provided in NCGS § 160D-1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the Board of Adjustment.
C. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

4.4.2.2 Standing

Any person who has legal standing under NCGS § 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or such other local government official as designated by ordinance. The notice of appeal shall state the grounds for the appeal.

4.4.2.3 Time to Appeal

The owner or other party has thirty (30) calendar days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has thirty (30) calendar days from receipt from any source of actual or constructive notice of the determination 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 is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

4.4.2.4 Record of Decision

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

4.4.2.5 Stays of Enforcement Action

A. An appeal of a notice of violation or other enforcement order 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 official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within fifteen (15) calendar days after the request is filed.
B. 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 development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government 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.

4.4.2.6 Alternative Dispute Resolution

The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

4.4.2.7 No Estoppel

NCGS § 160D-1403.2, limiting a local government's use of the defense of estoppel, applies to proceedings under this section.

4.4.3 Variance Provisions

In addition to the provisions of this Section, all Variances shall follow the quasi-judicial procedures set forth in Section 4.4.

4.4.3.1 Purpose & Findings-of-Fact

A. 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 zoning regulation upon a showing all of the following:

1. 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.
2. 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.
3. The hardship did not result from actions taken by the Applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. 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.

B. A Variance shall not result in a change of permitted uses within a zoning district.

4.4.3.2 Conditions

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

4.4.3.3 Watershed Variances

The Board of Adjustment shall also serve as the Watershed Review Board and hear request for Variances from watershed requirements as set forth in Section 6.3.2 and 6.3.3.

4.4.4 Special Use Permit Provisions

In addition to the provisions of this Section, all Special Use shall follow the quasi-judicial procedures set forth in Section 4.4 and be heard by the Board of Commissioners acting as a Board of Adjustment.

4.4.4.1 Purpose & Findings-of-Fact

A. Special uses are land uses which in some circumstances may be compatible with and desirable in the districts in which they are designed as special uses, but they may also have characteristics which could have detrimental effects on adjacent properties if not properly designed and controlled. Special uses add flexibility to the Unified Development Ordinance. By means of controls exercised through the Special Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties. Special uses are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as special uses in a zoning district, as set forth in Section 5.4 of this Ordinance, shall be authorized by the Board of Commissioners.

B. Uses permitted subject to special use review criteria shall be permitted only after review and approval by the Board of Adjustment only if the Applicant demonstrates that:
   1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
   2. That the use meets all required conditions and specifications;
   3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
   4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

C. The findings of fact and conclusions of law shall be established in writing upon the Board's determination. This document shall be approved by the Board and signed by the chair or other duly authorized member of the Board.

4.4.4.2 Conditions

A. In granting the permit, the Board of Commissioners may designate such conditions, in addition and in connection therewith, as well, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original Applicants for the Special Use Permits, their heirs, successors and assigns.

B. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government. All conditions shall be consented to in writing by the property owner.

C. In addition to the specific conditions imposed by the regulations in this Article and whatever additional conditions the Commissioners deem reasonable and appropriate, special uses shall comply with the height, yard, area and parking regulations for the use district in which they are permitted unless otherwise specified.

4.4.4.3 Scope of Approval

A. Subject to NCGS § 160D-406 (j), a quasi-judicial decision is effective upon filing the written decision with the clerk to the Board or such other office or official. The decision of the Board 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.

B. Approval of a Special Use Permit does not authorize any development activity. The approval of a Special Use Permit shall authorize the Applicant to apply for final Site Plan and Zoning Permit approval pursuant to Section 4.2 of this Ordinance, as applicable. Any Special Use Permit approval shall become null and void if a required Site Plan and Zoning Permit is not approved within one (1) year after the date of the approval.

4.4.4.4 Modifications to Special Use Permits

The Administrator may approve minor changes to Special Use Permit plans approved by the Board of Commissioners if with such minor changes the development remains substantially consistent with the Board's approval and with all other provisions of this Ordinance and applicable rules and regulations. The Administrator may not approve changes that would constitute a major change of or modification to a Special Use Permit. Any change which would require findings of fact or evidence in addition to those in the record of the public hearing for the original Special Use Permit, or subsequent modifications, if any, shall be deemed a major modification of the Special Use Permit. By way of example, but not of limitation, any of the following shall constitute a major modification requiring an application to be resubmitted in accordance with applicable ordinance provisions:

1. Significant changes in the zoning lot's boundaries, unless the purposes of this Ordinance or of the County's plan for the comprehensive development of the area within which the lot is located are satisfied to an equivalent or greater degree. Substantial change in the boundaries of the site if public purposes are not satisfied to an equivalent or greater degree;
2. A change from the use approved;
3. Significant changes in the location of principal and/or accessory structures and/or uses;
4. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown the plan;
5. Significant changes in pedestrian or vehicular access or circulation; and
6. Significant change in the amount or location of required landscape screening if an alternate proposal does not provide the same or greater degree.

4.5 LEGISLATIVE PROCEDURES

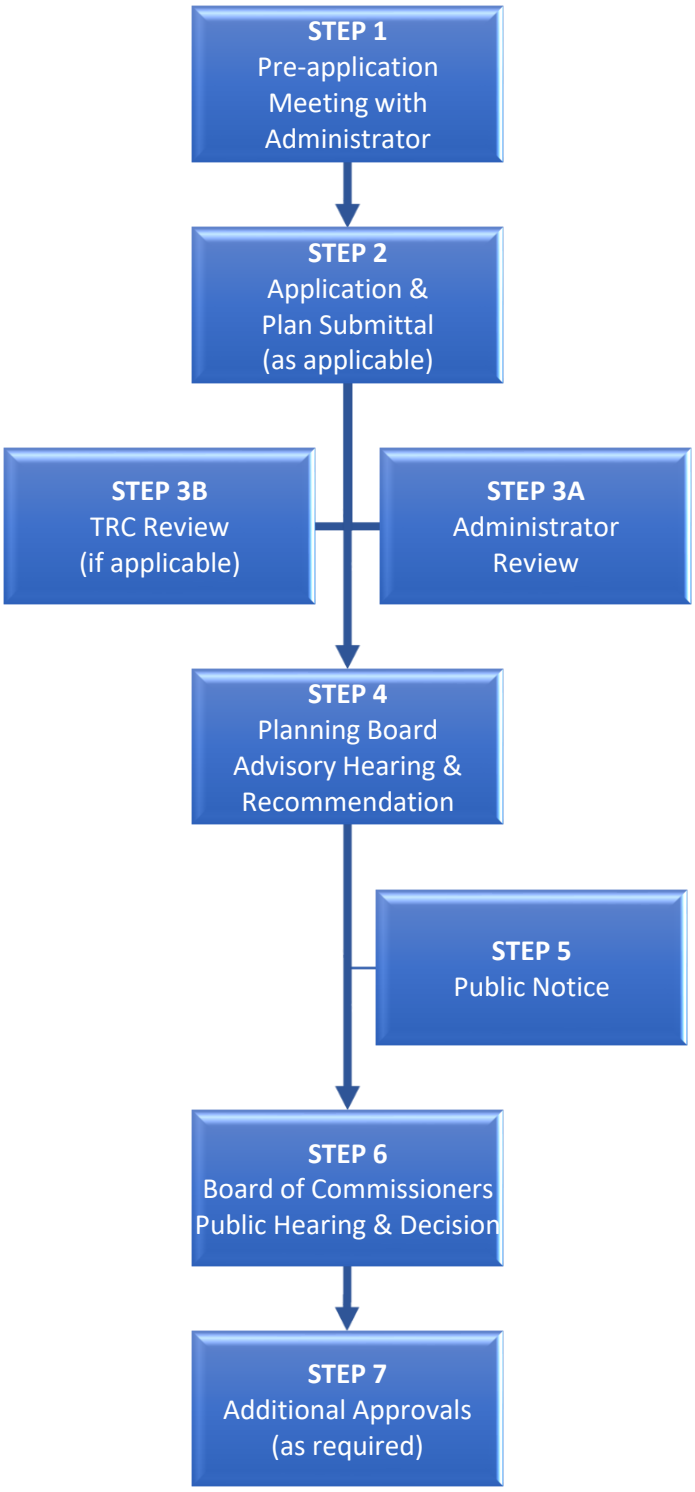
The procedures of this section shall apply to all legislative proceedings including Official Zoning Map Amendments, Ordinance Text Amendments, Development Agreements, and Vested Rights for site-specific vesting plans, subject to NCGS § 160D-601 and § 160D-108.1.

Step 1. Pre-Application Meeting with Administrator

A. To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, a pre-application meeting between the Applicant and the Administrator concerning the application of this Ordinance is required.

B. Before submitting an application for a Conditional Zoning District, Vested Right, or Development Agreement, the Applicant shall submit to the Administrator a Sketch Plan. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the Applicant or their authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

4.5.1 General Procedures



STEP 2. Application & Plan Submittal

A. The Board of Commissioners may, at any time, amend, supplement, change, modify or repeal the zoning boundaries or regulations in this Ordinance, or subsequently amended. Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by one or more owners, optionees or lessees of property within the area proposed to be changed or affected. This may be done in accordance with the provisions of this section.

B. For amendments, the Applicant shall file a complete application on a prescribed form with the Administrator. Applications to amend this Ordinance or the Official Zoning Map shall be submitted to the Planning & Zoning Department for review according to the adopted Planning Board and Board of Commissioners yearly schedule. The petition shall include the following:
   1. For Amendments to the Official Zoning Map, a map drawn to scale showing the exterior boundaries of the lot(s) which will be covered by the proposed map amendment;
   2. For amendments to the text of this Ordinance, a copy of the existing text provisions which the Applicant proposes for amendment, and a written statement which describes in detail changes the Applicant proposes to make to the text of the Ordinance;
   3. The alleged error in the Official Zoning Map and/or Ordinance Text which will be corrected by the proposed amendment with a detailed explanation of such and detailed reasons how the proposed amendment will correct the same;
   4. The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Official Zoning Map and/or Ordinance Text Amendment reasonable and necessary to the promotion of the public health, safety and general welfare;
   5. The manner in which the proposed Official Zoning Map and/or Ordinance Text Amendment will carry out the intent and purpose of the Comprehensive Plan or part thereof; and
   6. All other circumstances, factors and reasons which the Applicant offers in support of the proposed Official Zoning Map and/or Ordinance Text Amendment.

C. Each petition, unless initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or staff, shall be accompanied by a fee to defray the cost of advertising and other administrative costs involved.

D. Applications for Conditional Zoning Districts, Vested Rights, or Development Agreements shall be submitted simultaneously with a site-specific plan, as applicable.

E. In accordance with NCGS § 160D-601(d), 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 the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
   1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
   2. By reducing the permitted uses of the land that are specified this Unified Development Ordinance to fewer uses than were allowed under its previous usage.

STEP 3A & B. Administrator & TRC Review

A. The Administrator shall review the application in accordance with the requirements of this Ordinance and any other applicable local, state, or federal requirements.

B. The Technical Review Committee (TRC) shall provide comments to the Administrator regarding the application for Map Amendments, Conservation Developments, Conditional Zoning Districts, Vested Rights, and Development Agreements. It shall be the responsibility of the Administrator to ensure that the comments are communicated to and addressed by the Applicant. The Applicant shall address comments necessary to meet all applicable local, state, and federal requirements and submit a revised plan.

STEP 4. Planning Board Advisory Hearing & Recommendation

A. The Planning Board shall hold an advisory hearing at its meeting regarding the request and may hear from anyone present regarding the request.

B. In accordance with NCGS § 160D-604(d), when conducting a review of proposed zoning text or map amendments pursuant to this section, the Planning Board shall advise and comment on whether the proposed action is consistent with the County's Comprehensive Plan that has been adopted. 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, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

C. In accordance with NCGS § 160D-605, when reviewing any Ordinance Text Amendment or Zoning Map Amendment, the Planning Board shall approve a brief statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan and a brief statement of reasonableness. The statement of reasonableness and plan consistency required in this section may be approved as a single statement. Board members may adopt this statement when acting upon the zoning text or map amendment or as a separate motion.

D. The Planning Board shall have thirty (30) calendar days within which to submit its recommendation to the Board of Commissioners. If no written report is received from the Planning Board within thirty (30) calendar days, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of Commissioners is not bound by the recommendation, if any, of the Planning Board.

STEP 5. Public Notice

A. For all legislative requests outlined in this Section, a notice of the hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) calendar days nor more than twenty-five (25) calendar days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

B. For Zoning Map Amendments, Vested Rights, and Development Agreements, the owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing regarding the proposed request 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 ten (10) calendar days, but not more than twenty-five (25) calendar days, prior to the date of the hearing. Additionally, the County shall cause a notice of the hearing to be prominently posted on the site proposed for the request 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 request, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

STEP 6. Board of Commissioners Public Hearing & Consideration

A. The Board of Commissioners shall hold a legislative public hearing at a meeting in accordance with that year's adopted schedule.

B. In accordance with NCGS § 160D-605(a), when adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted Comprehensive Plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning map amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS § 160D-602(b), the Board of Commissioners 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 action taken.

C. In accordance with NCGS § 160D-605(b), 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 qualifies as a "large-scale rezoning" under NCGS § 160D-602(b), the Board of Commissioners statement on reasonableness may address the overall rezoning. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

D. A simple majority vote of the Board of Commissioners shall be the required minimum to amend this Ordinance when recommendation from the Planning Board is received.

STEP 7. Additional Approvals (As Applicable)

A legislative approval does not authorize any development activity. Additional approvals of Zoning Permits as set forth in Section 4.2 or Subdivisions as set forth in Section 4.3 may apply.

4.5.2 Ordinance Text Amendment Provisions

A. The procedures for Section 4.5.1 Legislative Hearings shall be followed.
B. In accordance with NCGS § 160D-601, a development regulation shall be adopted by ordinance.

4.5.3 Zoning Map Amendment Provisions

A. The procedures for Section 4.5.1 Legislative Hearings shall be followed.
B. Conditional District Zoning Map Amendments shall follow the additional provisions of Section 4.5.4.
C. Following approval of a Zoning Map Amendment, the Administrator shall cause the Official Zoning Map to be updated to reflect the Amendment.

4.5.4 Conditional District Provisions

4.5.4.1 Purpose & Authority

A. Conditional Districts (CD) provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site-specific impact on surrounding areas. Uses which may be considered for a conditional zoning district are restricted to those uses permitted in the corresponding general zoning district. Conditional Districts are established on an individualized basis, only in response to a petition by the owners of all the property to be included. Zoning of a Conditional District is not intended for securing early or speculative reclassification of property. The zoning regulations for a Conditional District shall be recorded in an executed Development Agreement.
B. Conditional Districts are authorized by NCGS § 160D-703.

4.5.4.2 Procedures

A. The procedures for Section 4.5.1 Legislative Hearing shall be followed.
B. Applications for Conditional District (CD) rezoning approval shall be filed with the Administrator in the manner as set forth in Section 4.5.1. Property may be placed in a Conditional District only in response to a petition by all owners of the property to be included, or their authorized agents.
C. The Applicant shall submit an application for a CD rezoning and a Site Plan or Major Subdivision Preliminary Plat, as forth in Sections 4.2 and 4.3 respectively.
D. The Applicant shall describe the exact land use(s) proposed for the CD rezoning. Such use(s) may be selected from any of the uses, whether permitted by right or conditional, allowed in the general zoning district upon which the CD rezoning is based. The Applicant may also submit any other conditions limiting the type, scope or intensity of development or use of the subject property for consideration by the Board of Commissioners.

4.5.4.3 Permitted Uses & Conditions

A. Within a Conditional District (CD), only those uses permitted by the zoning district with which the "CD" district corresponds shall be permitted.
B. The Board of Commissioners may also impose additional reasonable and appropriate

safeguards to serve the purpose and intent of this Chapter, public welfare, and justice. In the event of a "CD" rezoning, the final major Site Plan is itself a condition of the rezoning. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS § 160D-702(b), driveway-related improvements in excess of those allowed in NCGS § 136-18(29) and NCGS § 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to NCGS § 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

4.5.4.4 Modifications of Conditional Districts

A. The Administrator may approve minor changes to final plans approved by the Board of Commissioners if with such minor changes the development remains substantially consistent with the Board's approval and with all other provisions of this Ordinance and applicable rules and regulations. The Administrator may not approve changes that would constitute a major change of or modification to a CD-Rezoning. By way of example, but not of limitation, any of the following shall constitute a major modification requiring an application to be resubmitted in accordance with applicable ordinance provisions:
   1. A change from the use approved; or
   2. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown the plan.
B. Subject to NCGS § 160D-703, if multiple parcels of land are subject to a Conditional 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 shall only be applicable to those properties whose owners petition for the modification.

4.5.5 Vested Rights with a Site-Specific Plan Provisions

4.5.5.1 Purpose & Authority

As authorized under NCGS § 160-108.1, an Applicant may obtain the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan. Only approved special uses, permitted uses and approved phased developments may be granted a vested right under this section. Vested right status shall guarantee the right to develop according to the provisions of the approved site-specific vesting plan for no less than two (2) years and no more than five (5) years. Site specific vesting

plans can take the form of a Subdivision Preliminary Plan, a Site Plan, a Special Use Permit Site Plan, a Conditional District plan, or any other development approval.

4.5.5.2 Procedures

A. The procedures for Section 4.5.1 Legislative Hearing shall be followed, except that applications for vested rights related to Special Use Permits do not require Planning Board Review and Recommendation. In addition to requirements of Section 4.5.1, Vested Rights requests shall include a site-specific plan as prescribed in NCGS § 160D.108.1 (a). A site-specific vesting plan consists of a plan submitted to a local government in which the Applicant requests vesting pursuant to this section, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals:
   1. Site Plan
   2. Major Subdivision Preliminary Plat
   3. Special Use Permit Site Plan
   4. Conditional District Site Plan or Subdivision Preliminary Plat

B. The site-specific plan shall include:
   1. The Person County Parcel Number;
   2. The approximate boundaries of the site;
   3. Significant topographical and other natural features affecting development of the site;
   4. The approximate location on the site of the proposed buildings, structures, and other improvements;
   5. The approximate dimensions, including height, of the proposed buildings and other structures; and
   6. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

C. 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. If a Sketch Plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

4.5.5.3 Effect of Approval

A. A Vested Right obtained under this section is not a personal right, but shall attach to and run with the applicable property. Approval from the Board of Commissioners shall result in a vested right, although failure to abide by such terms and conditions, in addition to applicable local development regulations, will result in a forfeiture of vested rights.

B. The establishment of a vested right under an approved site-specific vesting plan shall not preclude the application of ordinances or regulations that are general in nature, are applicable to all property in the county subject to land use regulation, and have no effect on the allowable type or intensity of use for the subject property. Otherwise, applicable new or amended regulations shall become effective for the subject property upon the expiration or termination of the vested right.

4.5.5.4 Continuing Review

Following approval or conditional approval of a vested right, Person County may make subsequent reviews and require approvals by the county to ensure compliance with the terms and conditions of the original approval, provided that such reviews are not inconsistent with the original approval.

4.5.5.5 Modification of Vested Rights Approval

The Administrator may approve minor changes to site-specific vesting plans approved by the Board of Commissioners if with such minor changes the development remains substantially consistent with the Board's approval and with all other provisions of this Ordinance and applicable rules and regulations. The Administrator may not approve changes that would constitute a major change of or modification to an approved site-specific vesting plan. By way of example, but not of limitation, any of the following shall constitute a major modification requiring an application to be resubmitted in accordance with applicable ordinance provisions:

A. Significant changes in the zoning lot's boundaries, unless the purposes of this Ordinance or of the County's plan for the comprehensive development of the area within which the lot is located are satisfied to an equivalent or greater degree. Substantial change in the boundaries of the site if public purposes are not satisfied to an equivalent or greater degree or a change from the use approved;
B. Significant changes in the location of principal and/or accessory structures and/or uses;
C. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown the plan;
D. Significant changes in pedestrian or vehicular access or circulation;
E. Significant change in the amount or location of required landscape screening if an alternate proposal does not provide the same or greater degree.

4.5.5.6 Termination of a Vested Right

A vested right established by an approved site-specific vesting plan shall terminate:

A. At the end of the applicable vesting period in respect to buildings and uses for which no valid building permit application has been filed;
B. With the written consent of the Applicant and/or landowner;
C. Upon findings by the Commissioners, alter a public hearing in which reasonable notice and advertisement are given, that natural or man-made hazards at or near 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 originally approved in the site-specific vesting plan;
D. Upon payment to the affected Applicant and/or landowner of compensation for all costs, expenses and other losses incurred by the same including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Board. Compensation shall not include any diminution in the value of the subject property;
B. Upon findings by the Commissioners, after a public hearing in which reasonable notice and advertisement are given, that the landowner, his successors, or any representatives

intentionally supplied inaccurate information or made material misrepresentations which after the original approval of the Commissioners of the site-specific vesting plan; or

C. Upon changes in state or federal law or regulation that preclude the proposed use or development project as originally approved in the site-specific vesting plan. The owner and/or Applicant shall have the opportunity in this instance to submit appropriate applicable modifications to the original site-specific vesting plan.

4.5.6 Development Agreement Provisions

4.5.6.1 Purpose & Authority

A. Development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources. Such developments often create community impacts and opportunities that are difficult to accommodate within traditional zoning processes. Development Agreements are used to better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs.

B. Person County may enter into Development Agreements with a developer of property, subject to the procedures of this Ordinance and NCGS § 160D, Article 10.

4.5.6.2 Procedures

A. The procedures for Section 4.5.1 Legislative Hearing shall be followed.

B. Applications for Development Agreements shall be filed with the Administrator in the manner as set forth in Section 4.5.1. Property may be placed in a Conditional District only in response to a petition by all owners of the property to be included, or their authorized agents. In addition to the application, plan and fee prescribed in Section 4.5.1, Development Agreements shall include the following information:

1. A description of the property subject to the agreement and the names of its legal and equitable property owners.
2. The duration of the agreement.
3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
4. Development schedule including commencement dates and interim completion dates at no greater than five (5)-year intervals.
5. If applicable, the following:
   a. A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the Development Agreement provides that the local government shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards). The developer and local government may, through negotiation, agree to the provision of and cost-sharing

for public facilities and other amenities related to development provided that any impact mitigation measures offered by the developer beyond those that could be required by the local government pursuant to NCGS § 160D-804 shall be expressly enumerated within the agreement, and provided the agreement may Snot include a tax or impact fee not otherwise authorized by law.

b. A description of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.
c. A description of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare of its citizens.
d. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
e. If more than one local government is involved in the Development Agreement, the agreement must specify which government is responsible for overall administration of the agreement.

4.5.6.3 Recordation

Following approval from the Board of Commissioners, the Development Agreement must be recorded with the Register of Deeds by the developer within fourteen (14) calendar days after Person County and the developer execute an approved Development Agreement (N.C.G.S. 160D-1011). No development approvals may be issued until the Development Agreement has been recorded. The agreement is binding on all successors in interest to the parties of the agreement, including subsequent purchasers of the land.

4.5.6.4 Periodic Review

Planning & Zoning Department staff must undertake periodic review of the project to verify compliance with the recorded agreement.

4.5.6.5 Amendments to Development Agreements

Parties can modify or cancel the agreement at any time by mutual consent. Any major modification to a Development Agreement requires the same notice and hearing as required for initial approval. Local ordinances in effect at the time of the agreement are to remain in effect for the life of the agreement unless subsequent enacted local ordinances and ordinance amendments can be applied for on the same grounds applicable to permissible mandated amendments of site-specific vesting plan. The following are changes that may be the basis of such modification:

A. Changes that have either landowner approval in writing or that make the landowner financially whole (compensated for the full cost of the change).
B. When there have been either inaccurate or material misrepresentations in the application of there are emergent serious threats to public health, safety, or welfare. If the agreement is to be amended or revoked, this must be established by notice or hearing.
C. Enactment of general regulations not aimed specifically at the property that impose additional requirements, but do not affect the type or intensity or the use at the site.

4.5.6.6 Breach of Development Agreements

If a developer has breached the recorded Development Agreement, the Planning & Zoning Department must notify the developer in writing within a reasonable time the notice of the breach, evidence supporting the finding and determination, and provide reasonable time to correct the breach. If the breach is not remedied, Person County may terminate or modify the agreement. Appeals may be filed with the Board of Adjustment in accordance with the process for hearing and submitting appeals. Failure to meet a commencement or completion date set forth in the Development Agreement shall not, in and of itself, constitute a material breach of the Development Agreement, but must be judged based upon the totality of the circumstances.

4.5.6.7 Subsequent Development Agreements

Parties are not precluded from entering into subsequent Development Agreements that may extend the original duration period.

4.5.6.8 Development Agreements & Other Regulation Approvals

Development Agreements may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the Development Agreement. If incorporated into a Conditional District, the provisions of the Development Agreement shall be treated as a development regulation in the event of the developer's bankruptcy. A Development Agreement may be concurrently considered with and incorporate by reference a Preliminary Plat required under a subdivision regulation or a Site Plan or other development approval required under a zoning regulation.

ARTICLE 5. ZONING DISTRICTS & USES

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5.1 PURPOSE

The purpose of this Article is to divide the jurisdiction of Person County into districts as set forth in NCGS § 160D-703, to carry out the purposes of this Ordinance as set forth in Section 1.2.

5.2 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the location of certain boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerline of streets, highways, alleys, streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
B. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
D. Where physical and cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (C) above, the Board of Adjustment shall interpret the district boundaries.
E. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 250-ft. beyond the district line into the remaining portion of the lot.

5.3 BASE ZONING DISTRICTS

The following base zoning districts are hereby established:

5.3.1 RC – Rural Conservation District

The purpose of this district to promote the protection of agricultural lands and natural resources while allowing low density residential development. Conservation subdivisions, which permit the clustering of residential development while setting aside land for preservation, are encouraged in the RC district. This district also permits neighborhood-scale commercial development at, and within 1,000-ft. of, intersections of major and minor thoroughfares. Agricultural and agricultural-support uses, along with other typical rural commercial enterprises are permitted throughout this district. This district is also the most appropriate district for properties within the Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts as set forth be the Person County Farmland Preservation Ordinance.

5.3.2 R – Residential District

The purpose of this district is to provide for single-family residential uses and compatible development.

5.3.3 NB – Neighborhood Business District (formerly B-2)

The purpose of this district shall be to provide for small clusters of retail service and other commercial development which would be compatible with nearby residential areas.

5.3.4 HB – Highway Business District (formerly B-1)

The purpose of this district shall be to provide for commercial and light industrial development which operate in a relative quiet, clean and non-noxious manner.

5.3.5 GI – General Industrial District

The purpose of this district shall be to provide suitable locations for wholesale, distribution, warehousing, fabrication, and processing of both light and heavy industrial production.

5.4 CONDITIONAL DISTRICTS

5.4.1 Purpose & Authority

A. Conditional Districts (CD) provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site-specific impact on surrounding areas. Uses which may be considered for a Conditional District are restricted to those uses permitted in the corresponding Base Zoning District. Conditional Districts are established on an individualized basis, only in response to a petition by the owners of all the property to be included. Zoning of a Conditional District is not intended for securing early or speculative reclassification of property.
B. Conditional Districts are authorized by NCGS § 160D-703.

5.4.2 Conditional Districts Established

Just as there are five (5) Base Zoning Districts, there are five (5) corresponding Conditional Districts:

A. CD-RC Rural Conservation Conditional District
B. CD-R Residential Conditional District
C. CD-NB Neighborhood Business Conditional District (formerly CD-B-2)
D. CD-HB Highway Business Conditional District (formerly CD-B-1)
E. CD-GI General Industrial Conditional District

5.4.3 Procedures

A. Conditional Districts shall be approved in accordance with the process outlined in Section 4.5.4.
B. All regulations which apply to a Base Zoning District also apply to the Conditional District. All other regulations which may be offered by the property owner and approved by Person County as part of the rezoning process, shall also apply.

5.5 OVERLAY DISTRICTS

The provisions for each Overlay District set forth herein shall apply in addition to the requirements for any Base Zoning District or Conditional District.

5.5.1 Airport Overlay (AP-O)

5.5.1.1 Purpose

A. The purpose of this Overlay District shall be to establish land use regulations for areas adjacent to the Raleigh Regional Airport at Person County (herein known as the Person County Airport.

B. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Person County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Person County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Person County Airport and the public investment therein. Accordingly, it is declared:

   1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Person County Airport;
   2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
   3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of statutory authority without compensation.

5.5.1.2 Airport Zones

In order to carry out the provisions of this Section, there are hereby created and established a certain control zone which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Person County Airport. Such zones are shown on the Person County Airport Overlay District Map dated May, 1988. This map, along with a full description of each zone and the height limitations associated with each zone, is hereby made part of this Ordinance and is located on the Person County Geographic Information System (GIS). This map may be amended as, needed, to be current with any changes on the airport property. An area located in more than one (1) of the zones is considered to be only in the zone with the more restrictive height limitation.

5.5.1.3 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be planted to grow or property use permitted in any zoning district created by this Ordinance that interferes and alters an FAA-regulated approach slope or 50-ft.; whichever is greater. The height restrictions supersede any other height restrictions in this Ordinance.

5.5.1.4 Airport Noise Exposure Zone

A. The Airport Noise Exposure Zone in the AP-O regulates land uses in the vicinity of the Person County Airport by determining the yearly day-night average sound levels and identifying land uses that are normally compatible with various levels of noise

exposure. The Noise Exposure Zone shall have a Base Zoning District of General Industrial (GI), which will allow for compatible uses around the Airport.

B. The Airport Noise Exposure Zone in the AP-O regulates the area surrounding the Airport that has noise levels that may exceed 65 Ldn, as shown on the Person County Airport Overlay District Map.

C. Where such permitted uses are located within the seventy (70) Ldn or above contour noise boundary, measures to achieve Noise Level Reduction (NLR) of at least 25 dB and 30 dB shall be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

5.5.1.5 Use Restrictions

A. The following uses shall not be permitted in the AP-O:
   1. Churches and religious institutions
   2. Day care center
   3. Dwellings, single-family and two-family
   4. Manufactured homes
   5. Funeral homes
   6. Assembly uses
   7. Shooting ranges
   8. Landfills
   9. Electrical facilities

B. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance 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.

5.5.1.6 Non-Conforming Uses

A. The regulations prescribed in 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 the predecessor of this section adopted January 16, 1989, or otherwise interfere with the continuance of a non-conforming use.

B. The owner of any existing non-conforming 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 the Administrator 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 Person County.

C. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.
D. Whenever the Administrator determines that a non-conforming tree or structure has been abandoned or more than 80 percent (80%) 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 zoning regulations.

5.5.1.7 Variances

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 accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a Variance from such regulations, in accordance with the procedures set forth in Section 4.4.3. The application for Variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) 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 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 Ordinance. Additionally, no application for Variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the Variance. If the Airport Manager does not respond to the application within fifteen (15) calendar days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
B. Any Variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and 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 Person County, at its own expense, to install, operate, and maintain the necessary markings and lights.

5.5.2 WP-O Watershed Protection Overlay

5.5.2.1 Purpose & Applicability

A. The Watershed Protection Overlay (WP-O) is hereby established and delineated on the “Official Person County Watershed Map”, and maintained on the Person County Geographic Information System (GIS), for all lands within water supply watersheds and lands targeted for nutrient and pollutant reduction, as classified by the North Carolina Environmental Management Commission and overseen by the North Carolina Department of Environmental Quality (NCDEQ). Map amendments for the WP-O can only be implemented by the North Carolina Environmental Management

Commission. Where uncertainty exists as to the location of a Watershed Protection Overlay District Boundary, interpretations shall be made in accordance with Section 5.2.

B. The following designated watersheds are part of the WP-O:

Table 5.5-1: Watershed Protection Areas

Protected Watershed Name	Class	Acreage	General Location
Storys Creek Critical Area (Storys-CA)	WSII	1,837	One-half (1/2) mile to normal pool elevation lake or to ridgeline whichever is less
Storys Creek Balance of Watershed (Storys-BW)	WSII	4,654	Drainage basin of Storys Creek
Knap of Reeds Creek Balance of Watershed (Knap-BW)	WSII	2,619	Portion of drainage basin of Knap of Reeds Creek (Lake Butner)
Little River Balance of Watershed (Little-BW)	WSII	74	Portion of drainage basin of Little River Reservoir
South Hyco Creek Critical Area (Hyco-CA)	WSII	246	One-half (1/2) mile upstream from and draining to intake located in South Hyco Creek
South Hyco Creek Balance of Watershed (Hyco-BW)	WSII	21,646	Portion of drainage basin, South Hyco Creek
Flat River Balance of Watershed (Flat-BW)	WSIII	80,074	Portion of drainage basin of the Flat River
Tar River Protected Area (Tar-PA)	WSIV	20,117	Portion of drainage basin of Tar River
Upper Falls Watershed Management Area (Falls Watershed)	Falls	83,083	Portion of the drainage basin of Falls of the Neuse Reservoir

5.5.2.2 Development Standards

The development standards for each protected watershed within the WP-O are in Sections 6.3.2 and 6.3.3 of this Ordinance, as authorized in the NCGS and codified into the North Carolina Administrative Code by the North Carolina Environmental Management Commission, in furtherance of the federal Clean Water Act.

5.6 PERMITTED USES

5.6.1 General Provisions

A. No initial land use shall be permitted on a site pursuant to this Ordinance and no Zoning Permit authorizing a use may be issued, unless said land use is listed as a Permitted Use or Special Use in this Section and all applicable permits and approvals have been issued. Those uses permitted as the Principal Use are the primary use within each zoning district shall be those uses listed in the Permitted Uses Table (Table 5.6-1). Further, no accessory use or structure shall become a principal use or structure through the addition of building elements or a dwelling unit, without expansion of all required features converting it into a principal use, as defined in this Ordinance.

B. No accessory use or structure can be placed on a property or used, unless there is a principal use or structure already permitted and/or exists on the same lot, tract, or parcel to which that use is accessory.

5.6.2 Use Determinations

The Administrator shall determine a principal use from an accessory use and whether a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Section to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Special Use Permit. Uses not listed as a Permitted or Special Use are considered a Prohibited Use from the applicable zoning district. In the event that a particular use is not listed in the Permitted Uses Table and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Section. Should the Administrator determine that a materially similarly situated use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, the decision may be appealed to the Board of Adjustment. The Administrator may determine that a use is materially similar if it falls within the same industry classification of the latest edition of the *North American Industry Classification Manual* ("NAICS") or is on similarly situated land within Person County. In the event that the parties do not agree upon the Administrator's interpretation, the determination may be appealed to the Board of Adjustment.

5.6.3 Table Classifications

A. The uses listed in the first column of the Permitted Uses Table are defined in Article 3 of this Ordinance, the NAICS, or in other resources cross-referenced in this Ordinance. These uses are classified into the following categories:
   1. Agricultural
   2. Residential
   3. Civic, Government, & Institutional
   4. Recreation & Entertainment
   5. Office, Retail, & Service
   6. Industrial, Warehousing, Transportation and Utility

B. The uses listed in the table are permitted or prohibited as follows:
   1. **Permitted Uses**. The letter "P" indicates that the listed use is permitted by-right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.
   2. **Special Uses**. The letter "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of Section 4.4.4 of this Ordinance. Special Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Board of Commissioners consistent with the criteria set forth in Section 4.4.4 of this Ordinance and any Supplemental Regulations which apply to said use.

3. **Prohibited Uses**. A blank space indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

TABLE 5.6-1: PERMITTED USES TABLE

AGRICULTURAL USES	RC	R	NB	HB	GI
Agricultural use, bona fide farm, agritourism (pursuant to NCGS § 160D-903, exempt from zoning regulation)	Exempt				
Agricultural use, non-bona fide farm	P				
Equestrian use (commercial boarding & riding stables)	P		P	P	
Farm & garden supply, equipment sales, & service	P		P	P	P
Farmers market	P		P	P	
Landscaping supply/plant nursery	P		P	P	P
Livestock sales & auctions (non-bona fide farm)	P				
Taxidermy	P			P	P
RESIDENTIAL USES	**RC**	**R**	**NB**	**HB**	**GI**
Accessory structure (residential uses)	P	P	P	P	
Assisted/independent living facility	P		P	P	
Dwelling, accessory	P	P			
Dwelling, accessory (temporary construction camper/RV)	P	P			
Dwelling, accessory (temporary hardship manufactured home)	P	P	P	P	
Dwelling, accessory (live-work unit)	P	P	P	P	P
Dwelling, caretaker residence for industrial use					P
Dwelling, family care home	P	P			
Dwelling, multi-family	P	P	P	P	
Dwelling, single-family attached & detached	P	P			
Dwelling, two-family (duplex)	P	P			
Home occupation	P	P			
Manufactured home (Class A & Class B)	P	P			
Manufactured home park	Limited to Existing Parks Only				
Residential development sales office (temporary)	P	P	P	P	
CIVIC, GOVERNMENT, & INSTITUTIONAL USES	**RC**	**R**	**NB**	**HB**	**GI**
Accessory structure (civic, government, & institutional uses)	P	P	P	P	P
Cemetery (church or family plot)	P	P	P	P	P
Cemetery (commercial)	P			P	P
Church & religious institution (subject to RLUIPA)	P	P	P	P	P
Daycare facility (adult or child)	P	P	P	P	
Government facility (corrections/jail)					P
Government facility (offices/operations)	P		P	P	P
Hospital			P	P	P
Medical clinic/emergency care/laboratory	P		P	P	P
Post office	P		P	P	P
School (pre-K, Montessori)	P		P	P	

School (public/private secondary, post-secondary, or college)	P	P	P	P	P
School (mobile unit)	P	P	P	P	P
RECREATION & ENTERTAINMENT USES	**RC**	**R**	**NB**	**HB**	**GI**
Accessory structure (recreation & entertainment uses)	P	P	P	P	P
Amusement park/center				P	P
Arts & crafts studio	P	P	P	P	P
Assembly hall/amphitheater/lodge	P			P	P
Bowling alley/skating rink	P			P	P
Campground/RV park (commercial & workforce housing)	P			P	P
Electronic gaming operations/internet café	Not Permitted				
Fitness facility (indoor)			P	P	P
Fitness facility (outdoor)	P	P	P	P	
Lodging (hotel with on-site manager & interior hallways)			P	P	
Lodging (vacation rental units)	P	P			
Marina	P		P	P	P
Movie theater			P	P	
Parks/outdoor recreation/trails/trailheads	P	P	P	P	P
Racetracks (animal, motorsports, BMX)	P			P	P
Sexually-oriented business					S
Shooting range (indoor commercial/club)	P			P	P
Shooting range (outdoor commercial/club)	S				P
OFFICE, RETAIL, & SERVICE USES	**RC**	**R**	**NB**	**HB**	**GI**
ABC retail sales	P		P	P	
Accessory structure (office, retail, & service uses)	P	P	P	P	P
Appliance sales & service	P		P	P	
Auction house (non-livestock)				P	P
Automobile sales, parts, rental, or service (with dealership)				P	P
Automobile service (without dealership)	P		P	P	P
Bank/financial service	P		P	P	
Barbershop/salon	P		P	P	
Blacksmith/gunsmith service	P			P	P
Boat/vessel sales & service	P		P	P	P
Brewery/distillery/winery	P		P	P	P
Builders supply (with outdoor display)				P	P
Broadcast studio/film studio				P	P
Carwash	P		P	P	
Catering service	P	P	P	P	
Clothing donation bin				P	P
Convenience store	P		P	P	P
Construction trades & service (no outdoor storage)	P		P	P	P
Construction trades & service (with outdoor storage)			P	P	P
Construction office (temporary)	P	P	P	P	P
Dry cleaning & laundry service				P	P

Funeral & cremation service				P	P
General store (specialty retail/variety store)			P	P	
Grocery store			P	P	
Grocery & general merchandise (wholesale club)				P	P
Ice vending machine	P		P	P	
Itinerant merchant	P		P	P	
Janitorial supplies & service				P	P
Landscaping service	P		P	P	P
Office (home)	P	P	P	P	P
Office (medical/professional)	P		P	P	P
Outdoor storage (with retail sales)	P		P	P	
Pawn shop				P	P
Pest control service				P	P
Pharmacy (subject to NCGS § 90-85.3 & § 90-85.21)			P	P	
Photography studio	P		P	P	
Pain clinic (pill mill)	Not Permitted				
Printing, binding, & reprographics service			P	P	P
Restaurant			P	P	P
Retail use (<10,000 SF, inside fully-enclosed building)	P		P	P	
Retail use (>10,000 SF, inside fully-enclosed building)			P	P	
Service, other (no outdoor storage)	S		P	P	P
Service, other (with outdoor storage)	S		S	P	P
Tattoo/microblade/body piercing studio			P	P	P
Thrift/consignment store			P	P	P
Tobacco product sales/vape shop (non-agricultural)			P	P	
Veterinary clinic/animal boarding/grooming	P		P	P	P
Yard/garage/estate sales	P	P	P	P	
INDUSTRIAL, WAREHOUSE, TRANSPORTATION, & UTILITY USES	**RC**	**R**	**NB**	**HB**	**GI**
Accessory structure (industrial, warehouse, transportation, & utility uses)	P	P	P	P	P
Airport/heliport	P		S	S	P
Bus/train/transit stop	P	P	P	P	P
Bus/train/transit station				P	P
Bus/train/transit terminal					P
Commercial junkyard, automobile graveyard, salvage yard, & tow yard	S			P	P
Data center				P	P
Hazardous material/solid waste disposal or storage	Not Permitted				
Industrial (heavy)					S
Industrial (light)	S			P	P
Landfill/recycling/solid waste facility					P
Moving company/truck rental			P	P	P
Outdoor storage (with or without storage units)	P				P

Non-wireless telecommunications tower	P			P	P
Parking lot (commercial)	P		P	P	P
Paving/asphalt/concrete plant					P
Pharmaceutical/vitamin packaging & sales				P	P
Research, development, or testing facility					P
Sign manufacturing	P			P	P
Taxicab stand or office			P	P	P
Timber mill	P				P
Truck stop					P
Truck terminal, repair, or hauling					P
Utility systems (appurtenances & distribution lines)	P	P	P	P	P
Utility systems (battery energy storage system)					P
Utility systems (combined-cycle & hydroelectric)					P
Utility systems (liquefied natural gas storage facility)					P
Utility systems (solar energy systems Level 1)	P	P	P	P	P
Utility systems (solar energy systems Level 2 & Level 3)	S				P
Utility systems (small modular nuclear reactor)					S
Utility systems (water & wastewater treatment plants)	P				P
Warehouse/distribution				P	P
Warehouse (self-storage or general storage)	P		P	P	P
Water dependent structure (excluding marina)	P	P	P	P	P
Wireless telecommunications tower/support structure (monopole up to 120-ft.)	P		P	P	P
Wireless telecommunications tower/support structure (monopole greater than 120-ft. or lattice/guyed tower up to 300-ft.)	P			P	P

5.7 SUPPLEMENTAL REGULATIONS

5.7.1 Agricultural Uses

5.7.1.1 Bona Fide Farms & Agritourism

A. County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in NCGS § 106-743.4 for farms that are subject to a conservation agreement under NCGS § 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS § 106-581.1.

B. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in NCGS § 106-581.1(6) includes the farm within the

jurisdiction of the County and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under NCGS § 106-743.2 is a bona fide farm purpose.

C. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:
   1. A farm sales tax exemption certificate issued by the Department of Revenue;
   2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to NCGS § 105-277.3;
   3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or
   4. A forestry management plan.

D. A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to NCGS § 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to NCGS § 105-277.3. Failure to maintain the requirements of this subsection for a period of three (3) years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to NCGS § 160D-702 in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch 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, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

5.7.2 Residential Uses

5.7.2.1 Accessory Structure, Residential

A. Accessory structures shall be permitted for use on a lot upon, which a principal residential use/principal dwelling unit is already permitted or exists. The principal residential use/principal dwelling unit shall commence construction or be constructed prior to placement of the accessory structure on that same lot. Failure to adhere to this provision shall result in the accessory structure removal from that lot at the property owner’s expense.

B. Unless otherwise specified in this Ordinance, accessory structures shall be allowed within five (5) feet of rear and side yard lot lines only. Accessory structures shall not be allowed in the front yard or past the front-facing extension of the principal building or dwelling.
C. This Ordinance applies to any new construction of accessory structures. This Ordinance does not apply to any barns, hay sheds, or similar structures that existed prior to the adoption of this Ordinance.
D. Recreational vehicles, vessels/boats, houseboats, sheds, trailers, and shipping containers shall not be used as, nor shall be converted to, an accessory structure on the same lot as a principal residential use/principal dwelling unit.
E. Accessory structures, such as manufactured homes, recreational vehicles, vessels/boats, houseboats, sheds, trailers, and shipping containers, that are used for temporary dwelling purposes, are regulated within Section 5.7.2.3. Storage of these accessory structures as vacant on a residential lot shall be permitted, provided that they are registered to the property owner of that same lot and a principal residential use already exists on that same lot. A maximum of two (2) unoccupied accessory structures per acre or not to exceed five (5) accessory structures per lot in total shall be permitted. Such accessory structures shall be well maintained, and if warranting use of a license tag, shall include a valid and current registered license tag.

5.7.2.2 Dwelling, Accessory

Accessory dwelling units (ADUs) may be located on the same lot with an existing permitted principal residential use, subject to the following standards:

A. The accessory dwelling shall not exceed fifty (50%) percent of the total area of the principal dwelling and the building height is no greater than the height of the principal dwelling unit.
B. Accessory dwellings shall be built to North Carolina Building Standards in all districts except as set forth for temporary hardship or emergency manufactured homes as set forth in this Section 5.7.2.
C. The accessory dwelling unit may include the following:
    1. One (1) separate meter for each utility (water, sewer, electric, gas, etc.) from the principal dwelling unit;
    2. One (1) kitchenette with a stove, oven, sink, refrigerator and microwave;
    3. Addressing for the accessory dwelling unit shall be the same as the principal dwelling unit for E-911 emergency response purposes;
    4. A separate walkway. A canopy that meets prevailing Building Code wind load standards may be provided; and
    5. A driveway extension to accommodate the width of one (1) additional vehicle or ten (10) feet wide, whichever is greater and located towards the side yard of the driveway. No separate driveway connections, driveways, or aprons shall be permitted from the principal dwelling unit.
D. Use of one (1) camper/recreational vehicle (RV) shall be permitted as an accessory dwelling on an improved lot that has a principal dwelling for a period of up to ninety (90) calendar days, subject to the following:

1. A tract of land owned by a single property owner may not be subdivided into multiple lots for the purpose of evading this Section;
2. The temporary accessory use of a camper/RV shall not become a principal dwelling second home, per the Federal Internal Revenue Service (IRS) definition;
3. The camper/RV shall not be permitted a temporary power permit and shall not have a T-pole or have a separate meter from the principal dwelling; and
4. The camper/RV shall not be one (1) of the unoccupied campers/RVs that are permitted to be stored on the lot subject to Section 5.7.2.1.

5.7.2.3 Dwelling, Accessory (Temporary Construction Camper, Recreational Vehicle, Mobile Home, or Manufactured Home)

Accessory dwelling units in the form of a temporary construction camper, recreational vehicle, mobile home, or manufactured home for temporary construction housing, shall be permitted on a lot only during the construction or installation period of a permanent residential dwelling unit on the same lot; provided that the following requirements are met:

A. A Zoning Permit and building permit has already been issued for construction of the permanent residential dwelling unit and that building permit is considered open and active (i.e. not incomplete or closed) by the Inspections Department.
B. The construction of the permanent residential dwelling unit is started within six (6) months from the issuance date of the building permit and is completed within twenty-four (24) months from the issuance date of the building permit.
C. The accessory dwelling unit is well-maintained, registered, and operational.
D. The accessory dwelling unit is removed within thirty (30) calendar days following issuance of the Certificate of Occupancy of the permanent residential dwelling unit.
E. Should any of the terms, conditions or restrictions imposed on the Zoning Permit be violated, the Administrator shall rescind and revoke the Zoning Permits after notifying by letter all parties concerned and granting them full opportunity of a hearing. When a Zoning Permit is revoked, the camper or recreational vehicle for which it was issued must be removed from the property within thirty (30) calendar days after final revocation.
F. Accessory dwellings shall not be used for storage, accessory buildings, utility buildings, or shops.

5.7.2.4 Dwelling, Family Care Home

Subject to NCGS § 160D-906, the following standards shall apply to Family Care Homes:

A. A family care home is a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six (6) resident persons with disabilities.
B. For the purposes of family care homes, a person with a disability has a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments

but not including persons with a mental illness who are dangerous to others as defined in NCGS § 122C-3(11)b.

C. A family care home is deemed a residential use of property for zoning purposes and is a permissible use in all districts in which single-family dwellings are permitted. The residential character of the neighborhood shall not be altered by the location of the family care home within the neighborhood.
D. A family care home must be licensed with the NC Department of Health & Human Services Division of Facility Services before operating.
E. No family care home may be located within a one-half (1/2) mile radius of another family care home.
F. No exterior signage is permitted.
G. Only incidental and occasional medical care may be provided.
H. No on-street parking or alteration of the residential driveway shall be permitted.
I. No overnight storage of transport vehicles shall be permitted.

5.7.2.5 Home Occupation

A home occupation is an occupation carried on in a dwelling unit or accessory building in accordance with the following:

A. The use is incidental to the residential property and shall not generate significantly greater volumes of traffic than would be expected in that residential neighborhood.
B. No more than one (1) person, other than the resident of the dwelling, is to be engaged in the home occupation.
C. No more than 25% of the total heated floor area of the principal dwelling shall be used for the home occupation, as provided by the home occupation Applicant on a graphic of the principal dwelling.
D. The total area of an accessory structure may be used for the home occupation if:
    1. Located to the side or the rear of the principal dwelling;
    2. The total floor area of the accessory structure does not exceed 50% of the total area of the principal dwelling and may be verified; and
    3. An attached garage shall not be converted to an office for a home occupation.
E. The exterior of any structure (principal or accessory) shall not be built or altered in any manner nor shall the occupation be conducted in such a way as to cause the premises to substantially differ from the residential character in exterior appearance.
F. The outside storage or exterior display of merchandise, products or materials, is prohibited.
G. Required parking for a home occupation shall be met off the street and not in a required front or side yard setback. Parking in the right-of-way shall not be permitted.
H. Home occupations may have one (1) building-mounted sign, not to exceed four (4) SF and two (2) feet in height.
I. All residential properties served by a well and/or sewage disposal system must have said systems evaluated and improved (when applicable), in accordance with NCGS and local regulations.
J. The use shall not emit any noxious or offending noise, dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio or television reception

beyond what normally occurs in the applicable zoning district, and shall not present a fire hazard.

K. The on-premise sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.

5.7.2.6 Manufactured Home, Class A

A. A Class A manufactured home shall be a permitted use on an individual lot in the Rural Conservation (RC) or Residential (R) zoning districts, or in an existing manufactured home park provided that:
   1. Manufactured homes shall meet HUD standards in effect June 15, 1976;
   2. The manufactured home is listed and assessed as real property;
   3. All roof structures shall provide an eaves projection of no less than six (6) inches, which may include a gutter;
   4. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
   5. The manufactured home is set up in accordance with the standards set by the NC Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
   6. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with standards set by the *North Carolina State Building Code, Volume VII - Residential*; and
   7. The moving hitch, wheels and axles, and transporting lights have been removed.

B. A Class A manufactured home may be used only for residential purposes and may not be used for storage, accessory buildings, utility buildings, or shops.

C. All standards of this Section must be met before a Certificate of Occupancy is issued by the Person County Inspection Department.

D. A Class A manufactured home not meeting the criteria of this Section may be located in a Manufactured Home Park subject to provisions of Section 5.7.2.6.

5.7.2.7 Manufactured Home, Class B

A. A Class B manufactured home shall be a permitted use in the Rural Conservation (RC) zoning district or existing manufactured home park, provided that the following requirements are met:
   1. Manufactured homes shall meet HUD standards in effect June 15, 1976.
   2. The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard.

3. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
4. The roofing materials are compatible with those used in standard residential construction.
5. The wheels, axles, transporting lights and towing apparatus have been removed.
6. Stairs, porches, entrance platforms and other means of entrance and exit to the home are installed or constructed in accordance with the *North Carolina State Building Code, Volume VII - Residential*.

B. Class B manufactured homes may be used only for residential purposes and may not be used for storage accessory buildings, utility buildings, or shops.
C. All standards of this Ordinance must be met before a Certificate of Occupancy is issued by the Person County Inspection Department.
D. Class B manufactured homes not meeting requirements (1) through (5) above may be located in an existing Manufactured Home Park subject to the provisions of Section 8.4.2.

5.7.2.8 Residential Development model Homes or Sales Office (Temporary Use)

Structures located within a Major Subdivision that are used as model homes or sales offices for that development shall be permitted for a period of one (1) year and are renewable for one (1) additional year, provided the development is actively being constructed and marketed. Upon completion of the development, any temporary structures and sales traps shall be removed within thirty (30) calendar days.

5.7.3 Civic, Government, & Institutional Uses

5.7.3.1 Accessory Structure with Civic, Government, or Institutional Principal Use

A. Unless otherwise specified in this Ordinance, accessory structures shall be setback a minimum of five (5) feet from the side and rear lot lines.
B. Accessory structures for civic, government, or institutional uses shall only be located in the side or rear yard and not be located within a front yard.
C. Accessory structures shall be allowed on a lot upon which a civic, government, or institutional principal use exists.
D. Manufactured homes, modular offices, vehicles, trailers, and shipping containers shall not be used as accessory structures.

5.7.3.2 School Mobile Unit, Temporary (Portable)

Temporary school mobile units (i.e. portables) shall be permitted accessory to a permitted primary or secondary school for up to five (5) years. Provided the unit is structurally safe, the unit use shall be renewable for up to an additional five (5) years.

5.7.4 Recreation, Entertainment, & Temporary Workforce Housing Uses

5.7.4.1 Accessory Structure with Recreation & Entertainment & Temporary Workforce Housing as a Principal Use

A. Unless otherwise specified in this Ordinance, accessory structures shall be setback a minimum of five (5) feet from the side and rear lot lines.
B. Accessory structures shall only be located within the side or rear yard and not be located within a front yard.
C. Accessory structures shall be allowed on a lot, upon which a principal use exists.
D. Only recreational vehicles shall be permitted as dwelling units.

5.7.4.2 Campground/Recreational Vehicle (RV) Park, & Temporary Workforce Housing

A. Prior to building permit issuance, campgrounds, RV parks, and temporary workforce housing Applicants shall obtain a Zoning Permit. Developments existing prior to the date of the adoption of this Ordinance shall be considered vested uses and not be subject to these provisions. Campgrounds, RV parks, and temporary workforce housing shall not be altered, expanded, franchised, or transferred in ownership from the name(s) listed on the Zoning Permit.
B. Campground, RV parks, and temporary workforce housing sites shall only be used by travel trailers, pickups, coaches, motor homes, camping trailers, other vehicular accommodations, and tents suitable for temporary habitation and used for travel, vacation, recreation purposes, and temporary workforce housing. A manager's office shall be permitted as a site-built structure; however, no cabins shall be permitted.
C. This Ordinance shall reference and adhere to the definitions and terms listed within this Section, as well as the definitions listed in NCGS § 20-4.01, § 66-232, and § 105-187.1.
D. Applicants for this use shall also submit a Site Plan, drawn to scale by a registered North Carolina professional engineer, land surveyor, or architect to include the following:
    1. Name of the Applicant, property owner/tax assessment entity, vicinity map, north arrow, scale, date of plan preparation, and subsequent revision dates;
    2. The boundary of the lot to be developed with dimensions and land areas with a minimum lot size of 10-acres and a maximum lot size not to exceed 50-acres for each campsite space;
    3. A minimum separation distance of 500-ft. measured in a straight line between the nearest property lines of each park site;
    4. Topography of the park site at contour intervals of no greater than ten (10) feet, location of natural features, environmental areas of concern, and the 100-year floodplain. No habitable structures shall be placed within the 100-year floodplain;
    5. The number, location, design, and layout of all campsites, with a prototypical pad inset at a maximum density no greater than 2,500 SF, a maximum dimension of up to 25-ft. x 100-ft. that includes one (1) gravel 9-ft. x 18-ft. parking space and utility (water/electrical/sewer) connections. Picnic tables, benches, grills, and fire

rings are optional;

6. General note on the Site Plan that a cease of use of the campground, RV park, and temporary workforce housing shall result in the removal of all facility elements and a return to vacant land within thirty (30) calendar days of park site closure;
7. All easements and dimensions, access management, internal driveways, turning radii, off-site access improvements, proposed points of ingress and egress, and the proposed pattern of internal circulation shall be constructed to the private road standards of Section 6.6.3.3 and shall include;
   a. Turning radii for oversized vehicles to accommodate a wheel-base (WB) chassis of WB-45 or greater;
   b. Internal circulation on pavement or gravel private driveways with a 24-ft. wide stabilized with base and sub-base paved area for two-directional traffic; or a 12-ft. wide paved area for one-directional traffic;
   c. No direct access from a campsite to a public right-of-way;
   d. Fire safety/Emergency Medical Services stabilized access designed to safety-vehicle tonnage, per Person County Fire Marshal approval;
   e. Off-site turning lanes, deceleration lanes, and/or signalization;
   f. Right-of-way dimensions and turning radii where primary access is provided to the park site and a note that a driveway permit shall be obtained from NCDOT prior to issuance of a Certificate of Occupancy; and
   g. Access limitations to ensure that there is no primary access through residential neighborhoods, unless traffic-calming and public safety mitigation measures are provided.
8. Where a manager's office and/or community amenities are provided, a paved parking lot with asphalt or concrete surface, striped with 9-ft. x 18-ft. parking spaces for park management staff and guests. The parking ratio provided shall be one (1) space per ten (10) campsites, including a minimum of one (1) handicap parking space per ten (10) parking spaces. ADA-compliant handicap spaces shall include a dimension of 10-ft. x 20-ft. accommodating an access aisle and ADA-compliant payment markings and signage;
9. Proposed utility provisions and solid waste disposal systems, evaluation, and design by a licensed professional, meeting NCGS § 130A, Person County Department of Health approval, National Fire Protection Association (NFPA) standards, design daily flows and adjustments, large-capacity septic systems, wastewater strength, tank capacity, dispersal fields, utility provision for bathhouses, operations and maintenance plans, minimum separation distances between community well and septic systems, and dump station locations. No individual campsite shall have an individual on-site septic system. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises;
10. Compliance with all Federal, State and other local regulations;
11. A minimum vegetated and well-maintained 20-ft. wide bufferyard shall be provided at all adjacent property lines, subject to the requirements of Section 6.4

for landscaping;

12. The location of accessory structures, such as maintenance buildings, storage buildings, park management office, bathhouses, bathrooms, community mailboxes, master utility meters, parks, sidewalks, trails, fenced pet areas, canopies, pools, or other community amenities;
13. An operational phone for public use centrally located within the site;
14. A photometric plan using LED lighting with directional downward light fixtures and light posts at a maximum height of 15-ft.; and
15. Directional signage for vehicular traffic and a community sign listing the following:
    a. Designated park quiet hours in compliance with the Person County Noise Ordinance;
    b. Pets placed on leashes at all times, unless within a camper or RV or a fenced pet area;
    c. Pet owners responsible for pet waste cleanup and disposal;
    d. No dishes or dish washing in bathhouses or bathrooms;
    e. No conversion of RV slip locations and temporary housing to site-built dwelling units or permanent housing; and
    f. No use or storage of portable toilets or container boxes.

E. In the event of non-compliance with this Ordinance, Person County ordinances, or North Carolina laws, code enforcement action shall be used to ensure compliance with local laws, North Carolina State Building Code, NCGS Article 11, Building Code Enforcement, or NCGS § 143-139. Violations of this Ordinance shall be notified in writing through certified mail with reference to this Ordinance as to the cause of the violation. Appeals of the violation shall be made in writing to the Administrator within ten (10) calendar days of notification receipt and their decision shall be final. Violations shall be provided to the appropriate agency for enforcement.

F. Occupation of the site by any one (1) form of temporary structure shall not exceed 180 calendar days within a calendar year. Each campground, RV park, and temporary workforce housing site shall be required to maintain a registry or logbook identifying, at a minimum, the recreation vehicle license plate number and Vehicle Identification Number (VIN) for recreation vehicle sites and/or names of occupants in campground sites. This information shall be made available for verification purposes to Person County staff, upon request. Existing campgrounds will also be required to comply with the logbook requirement, upon adoption of this Ordinance.

G. Lodging (Vacation Rental Units)
    1. Vacation rental units, for purposes of this Ordinance, include tourist homes, short-term rental homes, whole-house rentals, bed & breakfasts, or vacation rentals with no on-site manager and are subject to the provisions set forth in NCGS § 42A governing their use.
    2. Vacation rental units, similar to all uses in this Ordinance, shall have an active Zoning Permit, prior to lease, rent, use, or occupancy of the unit. Any vacation rental unit not operating in compliance with this Ordinance, shall cease operation until a Zoning Permit is obtained.

3. All properties shall conspicuously post, within the inside of entryway of the home, the name(s) of a local contact person who is responsible to maintain, operate, and respond to guests concerning the property. The property owner is responsible to keep this contact information current or the facility shall cease operation until the contact information can be updated.
4. A minimum of one (1) parking space for every bedroom shall be provided, not to exceed the design of the driveway providing off-street parking that serves the property. This driveway shall not be expanded or multiplied to accommodate additional guests. No overnight on-street parking shall be permitted.
5. Vacation rental units shall have one (1) electrical meter that serves the rental unit and kitchen. Subdivision of the rental unit into multiple rental units and kitchenettes within bedrooms shall be prohibited. No accessory structures shall be used for rental units.
6. Vacation rental units shall adhere to the Person County Noise Ordinance. Violation of the County Noise Ordinance may result in revocation of the Zoning Permit.
7. Waterfront vacation rental units or units within master planned residential developments with water access shall not add boat docks nor shall alter the shoreline, littoral zone, or riparian buffers, unless permitted by the applicable lake management agency of that waterbody, prior to construction.
8. Vacation rental units shall only be used for lodging and no other uses shall be permitted within the unit nor on the site (i.e. commercial venues, assemblies, weddings, etc.)
9. Garbage and recycling receptacles shall be provided and emptied at a minimum of once a week. Garbage and recycling receptacles shall be stored in a screened area to the side or rear of the house except on collection day. No garbage or refuse shall be located outside of the garbage receptacle. Evictions and bulk waste collection costs shall be the responsibility of the property owner.
10. Vacation rental units shall not be occupied at a rate of more than two (2) persons per bedroom and shall not be rented to more than eight (8) different occupants within a thirty (30) day period. It is the responsibility of the property owner to demonstrate compliance with this requirement.

5.7.4.3 Sexually-Oriented Businesses

A. Purpose
   1. Sexually-oriented businesses, because of their very nature, can have serious adverse secondary effects on a community. Studies and experiences have shown that adverse secondary effects such as lower property values and increased crime rates tend to accompany and are brought about by location of sexually-oriented businesses in a community.
   2. The Person County Board of Commissioners has determined that these regulations are necessary to ensure that the adverse secondary effects of lower property values, increased crime and damage to public health do not occur in Person County as the result of sexually-oriented businesses in Person County.

3. The Person County Board of Commissioners has determined that the standards and procedures set forth in these regulations are appropriate to prevent such adverse secondary effects.
4. This Section has neither the purpose nor effect of limiting or restricting the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the purpose nor effect of this Section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment to the United States Constitution or to deny access by distributors and exhibitors of sexually-oriented entertainment to their intended market.
5. These regulations the product of balancing the legitimate need of Person County to be protected from acts, omissions or conditions caused by adverse secondary effects of sexually-oriented businesses with the constitutionally protected rights of adults who wish to patronize such businesses and the rights of distributors and exhibitors of such businesses.
6. The Board of Commissioners has determined that adverse secondary effects of sexually-oriented businesses will be reduced by provisions of this Ordinance which include, but are not limited to, the following:
    a. The identification of employees of a sexually-oriented business will facilitate the identification of potential witnesses or suspects in order to reduce the incidence of certain types of criminal behavior.
    b. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually-oriented business will assist government to assure compliance with law and prevent the spread of sexually transmitted diseases.
    c. The fact that an Applicant for a sexually-oriented business license has been convicted of a sexually related crime leads to the rational assumption that the Applicant may engage in that conduct in contravention of federal and state law, and this Ordinance. The barring of such individuals from the management of a sexually-oriented business will assist government to assure compliance with law and prevent the spread of sexually transmitted diseases.
    d. Establishing locational criteria to keep sexually-oriented businesses away from sensitive uses, such as residential districts, schools, day care centers, etc., reduces the potential for secondary harm to such sensitive uses.
    e. Establishing additional lighting requirements for the interior and exterior portions of a sexually-oriented business reduces the potential for illicit sexual activity or criminal activities occurring on or near the premises of a sexually-oriented business.
    f. Establishing a prohibition on employing minors, or allowing minors within the premises, reduces the potential for exploitation of such minors by a sexually-oriented business.
    g. Requiring internal design configuration standards and the location of managers' stations for a sexually-oriented business will allow operators to observe and police their own patrons, and reduce the potential for illicit sexual activity and criminal activities at a sexually-oriented business.

B. Application for Zoning Permit Approval

1. Every application for a sexually-oriented business prescribed herein shall be filed with the Administrator. An application shall be made under oath and shall contain the following information:
   a. If the Applicant is a person, the name and residence address of such person including any aliases or other names by which the Applicant is known or which the Applicant has used at any time; the residence and address for the past two (2) years, the business and home telephone numbers, occupation, date and place of birth, social security number, driver's license number, and a recent photograph of the Applicant. If the Applicant is a partnership, corporation, association, or other entity the same information is a requirement for all corporate officers, directors, and any individuals having a 10% percent or greater interest in the corporation, partnership, association, or other entity.
   b. The address of the premises where the proposed sexually-oriented business is proposed to be located;
   c. A complete statement of all convictions of any person whose name is required to be given in subsection (a) for any sexually related crime; prostitution or any violation of any law relative to prostitution; or of any crime involving sexual misconduct as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in NCGS Article 26, 26A and 27 of § 14, or the same offenses as codified in the laws of the United States, this or of any other state or the laws of any country, or subdivision thereof, other than the United States;
   d. A complete statement of any denial and/or revocation of any license or permit, including the grounds and reasons theretofore, to operate a sexually-oriented business by any governmental unit listed by name and address of any person whose name is required to be given in subsection (a) for the five (5) years preceding the date of the filing of this application;
   e. A complete statement of any conviction for violation of any statute, law, ordinance or regulation concerning the operation of a sexually-oriented business by any governmental unit listed by name and address of any person whose name is required to be given in subsection (a) for the five (5) years preceding the date of the filing of this application;
   f. A description of any other business proposed to be operated on the same premises or on adjoining premises owned or controlled by the Applicant or any other person or entity listed in subsection (a), above.
   g. All Applicants, and any individual listed in (a), above, shall submit to fingerprinting by the Person County Sheriff's Office. The fingerprint cards shall be submitted to the State Bureau of Investigation (SBI) for processing. Returned fingerprint cards and any criminal histories shall be kept on file at the Person County Sheriff's Office.
   h. A Site Plan showing the location of the building proposed to contain a sexually-oriented business and a floor plan of such building showing floor layout,

customer area, and uses in accordance with all the requirements of this Ordinance.

i. A current certificate and straight-line drawing prepared by a Professional Land Surveyor depicting the property lines and the structure containing the proposed sexually-oriented business and its distance from existing land uses to include, but not be limited to, established dwellings, residential zoning districts, other sexually-oriented business, religious complexes, libraries, schools, state licensed child day care centers, public playgrounds, public swimming pools, public parks, and any outdoor recreational use.

j. A statement signed under oath that the Applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, the Applicant consents to the investigation of his/her background by agents of Person County for the purpose of verifying the information provided, and that the Applicant has read and understands the provisions of this Section regulating sexually-oriented businesses.

C. Review & Approval of Application

1. Except as modified by this Ordinance, the procedure for the review and approval of the application shall be the same as for a Special Use Permit as provided in Section 4.4.4. The approval process for Special Use Permits in Section 4.4.4 shall be followed.
2. The Administrator shall transmit a copy of the completed application, containing all the required information outlined in Subsection (B), to the Person County Sheriff's Office for an investigative report and to the local Fire Departments to determine compliance with any law relating to the fire protection. The Administrator shall determine compliance with all zoning, building regulations, and ordinances.
3. The Sheriff’s Office and local Fire Departments shall, within a reasonable time not to exceed thirty (30) calendar days, report the results of their examinations to the Administrator.
4. The Administrator shall prepare a staff report, which includes the results of the examinations by the Sheriff’s Office and local Fire Departments and a recommendation to approve or deny the Special Use Permit application.
5. If the Sheriff’s Office or the local Fire Departments staff do not respond to the Administrator within thirty (30) calendar days after receiving the application from the Administrator, the application shall be deemed to meet the approval of the non-responding entity.
6. The Board of Commissioners shall deny the application for issuance of the Special Use Permit, if they determine that:
   a. The application contains misstatement of fact;
   b. The Applicant, or any person or entity having any legal or beneficial ownership interest in the application, has been convicted of a sexually related crime, prostitution or a violation of any law relative to prostitution, crime involving sexual misconduct as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of the offenses

enumerated in NCGS Articles 26, 26A and 27 of § 14, or the same offenses as codified in the laws of the United States, this or any other state or the laws of any country, or subdivision thereof, other than the United States;

c. The Applicant does not conform to all requirements of applicable zoning, building, and fire prevention codes; and

d. The Applicant or any person, corporation, partnership, association or other entity having a legal or beneficial ownership interest in the Applicant has, for the five (5)-year period preceding the application, had a previously issued license for engaging in any sexually-oriented business suspended or revoked anywhere.

D. Annual Renewal

1. Upon approval of an application as provided in this Ordinance, and payment by the Applicant of a fee as provided in the County's adopted fee schedule, the Administrator shall issue a Zoning Permit to the Applicant to operate a sexually-oriented business.
2. The permit required under this Section shall be valid for a period of twelve (12) months and subject to annual renewal on the anniversary date of the Zoning Permit issuance.
3. Application for renewal of a permit under this Section shall be made to the Administrator on a Zoning Permit application at least thirty (30) calendar days before the expiration date. If application is not made more than thirty (30) calendar days before the expiration date, the license will expire twelve (12) months from the date of initial issuance. An application for renewal made less than thirty (30) calendar days before the expiration date shall thus be regarded as a new application and shall be subject to all the requirements of this Ordinance for the initial issuance of a license.
4. Any violation of the permitting provisions in this article will result in the denial of the renewal application.
5. A permit issued under this Section shall be for the conduct of a business at a specific location by the approved Applicant and shall be nontransferable to any person, partnership, corporation, association, business location, or other entity.
6. Every application for a sexually-oriented business permit, whether for a new permit or for renewal of an existing permit, shall be accompanied by a nonrefundable application and investigation fee as established in the County's adopted fee schedule.
7. Every person, corporation, partnership, or association permitted under this Section shall display such permit in a prominent place in full view of customers of the business conducted therein.
8. No employee or contract personnel of the Applicant shall perform duties on the premises prior to submission to the Administrator of the same information required of Applicants by Subsection (B) and a determination in writing by the Administrator that such information, if submitted by an Applicant, would not cause a permit to be denied.

E. Denial, Revocation, & Refusal to Renew Permit

1. The Board of Commissioners may deny, revoke or refuse to renew a permit granted under this Ordinance if it fails to meet the requirements of this Section.
2. Before the Board of Commissioners denies, revokes or refuses to renew a license applied for or issued pursuant to this Ordinance, the Board of Commissioners shall cause a written notice to be sent by certified mail to the Applicant affected, at the address stated in the permit application. The notice shall advise the affected party of its rights to appear before the Board of Commissioners, with or without legal counsel, at a stated time and place to hear all evidence submitted, examine or cross-examine any person providing such evidence and to present any evidence relevant to such denial, revocation or refusal to renew a license under this Ordinance.
3. A permit issued pursuant to this section shall be revoked by action of the Board of Commissioners if the Board of Commissioners determines that:
    a. The business or Applicant has violated any provision of this Ordinance;
    b. Subsequent to the date of the Application required by this Ordinance, the licensee, or the legal or beneficial owner of any interest in the Applicant is convicted of any felony; prostitution or any violation of any law relative to prostitution; crime involving sexual misconduct; as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in NCGS Articles 26, 26A and 27 of § 14, or the same offenses as codified in the laws of any other state.
    c. Subsequent to the date of submission of the information required this Section, any employee or contract personnel of the Applicant is convicted of any felony; prostitution or any violation of any law relative to prostitution; crime involving sexual misconduct; or any offense against public morality and decency as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in NCGS Articles 26, 26A and 27 of § 14, or the same offenses as codified in the laws of any other state, which arises out of, or in the course of the business of the licensee.
    d. The Applicant has knowingly, willingly, or intentionally allowed possession, consumption, or sale of alcohol, alcoholic beverages, or controlled substances on the premises.
    e. The Applicant has knowingly, willingly, or intentionally operated a sexually-oriented business during a period of time when the permit was suspended for any reason.
    f. The Applicant has knowingly, willingly, or intentionally allowed prostitution on the premises.
    g. The Applicant has knowingly, willingly, or intentionally violated state ABC laws on the premises.
    h. When a permit is revoked pursuant to this Ordinance, the revocation shall continue for one (1) year and the Applicant shall not be issued a sexually-oriented business permit for one (1) year from the date the revocation became effective. However, subsequent to revocation, the Board of Commissioners

may grant to the Applicant a permit, if it finds that the basis for the revocation has been corrected or abated and at least ninety (90) calendar days have elapsed since the date the revocation became effective. Such permit shall expire on the date of expiration of the previously revoked license.

4. After denial of an application, or denial of a renewal of an application or revocation of any permit, and all administrative measures have been exhausted, the Applicant may seek immediate judicial review of such action in any court of competent jurisdiction.

F. Location

1. No sexually-oriented businesses may be located in a building that sells or serves alcohol or alcoholic beverages or allows alcohol or alcoholic beverages to be consumed on the premises.
2. No sexually-oriented businesses shall be permitted in any building which is:
   a. Located within 400-ft. in any direction from a building used for a residential dwelling or from the nearest Residential zoning district line.
   b. Located within 200-ft. in any direction from a building that includes another sexually-oriented business.
   c. Located within 1,000-ft. in any direction from a building in which a religious institution, library, school, state licensed child day care center, public playground, public swimming pool, or public park is located.

   Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually-oriented business is conducted to the nearest portion of a building or structure of a use listed above.

5. The use shall conform to all applicable law including the rules and regulations of Person County and the State of North Carolina.

G. Signs

Signs for sexually-oriented business are allowed, as permitted by ordinance in Person County but may not include promotional displays, flashing lights, photographs, silhouettes, drawings, or pictorial representations of any manner depicting sexual activity, themes, or nudity.

H. List of Employees

In addition to the above requirements, every Sexually-Oriented Business shall maintain a current list of all employees employed by the licensee showing: the legal name, current stage name, current address, current phone number, date of birth, and current driver's license number. In addition, the Applicant shall maintain a record, updated no less frequently than every six (6) months, showing the name, Social Security Number, height, weight, hair and eye color, scars, tattoos and a passport quality photograph of each employee; such list shall be maintained on the premises of the Sexually-Oriented Business.

I. Inspection

1. The records required by this section shall be kept available and open for inspection at any time the sexually-oriented business is open for business by the Sheriff's Office, local Fire Departments, the Person County Health Department, the Administrator or authorized representative of any of the foregoing.
2. An Applicant or licensee shall permit representatives of the Person County Sheriff's Office, the local Fire Departments, Person County Health Department to inspect the premises of any sexually-oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business. Failure or refusal by any person to permit a lawful inspection of the premises during regular business hours may result in the revocation of the privilege license.

J. Hours of Operation
1. No sexually-oriented business shall be open for business before 8:00 a.m. or after 2:00 a.m. daily, local time.
2. No business, nor any owner, agent or employee, permitted under this Ordinance shall admit customers or prospective customers, or remain open for business, or allow, permit or condone any customer or patron upon the premises of a sexually-oriented business before 8:00 a.m. or after 2:00 a.m. daily, local time.

K. Minors
1. No business, nor any owner, agent, or employee, permitted under this Ordinance shall allow, permit or condone the patronage of any person under the age of 18 years upon the licensed premises. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.
2. No business, corporation, partnership, association, or other entity permitted pursuant to this Ordinance shall employ any person under the age of 18 years. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.

L. Manager's Station

A person who operates or causes to be operated a sexually-oriented business which exhibits on the premises a film, video cassette, live entertainment, sells adult oriented merchandise including books, magazines, novelty items, computer software, videos, or shows other video reproductions which depicts specified sexual activities shall comply with the following requirements:

1. Upon application for a sexually-oriented business license, the application shall be accompanied by a professionally prepared diagram in the nature of an engineer's or architect's blueprint of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) SF of floor area. The diagram shall also designate the place in which the business license will be conspicuously posted, if granted. The diagram shall be oriented to the north or to some designated street and drawn to a designated scale or with marked dimensions sufficient to show the various internal inches.
2. No alteration in the configuration of a manager's station may be made without prior approval of the Administrator or designee.

3. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times when a patron is inside the premises to ensure that no illegal activity is taking place within the establishment.
4. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment, books, or any items offered for sale. If the premises has two (2) or more manager's stations, then the interior of the premises shall be configured in such a manner that there is an unconstructive view of the entire area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations, excluding restrooms. The view required in this subsection shall be by direct line of sight from the manager's station.
5. It shall be the duty of the owner(s) and operator(s), and it shall be the duty of any agent(s) and employee(s) present in the premises, to ensure that the view area specified in subsection (4) remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as off limits to patrons.

M. Lighting

1. Sexually-oriented businesses shall be equipped with overhead lighting fixtures of sufficient 0intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) footcandles as measured at the floor level. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that this illumination is maintained at all times when any patron is present within the premises.
2. Adult motion picture theaters, adult mint motion picture theaters, and adult theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) footcandles as measured at the floor level. The seating area of the theater, however, shall observe an illumination of not less than point five (0.5) footcandles as measured at the floor level. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that this illumination is maintained at all times when any patron is present within the premises.

N. Construction & Supervision

1. Adult motion picture theaters and adult theaters shall be in an enclosed building with no less than 100 fixed seats. No private viewing rooms or semiprivate booths are allowed and an adult mini motion picture theater shall not be constructed to allow more than one (1) person in a viewing room at any time and the manager of such shall not allow more than one (1) person in a viewing room at any time.

2. No owner or operator shall allow openings of any kind to exist between viewing rooms within an adult mini motion picture theater. The owner or operator of an adult mini motion picture theater shall, during each business day, regularly inspect the walls between the viewing rooms to determine if any openings or holes exist.
3. The owner or operator of an adult mini motion picture theater shall cause all floor coverings in viewing rooms to be nonporous, easily cleanable surfaces, with no rugs or carpeting and shall cause all wall and ceiling surfaces in viewing rooms to be constructed of, or permanently covered by, nonporous, easily cleanable material.

O. Prohibited Conduct on Premises of Sexually-Oriented Businesses
1. It shall be a violation of this Ordinance for any person in a sexually-oriented business to appear in a state of full nudity or to depict specified sexual activities.
2. No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or patron, shall appear bottomless or in a state of full nudity while on the premises of a sexually-oriented business.
3. No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or patron, shall perform any specified sexual activities as defined in this article, wear or use any device or covering exposed to view which stimulates or simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities, as defined in this article, or participate in any act of prostitution while on the premises of a sexually-oriented business.
4. No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or patron, shall knowingly touch, fondle or caress any specified anatomical area of another person, knowingly permit another person to touch, fondle or caress any specified anatomical area of his or hers, whether such specified anatomical areas are clothed, unclothed, covered or exposed, or sit on or in or otherwise occupy the lap of anyone while on the premises of a sexually-oriented business.
5. No owner, operator, manager, employee, entertainer or contract personnel shall knowingly or intentionally appear in a semi-nude condition unless the person, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage that is at least two (2) feet from the floor.
6. No employee shall solicit any pay or gratuity from any patron or customer while said employee is in a state of semi-nudity while on the premises of a sexually-oriented business.
7. No private dance, viewing, projection or meeting areas shall be allowed within a sexually-oriented business.

P. Exterior of Sexually-Oriented Businesses

It shall be unlawful for an owner or operator of a sexually-oriented business to allow the merchandise or activities of the establishment to be visible from any point outside of the establishment. All activities shall be contained within the principal structure and there shall be no accessory structures, temporary structures, or itinerant

merchants operating on the premises. This includes no seasonal sales, parking lot events, week-end events, storage containers, sheds, or temporary dwellings.

5.7.5 Office, Retail, & Service Uses

5.7.5.1 Office, Retail, and Service Uses in the RC Zoning District

Any use listed under the "Office, Retail, & Service Uses" category that is shown as a permitted or special use in the RC zoning district in Table 5.6-1 shall be located within 1,000-ft. an intersection of expressway, boulevard, major thoroughfare, or minor thoroughfares with another expressway, boulevard, major thoroughfare, or minor thoroughfare, as shown on the Highway Map of the latest edition of the Person County & Roxboro County Comprehensive Transportation Plan.

5.7.5.2 Accessory Structure with Office, Retail, or Service Principal Use

A. Unless otherwise specified in this Ordinance, accessory structures may be allowed within five (5) feet of rear and side yard lot lines.
B. Accessory structures for office, retail, or service uses shall be located in the side or rear yard.
C. Accessory structures shall be allowed on a lot upon which an office, retail or service principal use exists.
D. Manufactured homes, modular offices, vehicles, trailers, and shipping containers shall not be used as accessory structures.

5.7.5.3 Construction Office (Temporary Use)

A. Manufactured or modular office units, construction trailer, and temporary buildings not for residential purposes are permitted to be used by a contractor for field offices and storage during the building of structures on the same site or subdivision. A Zoning Permit shall be obtained for the temporary construction office and will be valid for the duration of building permit validity.
B. No portion of the temporary use may be located within the public street right-of-way.
C. The temporary use shall not be converted to a permanent use at any time.

5.7.5.4 Itinerant Retail Uses (Open-Air Sales)

A. Temporary retail sales such as fireworks, seasonal agricultural products, Christmas trees, food trucks, pop-ups, food vendors, farmer's markets, and similar sales may take place on the same lot as a permitted principal non-residential use or commercial parking lot for a period up to 120 calendar days, per year at any single location.
B. Temporary signage associated with the temporary retails sales, whether on-premise, off-premise, and/or directional signage, shall be removed at the end of each day and replaced the following day, if desired. Temporary signs shall also be removed at the end of the temporary retail sales. No snipe signs, attention-getting devises, and temporary perimeter site lighting are permitted for the temporary use.

C. A truck or temporary tent of 120 SF or less may be utilized for temporary sales, provided that all County Environmental Health Department, Building Code, and Fire Code regulations are met.
D. No portion of the temporary use may be located within the public street right-of-way.
E. Itinerant retail uses shall present proof in writing from the property owner's approval to use a site, prior to permit issuance.
F. The temporary use portion of a site shall have adequate parking and access management, in addition to parking for any permanent use located on the property. The inclusion of security fencing, port-o-lets, temporary site lighting, or storage bins shall not impede parking and traffic internal circulation.

5.7.5.5 Yard Sales/Garage Sales/Estate Sales

A. The temporary outdoor sale of merchandise may be conducted entirely upon a lot with a permitted principal use by one (1) or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.
B. A Zoning Permit is not required.
C. Such sales shall not be conducted on the same lot for more than ten (10) calendar days per year.
D. Temporary directional signs, both on-premise and within area rights-of-way, shall be allowed only on the day of the sale and removed daily, following the sale that day. No snipe signs shall be permitted.

5.7.6 Industrial, Warehousing, Transportation, & Utility Uses

5.7.6.1 Accessory structures with Industrial, Warehousing, Transportation, & Utility Uses

A. Accessory structures for industrial, warehousing, transportation, or utility uses shall meet principal structure setbacks for the zoning district in which they are located and shall not be located within any required bufferyard.
B. Accessory structures shall be allowed on a lot upon which an industrial, warehousing, transportation, or utility principal use exists.

5.7.6.2 Industrial, Heavy & Light

A. Industrial Categories
   1. Industrial, Light - A manufacturing establishment whose primary operations, including storage of materials, processing, fabrication or assembly of products; and loading and unloading of new materials and finished products at loading docks and which does not produce or utilize in large quantities of noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. Examples include:
      - Assembly of premanufactured components including furniture assembly, cabinet making, millwork, apparel manufacturing (from premanufactured textiles), and similar uses

- Food manufacturing, excluding animal process (NAICS Codes starting with 311)
- Beverage manufacturing (NAICS Codes starting with 3121)
- Textile and apparel manufacturing (NAICS Codes starting with 313, 314, 315)
- Machinery manufacturing (NAICS Codes starting with 333)
- Computer, medical equipment, instrument, and telecommunications component assembly (excluding those that involve hazardous materials) (NAICS Codes starting with 334)
- Electrical Equipment, Appliance, and Component Manufacturing (NAICS Codes starting with 335)
- Transportation equipment manufacturing (NAICS Codes beginning with 336)
- Furniture and related product manufacturing (NAICS Codes starting with 337)
- Sawmills (NAICS Code 321113)
- High volume commercial printing (NAICS Codes starting with 323)
- Low volume machine shops (NAICS Code 33271)
- Machinery manufacturing (NAICS Codes starting with 333)
- Computer and electronic manufacturing (NAICS Codes starting with 334)
- Electrical equipment, appliance and component manufacturing (NAICS Codes starting with 335)
- Transportation Equipment Manufacturing (NAICS Codes starting with 336)
- Miscellaneous manufacturing (NAICS Codes starting with 339)

2. Industrial, Heavy - A manufacturing establishment whose operations, including storage of materials, processing, fabrication or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts could impact adjacent properties. These uses generally involve impacts to the public health, safety and/or welfare which are greatest. Examples include:
   - Extraction of or manufacturing from raw materials
   - Power generation, fossil fuel and nuclear (NAICS Codes 221112 & 221113)
   - Resource extraction (NAICS Codes starting with 21)
   - Animal processing (NAICS Codes starting with 3116)
   - Tobacco manufacturing (NAICS Codes starting with 3121)
   - Leather and allied product manufacturing (NAICS Codes starting with 316)
   - Wood product manufacturing (NAICS Codes starting with 321, excluding sawmills and millwork)
   - Paper manufacturing (NAICS Codes starting with 322)
   - Petroleum and coal products manufacturing (NAICS Codes starting with 324)
   - Chemical or pharmaceutical manufacturing (NAICS Codes starting with 325)
   - Plastics and rubber manufacturing (NAICS Codes starting with 326)
   - Nonmetallic mineral product manufacturing, including asphalt and concrete plants (excluding artisans and craftsmen creating glass or clay products for sale) (NAICS Codes starting with 327)

- Primary metal manufacturing (NAICS Codes starting with 331)
- Fabricated Metal Product manufacturing (excluding artisans and craftsmen creating custom metal products for sale, and low volume machine shops) (NAICS Codes starting with 332)

3. Ancillary Industrial Uses
   Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning & Zoning staff should rely on the NAICS' activity dimension to differentiate between an office activity and a factory activity for such establishments.

B. Standards
   1. Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district.
   2. Industrial uses shall be subject to the buffer requirements set forth in Section 6.4.5.

5.7.6.3 Commercial Junkyards & Automobile Graveyards

A. Purpose
   The regulation of commercial junkyards and automobile graveyards (also known as salvage yards or tow yards) is established by the State of North Carolina through NCGS, Article 12, the Junkyard Control Act, and § 160A-303.2, Regulation of abandonment of junked motor vehicles. The purpose of the adoption of this Ordinance is to adopt NCGS Article 12 and § 160A-303.2 in their entirety for the regulation of commercial junkyards and automobile graveyards, as well as to benefit environmental protection, land use compatibility, nuisance abatement, and property maintenance within Person County.

B. Applicability & Exceptions
   1. Commercial junkyards and automobile graveyards that include junk, as defined by this Ordinance, are subject to the requirements of this Section and the issuance of a Zoning Permit, as set forth in Table 5.6-1.
   2. Commercial junkyards and automobile graveyards existing at the effective date of this Section, which would otherwise be in violation of this Section, shall be granted a grace period of six (6) months to conform to the provisions of this Ordinance. Thereafter, the same shall be subject to the provisions of this Ordinance.
   3. The provisions of this Section shall not apply to an active construction site and materials, which are being used in connection with a construction activity taking place on a premises, provided the construction activity associated with an active Zoning Permit is being diligently pursued and complies with applicable ordinances and codes.

4. Commercial junkyards and automobile graveyards for zoning purposes are either commercial or industrial operations, per definition and application in this Ordinance. The storage of junk or vehicles on residentially zoned or by use property shall be limited to non-commercial and non-industrial operations. In such cases, the property owner is required to keep their property maintained to not become a private nuisance. Where a private nuisance potential exists, Person County reserves the right to inspect the property for nuisance verification, issue notices of violation where the nuisance exists, and follow the provisions of NCGS, Article 12, the Junkyard Control Act, and § 160A-303.2, Regulation of abandonment of junked motor vehicles for abatement.
5. Commercial junkyards and automobile graveyards shall not become an environmental hazard or negatively impact public health, safety, and welfare.

C. Prohibitions

All commercial junkyards or automobile graveyards, except as hereinafter provided, it shall be unlawful after the effective date of this Ordinance for any person, firm, corporation, or other legal entity to operate or maintain in any unincorporated area of Person County a commercial junkyard or automobile graveyard, without first obtaining a Zoning Permit to operate the same and without maintaining a 100% opaque screen from view from an adjacent property or street as hereafter described.

D. Permitting

Any person, firm, corporation, or other organization desiring to operate, or continue to operate a commercial junkyard or automobile graveyard after the adoption of this Ordinance shall be required to obtain a Zoning Permit to operate same from the Person County Planning & Zoning Department.

E. Fencing and Screening

All commercial junkyards or automobile graveyards operated in Person County shall be completely surrounded by well-maintained 100% opaque fence, screen, vegetation, earthen berm, wall, or a combination thereof of at least six (6) feet in height, with gates that remain closed, except when used for ingress and egress. The commercial junkyard or automobile graveyard shall be screened with an opaque Type 2 buffer, as set forth in Section 6.4.5. The screen material shall not have any gaps for visibility into the property and shall be maintained for as long as the property is used that requires the screen. All screening material shall be located completely outside of an adjacent right-of-way or an adjacent property. Movement of screening material, upon notification, shall be solely at the property owner's expense.

F. Signage

All commercial junkyards and automobile graveyards operated and maintained in Person County shall be identified at the entrance to said facility by a sign not greater than 24 SF in area, otherwise meeting the sign requirements of Article 7.

5.7.6.4 Solar Energy Systems, Battery Energy Storage Systems, & Alternative Forms of Energy Use

A. Purpose

The purpose of this Section is to facilitate alternative energy use facilities, particularly as a result of lower carbon emissions programs within the State of North Carolina and nationally. As energy technology changes to accommodate the North Carolina Utility Commission Carbon Plan, Person County shall accommodate alternative energy methods. This Ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this Ordinance shall also not be deemed to nullify any provisions of local, state, or federal law. Nothing in this Ordinance shall limit or restrict the provisions granted within for residential property and, where there is a conflict between this Ordinance and NCGS § 160D-914, NCGS § 160D-914 shall prevail.

B. Applicability

This Ordinance applies to the construction, installation, and operation of solar energy systems (SES), battery energy storage systems (BESS), and alternative forms of energy use within Person County in a manner that promotes economic development, preserves the dignity and aesthetics of the environment and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands. Systems established prior to the effective date of this Section shall remain exempt, except if major modifications to an existing energy system is proposed and requires a new Zoning Permit to be issued by the Board of Commissioners. Solar energy systems that are roof-mounted or serving residential property, where the predominant use is for residential purposes per NCGS § 160D-914, as well as maintenance and repair of solar energy systems, are not subject to this Ordinance and are exempt from obtaining a Zoning Permit.

C. Solar Energy System Types

A solar energy system is considered as a Level 1, Level 2, or Level 3 type:

1. Level 1 SES – Any roof-mounted system on a code-compliant structure or a ground-mounted system that is less than a ½-acre in size;
2. Level 2 SES – Ground-mounted systems greater than or equal to ½-acre and less than ten (10) acres; or
3. Level 3 SES – Ground-mounted systems greater than or equal to ten (10) acres.

D. Solar Energy System Dimensional Standards

TABLE 5.7-2 SETBACK REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

Left blank = Prohibited in that district					
System Type	Residential (R)	Highway Business (B-1)	Neighborhood Business (B-2)	General Industrial (GI)	Rural Conservation (RC)
Level 1	Per District Regulations in Section 6.2.2				
Level 2 *		200’	200’	200’	
Level 3 *		200’		200’	

* All solar energy systems shall be separated by a minimum distance of 300’ from all residential dwellings as measured from the nearest solar panel to the nearest dwelling. In addition, all solar energy systems shall be separated by a minimum distance of 100’ from the nearest well

1. Setbacks for solar energy systems are measured from the nearest solar panel to the nearest property line and/or right-of-way line. Setbacks for solar energy systems in Person County as follows:
    a. Where a solar energy system facility is located on multiple contiguous lots of record in separate ownership, the building setback and buffer requirement shall apply only to the exterior perimeter of the project boundaries surrounding the facility and not the interior property boundaries within the facility. A written waiver signed by the property owner(s) shall be required.
    b. For roof-mounted systems, the maximum panel height is limited to the applicable district regulations for buildings. For ground-mounted systems, the maximum panel height shall be measured from the highest natural grade below each solar panel to the top of the highest point of the panel frame and shall not exceed fifteen (15) feet. Poles and wires reasonably necessary to connect to public electric utilities for all solar energy systems shall not be subject to this requirement.
    c. The maximum size of Level 3 solar energy systems shall not exceed 100-acres, as measured around the exterior perimeter of the panels that are outside of the buffer area. No Level 3 solar energy system shall be located within one (1) linear mile of an existing Level 3 solar energy system.

E. Solar Energy System Landscape Bufferyards
1. Level 1 systems shall be exempt from buffering and landscaping requirements.
2. Solar collectors, accessory equipment, and associated outside storage for Level 2 and Level 3 systems shall be completely screened with a 150-ft. vegetative buffer from view from all property and right-of-way lines. Buffers shall include at a minimum, evergreen shrubs and a combination of deciduous and evergreen trees as follows:
    a. Every 500 SF of buffer shall include one evergreen or deciduous tree that shall be a minimum of six (6) feet at planting and have a minimum height of 15-ft. within three (3) years and spread of at least 30-ft. within 10 years; and,
    b. Five (5) evergreen shrubs, or three (3) evergreens and two (2) deciduous shrubs, that shall be a minimum of three (3) feet at planting and have a height and spread of at least five (5) feet within 10 years.
    c. Existing vegetation may be counted toward the required plantings when identified on a landscape plan and certified by an arborist, landscape architect, landscape designer. Plants identified for the buffer must be protected from all land disturbing activities and construction at a distance equal to the drip line of the plant(s) to be used toward the buffer.

F. Solar Energy System Aviation Notification
1. Level 1 systems shall be exempt from aviation notification requirements.
2. For all Level 2 and Level 3 systems, a map shall be provided with the permit application that shows a five (5) mile radius from the center of the SES with the nearest point of any airport operations.

3. For systems containing airport operations within a five (5) mile radius from the center of the SES, the following items must be included with the permit application:
   a. A map.
   b. Determination of whether the airport is in the National Plan of Integrated Airport Systems (NPIAS).
   c. Documentation/certification that the project will not interfere with airport/aircraft communications systems.
   d. Proof of delivery of notification, date of delivery, and response(s) for the following documents:
      - For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the solar energy system shall be sent to the NC Commanders Council at least forty-five (45) calendar days before the Special Use Permit/Conditional Rezoning hearing for Level 2 and Level 3 solar energy systems and at least forty-five (45) calendar days before starting construction for all other Level 2 and Level 3 solar energy systems. Notification shall include location of solar energy system (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of the system (e.g. 5-acres).
      - A full report for each flight path and observation point, as well as the contact information for the Administrator, shall be sent to the authority indicated below at least forty-five (45) calendar days before the Special Use Permit/Conditional Rezoning hearing for Level 2 and Level 3 solar energy systems and at least forty-five (45) calendar days before starting construction for all other Level 2 and Level 3 solar energy systems. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate the solar glare aviation hazard. SGHAT can be accessed via the following website: www.forgesolar.com.
      - Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the center of SES: provide required information to the North Carolina Division of Aviation and Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina and receive responses from those agencies at least ten (10) calendar days prior to the hearing. Those responses shall be provided to both the Person County Planning & Zoning Department and Person County Airport Commission.
      - Airport operations at airports not in the NPIAS, including military airports, within five nautical miles of the center of SES shall provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.
   e. Any applicable solar energy system design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the

new full report shall be sent without undue delay to the contact specified in Subsection (4d) above for accurate records of the as-built system.

G. Solar Energy System Decommissioning & Abandonment
   1. Level 1 systems shall be exempt from decommissioning and abandonment requirements.
   2. A solar energy system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the solar energy system provides substantial evidence (updated every six (6) months after twelve (12) months of no energy production) to the Administrator of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the solar energy system. Restoration to less than the original condition is acceptable when it is requested in writing by the parcel owner.
   3. At the time of applying for permits, the Applicant (solar energy system developer or property owner) shall include a Decommissioning Plan addressing the following items:
      a. Anticipated life of the solar energy system.
      b. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for twelve (12) months, etc.)
      c. Removal of all non-utility owned equipment, conduit, structures, fencing, solar panels~~,~~ and foundations.
      d. Restoration of property to condition prior to development of the solar energy system.
      e. Timeframe for completion of decommissioning activities, not to exceed one (1) year.
      f. Description and copy of any lease or any other agreement with the property owner regarding decommissioning.
      g. Name and address of person or party responsible for decommissioning.
      h. Plans and schedule for updating the Decommissioning Plan.
      i. A verifiable means of determining if the Decommissioning Plan needs to be activated due to cessation of use for 365 calendar days, such as a letter from the electric utility stating that it will notify the Planning & Zoning Department within ten (10) calendar days if electricity is not received from an array within the solar energy system for 365 calendar days.
      j. Estimated decommissioning costs including contingency costs of at least 25% (in current dollars), as provided by an appropriately experienced, North Carolina licensed Engineer, under seal.
   4. Prior to the issuance of a Certificate of Compliance/Zoning Permit, the County must receive a performance guarantee in favor of the county in an amount equal to 1.25 times the estimated decommissioning cost as determined by a North Carolina licensed engineer. The performance guarantee must be satisfactory to the Administrator and may include a performance bond, irrevocable letter of

credit, cash deposit or other surety approved by the Administrator and County Attorney. Following initial submittal of the performance guarantee, the cost calculation for decommissioning shall be reviewed every three (3) years, and adjusted accordingly based upon an updated estimate of a North Carolina licensed Engineer under seal, of the estimated decommissioning costs. Failure to comply with any requirement of this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the County shall be entitled to make immediate demand upon, and/or retain any proceeds of the surety, which shall be used for the decommissioning and/or removal of the solar energy system, even if it is still operational.

H. General Procedures for Solar Energy System Development Approval
   1. After the effective date of this Ordinance, no proposed solar energy system as defined in this Ordinance and within Person County's jurisdiction shall proceed with construction until it has received approval in accordance with the procedures of this Section and Article 4.
   2. Existing solar energy system developments are governed under the regulations in place prior to the effective date of this Section unless a major modification as defined by this Ordinance is proposed. A new Zoning Permit shall be required for major modifications to existing solar energy systems.

I. Level 1 Solar Energy Systems Approval Procedures
   1. Ground-mounted Level 1 solar energy systems are a permitted use in accordance with the Permitted Use Table in Section 5.6-1 and shall meet the applicable height, setback, and related district standards. These ground-mounted Level 1 solar energy systems must complete the following for approval:
      a. Zoning Permit application in accordance with Section 4.2;
      b. Location of the proposed ground-mounted Level 1 solar energy system on an aerial photograph (to-scale) or Site Plan with setback dimensions;
      c. Where applicable, approval from Person County Environmental Health, the City of Roxboro Public Works, or addressing from Person County GIS; and
      d. Building permit application and building plans for Person County Building Inspections.

J. Level 2 Solar Energy Systems as Permitted Uses
   1. Level 2 solar energy systems allowed as permitted uses in accordance with the Permitted Use Table in Section 5.6-1 must meet the applicable height, setback, aviation notification, and related district standards. Level 2 solar energy systems must complete the following for approval:
      a. Zoning Permit application in accordance with Section 4.2;
      b. Approval from Person County Environmental Health or the City of Roxboro Public Works, as applicable;
      c. Addressing from Person County GIS; and
      d. Building permit application and building plans for Person County Building Inspections.

2. In addition to general Site Plan requirements of Section 4.2, Site Plans submitted to Person County Planning & Zoning Department for Level 2 solar energy systems must show the following:
   a. Planned location of each solar array and accessory equipment;
   b. The front, rear, and side setbacks of the solar array and accessory equipment;
   c. Required buffer areas with description;
   d. A table containing the number, dimensions, height, and type of each proposed solar array including their generating capacity; and
   e. Level 2 solar energy systems in the Neuse watershed may require additional materials
3. Following completion of construction, all Level 2 solar energy systems shall submit a final as-built survey to the Planning & Zoning Department. Following submission and approval of the final as-built survey, Level 2 solar energy systems must receive an approved final zoning inspection performed on-site by the Person County Planning & Zoning Department prior to receiving their Certificate of Compliance/Zoning Permit. Properties located in the Neuse watershed may require additional materials prior to receiving their Certificate of Compliance/Zoning Permit.

K. Level 2 and Level 3 Solar Energy Systems Requiring Special Use Permits or Conditional Zoning districts
1. Level 2 and Level 3 solar energy systems requiring Special Use Permits or Conditional Zoning districts must submit a completed Special Use Permit/Conditional Zoning district rezoning application and Site Plan to the Person County Planning & Zoning Department. A copy of all aviation requirements shall also be submitted to the Person County Airport Commission. Applicants may choose to provide a sketch plan to the Administrator ahead of a Site Plan, as sketch plans do not require much investment and are an opportunity for the Administrator to point out design changes ahead of more expensive site planning.
2. In addition to general Site Plan requirements of Section 4.2, Site Plans submitted to the Person County Planning & Zoning Department for Level 2 and Level 3 solar energy systems must show the following:
   a. A narrative describing the proposed solar energy systems, including an overview of the project and estimated megawatt output of the project;
   b. Planned location of each solar array and accessory equipment;
   c. The front, rear, and side setbacks of the solar array and accessory equipment;
   d. Required buffer areas with description;
   e. A table containing the number, dimensions, height, and type of each proposed solar array;
   f. Location where wiring is brought together for inter-connection to the system components and/or the local utility power grid, and location of disconnect switch;
   g. Location of any onsite battery storage systems/units; and
   h. Level 2 and Level 3 solar energy systems in the Neuse watershed may require additional materials.

3. The following information shall also be included in the submittal for a special use permit or Conditional District rezoning application:
   a. A copy of the lease agreements with each property owner and any access and utility easements. Lease agreements shall have a provision that describes how the agreement may be renewed. Identifying information, as defined in NCGS § 14-113.20(b), and proprietary information may be redacted.
   b. Evidence that the electrical utility provider has established an agreement/contract with the solar energy system owner to install an interconnected system. Any customer-owned generator (off grid systems) shall be exempt from this requirement.
   c. Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage technology that contains PFAS (Polyfluoroalkyl substances) must be noted in the application. If the project intends on using PFAS-containing battery storage technology, a containment plan and a separate Decommissioning Plan from the plan described below must be submitted for approval. If the battery Decommissioning Plan includes recycling as a method for disposition of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the battery manufacturer must be provided stating that the batteries used do not contain PFAS.
   d. A Phase 1 Environmental Site Assessment prepared by a duly licensed professional in the State of North Carolina.
   e. Fire Prevention and Emergency Response facilities shall be installed by the solar energy system owner and approved by the Person County Fire Marshal to include, at a minimum, the following:
      - Confirmation that the local Fire Departments located in the same fire district as the major solar energy system has or will acquire equipment to contain and extinguish any fire at the solar energy system. Any new equipment requested by the fire district shall be paid for by the major solar energy system owner.
      - Chemical fire suppressants shall be located and properly stored at each battery storage area and transformer as directed by the County Fire Marshal.
      - An Emergency Response Plan consistent with all applicable Federal Emergency Management Agency guidelines shall be prepared by the solar energy system owner and approved by the County Fire Marshal.
      - The 50-ft. area in between the edge of the buffer and the panels may be maintained and inspected on an annual basis to ensure that emergency vehicles can adequately access the perimeter of the site.
   f. Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the County to ensure compliance with this Ordinance. Recognizing the unique environmental

challenges of a solar energy system, studies that may be required under this paragraph may include but are not limited to the following:

- Field surveys for all State or Federal listed species that are protected under State or Federal Law;
- Geologic reports mapping and describing geological resources such as bedrock outcrops, groundwater recharge zones, seeps, springs and general characterization of groundwater resources;
- Surface water resources including wetlands;
- Site specific soil surveys to include information on prime farmland soils as classified by the USDA Natural Resources Conservation Service, hydric soils and hydric components of non-hydric soil series, soil erodibility, agricultural suitability and site index for growing timber;
- Environmental constraints analysis; and
- Other studies of the project site, receiving waters, and adjacent or nearby natural and environmental resources as may be requested by any County agency.

L. Level 2 & Level 3 solar energy systems must also complete the following for approval:

a. Approval from Person County Environmental Health or the City of Roxboro Public Works;
b. Addressing from Person County GIS;
c. Zoning Permit application and approved Site Plan for Person County the Planning & Zoning Department;
d. Decommissioning Plan submitted to the Person County Planning & Zoning Department;
e. Building permit application and building plans for Person County Building Inspections; and
f. Level 2 and Level 3 solar energy systems in the Neuse watershed may require additional materials.

2. Following completion of construction, all Level 2 & Level 3 solar energy systems shall submit the following:

a. A final as-built survey shall be submitted to the Administrator; and
b. A letter of certification from a North Carolina licensed engineer indicating that the inverter noise shall not exceed the lower of 3dBA Leg (1 HR) above preconstruction background or 40 Leg (1 HR) dBA, measured at any property line during output that exceeds 95% rated capacity from the facility.

3. Following submission and approval of the final as-built survey, Level 2 and Level 3 solar energy systems must receive an approved final zoning inspection performed on-site by the Person County Planning & Zoning Department prior to receiving their Certificate of Compliance/Zoning Permit. Properties located in the Neuse watershed may require additional materials prior to receiving their Certificate of Occupancy.

M. Battery Energy Storage Systems Development Approvals, Decommissioning, & Abandonment

Battery energy storage systems (BESS) are required to obtain all applicable permits from the State of North Carolina and Person County to operate, locate, install, commission, and decommission that pertains to large-scale systems of 500 kilowatts (kWh) or greater. Any BESS containing megawatts (MW) is also considered a large-scale system. Battery systems less than 500-kWh, for this Ordinance, are considered to be small-scale systems, and are exempt from these standards.

Ownership of battery energy systems and property ownership shall be included with applications and Site Plans, in addition to the applicant's contact information. A change in any ownership following Certificate of Occupancy issuance shall be provided to the Fire Marshal and Building Official a minimum of thirty (30) calendar days prior to ownership change. Site Plan approval is required prior to zoning permit issuance that meets the criteria listed in Section 81 of the Planning Ordinance, as amended. A Commissioning Plan shall also be approved by Person County Building Inspections, Environmental Health, and Fire Marshal prior to Certificate of Occupancy issuance. The Commissioning Plan shall include a corrective action plan that may arise during operation of the BESS. BESS ownership/property ownership shall be responsible for the operation, maintenance, restoration, and environmental remediation for the system and site. The Commissioning Plan shall list mitigation and monitoring events and recordkeeping methods of storing annual reports and annual report may be provided to Person County Fire Marshal upon request. A Decommissioning Plan shall be provided to Person County Building Inspections, Environmental Health, Fire Marshal, and Planning & Zoning Department that addresses BESS facilities closure, projected life of the system, equipment removal and material disposal, site restoration, and environmental remediation. BESS sites shall not become an undue burden to the public both physically and fiscally through abandonment and environmental remediation. It is the sole responsibility of the system owner/property owner to maintain the site and remediate environmental hazards; or be subject to code enforcement action.

N. Battery Energy Storage Systems Site Location Criteria

The following site location criteria shall apply to Tier 2 and Tier 3 battery systems, as follows:

1. BESS are a Light Industrial use within this Ordinance.
2. BESS constructed on existing energy production sites, as of the date of adoption of this Ordinance, are considered a Permitted Use.
3. BESS subject to these standards may include, but are not limited to Lithium-ion, Flow, Zinc-hybrid cathode, Lead-acid, Nickel-cadmium, Nickel metal hydride (Ni-MH), Capacitor, and Aquion battery types.
4. BESS and associated bufferyards shall be located entirely outside of FEMA designated areas of minimal flooding (i.e. 100-year floodplain) and any critical, cultural, historical, archeological, or environmentally sensitive areas.
5. An impervious containment area shall include clay soils and gravel and be maintained free from weeds and trash with scheduled maintenance.
6. The containment area shall include a 10-ft. wide gravel bufferyard forming the

perimeter of the equipment and a minimum black vinyl-coated 6-ft. high steel chain-link fence with self-locking gate and posted 'no trespassing' signage on all four sides of the fence. Provision of a 6-ft. high masonry screen wall is optional. Systems within an existing energy production site and behind a perimeter security fence also have an option not to provide vinyl-coated material.

7. The maximum dedicated-use building height shall not exceed 35-ft.
8. Access to the containment area shall be from a 10-ft. wide concrete, asphalt or gravel driveway stabilized for emergency response vehicle load-bearing. A Knox-box or similar equipment shall be provided for emergency access to the self-locking gate that is aligned with the shortest distance to the paved driveway.
9. Signage meeting ANSI standards is required informing of the presence of hazardous chemicals, electrical voltage, 24/7 emergency contact information for the system owner and local public safety departments, property address, emergency cutoff systems, and fire suppressant system instructions.
10. Security lighting design shall be provided by photometric plan within the Site Plan submittal. Light fixtures shall have a maximum spacing of 100-ft. on-center inside of the security fence with LED light fixtures oriented directionally downward to achieve no greater than a one-half footcandle at the fence perimeter. Security cameras shall also be installed in close proximity to site lighting and at the self-locking gate. Security lighting height shall not exceed 15-ft.
11. BESS shall be designed not to exceed a noise mitigation limit of 75 decibels (dB), comply with the Person County Noise Ordinance, and be planted with xeric vegetation to 75% opacity screening at full maturity, as maintained. The 75 dB design shall be provided as a calculation with the Site Plan submittal. The vegetative screen design and plant palette shall be included on a landscape plan with the Site Plan submittal.
12. Except for main service connections at the utility company right-of-way and new interconnection equipment, utility lines leading into the containment area shall be buried underground to a point of connection to electrical circuitry or dedicated-use buildings.

O. Annual Inspections

Annual inspections may be performed by the Administrator or designee to ensure compliance with the requirements of this Ordinance. Any deficiencies noted shall be corrected upon receipt of notice from the Administrator.

5.7.6.5 Water Dependent Structure

Structures on Hyco Lake shall be subject to the *Guidelines for the Use of Residential Properties at Hyco Lake* and shall demonstrate approval by the Person-Caswell Lake Authority prior to the issuance of a Zoning Permit by the Person County Planning & Zoning Department.

5.7.6.6 Wireless Telecommunication Towers & Support Structures

A. Purpose & Applicability

1. Subject to NCGS § 160D, Article 9, Part 3, the purpose of this section is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare.
2. The deployment of wireless infrastructure is critical to ensuring first responders can provide for the health and safety of all residents of North Carolina consistent with federal standards, which create a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures. The placement, construction, or modification of wireless communications facilities shall be in conformity with the Federal Communications Act, 47 U.S.C. Section 332 as amended, section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. Section 1455(a), and in accordance with the rules promulgated by the Federal Communications Commission.
3. It is also the intent of this Section to:
   a. Ensure that Person County has sufficient wireless infrastructure to support its public safety communications;
   b. Ensure access to reliable wireless communications services throughout all areas of Person County;
   c. Encourage the use of existing structures for the co-location of telecommunications facilities;
   d. Encourage the location of support structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
   e. Facilitate the responsible deployment of telecommunications facilities in residential areas to ensure comprehensive wireless services across Person; and
   f. Minimize the potential adverse effects associated with the construction of wireless support structures through the implementation of reasonable design, landscaping, and construction practices; and
   g. Ensure public health, safety, welfare, and convenience.
4. The provisions of this Section apply to any new wireless support structure. The use of land for wireless support structure shall be permitted as set forth in the Permitted Uses Table (Table 5.6-1), subject to the criteria of this Section. Wireless support structures shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities. No permit shall be required for routine maintenance as defined in this Section.

B. New Wireless Support Structures & Substantial Modifications

The subsection shall apply all new wireless support structures and substantial modifications to existing wireless support structures.

1. Definition of Substantial Modification

A substantial modification occurs when:

a. The mounting of the proposed antenna on an existing structure that would increase the existing height of the existing structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20-ft., whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
b. The mounting of the proposed antenna to an existing water tower that would increase the existing height of the water tower by more than 20%; or
c. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new equipment shelter; or
d. The mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the existing structure more than 20-ft. or more than the width of the structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the structure via cable; or
e. The mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

2. Location & Permitted Uses
   a. New wireless support structures shall be permitted as set forth in the Permitted Use Table 5.6-1 of this Ordinance.
   b. Wireless support structures may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
3. Necessity of Structure
   a. Subject to NCGS § 160D-933, prior to approval of a new wireless support structure or substantial modification, the Applicant shall provide evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new structure, that residential, historic and designated scenic areas cannot be served from outside the area, and that the proposed height of the structure or replacement structure is necessary to provide the Applicant’s desired service. The application shall also provide evidence that co-location on an existing wireless support structure is not feasible.
   b. No new wireless support structure shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Administrator, or Board of Commissioners (if Special Use Permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the Applicant's proposed tower or antenna.

Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the Applicant's proposed tower or antenna may consist of any or all of the following:

- No existing towers or structures are located within the geographic area which meet Applicant's engineering requirements.
- Existing towers or structures are not of sufficient height to meet Applicant's engineering requirements.
- Existing towers or structures do not have sufficient structural strength to support Applicant's proposed antenna and related equipment.
- The Applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the Applicant's proposed antenna.
- The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.
- The Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- The Applicant demonstrates that alternative technologies, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, that does not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

4. Height, Setbacks, & Fall Zone
   a. Minimum setbacks for all monopole structures from shall be a minimum of the height of the tower from all property lines
   b. Minimum setbacks for concealed (stealth) design structures shall be a minimum of the engineered fall zone (as certified by a professional engineer), except that from any residential structure, the setback shall be the height of the tower.
   c. No wireless support structure shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any wireless support structure not located a distance equal to the height of the structure plus 50-ft. away from all habitable structures, property lines, or other towers, shall be designed to withstand the maximum forces expected from wind and ice when the structure is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the structure, specifying the number

and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

d. Additional height limitations apply within the Airport Protection Overlay as set forth in Section 5.5.1.

5. Security Fencing

   Wireless support structures shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, and shall be equipped in such a manner as to deter climbing, such as barbed-wire, or concertina-wire. Fencing shall be wood, wood composite, masonry, or vinyl-coated chain link.

6. Landscaping

   Wireless communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the structure compound from adjacent property. The facility shall be screened at a minimum with a Type 1 Buffer in accordance with Section 6.4.5 around the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Board of Commissioners or Administrator (as applicable) may waive these requirements in locations where the view of the structure base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

7. Lights

   No wireless support structure shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC). This restriction against lights shall not apply to structures which have been combined with light standards for illumination of ball fields, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the lot or parcel, and be directed downward.

8. State or Federal Requirements

   All wireless support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate wireless support structures. If such standards and regulations are changed, then the owners of the wireless support structures governed by this Chapter shall bring such wireless support structures into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring wireless support structures into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless support structures at the owner's expense.

9. Building Code & Safety Standards
   To ensure the structural integrity of wireless support structures, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code and other applicable state and federal safety standards.
10. Signs
    Signs on a wireless support structure, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner, to warn of any danger, and to post no trespassing. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of the Sign Regulations of this Ordinance.
11. Permit Requirements
    a. No wireless support structures, shall be erected, established, or substantially modified unless and until a Zoning Permit has been issued pursuant to Section 4.2.5 of this Ordinance.
    b. In addition to the procedures set forth in Section 4.2.5 of this Ordinance, Zoning Permits for wireless support structures shall be issued in accordance with the following provisions:
       - Any information of an engineering nature that the Applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.
       - A Site Plan in accordance with Section 4.2.5 of this Ordinance which clearly indicates the location, type, and height of the proposed wireless support structure; on-site land uses and zoning; adjacent land uses and zoning (including when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines elevation drawings of the proposed wireless support structure and any other structures; and other information deemed by the Administrator to be necessary to assess compliance with this Section.
       - The setback distance between the proposed wireless support structure and the adjacent property line.
       - The availability of suitable existing wireless support structures, other structures, or alternative technology.
       - Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
       - A statement by the Applicant as to whether construction of the structure will accommodate co-location of additional antennas for future users.
       - A description of the suitability of the use of existing structures, other structures or alternative technology not requiring the use of structures to provide the services to be provided through the use of the proposed new structure.
       - A description of the feasible alternative location(s) of future wireless support structures within Person County based upon existing physical,

engineering, technological or geographical limitations in the event the proposed structure is erected.

- A statement of compliance with the FCC Radio Frequency (RF) exposure standards.

C. Buildings or Other Equipment Storage

1. Accessory Equipment Structures

   The equipment cabinets and other support structures used in association with wireless support structures shall comply with the following provisions:

   a. Equipment cabinets and/or other structures shall comply with all applicable building codes.
   b. Guyed wires and accessory buildings shall satisfy the minimum zoning district setback requirements.

2. Location and Size of Accessory Equipment Structures

   Equipment cabinets and/or structures shall be no greater than 15-ft. in height or 300 SF in gross floor area. The entry or access side of a cabinet and/or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet and/or structure. Such access way shall be located away from residentially zoned or used property, wherever possible.

D. Cell on Wheels

The use of Cell on Wheels (COW) in response to a declaration of emergency is permitted following administrative review and approval for up to 120 calendar days.

E. Co-location & Eligible Facilities Requests

1. Co-location Approval

   a. Co-location of antenna on existing wireless support structures and minor modifications (eligible facilities requests) to existing wireless support structures that do not constitute substantial modifications, as defined by this Section, shall be reviewed and approved administratively subject to the requirements of Section 4.2.
   b. A co-location or eligible facilities request application is deemed complete unless the County provides notice that the application is incomplete in writing to the Applicant within forty-five (45) calendar days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The County may deem an application incomplete if there is insufficient evidence provided to show that the proposed co-location or eligible facilities request will comply with federal, State, and local safety requirements. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated. The Planning & Zoning Department shall issue a written decision approving an eligible facilities request application within forty-five (45) calendar days of such application being deemed complete. For a co-location application that is not an eligible facilities request, the County shall issue its written decision to approve or deny the application within forty-five (45) calendar days of the application being deemed complete.

2. Good Faith
   Applicants and permittee shall make a good faith effort to share wireless support structures, facilities and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users on the proposed structure, the Administrator may require the Applicant to obtain a third-party technical study at the Applicant's expense. The Administrator may review any information submitted by the Applicant and permittee(s) in determining whether good faith has been exercised.
3. Exceptions
   No co-location may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.

F. Removal of Abandoned Antennas & Wireless Support Structures
   Any wireless support structure or antenna that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner of such facility shall remove the wireless support structures within ninety (90) calendar days of receipt of notice from the Board of Commissioners notifying the owner of such abandonment. If there are two (2) or more users of a single wireless support structure, then this provision shall not become effective until all users cease using the wireless support structure for the prescribed period. "Physically remove" shall include, but not be limited to:
   1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
   2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
   3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

G. Non-Conforming Wireless Support Structures
   1. No Expansion of Non-Conforming Structures
      No non-conforming wireless support structure shall be expanded except in accordance with the provisions of this Section.
   2. Pre-existing Wireless Support Structures
      Preexisting wireless support structures constructed prior to the adoption of this Section shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new wireless support structure of like construction and height) shall be permitted on such preexisting structures. New

construction other than routine maintenance on a preexisting wireless support structures shall comply with the requirements of this Section.

3. Rebuilding Damaged or Destroyed Non-Conforming Wireless Support Structures
   Notwithstanding this Section, bona fide non-conforming wireless support structures or antennas that are damaged or destroyed by weather events or other non-manmade causes to conform to the requirements of this Ordinance provided the type, height, and location of the structure onsite shall be of the same type and intensity as the original facility; provided, however, that any destroyed lattice or guyed wireless support structure shall be replaced with a monopole structure only. If no permit is obtained or if said permit expires, the structure shall be deemed abandoned.

H. Co-location of Small Wireless Facilities
   1. Co-location of small wireless facilities are permitted pursuant to NCGS § 160D-935.
   2. The use of public rights-of-way for co-location of small wireless facilities shall be subject to NCGS § 160D-936, including the following:
      a. Each new utility pole and each modified or replacement utility pole installed in the right-of-way shall not exceed 50-ft. above ground level.
      b. Each new small wireless facility in the right-of-way shall not extend more than 10-ft. above the utility pole or wireless support structure on which it is collocated.
      c. Nothing in this section is intended to authorize a person to place, maintain, modify, operate, or replace a privately-owned utility pole or wireless support structure or to collocate small wireless facilities on a privately-owned utility pole, a privately-owned wireless support structure, or other private property without the consent of the property owner.
      d. Wireless providers shall repair all damage within a right-of-way directly caused by the activities of the wireless provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures or utility poles and to return the right-of-way to its functional equivalence before the damage.

ARTICLE 6. DEVELOPMENT STANDARDS

6.1 General Development Standards 6-2

6.2 Density & Dimensional Standards 6-5

6.3 Environmental & Open Space Standards 6-12

6.4 Landscaping & Screening Standards 6-59

6.5 Parking & Access Standards 6-75

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6.1 GENERAL DEVELOPMENT STANDARDS

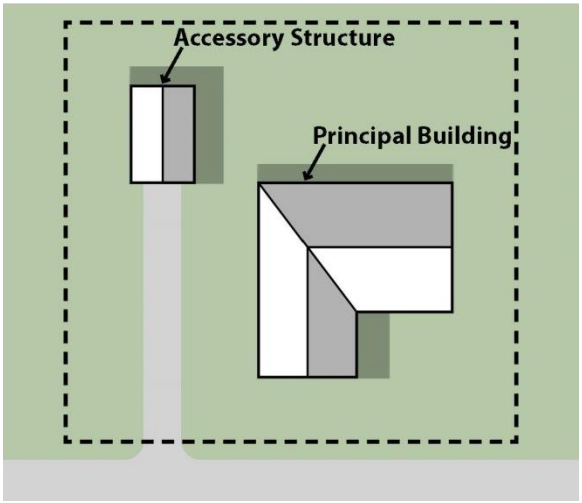
6.1.1 Suitability of Land

A. Land which has been determined, on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the developer has taken the necessary measures to correct said conditions and to eliminate said dangers.
B. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by a structural engineer and a soils expert determine that the land is suitable for development.
C. All development proposals shall be consistent with the need to minimize flood damage in accordance with regulations of the Flood Damage Prevention regulations in Section 6.3.4.

6.1.2 Lot Use

A. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as provided in this Ordinance.
B. Except for two-family and multi-family dwellings, where permitted, in any district, one (1) customary dwelling unit and its customary accessory structure(s) shall be permitted on a single lot which meets at least the minimum requirements of this Ordinance. No accessory structure(s) shall be placed on an adjoining lot with common ownership of a lot with a principal building or dwelling unit.

Fig. 6.1-1: Principal and Accessory Structures



C. For nonresidential or mixed-use sites, a detached building or a group of detached buildings may be permitted on a single lot, subject to the requirements of this Ordinance.

6.1.3 Lot of Record

A. No yard or lot existing at the effective date of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein and become a legally non-conforming lot

of record. Lots or record created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance and be legal lots of record.

B. Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be combined or recombined to meet the minimum lot standards prior to development on any such lot.

6.1.4 Lot Access

A. For individual lots, every lot shall front or abut a dedicated street or a private road constructed in accordance with the provisions of this Ordinance with a stabilized base, sub-base, asphalt, gravel, or concrete surface. If access is provided with direct driveway connection to a public or private road, no access easement is required. Where access is required across another property ownership to achieve connection to a private or public road, 25-ft. wide access easement shall be recorded across those lots and a 10-ft. wide driveway constructed within that 25-ft. wide access easement. Lots located in subdivisions with greater than two (2) lots, a recorded access easement at least 50-ft. wide is required to accommodate a 25-ft. wide driveway for two-directional use. Access shall be maintained in a condition passable and maneuverable for emergency and service vehicles. Maintenance of driveways shall be the sole responsibility of the property owner(s) that have the access easement and/or driveway on their property in perpetuity.

B. No building or structure, for other than agricultural purposes, shall be erected or located, nor shall any principal use be instituted on an existing lot, which does not abut a dedicated public or private road with the following exceptions:
   1. A single-family dwelling or manufactured home, and their customary accessory structures, may be constructed on a lot which does not abut a public or private road provided that such a lot existed prior to the date this Ordinance became effective and provided such lot is provided access to a public street by an easement at least 25-ft. in width for occupants of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for service and emergency vehicles. Said easement may also be used, where needed for the installation and maintenance of utility facilities.
   2. A single-family dwelling or manufactured home, and their customary accessory structures, may be constructed on a lot which does not abut a public or private street provided that the following conditions are met:
      a. Such lot is a minimum of one (1) acre in size or the minimum size for the zoning district in which it is located, whichever is greater;
      b. Such lot is provided with access to a public street by means of an easement at least 25-ft. in width for the use of the dwelling to be established on such lot;
      c. Creation of such lots does not unduly restrict or impair future development or extension of an adequate system of public streets within the immediate area; and
      d. Not more than two (2) lots served by an easement have been created out of that same tract.

6.1.5 Lot Layout

A. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land as may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

B. Proposed lot lines and the centerline of a proposed street may be coterminous, provided however that a 10-ft. utility easement is located within the proposed street right-of-way. Further, that portion of the lot which is located within the proposed street right-of-way may be used to comply with minimum lot size requirements of Section 6.2.2.

C. Side lot lines shall be substantially at right angles or radial to street lines.

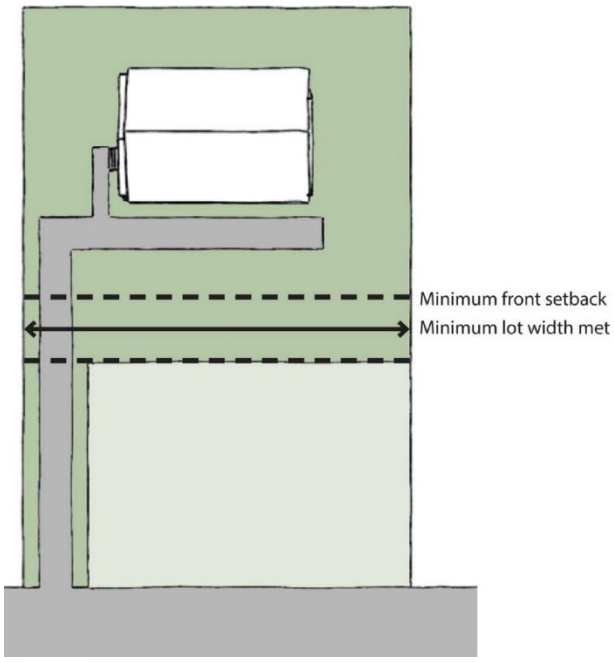
6.1.6 Flag Lots

A. A lot, created by a subdivision, composed of a narrow “flagpole” strip extending from the street and a much wider “flag” section lying immediately behind a lot or lots having the required width at the building line for a conventional lot is defined as a flag lot. The “flagpole” section may be irregularly shaped and is part of the fee simple lot in property ownership (not an adjacent easement).

B. If not properly regulated, flag lots can have a serious impact on land development, drainage, traffic, aesthetics, emergency access, fire protection, and the overall character of a neighborhood. Because of these potential negative impacts, flag lots should be considered a “remedial” action, to be approved only when there is no other option for providing access to a parcel. Therefore, Person County discourages and restricts forming flag lots. A flag lot, if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her, flag lots are allowed only:
   1. Where necessary to eliminate access onto arterials.
   2. To reasonably utilize irregularly shaped land.
   3. To reasonably utilize land with difficult topography.
   4. To reasonably utilize land with limited site suitable for septic tank nitrification.
   5. Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels.
   6. To provide for the protection of significant natural or cultural resources.

C. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered the front lot line for setback purposes.

Figure 6.2-1: Flag Lot Front Setback



D. No flag lot will be allowed if it increases the number of access points onto a State-maintained road. Flag lots are prohibited behind flag lots when they both access the same road. The minimum width of the "flagpole" is 35-ft. The area of the "flagpole" portion of the flag lot shall not be included in the calculation of minimum lot area.

6.2 DENSITY, INTENSITY, & DIMENSIONAL STANDARDS

6.2.1 General Provisions

A. Minimum lot sizes established for each district may be increased to provide adequate area to Person County Health Department standards for on-site well and septic. Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the developer, at his or her own expense, shall have the site investigated under the supervision of the Person County Health Department or other person approved by the Person County Health Department to determine whether or not such individual facilities are feasible and shall present evidence to the Administrator that appropriate soil tests have been conducted and each lot in the subdivision not served by public water and sewage disposal systems has been approved by the Person County Health Department for individual water supplies and/or sewage disposal systems. The site investigation for sewage disposal shall include sufficient number of percolation tests, and test holes of sufficient depth to determine the absorption capacity of the soil and the locations of the groundwater table, and of rock formations and other impervious strata, as determined by the Person County Health Department.

B. In all zoning districts, corner lots and double frontage or through lots shall provide the minimum yard requirements for front yards along both street fronts. A corner lot has a front

yard, primary building, and property address oriented towards the primary street and the side yard on the secondary street. A double frontage lot has a front yard, primary building, and property address oriented towards the primary street and a rear yard on the secondary street. See Figure 6.2-4. A double frontage lot may also be a corner lot.

C. Where a property abuts a street right-of-way or access easement, the setback shall be measured from the right-of-way or easement line.

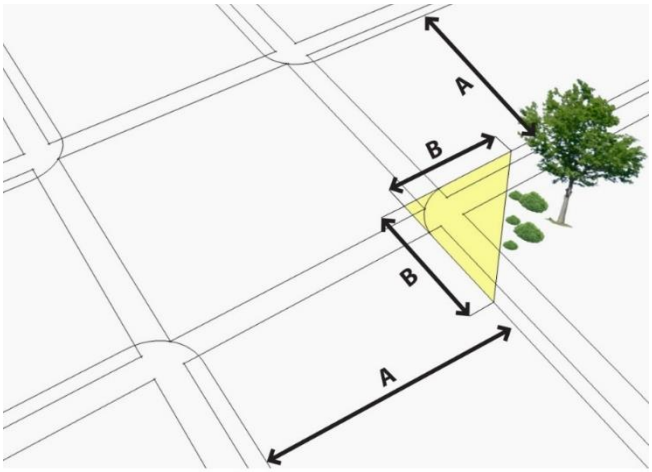
D. The front setbacks of lots shall be established where the lot width is met.

E. On a corner lot in any district no planting, structure, fence, wall, or other obstruction to vision that is more than two (2) feet tall as measured at street level shall be placed in the sight triangle as set forth in Table 6.2-1 and Figure 6.2-2. The sight triangle is the area formed by a diagonal line connecting two (2) points located on intersecting property lines (or a property line and the curb or a driveway). The following are the distances used to establish a sight triangle as measured from the edge-of-pavement of intersecting streets, unless otherwise required by NCDOT:

Table 6.2-1: Sight Distance

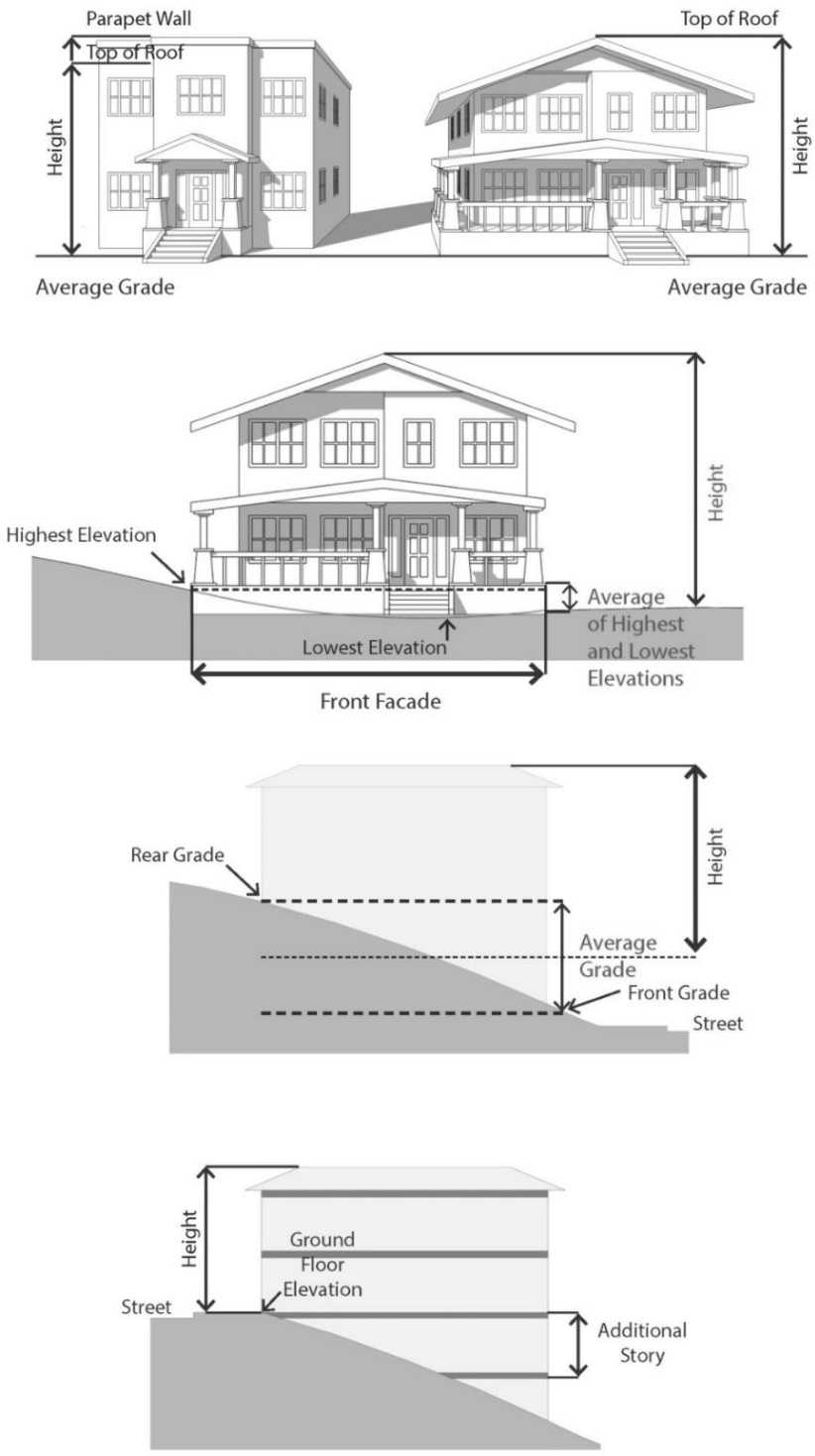
Right-of-Way Width (feet) (A)	Distance (feet) (B)
Driveway	10
Less than 50	20
50	25
60	30
70	35
80	40
90	45
100 or greater	50

Figure 6.2-2: Sight Triangle



F. All structure heights shall be measured as the vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs, as shown in Figure 6.2-3.

Figure 6.2-3: Height Measurements



G. All setbacks shall be measured from the property line, road right-of-way, or access easement to the nearest point of the structure as shown in Figure 6.2-4.

Figure 6.2-4: Setbacks

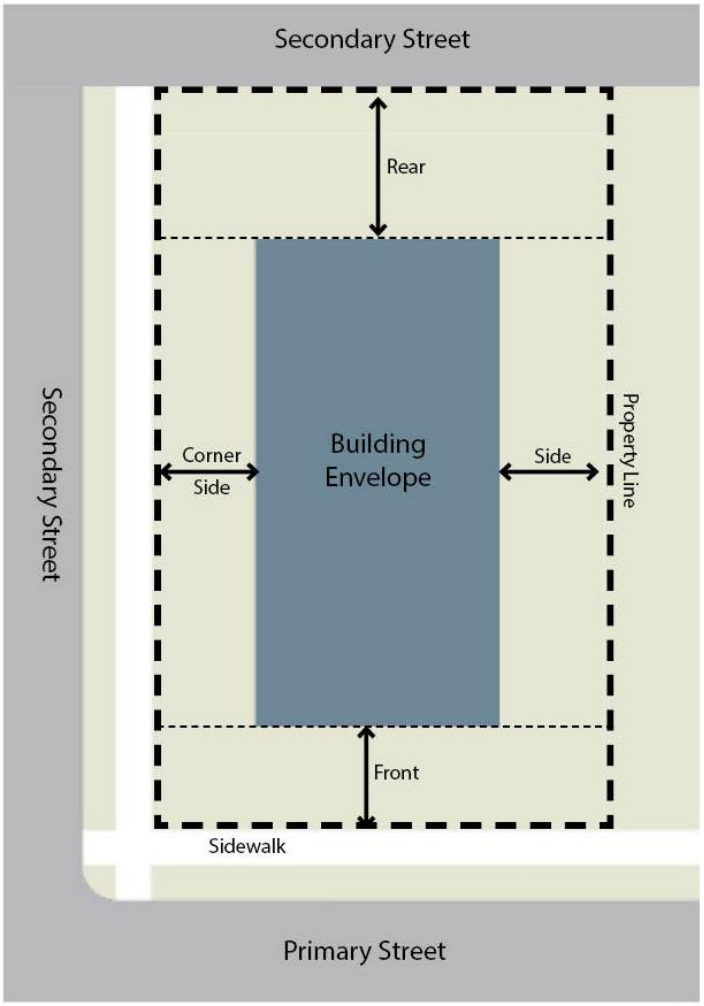


Figure 6.2-5: How to Calculate DUA (Dwellings Units Per Acre) & Intensity (Floor Area Ratio)

Total Number of Dwelling Units = DUA
Total Development Area in Acres

Total Building Floor Area = FAR
Gross Lot Area

6.2.2 Density, Intensity, & Dimensional Table

The following table provides the base density and dimensional standards for each zoning district:

Table 6.2-2: Density, Intensity, & Dimensional Table

District	A2 Min. Lot Size (SF) [1, 2]	B Min. Lot Width (feet)	C Front Setback (feet)[3]	D Corner Side Setback (feet)[3]	E Side Setback (feet)[4]	F Rear Setback (feet)	G Max. Height (feet)
RC	21,780 (for major subdivisions)	125	40	40	25	40	50
	87,120 (for minor subdivisions)	100	40	40	25	30	50
R	43,560 (no central water/sewer)	100	25 (40 on hwy.)	25 (40 on hwy.)	20	25	35
	21,780 (with central water or sewer)	100	25 (40 on hwy.)	25 (40 on hwy.)	15	20	35
	10,890 (with central water & sewer)	50	25 (40 on hwy.)	25 (40 on hwy.)	10	20	35
NB	43,560 (no central water/sewer)	100	25 (40 on hwy.)	25 (40 on hwy.)	20	25	50
	21,780 (with central water or sewer)	100	25 (40 on hwy.)	25 (40 on hwy.)	15	20	50
	10,890 (with central water & sewer)	50	25 (40 on hwy.)	25 (40 on hwy.)	10	20	50
HB	43,560 (no central water/sewer)	100	25 (40 on hwy.)	25 (40 on hwy.)	20	25	50
	21,780 (with central water or sewer)	100	25 (40 on hwy.)	25 (40 on hwy.)	15	20	50
	10,890 (with central water & sewer)	50	25 (40 on hwy.)	25 (40 on hwy.)	10	20	50
GI	43,560	100	50	50	50	50	50[5]

[1]Residential density applies to two-family, single-family attached, and multi-family residential developments where allowed by Table 5.6-1 and may be used for Conservation Developments in accordance with Section 6.2.4.

[2]The area of a lot shall be measured outside of the street right-of-way and shall not include the area within the access portion of flag lot.

[3]Front setbacks shall be increased to the distance indicated along numbered state and federal highways.

[4]See Section 6.2.3 (E).

[5]The maximum residential density shall be permissible up to six (6) dwelling units per acre and the maximum non-residential intensity shall be permissible up to 1.0 floor area ratio (FAR), where physically feasible and legally permissible.

6.2.3 Exceptions to Dimensional Standards

A. All properties located within a designated Watershed Protection Overlay as established in Section 5.5.2 shall also comply with the density and built-upon requirements of Section 6.3.2 and 6.3.3, as applicable.
B. The minimum setbacks shall apply to the first two (2) stories of a building with an additional 10-ft. for each additional story or height.
C. In addition to the building setbacks within this Ordinance, there is a Person County Health Department 10-ft. setback from the established construction contour lines at Hyco Lake and Mayo Lake.
D. No structure shall be required to be setback more than the average of the two (2) directly adjacent primary use structures on either side.
E. Structures for light or heavy industrial uses shall not be subject to height restrictions but must submit for a certification letter that the proposed building height can be served by local fire and rescue teams to serve the facility, as certified by a signature from the Fire Marshal and/or Fire Chief.

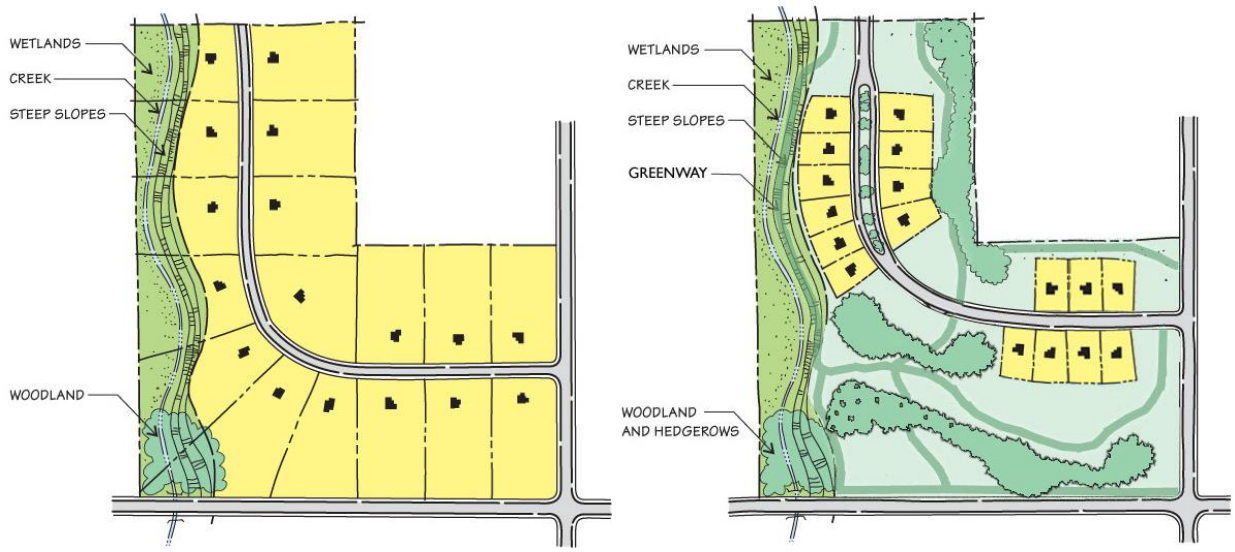
6.2.4 Conservation Development

The purpose of Conservation Development design is to preserve agricultural and forestry lands, natural and cultural features, and environmentally sensitive areas that would be likely lost through conventional development approaches (See Figure 6.2-6). Clustering of residential lots is intended to encourage subdivision design that is more efficient and better suited to the natural features of the land than a conventional subdivision, by regulating lots based on the lot density standards rather than minimum lot size standards and by requiring that part of the subdivision not devoted to lots and roads be set aside as usable open space. This allows smaller lots to be concentrated on those parts of the subdivision best suited to accommodate development with the least adverse impact. Clustering also allows smaller and less costly network of roads and utilities and reduces the amount of impervious surface and stormwater runoff. The open space provided by clustering can be used to provide recreational opportunities for the subdivision's residents, to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources. Lot widths and setbacks in Conservation Development Major Subdivisions may be reduced subject to the following requirements:

A. The development density shall not exceed the overall density permitted in the zoning district in which the development is located. The minimum lot size required in Table 6.2-2 may be reduced by up to fifty (50%) percent for the district in which it is located, provided that no lot for detached single-family residential use may be less than 6,000 SF and 50-ft. wide. For single-family attached structures, there shall be no minimum lot area, and minimum lot width shall be 25-ft.
B. The remaining area of the development not located within lot areas shall be set aside in Common Open Space and shall meet the requirements of Section 6.3.5.
C. The district setbacks set forth in Section 6.2.2 shall apply along the boundaries of the development. Side and rear setbacks within the development may be reduced by up to fifty (50%) percent of the required setback.

D. In addition to the requirements for Section 4.3.5 for Major Subdivisions, each Preliminary Plat for a Conservation Development shall follow a four-step design process as described below. When the plat is submitted, Applicants shall be prepared to demonstrate that these four (4) design steps were followed by their site designers in determining the layout of their proposed streets, house lots and greenway lands.
   1. During the first step all potential Conservation Areas, as described in Section 6.3.5.5, shall be identified, using an Existing Features Plan.
   2. During the second step, potential building sites are tentatively located. Because the proposed location of the buildings within each lot represents a significant decision with potential impacts on the ability of the development to meet the requirements of the Ordinance, Applicants shall identify tentative house sites on the Sketch Plan.
   3. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on both the Primary and Secondary Conservation Areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of cul-de-sacs and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).
   4. The fourth step is simply to draw the lot lines where applicable, ensuring that requirements of Subsection (A) are met.

Figure 6.2-6: Conventional Development vs. Conservation Development



6.2.5 Flexibility In Administration

A. In the event that the unusual topography, location of existing buildings, or location or size of the parcel to be developed would make strict adherence to the requirements of this Article serve no meaningful purpose or would make it physically impossible to install and maintain the required improvements, the Administrator may alter the requirements of this Section up to ten (10%) percent less than the minimum requirement or ten (10%) percent more than the

maximum requirement, provided the spirit and intent of the Section are maintained. This shall not apply to overall density permitted in the district. Such an alteration may occur only at the request of the developer, who shall make the request with the submittal of the development plan in accordance with the requirements of Article 4. The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the requirements contained in this Article. Neither shall the desire of an owner to make a more intensive use or greater economic use of the property be grounds for reducing the requirements.

B. Any deviation from the requirements of this Article of greater than ten (10%) percent shall require review and approval of a Variance by the Board of Adjustment subject to the requirements of Section 4.4.3.

6.3 ENVIRONMENTAL & OPEN SPACE STANDARDS

6.3.1 Purpose & Applicability

The purpose of this Section is to:

A. Protect existing environmental resources including streams, wetlands, water supply watersheds, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife.
B. Promote the preservation of open space in environmentally sensitive areas.
C. Provide open space and recreational amenities for the residents of the County.

6.3.2 Watershed Protection Overlay Standards for Storys Creek, Knap Of Reeds Creek, Little River, South Hyco Creek, Flat River, & Tar River Watersheds

6.3.2.1 Purpose & Intent

In 1989, the N.C. General Assembly ratified the Water Supply Protection Act mandating the protection of all water supplies within the State. Subsequently, water supply rules were adopted by the Environmental Management Commission in 1992 requiring local governments to adopt and enforce local ordinances complying with minimum watershed protection requirements. These rules will be applied by Person County in accordance with the requirements of the North Carolina Environmental Management Commission. In general, this is accomplished with Watershed Protection Overlay, as established in Section 5.5.2, regulating land use, development density and built upon areas for lands located in a water supply watershed within Person County's Planning Jurisdiction, as described herein; and in conjunction with federal, state laws, and local ordinances designed to protect water quality.

6.3.2.2 Application Criteria

The Watershed Protection Overlay, as established in Section 5.5.2, overlay other zoning districts established in Sections 5.3 and 5.4 of this Ordinance. As of January 1, 1994, the new use of land, or new structure within any Watershed Protection Overlay District shall comply with the provisions of this Article as well as the use regulations applicable to the underlying zoning district. Whenever standards of the underlying district differ from the Watershed Protection Overlay District, the more restrictive provisions shall apply.

6.3.2.3 Exemptions

A. Single-family Lot. A deeded single-family lot owned by an individual, established prior to January 1, 1994, regardless of whether a vested right has been established, shall not be subject to the restrictions of this Article. Nothing in this Ordinance shall be construed to require the recombination of non-conforming lots of record.

B. Existing Development. Existing development is not subject to the requirements of this Article. Existing developments include projects (structures, roads, etc.) that are built or at a minimum have established a vested right under North Carolina Zoning Law as of December 31, 1993, based on at least one of the following criteria:
   1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a local government approval to proceed; or
   2. Having an outstanding valid building permit in compliance with 160D-102 and 100(d); or
   3. Meeting the court-created common law or constitutional standards of substantial expenditure of resources (time, labor, or money) based on a good faith reliance upon receiving valid approval from the Person County Board of Commissioners to proceed with the project.

C. Redevelopment of Project Sites. An existing development, as defined in Subsection B above, may be redeveloped after a natural disturbance or as part of the project redevelopment provided that the rebuilding activity does not have a net increase in the built-upon area. A single-family residence, established prior to January 1, 1994, may be redeveloped without any restrictions under the Watershed Protection Overlay.

D. Expansions of Existing or New Development. Expansions to existing development or new development are permitted as follows:
   1. Expansions to single-family residence built before January 1, 1994, are permitted without any restrictions under the Watershed Protection Overlay; and
   2. Expansions to all other structures classified as existing development must meet the requirements of the Watershed Protection Overlay, except, the built-upon area of the existing development is not required to be included in the density calculations; and
   3. Expansions to structures other than existing development must meet the density requirements for the entire project. For example, if the structure to be expanded is not grandfathered as "existing development" but was built after December 31, 1993, then the total project, including the existing built upon areas and expanded built upon areas, must meet the requirements of the Watershed Protection Overlay.

6.3.2.4 Land Use Restrictions

All uses allowed in the underlying zoning districts are permitted except as follows:

A. No new landfills are permitted in the Hyco-CA or Storys-CA overlays.

B. No new discharging landfills are permitted in the Hyco-BW, Knap-BW, Little-BW, Flat BW overlays. In view of state regulations and in view of state requirements for a

permit from DWR and the Division of Solid Waste, the Person County Sludge Ordinance, which restricted the application of residuals, was rescinded by the Person County Board of Health in September of 1997.

C. There are no additional land use restrictions in the Tar-PA overlay.

6.3.2.5 Density & Built-Upon Limits

Instead of the density and lot size standards set forth in Table 6.2-2, all structures within a Watershed Protection Overlay and not exempted by Section 6.3.2.3, shall comply with density or built upon requirements listed in Table 6.3-1 below, as appropriate:

Table 6.3-1: Density & Dimensional Table

Watershed Overlay	Residential Density/Built-Upon Area	Non-residential Built-Upon Area
Storys-CA **Hyco-CA**	0.5 DUA or 6% built-upon area	Up to 6% built-upon area
Storys-BW **Hyco-BW** **Knap-BW** **Little-BW**	• 1 DUA or 12% built upon area for detached single-family uses • Up to 70% built-upon area in up to 10% of the watershed for attached single-family and multi-family uses[1]	• Up to 12% built upon area for detached single-family uses • Up to 70% built-upon area in up to 10% of the watershed[1]
Flat-BW	• 2 DUA or 24% built upon area for detached single-family uses • Up to 70% built-upon area in up to 10% of the watershed for attached single-family and multi-family uses[1]	• Up to 24% built upon area for detached single-family uses • Up to 70% built-upon area in up to 10% of the watershed[1]
Tar-PA[2]	• 2 DUA or 24% built upon area for detached single-family uses • For projects without curb & gutter, 3 DUA or 36% built upon area	• Up to 24% built upon area for detached single-family uses • For projects without curb & gutter, 36% built upon area

DUA=Dwelling Unit per Acre

1. When utilizing the 70% built-upon area option, stormwater runoff shall be directed away from surface waters and incorporate best management practices to minimize water quality impacts.
2. Only new development activities that require an erosion and sedimentation plan under state law are required to meet the provisions of this Ordinance when located in WS-IV watershed.

6.3.2.6 Conservation Development within a Watershed Protection Overlay

Conservation developments as set forth in Section 6.2.4 are permitted within a Watershed Protection Overlay, provided that overall project density does not exceed the requirements stated in this Section and the remainder of the tract remains in a vegetated or natural state.

6.3.2.7 Stream & Water Supply Impoundment Buffers within a Watershed Protection Overlay

A. A minimum of a 50-ft. vegetative buffer, unless otherwise stated in this Section, shall be provided along all perennial streams and waters, as shown on the most recent version of U.S.G.S. 1:24,000 (7.5') scale topographic maps. The buffer shall be measured, as applicable, from either the edge of both sides of the steam or landward from the normal pool elevation of the perennial water. Projects that utilize the 70% built-upon area option shall provide a 100-ft. vegetative buffer along perennial waters.
B. Subdivision plats shall contain the following language: "Written authorization from the DWR may be required for activities that are proposed to occur within the 50-ft. Neuse River riparian buffer. Local program approvals do not authorize activities within the riparian buffer."
C. A minimum 50-ft. buffer, as measured from the normal pool elevation, is required for all public water supply impoundments.
D. No new development is allowed within the buffer. Water dependent structures, other structures, such as flag poles, signs and security lights which result in only diminutive increase in impervious area and public projects such as road crossing and greenways may be allowed where no practical alternative exists. These activities should minimize built upon surface area, divert runoff away from surface waters and maximize the utilization of BMP's.
E. Whenever conflicts exist between Federal, State or Local laws, ordinance or rules, the more restrictive provision shall apply.

6.3.2.8 Activities Within Watershed Protection Overlays

A. All residential, commercial, and industrial waste water and sewage disposal shall be governed by applicable NC General Statues and NC Administrative Code.
B. All activities within a water supply watershed shall comply with North Carolina Rules Governing Public Water Supplies, 15A NCAC 18B .1100, .1200 and .1500.
C. Use of on-site Stormwater Control Measures (SCMs) are recommended for all non-residential projects and Minor Subdivision residential projects to provide pre-treatment and attenuation of nitrates and phosphates before existing a site. Major Subdivision residential projects shall be required, per phase or within a master system contemplating all phased development. The SCM measures may include stormwater management ponds (retention or detention), environmental swales, or creation of a wetland system that allows catchment of suspended particles before outfall into adjacent off-site water bodies.

6.3.2.9 Best Management Practices (BMP) Required

A. In all Watershed Protection Overlays, forestry and transportation uses shall utilize BMPs. In the Storys-CA and Hyco-CA Watershed Protection overlays, agriculture uses shall also utilize BMPs.
B. Agricultural activities are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. In critical areas, agricultural activities must maintain a 10' vegetated buffer or equivalent control, and

animal operations over 100 animal units must be BMP' s as determined by the Soil And Water Conservation Commission.

C. Silviculture activities are subject to the provisions of the forest practices guidelines regulated to water quality (15a NCAC 1i.0101-.0209) as NC Division of Forest Resources and existing environmental management commission rules administered by DWR**.**

D. NCDOT must use BMP's as described in their document 'best management practices for the protection of surface waters' and in compliance with the Sedimentation Pollution Control Act of 1973.

6.3.2.10 Watershed Variances

The Board of Adjustment shall act as the Watershed Review Board when processing Variance requests in reference to the regulations of the Watershed Protection Overlay (WP-O). In addition to the requirements for a Variance as set forth in Section 4.4.3, the following provisions shall also apply the request for a Variance within a WP-O.

A. Minor Variance
   1. The Administrator shall notify in writing each local government having jurisdiction in the watershed of the proposed Minor Variance. Said notice to include a description of the variance being requested.
   2. Local governments receiving notice of the Variance request may submit comments to the Administrator prior to a decision by the Person County Board of Adjustment.
   3. The Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured in relationship to watershed protection.
   4. Records of minor variance shall be forwarded to DWR for each calendar year, on or before January 1st of the following year.

B. Major Variance

   A request for a Major Variance from the State Watershed Protection Rules shall be reviewed by the Board of Adjustment in the same manner as a Minor Variance; and the request shall be referred to the North Carolina Environmental Management Commission in accordance with the following procedures:
   1. If the Board of Adjustment decides in favor of granting the Major Variance, the secretary to the Board of Adjustment shall prepare a preliminary record of the hearing with all deliberate speed and send to the Environmental Management Commission. The preliminary record of the hearing shall include: the variance application; the hearing notices; the evidence presented, motions, offers of proof, objections to evidence, and rulings on them; proposed findings and exceptions; the proposed decision, including all proposed conditions.
   2. If the Environmental Management Commission approves the Major Variance as proposed, approves the major variance with additional conditions, or denies the major variance, the Commission shall prepare a decision and send it to the Board of Adjustment.

3. The Board of Adjustment shall prepare a final decision in accordance with the Environmental Management Commission's decision.

6.3.3 Falls Watershed Protection Overlay Standards

6.3.3.1 Authority

The Person County Board of County Commissioners is authorized to adopt this Section pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; NCGS § 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; § 143-215.6A; § 160D-925; § 160A; § 174; and 185 and § 143**,** Article 21, Part 6 (Floodway Regulation); [§ 143-214.5, Water Supply Watershed Protection]; [§ 160D Planning and Regulation of Development].

6.3.3.2 Findings

A. It is hereby determined that:
   1. Development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;
   2. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and
   3. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.
B. Further, the Commission has identified Falls of Neuse reservoir, a water supply reservoir, as nutrient sensitive waters; has identified all or a portion of the reservoir as impaired waters under the federal Clean Water Act due to exceedances of the chlorophyll a standard; and has promulgated rules (the "Falls Rules") to reduce the average annual loads of nitrogen and phosphorus delivered to Falls Reservoir from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new development in this jurisdiction.
C. Therefore, the Person County Board of County Commissioner's establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge for development.

6.3.3.3 Purpose

The purpose of this Section is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of nitrogen and phosphorus in stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment in the watershed of Falls of Neuse reservoir. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This

Section seeks to meet its general purpose through the following specific objectives and means:

A. Establishing decision-making processes for development that protects the integrity of watersheds and preserve the health of water resources;
B. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
C. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
D. Establishing design and review criteria for the construction, function, and use of structural stormwater BMPs that may be used to meet the minimum post-development stormwater management standards;
E. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;
F. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater BMPs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety; and
G. Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

6.3.3.4 Applicability & Jurisdiction

A. Beginning with and subsequent the effective date of July 15, 2012, these regulations shall be applicable to all development and redevelopment within the Falls Watershed Protection Overlay as depicted on the "Official Person County Watershed Map", which is a supplement to the "Official Zoning Map", including, but not limited to, Site Plan applications, subdivision applications, and grading applications, unless exempt under Section 6.3.3.4. The "Official Person County Watershed Map" shall also note the geographic location of all BMP areas and engineered stormwater controls, as included in the County's Geographic Information System (GIS).
B. No development or redevelopment shall occur except in compliance with the provisions of this Section or unless exempted. No development or redevelopment for which a permit is required pursuant to this Section shall occur except in compliance with the provisions, conditions, and limitations of the permit.
C. All provisions, terms, phrases, and expressions contained in this Section shall be construed according to the general and specific purposes set forth in Section 6.3.3.3, Purpose. If a different or more specific meaning is given for a term defined elsewhere in this Section, the meaning and application of the term in this Section shall control for purposes of application of this Section.

D. The provisions of this Section shall apply to all land as shown on the "Official Person County Watershed Map". This Section shall in no way regulate, restrict, or prohibit any bona fide farm and its related uses, but any use of such property for non-farm purposes shall be subject to such regulations. On-site marketing of farm products produced on the premises shall be exempt from the provisions of this Section.

6.3.3.5 Exemptions

A. Single-family residential, two-family (duplex) residential, and recreational development and redevelopment that cumulatively disturbs less than one-half (1/2) acre and is not part of a larger common plan of development or sale is exempt from the provisions of this Section.
B. Commercial, industrial, institutional, multifamily residential or local government development and redevelopment that cumulatively disturbs less than 12,000 SF and is not part of a larger common plan of development or sale is exempt from the provisions of this Section.
C. Development and redevelopment that disturbs less than the above thresholds are not exempt if such activities are part of a larger common plan of development or sale and the larger common plan exceeds the relevant threshold, even though multiple, separate or distinct activities take place at different times on different schedules.
D. Development that is exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this Section.

6.3.3.6 Administration

The Planning & Zoning Director, serving as the Unified Development Ordinance Administrator, as set forth in Section 2.2 of this Ordinance, shall administer the requirements of Section 6.3. The Administrator shall oversee the enforcement of this Section and delegate tasks to Planning & Zoning Department staff as appropriate.

6.3.3.7 Design Manual

"Design Manual" refers to the latest edition of the North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual.

A. The Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the *Design Manual a*s the basis for decisions about stormwater permits and about the design, implementation and performance of engineered stormwater controls and other practices for compliance with this Section.
B. The *Design Manual* includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Falls Rules.
C. If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Design Manual*.

D. If the standards, specifications, guidelines, policies, criteria, or other information in the *Design Manual* are amended subsequent to the submittal of an application for approval pursuant to this Section but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Section with regard to the application.

6.3.3.8 Review Procedures

A. Stormwater Review as Part of Development Review Process

1. Stormwater approval is required for all development and redevelopment within the Falls Watershed unless exempt pursuant to this Section. A Stormwater Plan shall be submitted subsequent to other requirements for development approval, as applicable in Article 4. A supplemental Stormwater Application and Stormwater Plan shall be included as part of the application package that is submitted for the applicable development approval process outlined in Article 4. At a minimum, the Stormwater Plan shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Section. A supplemental review fee may be charged for projects located in the Falls Watershed, as established in the County's adopted fee schedule.
2. All Stormwater Plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the *Design Manual*, and that the designs and plans ensure compliance with this Section. The Administrator and relevant members of the Technical Review Committee shall review the application and determine whether the application complies with the standards of this Section.
3. During the pre-application consultation for the relevant development approval process outlined in Article 4 of this Ordinance, the stormwater management measures necessary for the proposed project, an assessment of constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, and other relevant resource protection plans should be consulted in the discussion of the Sketch Plan. To accomplish this goal, the following information should be included in the Preliminary Plat, which should be submitted in advance of the pre-application consultation:
   a. Existing Conditions/Proposed Site Plans
      Existing conditions and proposed site layout Sketch Plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); stream and other buffers and features used in designing buffers and meeting any

applicable buffer requirements; boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

b. Natural Resources Inventory
A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and primary and secondary conservation areas such as lakes, ponds, floodplains, stream buffers as described in Section 6.3.5 and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

c. Stormwater Management System Conceptual Plan
A written or graphic conceptual plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed engineered stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

B. Stormwater Approval

1. If the Administrator finds that the application complies with the standards of this Section, then the Administrator shall approve the stormwater portion of the development approval request. The Administrator may impose conditions of approval as needed to ensure compliance with this Section. The conditions shall be included as part of the approval.
2. If the Administrator finds that the application fails to comply with the standards of this Section, the Administrator shall notify the Applicant and shall indicate how the application fails to comply. The Applicant shall have an opportunity to submit a revised application.
3. Upon completion of a project, and before a certificate of occupancy shall be granted, the Applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as-built” plans for all stormwater management facilities or practices after final construction is completed.
4. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this

Section. A final inspection and approval by the Administrator shall occur before the release of any performance securities.

5. No certificate of compliance or occupancy shall be issued by the Person County Department of Inspections without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Person County Building Inspections Department may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

C. Revision and Subsequent Review

A complete revised application shall be reviewed by the Administrator after its re-submittal and shall be approved, approved with conditions or disapproved. If a revised application is not resubmitted within thirty (30) calendar days from the notification date to the Applicant, then the application shall be considered null and void. One re-submittal of a revised application may be submitted without payment of an additional review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to the adopted County fee schedule.

D. Effect of Approval

The approved Stormwater Plan as part of a Zoning Permit or Subdivision approval shall govern the design, installation, and construction of stormwater management and control practices on the site, including engineered stormwater controls and elements of site design for stormwater management other than engineered stormwater controls. The Stormwater Plan is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this Section, whether the approach consists of engineered stormwater controls or other techniques such as low-impact or low-density design. The approved Stormwater Plan does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this Section.

E. Time Limit/Expiration

An approved plan shall become null and void if the Applicant fails to make *substantial progress* on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the Applicant before the expiration of the approved plan. In granting an extension, the Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the Applicant's vested rights.

F. Right of Appeal

Any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of this Section made by the Administrator, may file an appeal to the Board of Adjustment within thirty (30) calendar days in the manner prescribed in Section 4.4.3. In the case of requests for review of proposed civil penalties for violations of this Section, the Board of Adjustment shall make a final decision

on the request for review within ninety (90) calendar days of receipt of the date the request for review is filed.

6.3.3.9 Falls Watershed Development Standards

A. General Standards

All development and redevelopment to which this Section applies shall comply with these development standards. The approval of the Stormwater Plan as part of the overall development approval shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

B. Nitrogen & Phosphorus Loading

1. Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates: 2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.
2. Notwithstanding 15A NCAC 2B.104 (q), redevelopment, subject to this Section that would replace or expand existing structures or improvements and would result in a net increase in built-upon area, shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the existing development: forty (40%) percent and seventy-seven (77%) percent reduction for nitrogen and phosphorus, respectively.
3. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the approved accounting tool.
4. The nitrogen and phosphorus loading standards in this Section are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.

C. Control & Treatment of Runoff Volume

Stormwater systems shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to each practice as provided in the Design Manual. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development shall not contribute to degradation of waters of the State. At a minimum, the development shall not result in a net increase in peak flow leaving the site from pre-development conditions for the one-year, 24-hour storm event.

D. Partial Offset of Nutrient Control Requirements

1. Development subject to this Section shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

a. Thirty (30%) percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half (1/2) acre, but less than one (1) acre.
b. Fifty (50%) percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one (1) acre.
c. Thirty (30%) percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 SF, but less than one (1) acre.
d. Fifty (50%) percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one (1) acre.

2. A developer subject to this Section may achieve the additional reductions in nitrogen and phosphorus loading required by this Section by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by (the local government in which the development activity occurs). A developer may propose other offset measures to Person County, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this Section shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

E. Evaluation of Standards for Stormwater Control Measures

1. Evaluation According to Contents of Design Manual
All stormwater control measures, stormwater systems and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this Section shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this Section.

2. Determination of Adequacy; Presumptions and Alternatives
Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the *Design Manual* and the *approved accounting tool* will be presumed to meet the minimum water quality and quantity performance standards of this Section. Whenever an Applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual,* the Applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this Section. The Stormwater Administrator may require the Applicant to provide the

documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

F. Dedication of BMPs, Facilities & Improvements
Person County may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Section and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

6.3.3.10 Variance Procedures

Requests for Variances from the provisions of this section shall be taken in the manner prescribed in Section 6.3.2.11 for Watershed Variances.

6.3.3.11 Maintenance

A. General Standards for Maintenance
   1. Function of BMPs as Intended
      The owner of each engineered stormwater control installed pursuant to this Section shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the engineered stormwater control was designed.
   2. Annual Maintenance Inspection and Report
      The person responsible for maintenance of any engineered stormwater control installed pursuant to this Section shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:
      a. The name and address of the land owner;
      b. The recorded book and page number of the lot of each engineered stormwater control;
      c. A statement that an inspection was made of all engineered stormwater controls;
      d. The date the inspection was made;
      e. A statement that all inspected engineered stormwater controls are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Ordinance; and
      f. The original signature and seal of the engineer, surveyor, or landscape architect.
      g. All inspection reports shall be on forms supplied by the Administrator. An original inspection report shall be provided to the Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.
   3. Unmanned Public Utilities

The Administrator may approve inspection requirements for unmanned public utilities that are less stringent than those set out in the Design Manual, provided an annual inspection is conducted at least once per calendar year and, after each 1-year, 24-hour storm. An alternate inspection frequency for unmanned public utilities may be approved to achieve the aims of the Stormwater Ordinance and/or to protect health and safety. For the purposes hereof, "public utility" shall be defined as set out in NCGS Article 1, § 62.

B. Operation & Maintenance Agreement

1. In General

   a. Prior to the conveyance or transfer of any lot or building site to be served by an engineered stormwater control pursuant to this Section, and prior to issuance of any permit for development requiring an engineered stormwater control pursuant to this Ordinance, the Applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the engineered stormwater control. Until the transference of all property, sites, or lots served by the engineered stormwater control, the original owner or Applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

   b. The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the engineered stormwater control, and shall state the terms, conditions, and schedule of maintenance for the engineered stormwater control. In addition, it shall grant to Person County a right of entry in the event that the Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the engineered stormwater control; however, in no case shall the right of entry, of itself, confer an obligation on Person County to assume responsibility for the engineered stormwater control.

   c. The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the Final Plat and shall be recorded with the county Register of Deeds upon Final Plat approval. A copy of the recorded maintenance agreement shall be given to the Administrator within fourteen (14) calendar days following its recordation.

2. Special Requirement for Homeowner & Other Associations

   For all engineered stormwater controls required pursuant to this Section and that are to be or are owned and maintained by a Homeowner Association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

   a. Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

   b. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the engineered stormwater controls. If engineered

stormwater controls are not performing adequately or as intended or are not properly maintained, Person County**,** in its sole discretion, may remedy the situation, and in such instances Person County shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the engineered stormwater controls, provided that Person County shall first consent to the expenditure.

c. Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to 15 percent of the initial construction cost of the engineered stormwater controls. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within 10 years following initial construction of the engineered stormwater controls. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

d. The percent of developer contribution and lengths of time to fund the escrow account may be varied by Person County depending on the design and materials of the stormwater control and management facility.

e. Granting to Person County a right of entry to inspect, monitor, maintain, repair, and reconstruct engineered stormwater controls.

f. Allowing Person County to recover from the association and its members any and all costs Person County expends to maintain or repair the engineered stormwater controls or to correct any operational deficiencies. Failure to pay Person County all of its expended costs, after a forty-five (45) calendar day written notice, shall constitute a breach of the agreement. In case of a deficiency, Person County shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

g. A statement that this agreement shall not obligate Person County to maintain or repair any engineered stormwater controls, and Person County shall not be liable to any person for the condition or operation of engineered stormwater controls.

h. A statement that this agreement shall not in any way diminish, limit, or restrict the right of Person County to enforce any of its ordinances as authorized by law.

i. A provision indemnifying and holding harmless Person County for any costs and injuries arising from or related to the engineered stormwater control, unless Person County has agreed in writing to assume the maintenance

responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

C. Inspection Program

Inspections and inspection programs by Person County may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs. If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to NCGS § 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

D. Performance Security for Installation & Maintenance

1. May Be Required

   Person County may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the engineered stormwater controls are:

   a. Installed by the permit holder as required by the approved stormwater management plan**;** and/or
   b. Maintained by the owner as required by the operation and maintenance agreement.

2. Amount

   a. Installation

      The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

   b. Maintenance

      The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the BMPs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation.

4. Uses of Performance Security

   a. Forfeiture Provisions

      The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the Applicant or owner in accordance with this Section, approvals issued pursuant to this Ordinance, or an operation and maintenance agreement established pursuant to this Section.

   b. Default

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any engineered stormwater control in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, Person County shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

c. Costs in Excess of Performance Security
If Person County takes action upon such failure by the Applicant or owner, Person County may collect from the Applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

d. Refund
Within sixty (60) calendar days of the final approval, the installation performance security shall be refunded to the Applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

E. Notice to Owners

1. Deed Recordation & Indications on a Plat
The applicable operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance (whichever is applicable) pertaining to every engineered stormwater control shall be referenced on the Final Plat and shall be recorded with the county Register of Deeds upon Final Plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance, whichever is applicable shall be recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

2. Signage
Where appropriate in the determination of the Administrator to assure compliance with this Section, engineered stormwater controls shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

F. Records of Installation & Maintenance Activities
The owner of each engineered stormwater control shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Administrator.

G. Nuisance
The owner of each stormwater BMP, whether engineered stormwater control or non-engineered stormwater control, shall maintain it so as not to create or result in a nuisance condition.

H. Maintenance Easement
Every engineered stormwater control installed pursuant to this Section shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement assigned to and responsible for maintenance by the property or easement owners. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

6.3.4 Flood Damage Prevention Standards

6.3.4.1 Statutory Authorization, Findings of Fact, Purpose & Objectives

A. Statutory Authorization
The Legislature of the State of North Carolina has in NCGS Part 6, Article 21 of § 143; Parts 3 and 4 of Article 18 of § 153A; and Part 121, Article 6 of § 153A, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Person County Board of Commissioners, Person County, North Carolina, does ordain as follows:

B. Findings of Fact
1. The flood prone areas within the jurisdiction of Person County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. Statement of Purpose
It is the purpose of this Section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:
1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Section are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
6. Minimize damage to private and public property due to flooding;
7. Make flood insurance available to the community through the National Flood Insurance Program;
8. Maintain the natural and beneficial functions of floodplains;
9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

6.3.4.2 Definitions

The definitions for the Flood Damage Prevention regulations are in Section 3.7 of this Ordinance.

6.3.4.3 General Provisions

A. Lands to Which this Section Applies

This Section 6.3.4 shall apply to all Special Flood Hazard Areas within the jurisdiction of Person County.

B. Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated December 6, 2019, shown on FIS for Person County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Ordinance, and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Person County are also adopted by reference and declared a part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 6.3.4.3, Subsection B.

D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

E. Abrogation & Greater Restrictions
This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation
In the interpretation and application of this Section, all provisions shall be:
1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning & Disclaimer of Liability
The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of Person County or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation
Violation of the provisions of this Section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, is subject to the enforcement procedures and penalties set forth in Section 2.7 of this Ordinance.

6.3.4.4 Administration

A. Designation of Floodplain Administrator
The Unified Development Ordinance Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Section. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this Ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this Section.

B. Floodplain Development Application, Permit & Certification Requirements
1. Application Requirements
Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

i. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 6.3.4.3 (B), or a statement that the entire lot is within the Special Flood Hazard Area;
iii. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 6.3.4.3 (B);
iv. the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 6.3.4.3 (B);
v. the Base Flood Elevation (BFE) where provided as set forth in Section 6.3.4.3 (B); 6.3.4.4 (C); or 6.3.4.5 (D);
vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
vii. the certification of the plot plan by a Professional Land Surveyor or Professional Engineer.

b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
   i. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
   ii. Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A, AH, A99 or AO will be flood-proofed; and
   iii. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
c. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Section are met. These details include but are not limited to:
   i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
   ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 6.3.4.5 (B)(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO and A99;
e. Usage details of any enclosed areas below the lowest floor.
f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
g. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 6.3.4.5(B)(6) & (7) are met.
i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

a. A complete description of the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.)
b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 6.3.4.3 (B).
c. The regulatory flood protection elevation required for the reference level and all attendant utilities.
d. The regulatory flood protection elevation required for the protection of all public utilities.
e. All certification submittal requirements with timelines.
f. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 6.3.4.5 (B) have been met.
g. The flood openings requirements, if in Zones A, AO, AE, AH or A99.

3. Certification Requirements

a. Elevation Certificates

i. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
ii. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the

permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

b. Floodproofing Certificate
   i. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the Applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.
   ii. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the Applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a certificate of compliance/occupancy.

c. If a manufactured home is placed within Zone A, AO, AE, AH or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 6.3.4.5 B(3)(b).

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the

watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit Applicant prior to issuance of a floodplain development permit.

e. Certification Exemptions. The following structures, if located within Zone A, AO, AE, AH or A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
   i. Recreational Vehicles meeting requirements of Section 6.3.4.5(B)(6)(a);
   ii. Temporary Structures meeting requirements of Section 6.3.4.5(B)(7); and
   iii. Accessory structures less than 150 SF meeting requirements of Section 6.3.4.5(B)(8).

4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
   a. Estimate the market value, or require the Applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
   b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
   c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
   d. Notify the Applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this Section is required.

C. Duties & Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Section have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 6.3.4.5(F) are met.
6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 6.3.4.4(B)(3).
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 6.3.4.4(B)(3).
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 6.3.4.4(B)(3).
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 6.3.4.4(B)(3) and Section 6.3.4.5(B)(2).
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 6.3.4.3(B), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 6.3.4.5(D)(2)(b), in order to administer the provisions of this Section.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 6.3.4.3(B), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Section.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this Section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Section and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation

of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Section, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Section 6.3.4.4(D).
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 6.3.4.4(B), including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

A. Corrective Procedures

Violations of this Section are subject to the enforcement procedures and penalties set forth in Section 2.7 of this Ordinance.

B. Variance Procedures

1. The Board of Adjustment as established by Person County, shall hear and decide requests for Variances from the requirements of this Section. In addition to the procedural requirements of Section 4.4, the provisions of this subsection shall apply.
2. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in NCGS § 7A.
3. Variances may be issued for:

a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
b. functionally dependent facilities if determined to meet the definition as stated in Section 3.7 of this Ordinance, provided provisions of Section 6.3.4.4 (E)(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; and
c. any other type of development, provided it meets the requirements of this Section.

4. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
   a. the danger that materials may be swept onto other lands to the injury of others;
   b. the danger to life and property due to flooding or erosion damage;
   c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. the importance of the services provided by the proposed facility to the community;
   e. the necessity to the facility of a waterfront location as defined under Section 3.7 of this Ordinance as a functionally dependent facility, where applicable;
   f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
   g. the compatibility of the proposed use with existing and anticipated development;
   h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
   i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
   j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
   k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
5. A written report addressing each of the above factors shall be submitted with the application for a Variance.
6. Upon consideration of the factors listed above and the purposes of this Section, the Board of Adjustment may attach such conditions to the granting of Variances as it deems necessary to further the purposes and objectives of this Section.

7. Any Applicant to whom a Variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance. Such notification shall be maintained with a record of all Variance actions, including justification for their issuance.
8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
9. Conditions for Variances:
   a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
   b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
   c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   d. Variances shall only be issued prior to development permit approval.
   e. Variances shall only be issued upon:
      i. a showing of good and sufficient cause;
      ii. a determination that failure to grant the Variance would result in exceptional hardship; and
      iii. a determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
10. No variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas.

6.3.4.5 Provisions for Flood Hazard Reduction

A. General Standards

In all Special Flood Hazard Areas, the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches, as follows:
   a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
   b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Section and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 6.3.4.4(E)(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 6.3.4.4(B)(3).
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
15. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 6.3.4.3(B), or Section 6.3.4.5(D), the following provisions, in addition to the provisions of Article 5, Section 6.3.4.5(A), are required:

1. Residential Construction

   New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 3.7 of this Ordinance.
2. Non-Residential Construction

   New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 3.7 of this Ordinance. Structures located in A, AE, AH, AO, and A99 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 6.3.4.5(G)(2). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 6.3.4.4(B)(3), along with the operational and maintenance plans.
3. Manufactured Homes
   a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 3.7 of this Ordinance.
   b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS § 143-

143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 6.3.4.5(B)(4).

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

4. Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

b. shall not be temperature-controlled or conditioned;

c. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;

d. shall include, in Zones A, AO, AE, AH and A99, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

i. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

iv. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

c. Additions/Improvements

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

e. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Section. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

i. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

d. Recreational Vehicles.
Recreational vehicles shall either:
1. Temporary Placement
   i. Be on site for fewer than consecutively 180 calendar days; or
   ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
b. Permanent Placement
   Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

e. Temporary Non-Residential Structures
Prior to the issuance of a floodplain development permit for a temporary structure, the Applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
1. a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
2. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

f. Accessory Structures
When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 6.3.4.5(A)(1);
6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 6.3.4.5(A)(4); and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 6.3.4.5(B)(4)(c).

An accessory structure with a footprint less than 150 SF that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 6.3.4.4(B)(3).

g. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Underground Tanks
   a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
2. Above-ground tanks, elevated
   a. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Above-ground tanks, not elevated
   a. Above-ground tanks that do not meet the elevation requirements of Section 6.3.4.5(B)(2) shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
4. Tank inlets and vents
   a. Tank inlets, fill openings, outlets and vents shall be:
   b. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
   c. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
5. Other Development
   a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.3.4.5(F).
   b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 6.3.4.5(F).

c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 6.3.4.5(F).

C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 6.3.4.3(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 6.3.4.5(A), shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20-ft. each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
   a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Section and shall be elevated or floodproofed in accordance with standards in Section 6.3.4.5(A) and (B).
   b. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 6.3.4.5(B) and (F).
   c. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 6.3.4.3(B) and utilized in implementing this Section.
   d. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 3.7. All other applicable provisions of Section 6.3.4.5(B) shall also apply.

D. Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Section 6.3.4.5(A) and (B); and

2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

E. Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 6.3.4.3(B). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 6.3.4.5(A) and (B), shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
   a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
   b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
2. If Section 6.3.4.5(F)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
   a. the anchoring and the elevation standards of Section 6.3.4.5(B)(3); and
   b. the no encroachment standard of Section 6.3.4.5(F)(1).

F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 6.3.4.3(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 6.3.4.5(A) and (B), all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2-ft., above the highest adjacent grade; or at least 2-ft. above the highest adjacent grade if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 6.3.4.4(B)(3) and Section 6.3.4.5(B)(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. Standards for Areas of Shallow Flooding (Zone AH)
Located within the Special Flood Hazard Areas established in Section 6.3.4.3(B), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 6.3.4.5(A) and (B), all new construction and substantial improvements shall provide adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

6.3.4.6 Legal Status Provisions

1. Effect on Rights and Liabilities under Existing Flood Damage Prevention Regulations
This Section in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted February 19, 1990 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of these regulations shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance, adopted on February 19, 1990, as amended, which are not reenacted herein are repealed.
2. Effect upon Outstanding Floodplain Development Permits
Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Section; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Section.
3. Severability
If any section, clause, sentence, or phrase of this Section 6.3.4 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of Section 6.3.4.
4. Adoption and Effective Date
This Section 6.3.4 became effective upon adoption by the Person County Board of Commissioners on January 6, 2020, as codified into the Person County Unified

Development Ordinance and supersedes any previous versions of these flood damage prevention regulations.

6.3.5 Open Space Standards

6.3.5.1 Purpose

A. The purpose of this Section is:
   1. To protect existing environmental resources including streams, wetlands, floodplains, soils, forest stands, trees and other significant vegetation and wildlife.
   2. To promote the reservation of open space in environmentally sensitive areas.
   3. To provide recreational amenities for the residents of the County.

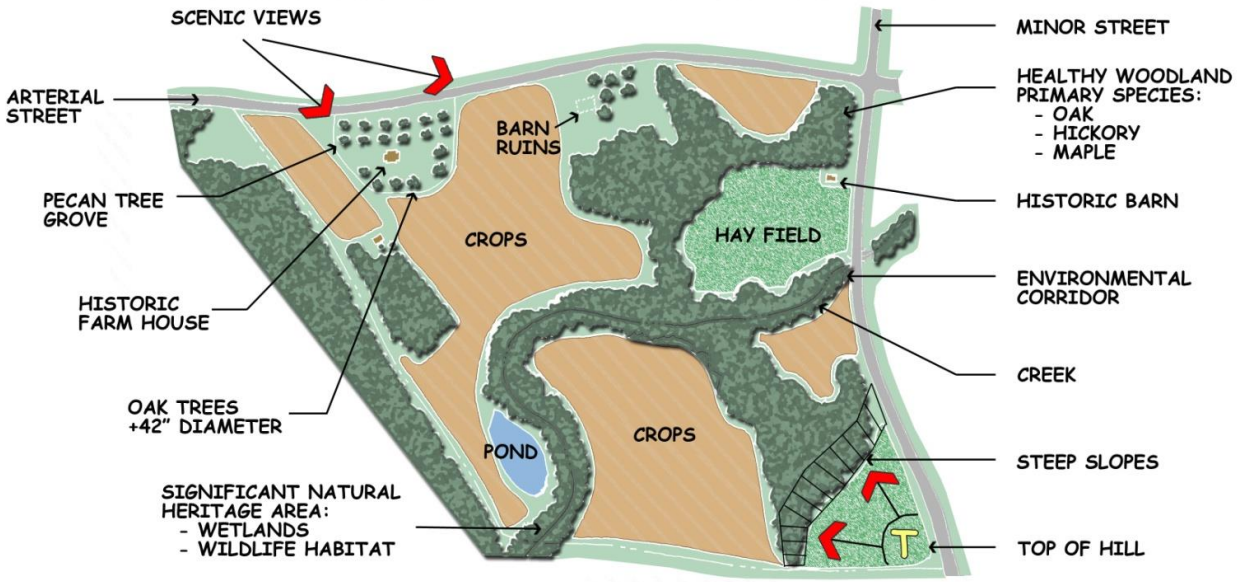
6.3.5.2 Applicability

A. The provisions of this Section shall apply to all Major Subdivisions. The provisions shall also apply to all new residential development of more than five (5) dwelling units.
B. The Administrator may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of an established community public open space as included in the *Person County Recreation, Arts, & Parks Master Plan*. The open space/trail system shall be maintained by the Applicant or subsequent owners provided, however, that the Applicant may request to publicly dedicate any trail that Person County or other non-profit entity accepts into a trail system.
C. To ensure orderly development of the County in accordance with the general principles set forth in the development plan, the Board of Commissioners may require the reservation of open spaces for parks, schools, fire stations and/or playgrounds for a period of six (6) months from the date of approval of the plat.

6.3.5.3 Existing Features Plan

A. An Existing Features Plan is required to be submitted with all Major Subdivision Sketch Plans and multi-family residential Site Plans for developments more than five (5) dwelling units.
B. An Existing Features Plan shall contain the following information, at a minimum:
   - Existing topography at intervals of no less than 5-ft.;
   - Perennial and intermittent streams;
   - Ponds and wetlands;
   - Special Flood Hazard Areas;
   - Existing groundcover: forest, pasture, cropland, rock outcroppings, etc.;
   - Existing structures;
   - Historic or archaeological sites; and
   - Significant natural heritage areas as delineated by the North Carolina Natural Heritage Program

Figure 6.3-1: Example of an Existing Features Plan



6.3.5.4 Minimum Required Open Space

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area.

Table 6.3-1: Minimum Open Space Dedication

Density (DUA)	Percent Open Space
Less than 1.0 DUA	n/a
1.0 DUA-1.9 DUA	10%
2.0 DUA-3.9 DUA	15%
4.0 DUA or more	20%
Conservation Development (subject to Section 6.2.4)	30%

DUA-Dwelling Units per Acre (see Figure 6.2-5)

6.3.5.5 Identifying Conservation Areas

B. The following areas shall be considered conservation areas and shall be preserved first in designating areas for required open space:
   - Land within riparian buffers on perennial and intermittent streams as required by Section 6.3.2.8.
   - Wetlands and buffers of 50-ft. from edge of wetland
   - Areas within a 100-year floodplain (Special Flood Hazard Areas)
   - Non-regulated isolated wetlands and depressions that accommodate ephemeral pools
   - Natural Heritage Areas (NHNA) as defined by the National Heritage Program

- Areas within a Natural Heritage Element Occurrence (NHEO) as defined by the National Heritage Program
- Areas identified by the Biodiversity and Wildlife Habitat Assessment (BWHA) by the National Heritage Program
- Buffers within 100-ft. of a designated wetland or perennial stream
- Areas within a 500-year floodplain
- Areas adjacent to existing preserved, or managed open space areas
- Mature forest of at least one contiguous acre
- Unfragmented forest areas that comprise any portion of a 50-acre or more forest block
- Wildlife corridors of a minimum of 150-ft. in width that connect to NHNAs, NHEOs, BWHA areas, wetlands, or floodplains
- Greenways as shown on adopted plans
- Slopes of greater than ten (10%) percent
- Rock outcroppings and a 200-ft. protection area
- Farmland within a present use value program and a 200-ft. buffer area
- Areas with sensitive soils
- Land with cultural or historic significance
- Viewsheds (contributes to rural view from public roadway)
- Heritage trees (existing healthy individual trees greater than 12 inches DBH)
- Undeveloped land and tree save areas
- Farmland of statewide importance
- Agricultural uses and pollinator gardens

C. The following areas that are not conservation areas may be used to meet remaining minimum opens space requirements.
   - Passive recreational areas including squares, greens, or parks
   - Active recreational areas including playgrounds and recreation amenity centers

6.3.5.6 Configuration of Open Space

The minimum standards for open space configuration are outlined below:

A. The minimum width for any open space is 25-ft. Access from a public or private street shall be provided to all designated open space with a minimum 15-ft. wide access to the open space area.

B. At least sixty (60%) percent of open space shall be contiguous. For the purposes of this section, contiguous includes any open space bisected by a local street, provided that:
   1. A pedestrian crosswalk provides access to the open space on both sides of the street; and
   2. The right-of-way area is not included in the calculation of minimum open space required.

C. Where feasible, the open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas.

D. Area within a floodway shall not be counted towards meeting the minimum open space requirements. A maximum of 75 percent of the required open space shall be located within a primary conservation area or a slope of greater than twenty (25%) percent.

E. Active open space shall be provided for all Major Subdivisions and multi-family residential developments over 10 dwelling units. A minimum of 2,000 SF of active open space having a minimum width of 40-ft. shall be provided for the first six (6) to 25 dwelling units. An additional 56 SF of recreation area shall be provided for each unit in excess of 25 units. The distribution and number of individual active open space areas shall be determined by the arrangement of the units, topography and other physical features.

6.3.5.7 Open Space Types

All open space used to meet the minimum requirements of this Section shall be classified as one (1) or more of the following categories and be classified as private common area open space or public open space. The Existing Features Plan should be used as a guide by the developer and Administrator to determine the most appropriate open space type and location, based upon the conservation areas outlined in Section 6.3.5.5. In addition to the Comprehensive Plan, other trail, parks and recreation, and open space plans shall be considered when evaluating the most appropriate open space type.

A. Nature Preserves & Stormwater Ponds (passive open space)

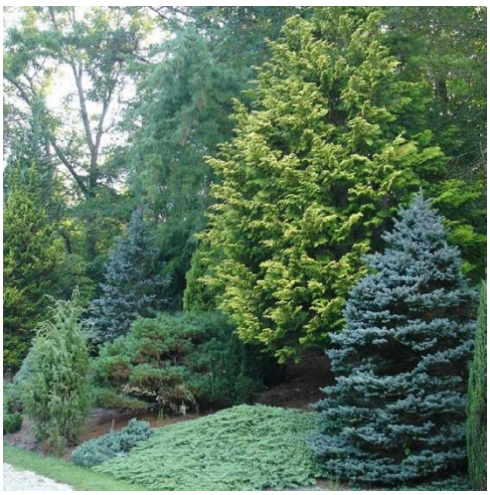
The nature preserve open space type shall be used for the conservation of primary and secondary conservation areas. Areas designated as nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail. Nature preserves are also the encouraged open space type for tertiary conservation areas that consist of tree conservation areas and scenic viewsheds such as ridge lines, field borders, meadows, fields, stream views, natural woodlands, and engineered stormwater ponds.

B. Greenways (active open space)

Greenways are large, irregular open spaces designed to incorporate natural settings while connect points of interest in a community such as schools, parks, civic uses, and, in some cases, conservation areas. Greenways shall be used for, at a minimum, trails for walking, jogging, and biking. If land proposed for development is located within an area designated for a greenway on adopted plans, then a greenway right-of-way or easement shall be set aside, and a greenway constructed by the developer.

C. Greenbelts (passive open space)

Greenbelts typically run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, or a developed area from agricultural areas or adjacent communities. Greenbelts can also provide a wildlife corridor between conservation areas. Greenbelts differ from greenways in that they are left natural, and are not intended for recreational use. A greenbelt shall have an average width of not less than 40-ft. in order to count towards the minimum open space requirement.



D. Agricultural Preserves (passive open space)

Open spaces designated as agricultural preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities as secondary and tertiary conservation areas. Agricultural preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. If farming operations cease, an agricultural preserve

may be used as a nature preserve or greenbelt.

E. Recreational Amenity Centers (active open space)

Recreational amenity centers are intended for active recreational use and may include swimming pools, splash pads, tennis courts, and similar uses. Recreational amenity centers shall be centrally located to the residences that they serve.

F. Square or Greens (passive open space)

Squares or greens are primary intended for passive recreational use and may have monuments, pavilions, sitting areas. Squares or greens shall be bounded by streets on a minimum of 50% of their perimeter. Squares or greens are encouraged to be entirely bounded by streets, lanes, or buildings. Squares and greens shall be planted parallel to all streets and shall contain canopy trees along street frontages.

G. Parks (passive or active open space)

Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10% of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens.

H. Playgrounds (active open space)

Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks or recreational amenity centers, or may stand alone.

6.3.5.8 Allowed Use of Open Space

Unless otherwise stated, open space intended to achieve the performance standard may be used for the following:

- Conservation areas for natural, archaeological or historic resources;
- Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- Pedestrian or multi-purpose trails;
- Passive recreation areas and natural bufferyards with vegetation;
- Active recreation areas, provided that impervious area is limited to no more than 10% of the total open space for the development;
- Golf courses may be used to meet open space requirements;
- Natural water bodies, such as lakes, pond and floodways;
- Crop production fields;
- Pasture lands;
- Community gardens;
- Stormwater control measures, including ponds and swales with landscaping;
- Amenity of greater than one-half (1/2) acre or greater, is surrounded by open space, and is accessible to all residents;
- Easements for drainage, access and underground utilities; and
- Equestrian uses and trails.

6.3.5.9 Prohibited Uses of Open Space

Open space intended to meet the minimum requirements of this Section shall not be used for the following:

- Individual conventional wastewater disposal systems (excluding innovative systems);
- Solid waste collection systems, including receptacles, compactors, and corrals;
- Overhead electric transmission lines or high voltage electric transmission lines; and
- Streets and impervious parking areas.

6.3.5.10 Open Space Dedication, Ownership, & Maintenance

A. Any areas preserved as open space shall be indicated on plats for Major Subdivisions. An Open Space Maintenance Plan shall be submitted prior to the approval of the first Final Plat. All open space shall be dedicated prior to or simultaneously with the first Final Plat approval. Any active open space shall be completed prior to the issuance of the Zoning Permit for the tenth dwelling unit and prior to approval of a second phase Final Plat.

B. Open space may be owned or administered by one (1) or a combination of the following methods:
   1. Fee simple ownership or conservation easement by a unit of government or private non-profit land conservancy;
   2. Common ownership by Homeowner Association;
   3. Split deeded ownership by individual property owners within the development;
   4. By individual private ownership such as a farmer, developer or other private entity that maintains the open space in accordance with the purposes of this Section. (i.e. farming, equestrian facility).
   5. Deed restricted open space easements on individual private properties.

C. The Board of Commissioners shall have the authority to accept or reject land dedications made as a requirement of this Section.

D. In the case of common ownership by an active Homeowner Association, in the event that the Homeowner Association fails to maintain open space according to the standards of this Ordinance, the County shall follow a code enforcement process and notice their Homeowner Association, property management company, if present, and legal counsel to correct the deficiency.

E. The developer shall place in the dedications section of the Final Plat of the subdivision a notation listing the ownership and maintenance assignments of common areas and open space. This shall include, but not be limited to entryways, landscaping, monumentation, signage, private roads, private utilities, stormwater ponds, drainage control structures, easements, site lighting, mailboxes, parks, playground equipment, shelters, pools, and any other facility owned by the Homeowner Association or their assigns.

F. The developer will provide proof of registration of the Articles of Incorporation and Declarations, Covenants, Conditions, and Restrictions with the appropriate state agency for the formation of the Homeowner Association to the Administrator.

G. Homeowner Associations or similar legal entities that are responsible for the maintenance and control of open space areas and common areas shall be established by the developer who shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity. A copy of the recorded document shall be provided to the Administrator and such document shall include, but not be limited to, the following:
   1. Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer.
   2. The association or similar legal entity has clear legal authority to maintain and

exercise control over such common open space areas and must be responsible for liability insurance, applicable taxes and the maintenance of open space and other facilities under their control.

3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the Homeowner Association or similar legal entity.
4. The open space restrictions must be permanent, not just for a period of years.
5. The association or similar legal entity must be able to adjust the assessment to meet changing needs.
6. The association shall be responsible for maintaining all storm water drainage systems and easements within the development;
7. It shall be expressly stated within the restrictive covenants/Homeowner Association documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the Homeowner Association Board of Directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the Homeowner Association Board of Directors.
8. In the event that the Homeowner Association has defaulted, is no longer in existence, or has engaged a property management company to perform this action that is not being performed, the individual property owners shall be responsible for maintenance and it shall not become a public burden.

6.3.5.11 Alternatives to Dedication

A. As an alternative to incorporating required open space on a development site, the developer has the option of:
   1. Requesting that the County permit the purchase of land lying within a planned public park or open space system within the County and its dedication to the appropriate public authority; or
   2. Requesting that the County accept fees in lieu of land dedication for the purpose of providing public open space.
B. Any request for alternative open space shall be accompanied by the following information:
   1. The exact location (either a tax identification number or a metes and bounds description), size, and current assessed and appraised value of land proposed for purchase and public dedication.
   2. The intended recipient of the dedication of land and evidence that the recipient (if other than the County) approves of the dedication.
   3. The proposed timing of the purchase and dedication.
C. The payment of fees, in lieu of the dedication may occur at the request of the developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Board of Commissioners

during Preliminary Plat review, upon recommendation by the Planning Board, and having evaluated the proposed dedication and the relationship such dedication would have with the County's overall recreational needs. The fees in lieu of dedication shall be paid prior to Final Plat approval.

D. Payment-in-lieu-of-dedication shall be calculated by determining the per acre value based on overall tax value for the entire development property. For example, if one (1) acre of open space is required per this Ordinance and the tax value land within the development site is $50,000 per acre, then the minimum fee in lieu of open space would be equal to $50,000. All fees in lieu of open space dedication shall be placed in a fund to be used exclusively for the purchase of open space or park land or for the improvement of open space or park land already owned by the County.

E. In considering a request for an alternative to dedication, the Board of Commissioners may approve the request; approve with modifications or conditions agreed to by the developer; approve only a portion of the request, requiring a portion of the required open space to be included in the proposed development; or deny the request.

6.4 LANDSCAPING & SCREENING STANDARDS

6.4.1 Purpose

The purpose of this Section is to regulate the protection, installation and long-term management of trees and shrubs as a screen to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter and glare of lights, from adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of built environment and blends new development with the natural landscape. Existing vegetation should be retained where possible to ensure a natural established landscape.

6.4.2 Applicability

A. All new developments (except for infill single-family or two-family detached residential uses on existing lots) shall be designed in accordance with the requirements of this Section. Any expansion of greater than twenty-five (25%) percent of an existing building or parking area or a significant change of use also requires compliance with the requirements of this Section, to the greatest extent possible as determined by the Administrator. A landscaping plan, completed by a Registered Landscape Architect or landscape designer, shall be submitted as part of the Site Plan or subdivision submittal, as set forth in Article 4.

B. Generally, the responsibility for screening is that of the more intense land use. However, new developments with a less intense use being constructed next to an existing more intense use shall provide the required landscaping on the new development's property.

C. In cases where an existing, landscaped or vegetated area is located on the same property as the proposed development, further plantings and or improvements shall not be required so long as said screened area is of sufficient width and contains adequate and sufficient materials to meet the requirements of this Ordinance. If the landscaped or vegetated area is deficient, the developer shall make needed improvements and/or additions to satisfy the landscaping requirements and intent of this Ordinance.

6.4.3 General Standards for All Landscaping

A. The preservation of existing vegetation and natural features is encouraged. Significant trees, forest stands, natural vegetation, specimen trees, severe natural topography, drainage features and water courses are encouraged to be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development. Tree save areas are encouraged in required landscaping areas.

B. In cases where an existing, landscaped or vegetated area is located on the same property as the proposed development, further plantings and or improvements shall not be required so long as existing vegetation is of sufficient width and contains adequate materials to meet the requirements of this Ordinance. If the landscaped or vegetated area is deficient, the developer shall make needed improvements and/or additions to satisfy the landscaping requirements and intent of this Ordinance.

C. No structure other than a wall, fence, sidewalk, mailbox, sign, light fixture, or perpendicular driveway access point shall be permitted within a required landscaping area. No off-street parking may take place in any required landscaping area. Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development.

D. Within 30-ft. of overhead utility lines, two (2) small trees shall be used in lieu of each large tree required. Such small trees shall not reach a mature height of greater than 15-ft.

E. At least ten (10%) percent of all required trees and seventy (75%) percent of the required shrubs shall be evergreen species.

F. No landscaping feature shall impede sight lines of traffic within the sight triangle as defined in Section 6.2.1.

G. All diagrams in this Section are for illustrative purposes only.

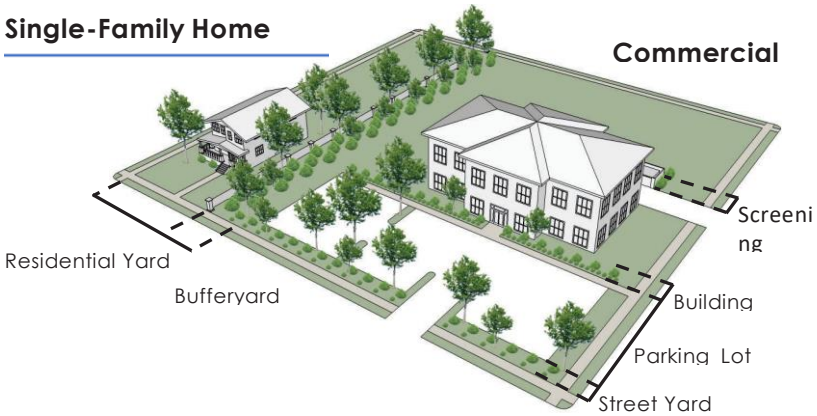
6.4.4 Landscaping Types

The provisions of this Section are designed to specifically address the application of landscape resources to varying styles of development and the impact of such applications on the appearance, health, and well-being of the community. The provisions are broken into six (6) landscaping and screening categories:

Table 6.4-1: Yard Types

Sec.	Yard Type
6.4.5	Bufferyards
6.4.6	Street Yards
6.4.7	Parking Lot Yards
6.4.8	Building Yards
6.4.9	Screening Yards
6.4.10	Residential Yards

Figure 6.4-1: Landscaping Types



6.4.5 Bufferyards

A. Bufferyards area intended to separate higher intensity and lower intensity uses and districts. Buffers shall be measured from the subject property line into the site to be developed. All required bufferyards shall abut the subject property line. Required bufferyard width shall not decrease the required building setback for each zoning district as set forth in Section 5.2.

B. Bufferyards shall function as opaque visual screens with a minimum height of six (6) feet. The arrangement of trees and shrubs shall be done in a manner that provides a visual separation between abutting land uses.

C. Generally, the responsibility for screening is that of the more intense land use. However, new developments with a less intense use being constructed next to an existing more intense use shall provide the required landscaping on the new development's property.

D. Fences located within a bufferyard shall be located on the side closest to the neighboring property line while allowing adequate room to maintain both sides of the fence.

E. There are two (2) types of bufferyards. The requirements and depictions of these bufferyards are shown on the following pages:

1. Type 1 Buffers shall apply in the following situations:
   - Non-residential uses (excluding heavy and light industrial uses) within adjacent to any residential zoning district or use;
   - Multi-family residential development adjacent to any residential zoning district or single-family residential use; and
   - Single-family residential Major Subdivisions in a more intense zoning district than the adjacent property.
2. Type 2 Buffers shall apply in the following situations:
   - Light industrial uses adjacent to any other use or zoning district
   - Heavy industrial uses adjacent to any other use or zoning district. Final buffer requirement subject to Special Use Permit approval by Board of Commissioners.

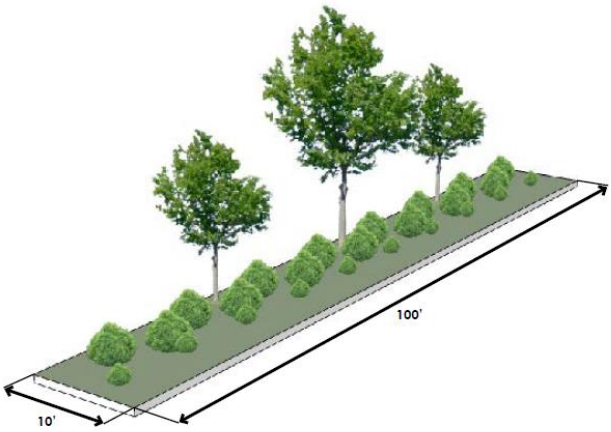
Table 6.4-2: Bufferyard Requirements

Criteria	Type 1 Buffer	Type 2 Buffer*
Width	10 feet	20 feet min.
Large Trees	1 per 100 linear feet	2 per 100 linear feet
Small Trees	2 per 100 linear feet	3 per 100 linear feet
Large Shrubs	15 per 100 linear feet	20 per 100 linear feet
Medium or Small Shrubs	10 per 100 linear feet	15 per 100 linear feet
Groundcover	Pine needles, mulch, or landscaping rock	

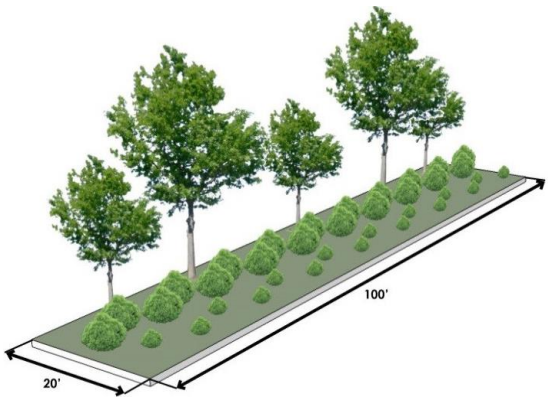
*Bufferyard width and composition for heavy industrial uses may be increased by the Board of Commissioners during Special Use Permit approval to further mitigate potential adverse impacts.

Figure 6.4-2: Bufferyard Types

Type 1



Type 2



6.4.6 Street Yards

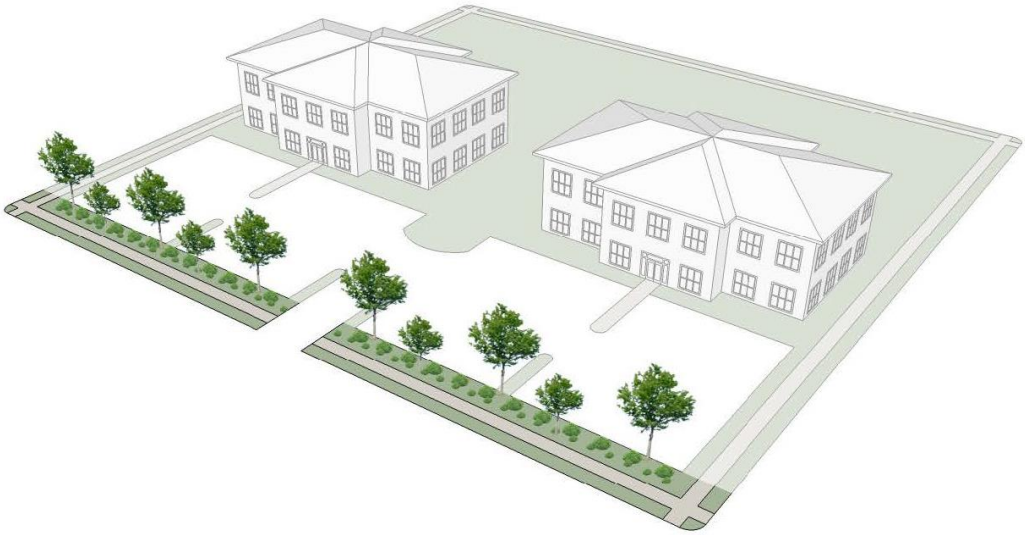
A. Street yards are intended to provide transition between roads and developed sites and to create a continuous vegetated aesthetic along the street rights-of-way.
B. Street yards shall be measured from the right-of-way line (front property line) into the subject property.
C. Where all parking is located behind the building, building yards in accordance with Section 6.4.8 may be utilized in lieu of street yards.
D. For street yards of major residential subdivisions adjacent to major or minor thoroughfares, as designated in the adopted Comprehensive Transportation Plan, the minimum street yard width shall be increased to 50-ft.
E. In addition to the requirements of this Section, street yard landscaping shall meet the general standards set forth in Section 6.4.3.

Table 6.4-3: Street Yard Requirements

Criteria	Standard
Width	10 feet*
Large Trees	1 per 100 linear feet
Small Trees	2 per 100 linear feet
Large Shrubs	Optional
Medium or Small Shrubs	20 per 100 linear feet
Groundcover	Pine needles, mulch, or landscaping rock

*Major Subdivisions located on major or minor thoroughfares shall have a minimum street yard width of 50-ft.

Figure 6.4-3: Street Yard Example



6.4.7 Parking Lot Yards

A. Parking lot landscaping is required within all non-residential and multi-family parking lots of greater than 10 spaces except automobile or boat sales display areas. Perimeter landscaping around industrial parking lots and automotive or boat sales display areas rate be utilized at the same rate as required in Table 6.4-3, as applicable.

B. The parking lot yard requirement may be met by the street yard requirement, bufferyard requirement, or building yard requirement for parking that is immediately adjacent to a street yard, bufferyard, or building yard.

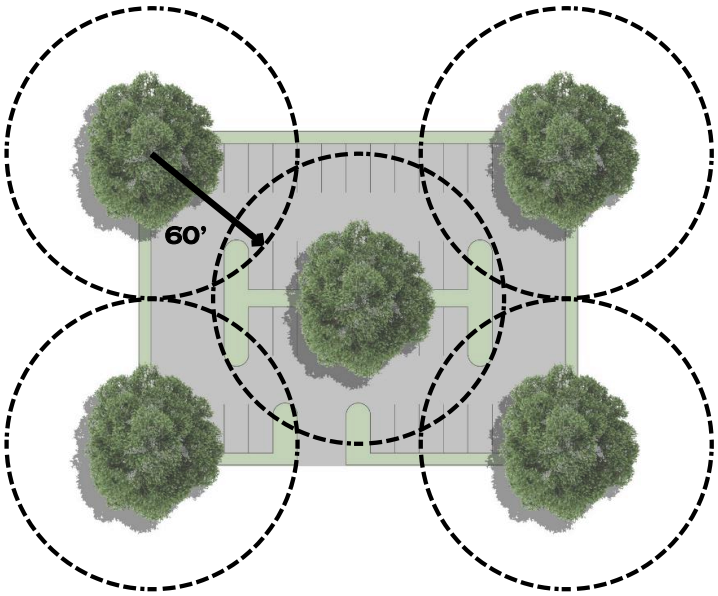
C. Trees shall be planted in a manner that provides shade for parking area at maturity within 10-ft. of the pavement edge. Each planting area shall be a minimum of 60 SF, with a minimum dimension of seven (7) feet. Planting areas shall be protected with concrete curbing or wheel stops.

D. In addition to the requirements of this Section, parking lot yard landscaping shall meet the general standards set forth in Section 6.4.3.

Table 6.4-4: Street Yard Requirements

Criteria	Standard
Landscaping Area	60 SF
Large Trees	1 within 60 feet of every parking space
Small Trees	Optional
Large Shrubs	Optional
Medium or Small Shrubs	Optional
Groundcover	Pine needles, mulch, or landscaping rock

Figure 6.4-4: Parking Lot Yard Example



6.4.8 Building Yards

A. The intent of building yards is to create a buffer between buildings and parking areas for pedestrians entering and exiting buildings and to improve the appearance of building entrances.

B. Building yard width shall be based on the total area of the building. Widths shall be measured from the applicable building wall. Building yards shall be located on any side of a building where parking area is adjacent to the building. This shall not apply in the GI zoning district or single-family or two-family dwellings (duplexes).

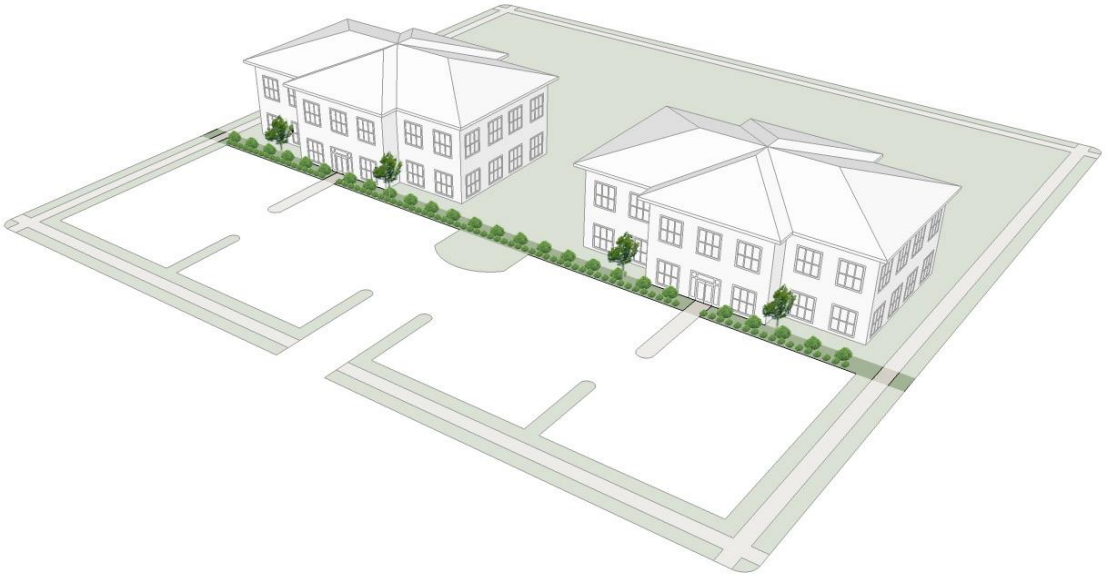
C. Building yards may be crossed by walkways to general access doorways, however a maximum of twenty-five (25%) percent of the building yard may be composed of walkways.

D. In addition to the requirements of this Section, building yard landscaping shall meet the general standards set forth in Section 6.4.3.

Table 6.4-5: Building Yard Requirements

	Building Area		
Criteria	**Less than 10,000 SF**	**10,000 - 50,000 SF**	**Greater than 50,000 SF**
Width	5 feet	8 feet	10 feet
Small Trees	N/A	N/A	1 per 50 linear feet of building yard
Shrubs	3 per 10 linear feet of building yard	5 per 10 linear feet of building yard	7 per 10 linear feet of building yard
Groundcover	Pine needles, mulch, or landscaping rock		

Figure 6.4-5: Building Yard Example



6.4.9 Screening Yards

The screening requirements of this Section shall apply to waste and recycling receptacles, mechanical equipment, and outdoor storage for all new and expanding non-residential and multi-family residential development and for commercial junkyards, automobile graveyards, salvage yards, and tow yards.

A. Any permitted outdoor storage, utility equipment, or solid waste receptacles (including dumpsters) shall be screened in the form of a wall, fence, and/or shrubs to provide an opaque screen.
B. Dumpsters and other waste collection containers shall not be located in the front yard of any structure or within any required bufferyard.
C. Ground-mounted mechanical equipment shall be located in the rear or side yard and screened from view of the street.
D. Any fencing used to fulfill the requirements of this Section shall be supplemented with landscaping. Chain link fence with slats shall not be used to meet the requirement of this Section.
E. All screens shall utilize building materials and design which are compatible with those used for the exterior of the principal building.
F. Outdoor storage yards, commercial junkyards, automobile graveyards, salvage yards, and tow yards.

Figure 6.4-6: Screening Examples

6.4.10 Residential Yards

A. The intent of residential yard requirements is to replace some of the trees removed during the grading process, to establish a residential tree canopy, and to provide a building yard transition between the street and structure.

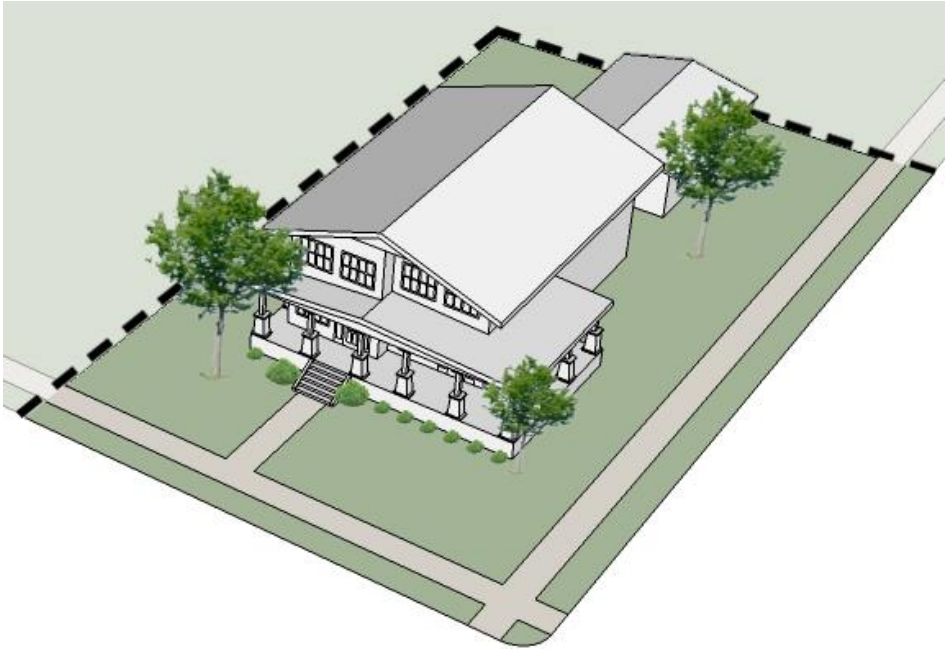
B. Residential yards are required for all single-family and two-family residential lots in new Major Subdivisions.

C. Trees and shrubs shall be planted outside of the public right-of-way. Maintenance of the trees and shrubs shall be the responsibility of the individual property owner. Vegetation shall be selected from the approved plant list in Section 5.4.13. The use of existing vegetation to satisfy the large tree standard is encouraged.

Table 6.4-6: Street Yard Requirements

Criteria	Standard
Large Trees	1 per 50 feet of street frontage (to be planted in front yard)
Small Trees	Optional
Large Shrubs	Optional
Medium or Small Shrubs	Optional

Figure 6.4-7: Residential Yard Example



6.4.11 Plant Installation Standards

A. Trees and shrubs to be planted shall be selected from the latest edition of the NC Cooperative Extension Publication AG 508-3 *Drought Tolerant Plants for North Carolina* as shown in Table 6.4-8. The Administrator may approve alternative plantings provided that no non-native, invasive species is introduced. Any tree by nature of their fruit, root system, brittleness of wood, susceptibility to disease, or deemed undesirable by the County shall not be planted in any public right-of-way, on public property, or as part of any required landscaping or screening.

B. All plants shall be installed in accordance with the latest edition of the *American Standards for Nursery Stock*, published by the American Nurserymen's Association and the American National Standards Institute (ANSI).

C. No trees identified as large trees or having a mature height of 15-ft. or higher shall be planted within 30-ft. of overhead utility lines or within five (5) feet of a utility easement. This does not include low-voltage insulated or covered lines of 240 volts or less or telecommunication lines.

D. All plant material installed shall be free from disease and scarring and shall be installed in a manner that ensures the availability of sufficient soil and water to sustain healthy growth, and which is not intrusive to utilities or pavement.

E. Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction shall be placed or maintained within a sight triangle as defined in Section 6.2.1.

F. Required landscaping shall be installed with the minimum size specifications:

Table 6.4-7: Plant Installation Size Standards

Type	Min. Height at Maturity (ft)	Min. Height at Planting (ft)	Min. Caliper at Planting (in)	Min. Spacing (ft. on center)
Large Trees	40	8	2	20
Small Trees	15	6	1.5	10
Large Shrubs	8	4	N/A	4
Medium Shrubs	4	2	N/A	2
Small Shrubs	2	1	N/A	2

Table 6.4-8: Approved Plant List

Botanical & Common Name	Water Use Zone	NC Hardiness Zone	Texture	Form	Height/ Spread (ft)	Growth Rate	Group	Exposure
LARGE TREES								
Acer floridanum/Florida Maple or Southern Sugar Maple	1,2,3	6b to 8	Medium	Oval	40-50/20-25	Medium to Fast	Deciduous	Sun/Semi-Shade
Acer rubrum/Red Maple	1,2	6b to 8	Medium	Rounded	40-50/25-35	Medium	Deciduous	Sun/Semi-Shade
Acer saccharum/Sugar Maple	1,2	6b to 7a	Medium	Oval	60-80/25-40	Medium to Fast	Deciduous	Sun/Semi-Shade
Betula nigra/River Birch	1,2	6b to 8	Medium	Oval	40-70/40-60	Fast	Deciduous	Sun
Cedrus libani/Cedar of Lebanon	1,2	5 to 7	Medium	Conical	80-100/80-100	Fast	Evergreen	Sun
Cryptomeria japonica/ Japanese Cryptomeria	1,2,3	6 to 8	Fine	Conical	50-60/20-30	Slow to Medium	Evergreen	Sun
Fraxinus americana/White Ash	1,2,3	6 to 7	Medium	Oval	80/50	Fast	Deciduous	Sun
Franxius pennsylvanica/ Green Ash	1,2,3	6b to 8	Medium	Upright, Spreading	50-60/20-30	Medium	Deciduous	Sun
Gingko biloba/Gingko or Maiden Hair Tree(male only)	1,2	6b to 8	Medium	Irregular	50-70/30-40	Very Slow	Deciduous	Sun
Gleditsia iriacanthos var. inermis/Thornless Honey Locust	1,2	6 to 8	Fine	Oval/ Rounded	50-75/35-50	Fast	Deciduous	Sun
Gymnocladus dioicus/ Kentucky Coffee Tree	1,2	3 to 8	Medium to Coarse	Horizontal Branching	60-80/40-55	Slow to Medium	Deciduous	Sun
Liriodendron tulipifera/ Tuliptree(Yellow Poplar)	1,2,3	6b to 8	Coarse	Broad, Rounded	70-90/35-50	Fast	Deciduous	Sun
Magnolia grandiflora/ Southern Magnolia	1,2	6b to 8	Course	Upright, Pyramidal	60-80/40-50	Slow to Medium	Evergreen	Sun
Metasequoia glyptosfroboides/Dawn Redwood	1,2	6b to 8	Fine	Conical	40-50/20-25	Fast	Deciduous	Sun
Pinus strobus/White Pine	1,2	6b to 7a	Medium	Pyramidal	80-100/25-40	Medium	Evergreen	Sun

Pinus taeda/Loblolly Pine	1,2,3	6b to 7	Medium	Horizontal Branching	80-100/20-30	Fast	Evergreen	Sun
Platanus x acerfolia/London Planetree	1,2	4 to 8	Medium to Coarse	Pyramidal	75-100/60-75	Medium	Deciduous	Sun
Platanus occidentalis/ Sycamore	1,2	6 to 8	Coarse	Oval/ Rounded	75-100/75-100	Fast	Deciduous	Sun
Quercus acutissima/ Sawtooth Oak	1,2,3	6b to 8	medium	Broad, Oval	35-45/35-45	Medium	Deciduous	Sun
Quercus falcate/Southern Red Oak	1,2	6b to 8	Coarse	Rounded	70-80/30-40	Medium	Deciduous	Sun
Quercus nigra/Water Oak	1,2,3	6b to 8	Medium	Rounded	80-90/40-50	Medium to Fast	Deciduous	Sun
Quercus nuttalli/Nuttall Oak	1,2	5 to 9	Medium	Pyramidal	40-60/35-50	Medium to Fast	Deciduous	Sun
Quercus palustris/Pin Oak	1,2	6b to 8a	Medium	Pyramidal	70-80/40-50	Medium	Deciduous	Sun
Quercus phellos/Willow Oak	1,2	6b to 8	Fine	Rounded	80-100/40-50	Medium	Deciduous	Sun
Quercus shumardii/ Shumard Oak	1,2,3	6b to 8	Medium	Pyramidal	40-60/40-60	Medium	Deciduous	Sun
Quercus virginiana/Live Oak	1,2,3	7b to 8	Medium	Rounded	60-80/50-60	Medium	Evergreen	Sun
Taxodium distichum/ Common Baldcypress	1,2,3	6b to 8	Fine	Conical	50-70/20-30	Medium	Deciduous	Sun
Tilia cordata/Littleleaf Linden	1,2	6 to 8	Medium	Oval	50-70/35-50	Medium	Deciduous	Sun/Semi-Shade
Tilia platyphyllos/Bigleaf Linden	1,2	2 to 6	Medium	Pyramidal	60-80/30-50	Medium	Deciduous	Sun/Semi-Shade
Ulmus parvifolia/True Chinese Elm (Lacebark Elm)	1,2,3	6b to 8	Medium	Rounded	40-50/30-40	Fast	Deciduous	Sun
Zelkova serrate/Japanese Zelkova	1,2,3	6b to 8a	Medium	Broad, Oval	50-80/50-60	Fast	Deciduous	Sun
SMALL TREES								
Acer buergeranun/ Trident Maple	1,2,3	7b to 8	Medium	Oval	20-25/10-15	Slow	Deciduous	Sun
Acer ginnala/Amur Maple		3 to 8	Medium	Rounded	15-20/15-28	Slow	Deciduous	Sun/Semi-Shade
Acer griseum/Paperbark Maple		4 to 8	Medium	Upright	20-30/15-25	Slow	Deciduous	Sun/Semi-Shade
Acer palmatum/ Japanese Maple	1,2	5 to 8	Fine to Medium	Rounded	15-25/10-25	Slow to Medium	Deciduous	Shade
Carpinus caroliniana/ American Hornbean (Ironwood)	1,2,3	6b to 5	Medium	Loose, Rounded	20-30/15-25	Slow	Deciduous	Sun/Shade
Catalpa bignonioides/ Southern Catalpa		5 to 9	Coarse	Irregular	25-40/20-30	Fast	Deciduous	Sun/Semi-Shade
Cercis canadensis/ Redbud or Judas Tree	1,2	6b to 8	Medium	Oval	25-30/20-28	Medium	Deciduous	Sun/Shade
Chionanthus virgincus/ Fringe Tree or Grancy Gray-beard	1,2	6b to 8	Coarse	Irregular	10-20/15-20	Slow to Medium	Deciduous	Sun/Semi-Shade
Cornus florida/Flowering Dogwood	1,2	6 to 8	Medium	Conical	20-30/20-25	Slow to Medium	Deciduous	Sun/Semi-Shade
Cornus kousa/Kousa Dogwood	1,2	6 to 7	Medium	Horizontal Branching	10-15/8-10	Medium	Deciduous	Sun/Semi-Shade

Cupressocyparis leyiandii/ Leyland Cypress	1,2,3	6b to 8	Fine	Upright	60-70	Fast	Evergreen	Sun/Semi-Shade
Halesia carolina/Silverbell	1,2,3	6b to 8	Medium	Spreading	20-30/15-20	Medium	Deciduous	Sun/Semi-Shade
Ilex x attenuata/Savannah, Savannah Holly	1,2,3	6b to 8	Coarse	Pyramidal	25-30/10-15	Medium	Evergreen	Sun/Shade
Ilex decidua/Possumhaw	1,2,3	6b to 8	Medium	Loose, Rounded	20-30/15-20	Medium	Deciduous	Sun/Semi-Shade
Ilex latifolia/Lusterleaf Holly	1,2,3	6b to 8	Coarse	Pyramidal	20-25/15-20	Medium	Evergreen	Sun/Shade
Ilex x Nellie R. Stevens/ Nellie R. Stevens Holly	1,2,3	6b to 8	Coarse	Pyramidal	15-25/10-15	Medium	Evergreen	Sun/Shade
Ilex opaca/American Holly	1,2	6b to 8	Medium to Coarse	Pyramidal	20-30/15-20	Medium	Evergreen	Sun/Shade
Ilex x attennata 'Fosteri'/ Foster's Holly		6 to 9	Fine to Medium	Upright, Pyramidal	20-30/7-10	Fast	Evergreen	Sun/Semi-Shade
Juniperus virginiana/ Eastern Red Cedar	2,3	2 to 9	Fine to Medium	Upright	30-40/10-20	Medium	Evergreen	Sun
Koelreuteria paniuclata/ Goldenraintree	1,2,3	6b to 8	Fine	Rounded	20-30/10-15	Medium	Deciduous	Sun
Lagerstroemia indica/ Crape Myrtle(appropriate varieties)	1,2,3	6b to 8	Fine	Upright	20-30/10-15	Fast	Deciduous	Sun
Magnolia grandiflora 'Little Gem'/Little Gem Magnolia	1,2	7 to 8	Coarse	Symmetrical	40-60/25-30	Medium to Fast	Evergreen	Sun/Semi-Shade
Magnolia stellata/Star Magnolia	1,2,3	6 to 8	Medium	Oval Upright	15-20/10-12	Slow	Deciduous	Sun/Semi-Shade
Magnolia virginiana/ Sweetbay Magnolia	1,2	7 to 8	Medium	Wide, Spreading Irregular	8-12/6-10	Slow	Deciduous	Semi-Shade
Magnolia x loebneri/ Sweetbay Magnolia		5 to 8	Medium	Rounded	20-30/20-30	Medium	Deciduous	Semi-Shade
Magnolia x soulangiana/ Saucer Magnolia	1,2,3	6b to 8	Coarse	Rounded	20-30	Medium	Deciduous	Sun/Semi-Shade
Malus species/Flowering Crab	1,2	6b to 8	Medium	Rounded to Upright	15-30/15-30	Medium	Deciduous	Sun
Oxydendrum arboretum/ Sourwood	1,2,3	6b, 7a	Medium to Coarse	Upright	30-40/15-20	Medium	Deciduous	Sun/Semi-Shade
Pinus thunbergiana/ Japanese Black Pine		5 to 8	Medium	Irregular	50-70/25	Slow to Medium	Evergreen	Sun
Pinus virginiana/Virginia Pine	1,2,3	6b to 8a	Fine	Conical	15-30/10-30	Slow	Evergreen	Sun
Prunus caroliniana/ Carolina Laurel, Cherry	1,2,3	7 to 8	Medium	Oval	20-30/15-20	Fast	Evergreen	Sun/Shade
Prunus serrulata/(many cultivars) Japanese Flowering Cherry	1,2	6b to 8a	Medium	Oval, Spreading, Weeping	20-30/20-30	Medium	Deciduous	Sun
Prunus x yedoensis/ Yoshino Cherry	1,2	6b to 8a	Medium	Oval, Spreading	10-15/20-25	Medium	Deciduous	Sun
Vitex agnus-castus/ Chastetree	1,2,3	6b to 8	Medium	Oval	15-20/10-15	Medium	Deciduous	Sun

LARGE SHRUBS								
Buddleia davidii/Butterfly Bush	1,2,3	6b to 8	Medium	Upright, Oval	10-15 ft	Fast	Deciduous	Sun
Calycanthus floridus/ Sweetshrub	1,2,3	6b to 8	Medium	Broad, Rounded	8-12 ft	Medium	Deciduous	Sun/Shade
Camellia japonica/ Camellia	1,2	6b to 8	Medium to Coarse	Rounded to Oval	8-10 ft	Slow to Medium	Evergreen	Sun/Semi-Shade
Camellia sansanqua/ Sansanqua Camellia	1,2	7 to 8	Medium	Irregular to Upright	8-10 ft	Slow to Medium	Evergreen	Sun/Semi-Shade
Chaenomeles speciosa/ Flowering Quince	1,2,3	6b to 8	Medium	Rounded	8-10 ft	Medium	Deciduous	Sun/Semi-Shade
Euonymus alatus/Winged Euonymous	1,2,3	6b to 8	Medium	Mounded	15-20 ft	Slow	Deciduous	Sun/Shade
Hamamelis vernalis/Vernal Witchhazel	1,2,3	6b to 8a	Medium	Dense, Rounded	8-12 ft	Medium	Deciduous	Sun/Semi-Shade
Hibiscus syriacus/Shrub Althea (Rose of Sharon)	1,2,3	6b to 8	Medium	Rounded	8-12 ft	Medium	Deciduous	Sun
Ilex x attenuate 'Fosteri'/ Foster Holly	1,2	6b to 8	Medium	Upright	8-10 ft	Slow	Evergreen to Medium	Sun/Semi-Shade
Ilex cornuta 'Burfordii'/ Burford Holly	1,2,3	6b to 7b	Coarse	Oval to Rounded	8-12 ft	Medium to Fast	Evergreen	Sun/Semi-Shade
Ilex verticillata/ Winterberry	3	3 to 9	Medium	Oval Rounded	6-15/6-10	Slow to Medium	Deciduous	Sun/Semi-Shade
Ilex x 'Emily Bruner'/ Emily Bruner Holly	1,2,3	7 to 9	Medium	Pyramidal	15-20/8	Medium	Evergreen	Sun/Semi-Shade
Ilex x 'Nellie R. Stevens'/ Nellie Stevens Holly	1,2,3	6 to 9	Medium	Upright Pyramidal	30-40/10-15	Fast	Evergreen	Sun/Semi-Shade
Juniperus chinesis 'Hetzi'/ Hetz Juniper	2,3	6b to 8	Fine	Upright	15 ft	Fast	Conifer	Sun
Juniperus chinensis 'Pfitzeriana'/ Pfitzer Juniper	2,3	6b to 8	Fine	Broad, Upright	8-10 ft	Fast	Conifer	Sun
Leucothoe populufolia/ Fetterbrush	1,2	7a to 8	Medium	Upright, Arching	8-12 ft	Medium	Evergreen	Semi-Shade/ Shade
Magnolia stellate/ Star Magnolia	1,2,3	6b to 8a	Coarse	Rounded	10-15 ft	Medium	Deciduous	Sun/Semi-Shade
Osmanthus fortune/ Fortunes Osmanthus	1,2,3	6b to 8	Medium	Rounded	8-10 ft	Slow to Medium	Evergreen	Semi-Shade
Pittosporum tobira/ Japanese Pittosporum	1,2	7b to 8b	Medium	Rounded	8-10 ft	Fast	Evergreen	Sun/Semi-Shade
Podocarpus macrophyllus var maki/Southern Yew	1,2	7a to 8b	Medium	Upright	8-12 ft	Medium	Evergreen	Sun/Semi-Shade
Pyrancantha species/ Firethorn	1,2	6b to 8	Medium	Irregular	10-12 ft	Fast	Evergreen	Sun
Rhododendron austrinum/ Florida Azalea (Red flower)	1,2	6b to 7	Medium	Rounded	8-12 ft	Medium	Deciduous	Semi-Shade/ Shade
Rhododendron calendulaceum/ Flame Azalea (Yellow-pink flower)	1,2	6b to 7	Medium	Rounded	10-15 ft	Medium	Deciduous	Semi-Shade/ Shade
Rhododendron canescens/ Piedmont Azalea (Rosy Purple Flower)	1,2	6b to 7	Medium	Rounded	10-15 ft	Medium	Deciduous	Semi-Shade/ Shade
Rhus typhina/ Staghorn Sumac	1,2,3	6b to 8	Fine	Open, Spreading	15-25 ft	Fast	Deciduous	Sun/Semi-Shade

Ternstoemia gymnathera/ Cleyera	1,2	6b to 8	Medium	Upright	8-10 ft	Slow to Medium	Evergreen	Sun/Semi-Shade
Thuja occidentalis 'Emerald'/ Emerald Arborvitae	1,2,3	4 to 8	Fine	Pyramidal	15/3-4	Medium	Evergreen	Sun
Viburnum lantana/ Wayfaringtree Viburnum	1,2,3	6b to 8a	Coarse	Round, Spreading	10-15 ft	Medium	Deciduous	Sun/Semi-Shade
Viburnum opulus/ European, Cranberrybush, Viburnum	1,2,3	6b to 8a	Coarse	Upright, Spreading	8-12 ft	Medium	Deciduous	Sun/Semi-Shade
Viburnum plicatum var. tomentosum/Doublefile Viburnum	1,2,3	6b to 8a	Coarse	Round, Spreading	8-10 ft	Medium	Deciduous	Sun/Semi-Shade
Viburnum x pragense/ Prague Viburnum	1,2,3	6b to 8a	Medium	Oval	10-12 ft	Medium	Deciduous	Sun/Semi-Shade
MEDIUM SHRUBS								
Abelia x grandiflora/Abelia	1,2,3	6b to 8	Fine	Irregular	3-4 ft	Slow to Medium	Evergreen	Sun/Semi-Shade
Aucubajaponica/Japanese Aucuba	1,2	6b to 8	Coarse	Upright	6-8 ft	Medium	Evergreen	Semi-Shade/ Shade
Buxus sempervirens/ Common Boxwood	1,2,3	6b to 7a	Fine to Medium	Rounded	5-8 ft	Slow to Medium	Evergreen	Semi-Shade
Camelia japonica/ Japanese Camelia	1,2	7 to 8	Medium	Upright Columnar	8-15/6-7	Fast	Evergreen	Semi-Shade
Callicarpa dictoma/ Purple Beautyberry	1,2	5 to 8	Medium	Slender, Arching Branches	3-4/4-5	Medium to Fast	Deciduous	Sun/Semi-Shade
Clethera alnifola/ Summersweet Clethra	1,2	3 to 9	Medium	Oval, Upright	4-10/4-6	Slow	Deciduous	Sun/Semi-Shade
Chamae cyparis pisifera (cultivars)/ Japanese False Cypress	1,2	4 to 8	Medium	Pyramidal	50-70/10-20	Medium	Evergreen	Sun
Cytissus scoparius/ Scotch Broom	1,2,3	6b to 8a	Fine	Upright Open	5-6 ft	Medium	Evergreen	Sun
Forsythia intermedia Hybrids/ Border Forsythia	1,2	6b to 8	Medium	Irregular	5-7 ft	Fast	Deciduous	Sun
Hydrangea macrophylla/ Bigleaf Hydrangea	1,2	6b to 8	Course	Rounded	5-8 ft	Fast	Evergreen	Semi-Sun
Hydrangea quercifolia/ Oakleaf Hydrangea	1,2,3	6b to 8	Coarse	Upright	6-8 ft	Medium	Deciduous	Sun
Ilex cornuta 'Burfodii Nana', Dwarf Burford Holly	1,2,3	6b to 8	Medium to Coarse	Rounded	5-6 ft	Slow	Evergreen	Sun/Semi-Shade
Ilex glabra, Inkerry Holly	1,2,3	6b to 8	Medium	Rounded	6-8 ft	Medium	Evergreen	Sun
Illicium floridanum/Anise-tree	1,2,3	7 to 9	Medium	Rounded	6-10/4-8	Fast	Evergreen	Sun/Semi-Shade
Itea virginica/Virginia Sweetspire	1,2,3	5 to 9	Medium	Rounded	3-6/4-6	Medium to Fast	Evergreen	Sun/Semi-Shade
Juniperus virginiana 'Grey Owl'/Grey Owl Juniper		2 to 9	Fine	Horizontal Branching	2-3/4-6	Fast	Evergreen	Sun
Kalmia latifolia/ Mountain Laurel	1,2	6b to 7	Medium	Upright	5-8 ft	Slow to Medium	Evergreen	Semi-Shade
Prunus laurocerasus 'Schipkaensis'/Schipka Laurel		6 to 8	Fine to Medium	Upright Spreading	3-4/3-4	Medium	Evergreen	Sun, Shade

Prunus laurocerasus 'Otto Luyken'/Otto Luyken Laurel		6 to 8	Fine to Medium	Upright Spreading	3-4/3-4	Medium	Evergreen	Sun, Shade
Spiraea prunifolia 'Plena'/ Bridalwreath Spirea	1,2,3	6b to 8	Fine to Medium	Rounded	5-7 ft	Medium to Fast	Deciduous	Sun
Spiraea vanhouttei/ Vanhoutte Spirea	1,2,3	6b to 7b	Medium	Rounded	5-7 ft	Medium to Fast	Deciduous	Sun
SMALL SHRUBS								
Aucubajaponica/Dwarf Aucuba	1,2,3	6b to 8	Coarse	Oval	3-4 ft	Slow	Evergreen	Shade/ Semi- Shade
Azaleas, Hybrids	1, 2	6b to 8	Fine	Upright	3-5 ft	Slow to Medium	Evergreen	Semi- Shade
Berberis thunbergii/ Japanese Barberry	1,2,3	6b to 8a	Medium	Oval	3-5 ft	Medium	Evergreen	Sun/Semi-Shade
Buxus microphylla var. japonica/ Japanese Boxwood	1,2,3	7a to 8	Fine	Rounded	3-4 ft	Slow	Evergreen	Sun/Semi-Shade
Deutzia gracilis/ Slender deutsia	1,2,3	6b to 8a	Fine	Mounded	2-4 ft	Medium	Semi-Evergreen	Sun/Semi-Shade
Euonymus alatus 'Rudy Haag'/ Winged Euonymus		6 to 8	Medium	Upright, Horizontal	8-10/8-10	Medium	Deciduous	Sun/Semi-Shade
Hydrongea arborescens/ 'Annabelle' Smooth Hydrangea	1, 2	6b to 8	Coarse	Rounded	3-5 ft	Fast	Semi-Evergreen	Sun
Ilex cornuta/ 'Carissa' Carissa Holly	1,2,3	6b to 8	Medium	Rounded	3-4 ft	Slow	Evergreen	Sun/Semi-Shade
Ilex cornuta/ 'Rotunda' Dwarf Chinese Holly	1,2,3	6b to 8	Coarse	Rounded	3-4 ft	Slow	Evergreen	Sun/Semi-Shade
Ilex crenata/ 'Compacta' Compact Holly	1,2	6b to 7	Fine to Medium	Rounded	3-4 ft	Medium	Evergreen	Sun/Semi-Shade
Ilex crenata/ 'Green Lustre'	1,2,3	6b to 8a	Fine to Medium	Rounded	3-5 ft	Medium	Evergreen	Sun/Semi-Shade
Ilex crenata/ 'Helleri' (Heller) Japanese Holly	1,2	6b to 7	Fine	Spreading	2-3 ft	Slow	Evergreen	Semi- Shade
Ilex cranata/ 'Hetzi' Hetz Holly	1,2	6b to 7	Fine to Medium	Rounded	4-5 ft	Medium	Evergreen	Sun/Semi-Shade
Itea virginica/ Virginia Sweetspire	1,2,3	6b to 8b	Medium Branching	Upright	3-5 ft	Medium	Deciduous	Sun/Shade
Jasminum nudiflorum/ Winter Jasmine	1,2,3	6b to 8	Fine	Mounded Spreading	3-4 ft	Fast	Evergreen	Sun/Shade
Juniperus chinensis 'Parsonii'/ Parsons Juniper	2,3	6 to 8	Fine	Spreading	2-3/4-7	Slow	Evergreen	Sun/Semi-Shade
Kerria japonica/ Japanese Kerria	1,2,3	6b to 8	Medium	Upright Arching	3-5 ft	Medium	Evergreen	Sun
Pyracantha koidzumii/ 'Santa Cruz'	1,2,3	7b to 8	Medium	Prostrate Spreading	2-3 ft	Medium	Evergreen	Sun
Spirea x bumalda/ Bumald Spirea	1,2,3	6b to 8a	Fine	Mounded	2-3 ft	Fast	Deciduous	Sun/Semi-Shade
Spirea nipponica/ 'Snowmound'	1,2,3	6b to 8a	Fine	Mounded	3-5 ft	Fast	Deciduous	Sun/Semi-Shade
Spirea thunbergii/ Thunberg Spirea	1,2,3	6b to 8	Fine	Irregular	3-4 ft	Medium	Deciduous	Sun

Source: NC Cooperative Extension Publication AG 508-3 Drought Tolerant Plants for North Carolina.

6.4.12 Landscaping Maintenance

A. The property owner and any tenant on the property where screening is required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy; to keep planting areas neat in appearance; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas; to keep plant growth from creating nuisances to adjoining properties; and to keep walls, fences and berms in good repair and neat appearance.
B. Required landscaping shall be maintained to mature growth habit, and trees shall not be topped.
C. Any vegetation that is part of a required landscaping area shall be replaced within sixty (60) calendar days, in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce the effectiveness of the required landscaping.
D. See the *American National Standards for Tree Care Operations: Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices (Pruning)* published by the American National Standards Institute (ANSI) A300 for pruning tips.

6.5 PARKING & ACCESS STANDARDS

6.5.1 Purpose & Applicability

A. The purpose of this Section is to ensure that adequate and well-designed parking and site access is provided for non-residential and multi-family residential developments in Person County.
B. Unless otherwise specified, the requirements of this Section shall be initiated by any one (1) or more of the following activities on a property:
    1. New construction or the initial use of the property;
    2. A substantial change of use or change in zoning classification; and/or
    3. Any building or parking expansion of greater than twenty-five (25%) percent.
C. The requirements of this section do not apply to single-family or two-family residential development on existing lots of record, except that a minimum of 2 parking spaces shall be provided for each unit.

6.5.2 General Provisions

A. No parking area shall be located over an on-site wastewater drain field.
B. Parking areas shall be properly maintained in all respects. In particular, parking area surfaces shall be kept in good condition (free from potholes, crumbling pavement, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
C. Parking as required herein shall be located on the same lot as the principal use or within 500-ft. from the lot if such parking cannot be reasonably provided on that lot. when specifically permitted to be located elsewhere. Driveways shall be considered as providing off-street parking spaces for all single-family dwellings.
D. Parking lots shall be landscaped in accordance with the requirements of Section 6.4.7.

6.5.3 Parking Lot Design

A. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
B. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency and other public service vehicles.
C. No surface parking or circulation driveway is permitted within any required or established buffer area, except that driveways providing access to the parking area may be installed across these areas.
D. No parking aisle serving the general public that contains more than 10 parking spaces shall dead end, except that the Administrator may approve dead-end aisles for up to 20 spaces on small lots where expected traffic is minimal. Any parking aisle that dead-ends shall be provided a suitable turnaround.
E. Parking lots shall not be located closer than 10-ft. from a public right-of-way,

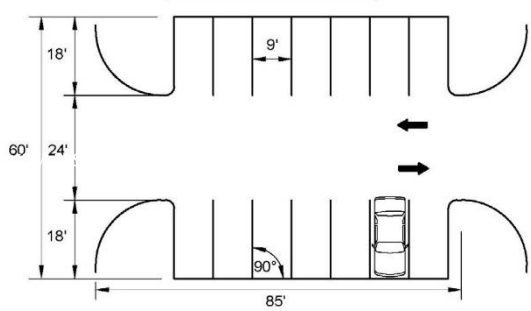
6.5.4 Parking Dimensions

All new parking spaces shall meet the following dimensional requirements:

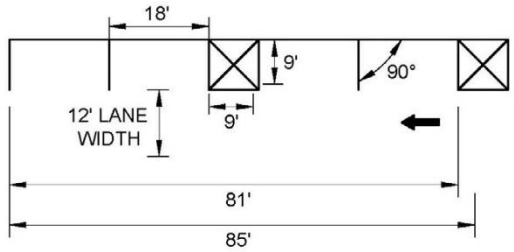
Table 6.5-1: Parking Dimensions

Angle	Stall Width (ft)	Stall Depth (ft)	Aisle Width		Parking Bay Width		Bumper Overhang
			One-way aisle (ft)	Two-way aisle (ft)	One-way aisle (ft)	Two-way aisle (ft)	
0 (parallel)	9	27	12	20	30	38	N/A
45	9	18	12	24	44	56	2
60	9	18	18	24	46	58	2
90	9	18	N/A	24	N/A	60	2

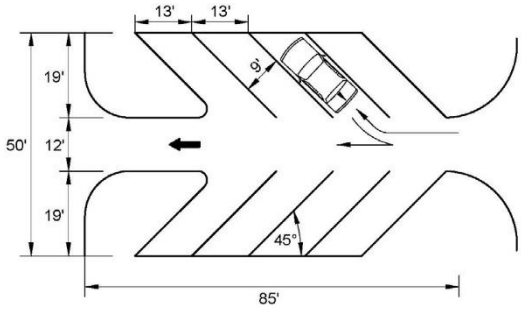
Figure 6.5-1: Parking Dimensions



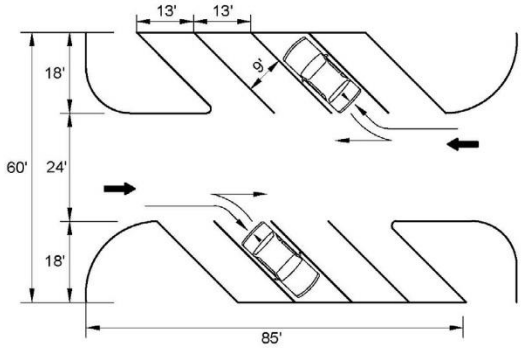
Two-way Aisle 90°



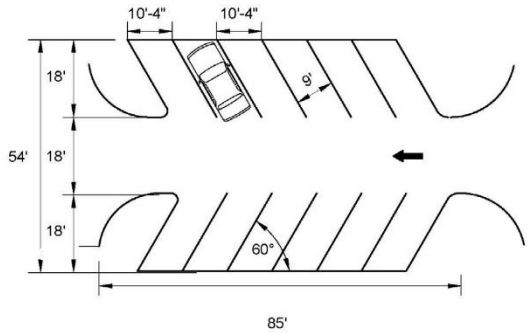
One-way Aisle 0° (Parallel)



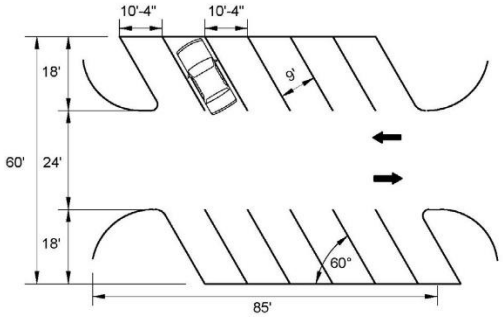
One-way Aisle 45°



Two-Way Aisle 45°



One-way Aisle 45°



Two-Way Aisle 45°

6.5.5 Parking Surface, Curb, & Gutter

A. The following areas shall be paved with asphalt, concrete, pavers or similar paving material meeting the minimum standards for subdivision roads as set forth in the NCDOT Subdivision Roads - Minimum Construction Standards publication:
   1. The minimum number of spaces for each use, as set forth in Section 6.5.6 (except agricultural uses, single-family and two-family residential uses);
   2. All front and side yard parking areas;
   3. Driveways; and
   4. ADA parking spaces.

B. Any additional parking areas located in rear yards may be gravel.
C. Parking for religious institutions and recreational uses may be gravel provided that a minimum 20-ft. paved driveway apron is provided at the street.
D. All parking areas of greater than 50 spaces shall be constructed with standard or valley curb and gutter unless otherwise set forth in a Watershed Protection Overlay, subject to Section 6.3.2 or 6.3.3.

6.5.6 Number of Parking Spaces

A. All new developments in all zoning districts shall provide a sufficient number of off-street parking spaces as designed to accommodate the number of vehicles as listed in this Section, or where undefined, are ordinarily typical with the use of the property. Proof of sufficient parking shall be provided upon application for a Zoning Permit. No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling the required number of off-street parking spaces.
B. Minimum parking space requirements are set forth in the Table 6.5-2 on the following pages. The Administrator may reduce the minimum number of parking spaces required or increase the maximum number allowed by up to 10% if the Applicant can demonstrate that the number of required parking spaces is excessive or inadequate due to use or property constraints. The County recognizes that the Table cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Administrator is authorized to determine the parking requirements using the Table as a guide.
C. Except for uses providing 50 or fewer on-site parking spaces, the maximum number of parking spaces provided shall be 125% of the required minimum shown in the Parking Requirements in Table 6.5-2 on the following pages.
D. The number of ADA accessible spaces shall be installed in accordance with NC Building Code. ADA spaces may be included in the total required number of parking spaces.
E. The requirements for off-street parking spaces shall be computed as follows:
    1. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction of one-half (1/2) or more shall require one parking space.
    2. Where seats consist of pews or benches, each 20 inches in length of pew or a bench shall be considered as one (1) seat.
    3. Lots containing more than one (1) principal use shall provide parking in the amount equal to the total of the requirements for each use.

Table 6.5-2: Minimum Number of Parking Spaces

Use	Minimum Number of Spaces
Agricultural Uses	
Agricultural Use (unless otherwise specified)	N/A
Equestrian Use	1 per horse stall
Farm & Garden Supply/Feed Store	1 per 800 SF of gross sales floor area
Farm/Lawn Equipment Sales & Service	1 per 800 SF of gross sales floor area
Farmers Market	1 per 300 SF of gross floor area
Winery	1 per 300 SF of gross sales floor area
Residential Uses	
Residential Use (unless otherwise specified)	2 per dwelling
Accessory Dwelling	1 per dwelling
Assisted Living/Independent Living Facility	1 per living unit
Home Occupations	Residential use requirement + 1 space
Civic, Government, & Institutional Uses	
Civic, Government, & Institutional Use (unless otherwise specified)	1 per 300 SF of gross floor area
Churches, Religious Institutions, & Related Use	1 per 5 seats
Government Facility/Office (Correction/Jail)	1 per employee on peak shift
Daycare Facility	1 space per 8 persons of capacity
Hospitals	1 per 400 SF of gross floor area of administrative area + 1 per bed
School (pre-K & Montessori)	1 space per 8 students of capacity
School (public or private K-12)	1 space per 5 students of capacity
School (public/private college or post-secondary)	1 per 4 students of capacity
Recreation & Entertainment	
Recreation & Entertainment Use (unless otherwise specified)	1 per 150 SF of gross floor area or 1 per every 4 persons of max. capacity (as applicable)
Lodging (hotel with on-site manager & interior hallways)	2 +1 per guest room
Lodging (vacation rental units)	1 per bedroom
Campground/RV Park (commercial & workforce housing)	1 per campsite at campground + 2 per building

Table 6.5-2: Minimum Number of Parking Spaces (continued)

Use	Minimum Number of Spaces
Office, Retail, & Service Uses	
Office, Retail, & Service Use (unless otherwise specified)	1 per 300 SF of gross floor area
Automobile Dealerships, Boat/Vessel Sales & Service	3 spaces + 1 space per every 400 SF of building gross floor area
Automobile Repair	3 spaces per service bay
Funeral & Cremation Services	1 per 4 people of allowable occupancy
Restaurant, Brewery, & Distillery (without drive-through)	1 space per employee at peak shift + 1 per every 3 seats
Restaurant (with drive-through)	Stacking for 5 vehicles at each bay (on-site)
Industrial, Warehouse, Transportation, & Utility Uses	
Industrial, Warehouse, Transportation, & Utility Use (unless otherwise specified)	1 per each 2 employees on peak shift
Warehouse, Self-Storage or General Storage	1 per 5,000 SF of gross floor area
Wireless Telecommunications Tower	1 space

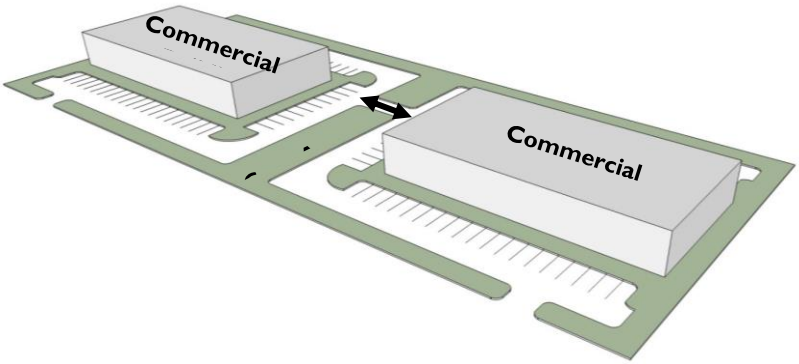
6.5.7 Parking Location, Sharing, & Connectivity

A. The minimum number of required spaces shall be provided on the same lot of record with the use or on a separate lot within 500-ft. Parking for residential uses must be provided on the same lot of record.

B. The joint use of shared off-street parking between two (2) uses may be made by contract by two (2) or more adjacent property owners. A copy of the contract or agreement shall be provided to the County prior to the issuance of a Zoning Permit for the use. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (1/2) of the parking spaces credited to both uses.

C. All newly constructed parking lots shall be designed to accommodate interconnection between the sites, unless natural features prevent connection, and are recorded in the form of a cross-access easement, plat, or other legal format.

Figure 6.5-2: Parking Connectivity



6.5.8 Loading Area Requirements

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

B. Loading and unloading areas shall be so located and designed so that the vehicles intended to use them can:
   1. Maneuver safely and conveniently to and from a public right-of-way; and
   2. Complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking.

D. Loading areas shall be designed and paved to the same standards as the parking area.

E. The following table shows the minimum number of loading spaces based on gross floor area of any nonresidential building. A loading space shall be a minimum of 12-ft. by 25-ft. with an overhead clearance of 14-ft.

Table 6.5-3: Minimum Number of Loading Spaces

Gross Floor Area of Building (SF)	Number of Loading Spaces
1,000-10,000	1
10,000-50,000	2
50,000+	Add 1 space for each additional 50,000 SF

6.5.9 Driveways

A. Driveways that connect to state-maintained streets shall comply with NCDOT standards and are subject to the issuance of a NCDOT driveway permit.

B. All non-residential driveways shall comply with the following standards:
   1. Driveways shall be located a minimum of 60-ft. from an intersection with another street.
   2. Driveways shall be not less than 10-ft. in width for one-way traffic and 18-ft. in width for two-way traffic. Driveway width shall not exceed 36-ft.
   3. Ten (10)-ft. wide driveways are permissible for two-way traffic when:
      a. The driveway is no longer than 50-ft.;
      b. The driveway provides access to not more than five (5) parking spaces; and
      c. Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.

C. Driveways shall be as nearly perpendicular to the street right-of-way as possible and shall not exceed 10% grade, dependent upon approval of the Fire Marshal in consultation with the Fire Chief of the fire district in which the property is located, based on fire apparatus size.

D. Driveways shall line up with other driveways across the street and be shared between adjacent uses, wherever possible. If warranted, a cross-access easement per Section 6.5.7 shall be recorded to establish internal trip circulation potential that protects adjacent roadway capacity and limits the number of driveway connections for traffic safety.

E. Unless otherwise required by NCDOT, the maximum number of access points shall be one (1) per 300-ft. of frontage. Only one (1) combined entrance and exit connection will be permitted

where the frontage is less than 300-ft. Any lot of record in existence on the effective date of this section shall be allowed one (1) access point to the roadway notwithstanding the provisions of this Section that may prohibit such access; provided, however, that two (2) or more lots under common ownership shall be considered one (1) lot and shall comply with the requirements of this Section.

F. All driveways to paved parking areas shall be paved. All driveways to unpaved parking areas, as permitted, shall have a minimum 10-ft. deep asphalt or concrete apron.
G. Driveways to parking areas with curb and gutter shall also have curb and gutter.
H. Driveways providing access to a street right-of-way for single-family and two-family residential dwellings shall have a minimum length of 20-ft. measured from the edge of the right-of-way towards the interior of the lot. No portion of a driveway which lies within a structure covered by a roof and/or enclosed by wall shall count toward the minimum 20-ft. driveway length.

6.6 INFRASTRUCTURE STANDARDS

6.6.1 Purpose & Applicability

A. The purpose of this Section is to ensure that new developments provide adequate infrastructure that is compatible with adopted plans and local, state, and federal requirements.
B. Unless otherwise specified, the requirements of this Section shall be initiated by any one (1) or more of the following activities on a property:
   1. New construction or the initial use of the property;
   2. A substantial change of use or change in zoning classification;
   3. Any building or parking expansion of 25% or more;
   4. New Major Subdivisions; or
   5. Minor Subdivisions in association with private streets.

6.6.2 Conformance with Comprehensive Transportation Plan (CTP)

A. The location and design of streets shall be in conformance with the latest edition of the *Person County and Roxboro Comprehensive Transportation Plan* (CTP), as amended. Pursuant to NCGS § 136-66.2, for new developments with frontage along a state-maintained street, half of the minimum width of the cross section designated in the CTP shall be reserved along the frontage as “future right-of-way”, and no structures or parking shall be constructed within this area.
B. In any case where any part of a development lies within the corridor of a thoroughfare shown on a roadway corridor map adopted pursuant to NCGS § 136, Article 2E, no development approval shall be granted with respect to the property in the roadway corridor. Provided, however, no development plan approval shall be delayed by the provision of the roadway corridor map procedure for more than three (3) years from the date of its original submittal.

6.6.3 Road Standards

6.6.3.1 Designation of Roads as Public or Private

A. All new streets within Person County shall have a public or private designation and comply with either the minimum construction standards for secondary roads as required by the North Carolina Division of Highways for public roads or with minimum construction standards of private roads, as specified herein. However, Person County encourages the developer to use the public designation and give careful consideration to the design of streets in accordance with those standards provided by NCDOT.

B. In subdivisions in which there are more than five (5) lots, roads shall be constructed to public specifications and construction standards in Section 6.6.3.2.

C. On subdivision roads constructed to NCDOT specifications and unpaved between May 3, 1999, and May 7, 2001, serving the maximum of 24 lots, there shall be no additional lots created utilizing the existing road or extension thereof without said road and extension being upgraded to standards as specified for Public Roads in Section 6.6.3.2. The developer or person causing standards to be upgraded is responsible for upgrading the substandard portion of road.

D. Previously established subdivisions with more than five (5) lots having an interior road or roads built to the previously accepted and approved Class "A" road as defined in "Minimum Construction Standards for Private Roads, Person County, North Carolina" may not be expanded if any additional lots will be accessed by the existing Class "A" substandard road unless the existing road is upgraded to a public road in accordance with Section 6.6.3.2. The developer or person causing the needed upgrade to the road is responsible for upgrading the substandard portion of the road.

E. All "private" or undesignated Class A roads that existed as of May 3, 1999, are exempt from paragraphs (B) through (D), provided that no new lots are added.

F. Subdivision roads which as of March 9, 1987, the date of Person County minimum construction standards for private roads, were either in existence or referred to in a deed or plat, whether recorded or not, are exempt from the provisions of paragraph paragraphs (B) through (D)**.** Such roads are exempt from standards imposed by this Section until such times as an extension is made to the road, a cul-de-sac is added to the road, a connection is made to another road; or, for a road created after March 9, 1987, the road serves more lots than was permitted for that type road at the time it was created. If a road loses its exempt status, it is subject to all requirements of this Section.

G. Private roads must be constructed in accordance with Section 6.6.3.3.

H. In the event that the private road designation is exercised, the developer shall comply with NCGS § 136-102.6 which provides for a disclosure statement from the developer to the purchaser establishing the status thereof (whether privately or public)(state-maintained) of the road. If the street is designated by the developer and seller as a public street, the developer and seller shall certify that the right-of-way and design of the street has been approved by the Division of Highways, and that the street has been or will be constructed by the developer and seller in accordance with the

standards for subdivision streets adopted by the Board of Transportation for acceptance on the highway system. If the street is designated by the developer and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance. A copy of the disclosure statement shall be given to the buyer. Written acknowledgment of receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.

6.6.3.2 Minimum Construction and Design Standards for Public Roads

A. Unless otherwise specified, all street design criteria shall meet the standards in the latest published editions of NCDOT's *Subdivision Roads Minimum Construction Standards* and *Standard Specifications for Roads and Structures,* unless otherwise specified in this Ordinance. Street cross sections shall follow those set forth for rural areas in the NCDOT *Complete Streets Planning and Design Guidelines* and shall meet the minimum standards of the NC Fire Code.
B. In Conservation Developments as set forth in Section 6.2.4, roads may be alternatively designed to meet NCDOT *Traditional Neighborhood Development (TND) Guidelines* or a Low Impact Development (LID) as set forth in the *North Carolina LID Guidebook*. All roads in Conservation Developments shall be paved. The width of all travel-ways, parking areas and road base to be approved within the subdivision process and is required on the plat.
C. All streets shall be graded to their full right-of-way width. Finished grade, cross section and profile shall meet NCDOT standards.
D. Where a development fronts on any existing street segment maintained by NCDOT and the street does not meet the minimum standards of these regulations for the classification of street, the developer shall improve the portion of street adjoining the development to meet the minimum standards including construction and width. When the development adjoins only one (1) side of an existing street, one-half (1/2) of the minimum right-of-way shall be provided, measured from the centerline of the street.
E. Where an approved Preliminary Plat shows extension of roads to subsequent phases or to additional property, a temporary turnaround shall be installed. Said turnaround shall have a minimum 70-ft. diameter (driving surface). The temporary turnaround does not have to be paved.
F. An approved NCDOT permit is required to connect to any existing state system street.
G. In accordance with NC Fire Code, at least two (2) entry points, constructed to NCDOT road standards, shall be provided in developments that contain 100 or more dwelling units and to all lots within the development. Alternatives may be allowed by the Technical Review Committee (TRC) if the curb cuts for the two (2) accesses cannot

meet the minimum distance allowed according to NCDOT or regulations at any location.

H. In any new subdivision, the street layout shall conform to the arrangement, width and location included on any official plans for Person County. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such roads.

I. Road layouts shall be as follows:
   1. Road centerline offsets of less than one-hundred-fifty (150) feet shall be avoided.
   2. Intersections with a major road or highway shall be at least 400-ft. apart from corner property line to corner property line.
   3. In subdivisions in which there are 25 or more lots and where the subdivision access is off a state secondary road or a major highway, the subdivision entrance shall be designed to allow at least one (1) lane ingress into the subdivision and two (2) lanes egress out of the subdivision to allow a right turn lane and a left turn lane onto the highway.
   4. Two (2) means of ingress/egress are preferred**.**

J. A partial-width right-of-way may be allowed in a subdivision where:
   1. If the Board of Commissioners determines that the nature and location of the subdivision, including such considerations as topography, the surrounding area, the present and future road plans, and access by public safety vehicles, are such that a partial width right-of-way is justified;
   2. The right-of-way width provided is adequate to allow for the construction of a travel-way, ditches, swales, shoulders, and turn-around areas that are required for the class of road serving the subdivision;
   3. The right-of-way width provided would allow access by the largest emergency services vehicle serving the district in which the subdivision is located; and
   4. If one or more of the following conditions are met:
      a. When the partial width right-of-way adjoins undeveloped property and is not less than 25-ft. in width, and when said adjoining undeveloped property is subdivided and the remainder of the full required right-of-way can be dedicated.
      b. When access to the subdivision is across property owned by other than the Applicant and the property owner is unwilling to grant, sell or otherwise convey the full required right-of-way width to the Applicant.
      c. When pre-existing conditions preclude the provision of full right-of-way due to the pattern of adjacent development, historical common access and/or site-specific physical constraints.

K. Proposed roads shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection, if the adjacent property has future development potential.

L. Cul-de-sacs shall not be used to avoid connection with an existing street to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property.
M. The proposed street layout within a development shall be coordinated with the existing street system of the surrounding area and where possible, existing principal streets shall be extended.
N. Where a tract of land to be subdivided adjoins a federal or state highway, the Applicant may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the Applicant shall be required to provide an easement ten (10) feet wide parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purposes and shall be in addition to all other easements required by this Ordinance.
O. Drainage pipes shall be installed under driveways which cross a drainage ditch and these pipes shall have a minimum inside dimension of 15 inches. This requirement may be waived when valley gutter system is approved. Driveways shall be constructed so that drainage water will not run into the road or highway.
P. Intersecting streets shall be laid out at such intervals that block lengths are not more than 2,400-ft., nor less than 400-ft., unless existing or physical conditions justify a modification of this requirement.
Q. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.
R. Pedestrian ways or crosswalks, not less than ten (10) feet in width shall be provided near the center and entirely across any block 1,200-ft. or more in length or at the end of cul-de-sacs, where deemed essential, in the opinion of the Planning Board, to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds, transportation or other similar facilities.
S. Where provided sidewalks and multi-use paths shall meet NCDOT standards.

6.6.3.3 Minimum Construction and Design Standards for Private Roads

A. General Standards for Private Roads
   1. New private roads are permitted for any Minor Subdivision of five (5) lots or less.
   2. Since private subdivision roads are not constructed to North Carolina Department of Transportation standards, they will not be added to the Secondary Road System and will not be maintained by the State or Person County.
   3. Private roads shall have a minimum right-of-way width of 50-ft. and have a paved or gravel surface a minimum of 20-ft. in accordance with NC Fire Code, Appendix D.
   4. Private roads shall have a name approved by Person County E-911 Addressing.
B. Construction Specifications
   1. The travelway must be surfaced with a minimum of four inches (4”) of compacted Aggregate Base Course (commonly called "crusher run"), but the application of

clean stone (North Carolina Department of Transportation ABC-M) instead of crusher run is encouraged, where possible.

2. A crown should be built into the travelway so that water will drain from the road surface into the side ditch. The crown should not be so great as to cause vehicles to slide off the travelway when ice or snow are on the road.
3. Generally, the road should be crowned as shown in the specifications sheet so that runoff will drain to the ditches on both sides of the road. However, in some situations, it may be desirable not to crown the road but to have the travelway sloped to a single ditch as shown below. This is applicable in two situations: where it is necessary to cut down on the length of a ditch in order to reduce the erosion potential by decreasing the volume of runoff, or where it is difficult to construct ditches due to rock or in curves.
4. Where filling is necessary to raise the roadbed, cross watercourses or fill stumpholes, it shall be done with suitable material that is free of roots or other organic matter. The fill should be firmly compacted to reduce settlement that will cause ruts or holes in the finished road.
5. The grade shall not exceed the grade as set forth in NC Fire Code Appendix D for emergency vehicle access.
6. The minimum sight distance for stop condition when connecting new local residential roads or residential collector roads to state-maintained roads is 70-ft. along the existing road right-of-way and 10-ft. along the new road right-of-way. The intersection of a Private Road with a public road must provide an adequate place for cars to stop before entering the public road.
7. Where a private road accesses a public road, the private road is subject to the issuance of a driveway permit by NCDOT.
8. Vehicle turn-around areas shall be provided at the end of all dead-end roads in accordance with the requirements of NC Fire Code Appendix D.
9. Curves shall have a 150-ft. minimum centerline radius.
10. All areas disturbed by the construction of the road, including the shoulders, ditch banks, cut and fill slopes and any borrow areas, shall be seeded in permanent vegetation to stabilize the soil and prevent erosion. Seeding should be done immediately after grading is completed and before the final inspection by the County.

C. Inspection of Construction

1. Construction of the private road must be inspected and approved by Person County. The road should be inspected during construction in order that any changes necessary to ensure approval can be made before the final inspection. In order for these inspections to be made during construction, the property owner must inform the Planning & Zoning Department prior to the start of grading so that the inspections can be scheduled. The inspections are made only to ensure the road is built to the required dimensions, an acceptable stone surface is provided, any disturbed areas are seeded in permanent vegetation, and the road sign is in place.

2. The County does not assume responsibility for such quality control inspections as compaction of fill or construction materials. It is recommended that the developer employ a qualified grading contractor to ensure that adequate construction methods and materials are used.

D. Maintenance
1. After initial construction of the private road, maintenance must be provided by the property owners who use the road. In subdivisions, a "Road Maintenance Agreement and Declaration" between the lot owners is required to ensure that the needed repairs are made.
2. Maintenance of the private road must be provided by the lot owners who are served by the road. The Road Maintenance Agreement between the lot owners is required· to ensure that the cost is shared equally and a mechanism for maintenance is set up. This responsibility for maintenance is the property owners and neither the State nor Person County will maintain the road. In mobile home parks, maintenance must be provided by the park owner. Regular attention shall be given to the following items in order to assure that the road will remain in good condition including the following:
   a. The vegetation should be mowed, limed and fertilized as needed. Areas that erode or where seeding is unsuccessful should be reseeded.
   b. Culverts shall be kept clear of trash and other obstructions that could prevent or reduce its function. If culverts are not kept clear, it will cause runoff to flow over the road and may cause flooding upstream. Ditch banks and bottoms shall be protected from erosion by maintaining good vegetation.
   c. The travelway shall be maintained by grading the surface material to fill any potholes that develop and to evenly spread the surface material where the soil has been uncovered by erosion.
   d. The street sign shall be kept visible and legible so that visitors and emergency personnel can easily locate the road.

6.6.7 Stormwater Management Standards

Stormwater design for developments disturbing more than one (1) acre shall follow the most recent editions of NCDOT's *Guidelines for Drainage Studies and Hydraulic Design* and NCDEQ's *Division of Water Quality Stormwater Best Management Practices*, unless otherwise specified for properties located in a Watershed Protection Overlay as set forth in Sections 6.2.3 and 6.6.3.

6.6.8 Grading Standards

The following standards shall be met in establishing the grading plan for any development:

A. No grading shall take place in a stream buffer, as identified in Section 6.3.
B. Developments shall be designed and constructed with a positive drainage flow away from buildings and towards approved storm water management facilities. Plans for drainage facilities shall be approved and sealed by a registered Professional Engineer.
C. Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.

D. All disturbed areas within the dedicated right-of-way and easements of any development street shall be restored with vegetation and the landscaping standards of Section 5.4 shall be met. No grading in the future right-of-way shall exceed one (1) vertical foot for two (2) horizontal feet.
E. All grading shall meet North Carolina's Sedimentation and Erosion Control standards. Any site that proposes more than one (1) acre of disturbed area is subject to approval by NCDEQ. Documentation of satisfactory review and approval of a soil and erosion control plan shall be provided prior to approval of Construction Plans or a Zoning Permit, as applicable.

6.6.9 Utility & Easement Standards

A. Developments proposing to utilize public water and sewer utilities shall coordinate with the City of Roxboro and shall comply with the City's utility extension standards.
B. Development proposing to utilize community water and septic facilities shall be subject to review and approval by the North Carolina Department of Environmental Quality (NCDEQ).
C. Electric and telecommunications utilities within new subdivisions shall be located underground.
D. Easements shall be provided for utilities within the right-of-way of any proposed street in which front or side lot lines extend to the center of the street. All easements shall be at least ten (10) feet wide.
E. Electric and telecommunications lines are recommended to be buried underground in all subdivisions. However, in subdivisions of greater than ten (10) lots, electric and telecommunications shall be buried underground.
F. The utility providers shall be provided with copies of the Construction Plans by the Developer and be expected to work with the developer in designing the utilities plan for the development. The developer and the utility companies shall agree on the width of easements needed to service lines which are located on the front property line of the lots.
G. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose of drainage.

6.6.10 Fire Protection Standards

All developments shall meet the standards of the latest edition of the North Carolina Fire Prevention Code and appendices, adopted by the North Carolina Building Code Council. All amendments thereto shall be effective on the date prescribed by the North Carolina Building Code Council. The Person County Fire Marshal or his or her duly authorized representative is the Fire Code Official charged with administration and enforcement of the Fire Prevention Code. All persons empowered with the administration and enforcement of the Fire Prevention Code possess an appropriate valid certificate issued by the North Carolina Fire Code Officials Qualification Board.

6.6.11 Lighting Standards

A. Street lighting is optional in developments that do not require Site Plan approval. However, provisions for street lighting are recommended to be incorporated within the developer's utility plans, where street lighting is proposed.

B. For all projects requiring Site Plan approval, such as new multi-family residential and non-residential uses, a photometric plan (Lighting Plan) shall be provided showing the location, height, and illumination in footcandles of all outdoor lighting systems. The Lighting Plan shall not exceed a cumulative 0.5 footcandles at the property line adjacent to a street right-of-way or adjacent property.

C. All outdoor lighting fixtures, subject to this Section, except for temporary and emergency lighting, that would otherwise cause glare or obtrusive spillover shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spillover onto adjacent properties. As a general principle, all outdoor lighting shall be directed downward and away from adjoining property and streets and use LED lighting components. Illumination shall not exceed 0.5 footcandles at the property line adjacent to a street right-of-way or adjacent property.

D. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Floodlights and display lights shall be positioned such that any such fixture located within 50-ft. of a public street right-of-way is mounted and aimed perpendicular to and away from the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.

E. The mounting height of all outdoor lighting shall not exceed 40-ft. above finished grade, except that the mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80-ft. from finished grade. This shall not apply to publicly owned recreational facilities.

F. All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of cutoff fixtures. Forward throw fixtures (Type IV light distribution, as defined by the IESNA) are required within 25-ft. of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they shall be aimed and shielded in accordance with this Section.

G. Sign lighting shall be regulated in accordance with Section 7.

H. The following types of outdoor lighting are prohibited, except as necessary for health, safety and welfare when installed by a local, state, or federal government unit or their agents or to comply with local, state, or federal laws:
   1. Light fixtures that imitate an official highway or traffic control light or sign.
   2. Light fixtures in the direct line of vision with any traffic control light or sign.
   3. Light fixtures that have a flashing or intermittent pattern of illumination.
   4. Privately-owned light fixtures located in the public right-of-way.
   5. Light fixtures that are a source of glare by their design, orientation or intensity.
   6. Searchlights.
   7. Unshielded open vertical light fixtures.

6.6.12 Solid Waste Collection

A. All non-residential and multi-family residential development shall be required to provide one (1) or more dumpsters for solid waste collection that are:
   1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way;
   2. Oriented for maximum efficiency in solid waste collection, receptible return, driver visibility, vehicle maneuvering, and pedestrian safety;
   3. Screened in accordance with Section 6.4.9, primarily using a six (6) foot high concrete block screen wall that is durable for solid waste collection over a period of time; and
   4. No solid waste, including grease barrels, shall be disposed and stored outside of the dumpster or screen wall.

B. The method of garbage disposal shall be indicated on each Site Plan for non-residential or multi-family residential uses or Major Subdivision Preliminary Plat that is submitted.

ARTICLE 7. SIGN STANDARDS

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7.1 PURPOSE & APPLICABILITY

7.1.1 Purpose

This Article is intended to address the placement of signs within the County's jurisdiction for the following purposes:

- To convey information and to support economic development;
- To promote traffic safety, wayfinding, and directional information;
- To prevent business and advertising signs from conflicting with public safety signs;
- To ensure that permitted signs do not become a hazard or nuisance;
- To facilitate fire and police protection; to protect and enhance the value of properties;
- To provide a pleasing overall environmental setting and good community appearance which is deemed vital to the continued economic attractiveness of the County; and
- To promote the public safety and welfare of the County.

7.1.2 Permit Required

A. No sign shall be constructed, erected, modified, placed, maintained, or moved, except as authorized by this Ordinance. Unless otherwise exempted, a Zoning Permit must be obtained in accordance with the procedures set forth in Section 4.2.6 before a sign is erected, modified, or moved on a zoning lot. No sign shall be placed within a public right-of-way or within the sight triangle of a roadway intersection as would be determined by North Carolina Department of Transportation (NCDOT), except as permitted by NCGS § 136-32.

B. The following signs shall be exempt from obtaining a Zoning Permit regardless of whether they may be considered "signs":
   1. Wall signs of less than two (2) SF;
   2. Temporary signs in accordance with Section 7.3;
   3. Any official traffic control, gateway, wayfinding, directory, or other public sign installed by a local, state, federal unit of government;
   4. Signs carried by people;
   5. Incidental signs not legible from off-site or a public right-of-way. Examples include gas pump signs, drive-through menu boards, on-site directional signs, and signs within a sports stadium; signs located on the interior of buildings, courts, lobbies, or other structures which are not intended to be seen from the exterior of such structures;
   6. Non-illuminated driveway entrance signs not exceeding four (4) SF and three (3) feet in height and not more than one (1) per driveway entrance;
   7. Window signs placed or painted on the interior or exterior of glass windows or door provided that such signs cover no more than thirty (30%) percent of the glass area of the entire storefront. Window signs that cover more than thirty (30%) percent of the glass shall be considered wall signs and shall meet requirements set forth in Section 7.4.1; and
   8. Address signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant for the purposes of postal service and emergency E-911 location.

7.2 GENERAL PROVISIONS

7.2.1 Sign Area

A. The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. The surface area of the sign structure shall not exceed two (2) times the surface area of the sign face.

B. For double-faced signs, the sign area shall include all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when the backs for such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the larger faces.

C. In the case of multi-faced signs, cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional (3-D) with respect to their display surfaces, the area is equal to the sum of the areas of all sides.

7.2.2 Sign Height

A. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it.

B. For signs located below the grade of the adjacent street to which it has access, the height of a sign shall be measured from the highest point of the sign to the elevation of the fronting accessible street adjacent to the sign.

C. Ornamentation such as caps, spires and finials shall not extend more than two (2) feet from the top of the sign.

Figure 7.2-1: Sign Area

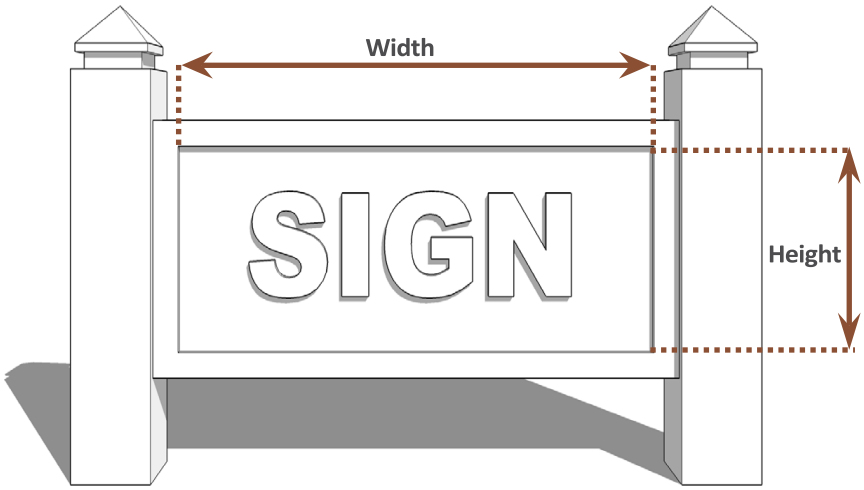
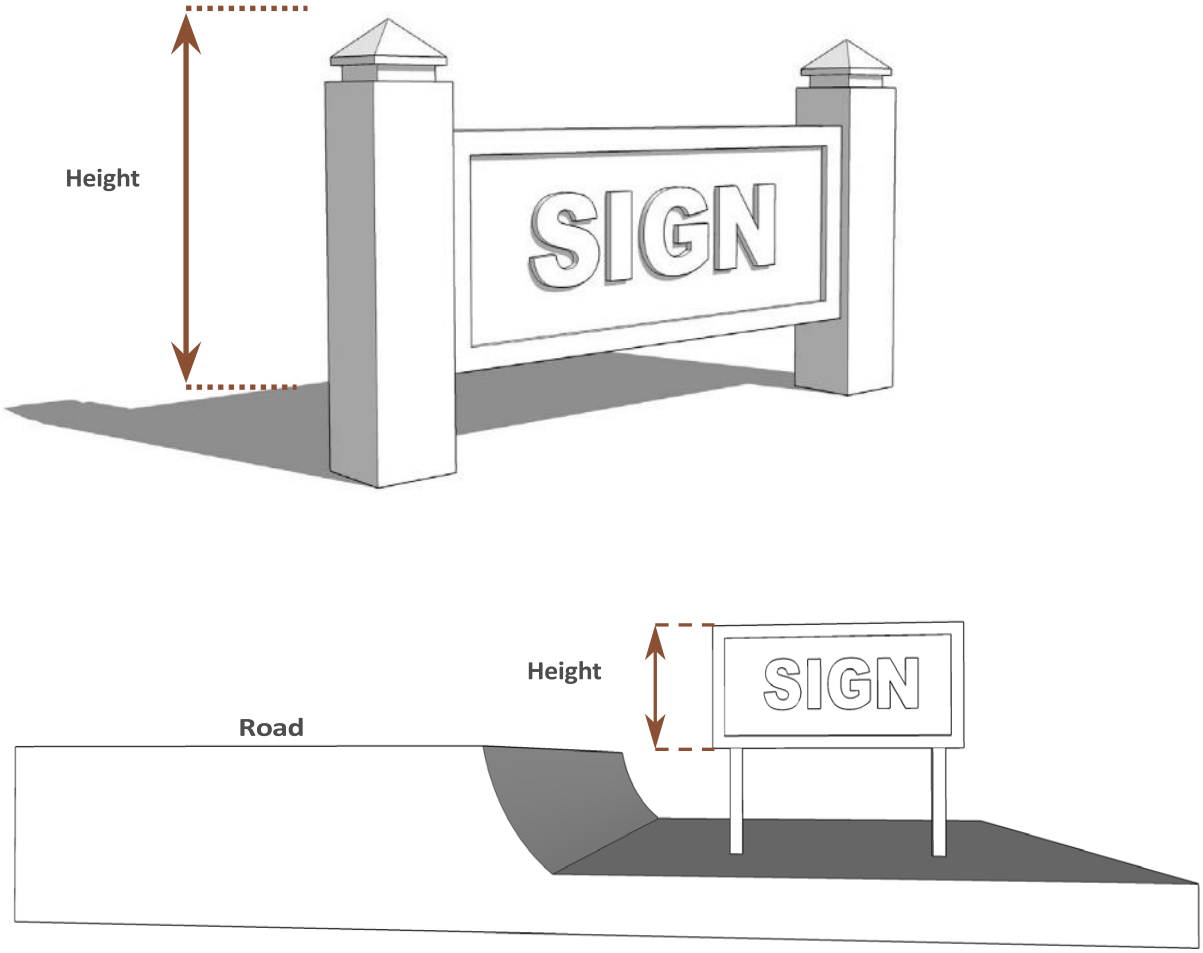


Figure 7.2-2: Sign Height



7.2.3 Sign Setbacks

A. Except as provided in NCGS § 136-32, every part of all signs shall be located outside of any street right-of-way, except that development entryway signs that meet the requirements of Section 7.4.2 may be located in the islands within street right-of-way upon the acceptance of an encroachment agreement by NCDOT.
B. No sign shall be in the sight triangle as set forth in Section 6.2.1.
C. The setbacks for each sign type are set forth in the table of requirements for that sign type.
D. Signs existing within public rights-of-way at the time adoption of this Ordinance shall be moved out of the right-of-way upon notice at the sign owner's or property owner's expense.
E. Signs impacted by a condemnation/eminent domain action shall be moved entirely onto the remainder property in a cure condition to the best location physically possible that does not impact site functionality.

7.2.4 Sign Illumination

Illuminated signs shall conform to the following:

A. Illuminated signs shall have lighting directed in a manner as to illuminate only the sign face.

B. Any externally lit sign or lighting device shall be so oriented as not to cast light upon a public right-of-way in a manner that causes glare, intensity or reflection that may constitute a traffic hazard or a nuisance, or cast light upon adjacent property that may constitute a nuisance.
C. Illuminated signs shall employ only devices emitting a light of constant intensity, and no signs shall be illuminated by a flashing, intermittent, rotating or moving light.
D. All lighting shall meet all applicable electrical codes.
E. A new nonresidential sign within 100-ft. of an existing residential structure shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m., including LED electronic changeable copy signs.
F. Signs shall not include flashing lights, spinning lights, strip lights, large spot lights, or any other lighted animation. LED changeable copy signs shall incorporate the diming feature, where possible, to fifty (50%) percent between 11:00 p.m. and 6:00 a.m.

7.2.5 Removal of Signs Authorized

The Administrator or designee may remove and destroy or otherwise dispose of any sign placed on public property or within any right-of-way of any public or private street. Penalties may be levied for each such sign as outlined in Section 2.7 of this Ordinance.

7.2.6 Removal of Discontinued Signs

A. If a conforming sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, a blank sign face shall be installed within sixty (60) calendar days after such discontinuation.
B. If a non-conforming sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted that sign and sign structure including, but not limited to, the supporting braces, anchors or similar components shall be considered discontinued regardless of reason or intent and shall, within 180 calendar days after such discontinuation, be removed by the owner of the property where the sign is located.
C. Any sign that has exposed internal parts shall be considered a discontinued sign and be subject to this Section.

7.2.7 Maintenance & Upkeep of Signs

A. All sign supports, braces, poles, wires and other appurtenances of the sign or sign structure shall be kept in good repair, maintained in a safe condition, and shall conform to the standards in this section and the North Carolina State Building Codes.
B. Maintenance of sign supports, braces, poles, wires and other appurtenances of the sign or sign structure and not the result of damage or destruction shall not require a Zoning Permit, provided the sign is not enlarged, moved, or altered in any manner which would create or increase a non-conforming condition.
C. A sign face shall be in a state of disrepair when more than twenty (20%) percent of its total surface is disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions.
D. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts.

E. No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the road or highway from which it is intended to be viewed.
F. No illuminated sign shall be allowed to operate with partial illumination.
G. Signs that are structurally unsafe and thereby endanger the public safety shall be removed unless they are repaired and made to comply with the requirements of the NC Building Code, as amended. If the Administrator or a Person County Building Inspector find that any sign is dangerous or is menace to the public, he or she shall give written notice of such violations to the owner of the sign, or by leaving said notice with the manager or other person who is apparently in charge of the premises or by affixing a copy of the notice to the sign, sign structure or building for a period of five (5) calendar days. The notice shall set forth the nature of the violation and order the violator to repair the sign in such a manner to be approved by the Administrator or Person County Building Inspector in conformance with the provisions of this Section or remove the sign forthwith in the case of imminent instability or immediate danger of falling, and in any case within ten (10) calendar days of receipt. If within ten (10) calendar days the notice is not complied with, the County shall have the authority to remove the sign at the recipient's expense and to destroy or otherwise dispose of same. In cases of emergency, the County may cause the immediate removal of a dangerous or unsafe sign without notice, at the expense of the property owner and/or sign owner.

7.2.8 Non-Conforming Signs

Non-conforming signs shall be subject to the provisions of Section 8.6.

7.3 TEMPORARY SIGNS

The provisions of this Section shall apply to the placement and display of temporary signage within the County. Any temporary sign that does not comply with the provisions of this Section is prohibited. Any sign which is permanently displayed shall comply with the provisions of Section 7.4. Temporary signs do not require the issuance of a Zoning Permit.

7.3.1 Common Standards

All temporary signs shall comply with the following common standards:

A. Temporary signs shall not be illuminated or be provided with any electric service.
B. Temporary signs shall not be placed within any public street right-of-way, including within medians, unless expressly permitted by this Ordinance or the NCGS, and shall not be placed in a manner that obstructs clear sight distance (within the required sight triangle) for motorists at street intersections or driveways.
C. Temporary signs attached to building walls (other than permitted window signs) shall not obstruct any window, door, fire department sprinkler connection, or street number sign.
D. Temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.
E. Temporary signs shall not become snipe signs or permanent signs.
F. Temporary signs, other than Type 4 Freestanding Temporary Signs, shall not be placed upon any sidewalk or other pedestrian walkway.
G. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, fence, utility pole or street sign. These signs shall not be proliferated on non-residential

sites such as convenient stores, particularly on light poles, fuel hoses, pump handles, canopy posts, or bollards.

H. Temporary signs shall be constructed of durable weatherproof materials and shall not be made with unfinished plywood or paper.

I. Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such displays shall carry through to the following calendar year, and shall be observed prior to initiating the first allowed display during the new calendar year.

J. Yard/garage sale signs, directional signs for events, and off-site signs for home sales, shall be removed within twenty-four (24) hours after the event ends, or be subject to removal and discarded.

7.3.2 Temporary Freestanding Signs

7.3.2.1 General Provisions

The following standards shall apply to all Freestanding Temporary Signs:

A. Signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.

B. Signs, other than Type 4 Freestanding Temporary signs, shall be set back from the edge of the right-of-way by a minimum of five (5) feet.

C. No more than one (1) Freestanding Temporary Sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, unless otherwise expressly permitted. This does not apply to Type 4 temporary signs, which are permitted for each business or organization.

7.3.2.2 Type 1 Freestanding Temporary Signs

Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns and meeting announcements. Such signs are also subject to NCGS § 136-32(b).

7.3.2.3 Type 2 Freestanding Temporary Signs

Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community, sporting and similar special events.

7.3.2.4 Type 3 Freestanding Temporary Signs

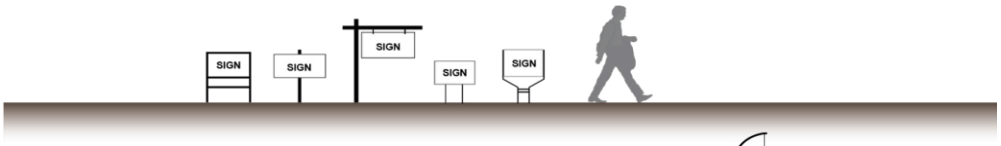
Signs in this category are large temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction and development activity or the advertisement of commercial or industrial buildings for sale or lease.

7.3.2.5 Type 4 Freestanding Temporary Signs

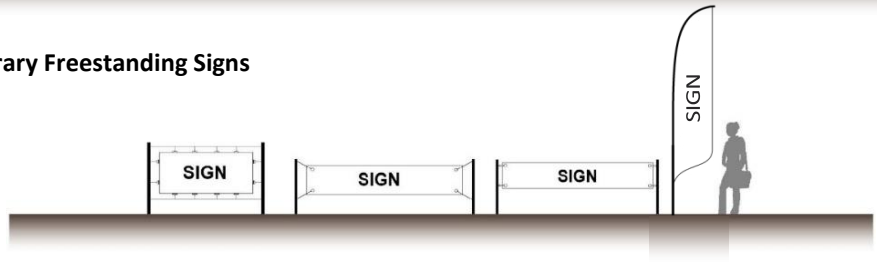
The category of signs defined as Type 4 Freestanding Temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an “A-

frame" or "sandwich board" sign. The faces of the sign shall be connected at the top by hinges or similar mechanisms and the sign shall be self-supporting when placed in its display position.

Figure 7.3-1 Temporary Freestanding Signs



Type 1 Temporary Freestanding Signs



Type 2 Temporary Freestanding Signs

Type 3 Temporary Freestanding Signs

Type 4 Temporary Freestanding Signs

Table 7.3-1 Temporary Freestanding Sign Criteria

Criteria	Type 1	Type 2	Type 3	Type 4
Zoning District	Any district	Any District	Any District	Any District
Land Use	Any land use	Any land use	• Residential Use Group for lots or developments of greater than 2-acres • Vacant or undeveloped lots of greater than 2-acres • Any property with a minimum of 200 feet of frontage on a public right-of-way.	Any non-residential land use
Max. Size[1] (SF)	6 SF	18 SF	18 SF	6 SF
Max. Height (feet)	4 ft	4 ft	8 ft	4 ft
Number Permitted[2]	1 per 100 feet of public road frontage	1 per 100 feet of public road frontage	1 per 100 feet of public road frontage	1 per public building entrance
Max. Duration	No Limit	7 days up to 12 times per calendar year	2 years[3]	Between daily opening and closing
Mounting	Supported by posts or stakes	Supported by posts or stakes	Supported by a minimum of 2 posts or stakes	A-frame or H-frame
Sign Material	Rigid	Flexible	Rigid	Rigid
Other	NCGS § 136-32 applies within state rights-of-way		Shall not be displayed upon a parcel that contains a permanent freestanding sign	• May be located on sidewalk with a minimum 3-ft. clearance • Shall be anchored

[1]The display area may be either single or dual-sided, but shall not consist of more than one (1) distinct component.
[2]Per parcel or group of adjacent parcels under common ownership or tenancy

7.3.3 Temporary Building Mounted Signs

7.3.3.1 Wall Banners

Signs in this category are made of flexible canvas or vinyl material and attached to a building wall. Wall banners are typically associated with, but not limited to the announcement or advertisement of special events, sales, or promotions or to announce employment opportunities.

7.3.3.2 Window Signs

Signs in this category are temporarily attached to or painted on a window or door. Window signs are typically associated with (but not limited to) the announcement or advertisement of special events, sales, or promotions or to announce employment opportunities. Window signs shall be placed in a manner that facilitates Crime Prevention Through Environmental Design (CPTED) to allow for maximum safety and to not impede emergency response.

Table 7.3-2 Temporary Building Sign Criteria

Criteria	Wall Banners	Window Signs
Zoning District	Any district	Any District
Land Use	Any land use	Any land use
Max. Size[1] (SF)	1 SF per linear foot of building wall up to 72 SF	50% of total window area
Max. Number	1 per building wall	2 per window
Max. Duration	Same banner shall not be displayed for more than 6 consecutive months	No Limit
Mounting	Supported by posts or stakes	Supported by posts or stakes
Sign Material	Flexible vinyl or canvas	Weatherproof materials for signs placed on exterior of window
Other	Shall be attached to building wall and not attached to roof	Permanent window signs shall be counted toward permitted building sign area (Section 7.4.1)

7.4 PERMANENT ON-PREMISE SIGNS

The provisions of this section shall apply to the placement and display of permanent on-premise signage within the County, subject to the issuance of a Zoning Permit in accordance with Section 4.2.6. Permanent on-premise signage is installed with the intent that the sign will be constantly on display for a period of greater than thirty (30) calendar days, for the duration that a business, or organization, or other entity is operating at that location.

7.4.1 Building Signs

A permanent sign that is affixed to a building wall, window (larger than one square foot), canopy or awning shall meet the standards of this Section and are subject to the issuance of a Zoning Permit. Building signs are allowed for permitted non-residential uses.

Figure 7.4-1 Building Sign Types

Flush Wall Sign

Projecting Sign

Canopy Sign

Awning Sign & Flush Window Sign

Table 7.4-1 Permanent Building Sign Criteria

Zoning District	Type Allowed	Illumination	Max. Area (SF)	Max. Number	Other
RC	• Flush • Awning • Window	Internal or External	1 SF per linear foot of tenant space building wall up to 32 SF	1 per tenant space	• Building signs may be mounted on walls that front on a public or private street, internal drive, or contain a public entrance from a parking area. • Max. area may be split between number of signs allowed per business
R	• Flush • Window	External only	1 SF per linear foot of tenant space building wall up to 32 SF	1 per tenant space	
NB	• Flush • Projecting • Canopy • Awning • Window	Internal or External	2 SF per linear foot of tenant space building wall up to 72 SF	1 per tenant space	
HB	• Flush • Projecting • Canopy • Awning • Window	Internal or External	2 SF per linear foot of tenant space building wall up to 200 SF	1 per tenant space	
GI	• Flush • Projecting • Canopy • Awning • Window	Internal or External	2 SF per linear foot of tenant space building wall up to 200 SF	1 per tenant space	

A. Canopy signs shall not cover more than fifty (50%) percent of the canopy area and shall not have backlighting, racetrack lighting, neon-like strips, or underlighting.
B. Permanent window signs shall not comprise more than fifty (50%) percent of the window area in addition to the maximum area requirements of Section 7.4.1.
C. Wall signs shall not project more than twelve (12) inches from the wall face, except that projecting signs may project up to five (5) feet but may not project into a street right-of-way. Projecting signs shall provide a minimum eight (8) foot vertical clearance. Projecting signs shall be limited to 16 SF per building wall.
D. Building signs shall not extend above the parapet or eave of the building.
E. Up to fifty (50%) percent of the allowable area of a wall sign may be changeable copy. No changeable copy feature is permitted to be included on a projecting, canopy, or awning sign.

7.4.2 Freestanding Signs

A freestanding sign located on-site that is permanently mounted to the ground shall meet the following requirements and are subject to the issuance of a Zoning Permit. Freestanding ground

signs are permitted for any principal nonresidential use in any zoning district. They may also be established in association with multi-family residential developments and single-family residential developments containing 10 or more dwelling units.

Figure 7.4-2 Permanent Freestanding Sign Types

Monument Sign

Multi-tenant Monument Sign

Arm Sign

Pole Sign

Table 7.4-2 Permanent Freestanding Sign Criteria

Zoning District	Type Allowed	Illumination	Max. Area (SF)	Max. Height (feet)	Max. Number	Other
RC	• Monument • Arm	Internal or External	32 SF + 8 SF per tenant up to 64 SF	10	1 per lot	• Max. area may be split on either side of a residential development entrance • Multi-tenant signs are required where multiple tenants are located on a single lot of record or within a shopping center or similar planned development. • Shall not be located within 50 feet of any other freestanding sign • Shall be set back from the side property line the distance of its height. • Shall not be located within any street right-of-way
R	• Monument • Arm	External only	32 SF	10	1 per lot	
NB	• Monument • Arm • Pole	Internal or External	40 SF + 8 SF per tenant up to 144 SF	20	1 per 500 feet of street frontage	
HB	• Monument • Arm • Pole	Internal or External	40 SF + 8 SF per tenant up to 200 SF	30	1 per 500 feet of street frontage	
GI	• Monument • Arm • Pole	Internal or External	64 SF + 8 SF per tenant up to 200 SF	30	1 per 500 feet of street frontage	

A. Manual or electronic changeable copy area may be included on any freestanding sign in a zoning district which permits internal illumination. The area devoted to changeable copy shall be limited to 75% of the total area of the sign face. All signs that include an electronic changeable copy feature shall meet the minimum North Carolina Department of Transportation requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii)).

B. Freestanding signs shall not be located within parking areas and shall be surrounded by a minimum of 30 SF of turf or landscaped area, and protected from vehicles by curbing, wheel stops, or similar devices.

C. Multi-tenant monument signs shall be designed to accommodate multiple tenants. No copy area designed for a single tenant shall be divided or converted into a multi-tenant sign.

7.4.3 Comprehensive Sign Plans

A. As an alternative to the standards established by Section 7.4, developments consisting of 100,000 SF or more of gross floor area or occupy an area of 10-acres or more, may submit for a Comprehensive Sign Plan which details alternative regulations for the installation and display of signs within the development. Comprehensive Sign Plans shall follow the Site Plan review process in Section 4.2.5 and may only be modified in the same manner in which they were originally approved.

B. Comprehensive Sign Plans shall provide detailed regulations for the following, at a minimum:
   1. Permitted sign types;
   2. Permitted sign area and height for each proposed sign;
   3. Permitted sign materials for each type of sign;
   4. Permitted types of illumination for each sign type;
   5. The location of all proposed signs, including permitted mounting locations for building mounted signs; and
   6. The type, display location, materials, size and height for any temporary signs permitted to be displayed.

C. The goal of the Comprehensive Sign Plan is to create an integrated typology for the permitted signs on the property. To that end, the proposed regulations shall be designed in a manner to require the use of signage with common characteristics both within individual sign types and across the various types of signs. The Comprehensive Sign Plan shall include a plan view of the sign locations proposed, the sign type at the locations, a numerical total of signs proposed by type and location, and a profile view of all proposed sign types with dimensions.

7.5 OFF-PREMISE OUTDOOR ADVERTISING SIGNS

Subject to NCGS § 160D-912 and § 136, Article 11, off-premise outdoor advertising signs, also known as billboards, are only permitted along expressways, boulevards, and major thoroughfares, as designated in the *Person County Comprehensive Transportation Plan*, with the issuance of a Zoning Permit in the RC, NB, HB, and GI zoning districts in accordance with the following provisions:

Table 7.5-1 Outdoor Advertising Sign Criteria

Zoning District	Illumination	Max. Area (SF)	Max. Height (feet)	Min. Setbacks (feet)	Max. Number
RC	External only	378 SF	10	• 15-ft from right-of-way • 50-ft from side property line	1 per lot
NB	Internal or External	378 SF	20	• 15-ft from right-of-way • Height of sign from side property line	1 per lot
HB	Internal or External	378 SF	30	• 15-ft from right-of-way • Height of sign from side property line	1 per lot
GI	Internal or External	378 SF	30	• 15-ft from right-of-way • Height of sign from side property line	1 per lot

A. Signs shall be back-to-back construction with one (1) sign face per directional flow of traffic.
B. No off-premise advertising sign shall be located closer than 1400-ft. from any other off-premise advertising. A sign on the opposite side of the road or highway shall not be located closer than 400-ft. to an off-premise sign already erected. These distances are to be measured along the edge of the pavement between the closest points of the sign from a line drawn perpendicular to the edge of the pavement to the edge of the sign.
C. No off-premise advertising sign shall be placed within 300-ft. of any property used for a school or public park.
D. A property owner may not create a lot after March 17, 1997, that does not meet minimum lot size requirements for the purpose of placing an off-premise advertising sign on it.
E. A Zoning Permit shall be obtained from the Administrator prior to the placement of an off-premises advertising sign. In addition to the requirements set forth in Section 4.4.6, each request for a Zoning Permit shall be accompanied by a:
   1. Recorded survey plat or a survey prepared by a Professional Land Surveyor, if available, showing accurate dimensions of the lot to be built upon and the proposed sign location;

2. In the absence of the above, the proposed sign location may be hand drawn on the applicable lot depicted on a copy of an official Person County tax map;
3. To scale drawing of the proposed sign and sign structure; (Note: More detailed structural information may be required when applying for applicable permits (i.e., building, electrical) from the Person County Inspection Department. Pursuant to the NC State Building Code, the erector of the sign shall submit to the building official a design and stress diagram or plan, containing the necessary information to enable the building official to determine that such sign complies with all the regulations of the code.)

7.6 OFF-PREMISE DIRECTIONAL SIGNS

Off-premise directional signs do not require a Zoning Permit. However, these signs shall conform to the standards of this Section and other applicable parts of this Ordinance. An off-premise directional sign which does not meet such provisions of this Section shall be considered in violation of this Ordinance.

Table 7.6-1 Permanent Freestanding Sign Criteria

Zoning District	Illumination	Max. Area (SF)	Max. Height (feet)	Min. Setbacks (feet)	Max. Number	Other
All Districts	None	32 SF	6-ft.	2 feet from right-of-way	1 per lot, per street frontage	Max. of 1 sign face per directional flow of traffic up to 2 sign faces per structure

A. Not more than three (3) off-premise directional signs shall contain directions to the same business, organization, or activity.
B. Off-premises directional signs shall only be placed with the written permission of the property owner upon whose property the sign is placed and shall not be located in the street right-of-way or sight triangle as set forth in Section 6.2.1.
C. Removal of discontinued off-premise directional signs shall occur within ninety (90) calendar days of ceasing the use of the sign. The property owner or sign owner shall be responsible for sign removal and expense. In the event that the sign is abandoned, Person County shall utilize the provisions of this Ordinance to have the sign removed and expense to the property owner.

7.7 PROHIBITED SIGNS

The following signs are prohibited within Person County:

7.7.1 Signs that Obstruct Visibility

Signs that substantially interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads or driveways or that

obstruct the motorist's view of approaching, merging or intersecting traffic including, but not limited to, signs in excess of three (3) feet tall in sight triangles.

7.7.2 Signs Emitting Glare

Signs with light sources or reflectivity of such brightness that result in glare, blinding or any other such adverse effect on motorist vision or into or upon any residential building not related to the signs; or which interfere with the effectiveness of, or obscures an official traffic sign, device or signal. These signs include the use of neon-like signs and the use of halogen lights.

7.7.3 Simulated Public Safety, Warning, or Traffic Signs

Signs by their location, color, illumination, size, shape, nature, message or appearance resemble official traffic, safety or warning signs or lights or other devices erected by governmental agencies. This prohibition includes signs having no bona fide safety necessity, involving the terms "CAUTION", "DANGER", "SLOW", "STOP" OR "YIELD", or which utilize geometric figures, symbols, lights, location or message not unlike official traffic, safety or warning signs, signals or lights. Provided, however, this provision is not intended to prevent the placement on private property of signs with "stop", "yield" or other such wording or design where such is necessary for traffic control or other such legitimate notice to the public.

7.7.4 Signs that Obstruct Ingress/Egress

Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

7.7.5 Snipe Signs

Snipe signs made of any material that are placed upon or attached to any curb, utility pole, post, fence, hydrant, bridge, another sign or other surface, public bench, streetlight, or any tree, rock or other natural object located on, over or across any public street or public property are prohibited. This provision shall not apply to the posting of public interest, security, and warning signs, nor to street signs placed upon poles by governmental agencies for designating street names or wayfinding signage.

7.7.6 Signs Below Minimum Clearance

Signs, marquees, canopies and awnings with vertical clearance of less than eight (8) feet above sidewalks, pedestrian areas, parking, or vehicular circulation areas.

7.7.7 Flashing Signs

Signs with animated, blinking, chasing, flashing or moving effects. No signs shall contain flashing lights.

7.7.8 Signs in Rights-of-Way

Signs erected in or over any public right-of-way except for major special event signs by special permit, governmental signs, and signs subject to NCGS § 136-32 prior to elections.

7.7.9 Obscene Signs
Signs containing words or graphics that are obscene, as defined in NCGS § 14-190.1.

7.7.10 Signs placed Without Permission
Signs placed on property without permission of its owners or agent.

7.7.11 Unspecified Temporary Signs
Portable or temporary signs, except as permitted by Section 7.3.

7.7.12 Festooned Signage
Signs or devices containing or consisting of pennants, ribbons, streamers, or suspended strands placed to attract attention, except within thirty (30) calendar days of the issuance for a Certificate of Compliance/Zoning Permit for a building or tenant space.

7.7.13 Motion Signs
Signs that rotate have mechanical moving parts propelled by the wind or my motor. Spinners, whirligigs, and similar devices placed to attract attention are included in this prohibition, except within thirty (30) calendar days of the issuance for a Certificate of Compliance/Zoning Permit for a building or tenant space.

7.7.14 Inflatable Signs
Signs inflated with air including balloons having a width, height, depth or circumference of greater than two (2) feet, except within thirty (30) calendar days of the issuance for a Certificate of Compliance/Zoning Permit for a building or tenant space.

7.7.15 Facsimile Signs
Three-dimensional (3D) objects or human figures which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.

7.7.16 Roof Signs
Signs erected in whole or in part on, upon or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

7.7.17 Vehicle Signs
Signs placed upon, painted on, attached or displayed on parked vehicles or trailers (such as banners), where primary purpose of the vehicle or trailer is to advertise a product or business or to direct people to a business or activity. These signs do not include permanent vehicle wraps for commercially used vehicles.

7.7.18 Pavement Signs
Signs painted on or adhered to a paving surface, other than for safety or directional control.

7.7.19 Transportable Signs

Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a “freestanding” sign as herein defined.

7.7.20 Other Signs Not Expressly Permitted

Other signs not expressly permitted in this Ordinance are prohibited.

ARTICLE 8. NON-CONFORMITIES

8.1 Purpose & Applicability 8-2

8.2 Non-Conforming Lots 8-2

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8.1 PURPOSE & APPLICABILITY

A. Within the districts established by this Ordinance, there may exist land uses which were lawful before this Ordinance or its predecessor ordinances were passed but which would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit those non-conforming uses to continue until they are removed, but not to encourage their continuation.

B. Any land use which was a violation of predecessor Ordinances shall continue to be a violation and shall not be considered as a non-conforming use.

C. Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in this Article.

D. Nothing in this Ordinance shall prevent the maintenance or minor repair (of less than sixty (60%) percent of taxed value) of a non-conforming situation to a safe condition, provided that the size or extent of the nonconformity shall not be increased.

8.2 NON-CONFORMING LOTS

A. Permitted Structures may be erected upon any single lot of record at the time of adoption of this Ordinance, provided the minimum yard requirements are met. A Variance meeting the requirements of Section 4.4.3 is required if the yard width or setback requirements cannot be met.

B. The creation of a lot with a width or area smaller than allowed by existing zoning requirements is prohibited, except by governmental action, such as road widening. Any lot, which, by reason of realignment of a public street or highway or by reason of condemnation proceedings, has been reduced in size to an area less than required by law, shall be considered a non-conforming lot of record subject to the provisions t forth in this section; and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a non-conforming use or structure as that term is used in this Ordinance.

8.3 NON-CONFORMING USES & STRUCTURES

A. A legally established non-conforming open use of land may be continued except as follows:
   1. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use.
   2. A non-conforming open use of land shall be changed only to conforming uses.
   3. A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
   4. When any non-conforming open use of land is discontinued for a period in excess of 180 calendar days, any future use of the land shall be limited to those uses permitted in the district in which the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

B. When a non-conforming use has been changed to a conforming use, it shall not thereafter revert to any non-conforming use.

C. Non-conforming uses may not be changed to another non-conforming use unless the Board of Adjustment determines that such change shall be no more detrimental to the neighborhood than the existing use; however, no change of title or possession, or right to possession of property shall be construed to prevent the continuance of a non-conforming use. A non-conforming use may be changed to a less intense use classification whenever the use is changed to a more conforming classification. It shall not be allowed to change to the original use or more intense use. For the purposes of this Section, the order of classification of uses from lower to higher for the purpose of this Section shall be as follows:
   2. Agricultural uses
   3. Single-family and two-family dwellings
   4. Multi-family dwellings
   5. Civic, government and institutional uses
   6. Office and service uses
   7. Retail uses
   8. Recreation and entertainment uses
   9. Industrial, wholesale, transportation, utility use
D. If a non-conforming use is discontinued for a consecutive period of 180 calendar days or for more than eighteen (18) months in any three (3) year period, the future use of the building or land must be a conforming use.
E. When any non-conforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for this district, and no non-conforming use shall thereafter be resumed.
F. Any structure existing at the time of adoption of this Ordinance which does not comply with setback or yard requirements, or which exceeds height requirements, may be continued in use but shall not be enlarged or extended unless such extensions or enlargement comply with all the provisions of this Ordinance. No uncovered portion of a building may be covered if the setback or height requirements are not met.
G. If a non-conforming structure or non-conforming use is destroyed or damaged in any manner, for life-safety permitting, that structure or use shall become a conforming structure or use. Relief to the time limits may be granted by the Board of Adjustment.
H. A non-conforming structure or non-conforming use that is damaged by any casualty to an extent more than fifty (50%) percent of its assessed value, based on County Tax Assessor records, and needs a building permit to re-establish life-safety standards, it shall be restored as a conforming use. Relief to the non-life-safety building elements may be granted by the Inspections Department.
I. Should any non-conforming structure be moved for any reason within Person County, it shall be brought into conformity to the regulations for the district in which it is to be located. Relief to the non-life-safety building elements may be granted by the Inspections Department.

8.4 NON-CONFORMING MANUACTURED HOMES & PARKS

8.4.1 Non-Conforming Manufactured Homes on Individual Lots

A non-conforming manufactured home on an individual conforming lot outside of a zoning district in which it is permitted by right or conditionally may not be replaced except by a conforming dwelling or with an equivalent year model or newer manufactured home. A non-conforming manufactured home may not be enlarged or altered externally in any way.

8.4.2 Non-Conforming Manufactured Parks

Manufactured Home Parks existing at the time of the adoption of this Ordinance shall be allowed to continue. However, such Manufactured Home Parks shall not be allowed to physically expand or to increase in density (home units) in any manner. A reduction in the park size or density shall be permitted.

8.4.2.1 Purpose

The purpose of this Section is:

A. To regulate and guide the continuation of Manufactured Home Parks in order to promote the public health, safety, and general welfare of the citizens of Person County;
B. To further the orderly layout of existing Manufactured Home Parks in a manner which is consistent with the prevailing Comprehensive Plan;
C. To secure safety from fire, panic; and other dangers;
D. To provide for adequate light and air;
E. To ensure that facilities for transportation, parking, water, sewage, and recreation are provided for Manufactured Home Park residents; and
F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities.

8.4.2.2 Applicability

A. No existing Manufactured Home Park within the jurisdiction of Person County shall be altered, except in accordance with this Section.
B. Manufactured Home Parks shall not be permitted on bona fide farms.

8.4.2.3 Procedures

A. No Manufactured Home Park shall be altered or expanded within Person County until a Zoning Permit has been issued by the Person County Planning & Zoning Department.
B. The Applicant shall submit a Site Plan that meets the requirements of Section 4.2.5 and includes, at a minimum, the following information:
    1. Title information;
    2. Location map;
    3. Recreation areas;
    4. Park management office;
    5. Street and lot design;
    6. Surface water drainage;
    7. Street lighting system;
    8. Other features of the park;
    9. Source of water and water distribution system;
    10. Sanitary sewage system;
    11. Adequate lot size, if septic tanks are to be used;
    12. Adequate facilities for solid waste storage, collection, and disposal; and
    13. Each well located so as to provide a minimum pollution free radius of 100-ft.

8.4.2.4 Development Standards

A. Manufactured homes within a Manufactured Home Park shall meet HUD standards in effect June 15, 1976.
B. Transfer of title of a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a Manufactured Home Park as long as the park is in operation.
C. Manufactured Home Park identification signs shall not exceed 32 SF in area. Only direct, non-flashing lighting shall be used for illumination.
D. The developer of the proposed Manufactured Home Park shall provide and the owner of the proposed park shall agree to maintain a 50-ft. buffer strip adjacent to all property lines which do not abut a public or private road. The buffer shall contain planted evergreen trees or shrubbery with a height at maturity of at least five (5) feet or a solid fence or wall at least five (5) feet in height. This strip shall be depicted on the Manufactured Home Park Site Plan with the following note: "This strip is reserved for the planting of trees and shrubs by the owner; the location of structures hereon is prohibited".
E. Within each Manufactured Home Park, one (1) manufactured home space for each whole multiple of 50 spaces shall be used as a location for an administrative office. For example: 1 -99 Manufactured Home Park spaces=1 administrative space, 100-149 Manufactured Home Park spaces=2 administrative spaces, 150-199 Manufactured Home Park spaces=3 administrative spaces, et. al.
F. Convenience establishments of a commercial nature shall be limited to food stores and/or coin operated laundries. These may be permitted in Manufactured Home Parks subject to the following restrictions:
    1. Such establishments shall be subordinate to the residential use and character of the park.
    2. Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
    3. Such establishments shall be designed to serve the trade and service needs of the park residents only.
G. An accessible, adequate, safe, and potable supply of water shall be provided in each Manufactured Home Park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, a privately-maintained central water supply may be developed, and its supply used exclusively in accordance with the standards of the North Carolina Department of Environmental Quality (NCDEQ).
H. Adequate and safe sewage disposal facilities shall be provided in all Manufactured Home Parks. Collection systems and sewage treatment plants complying with the requirements of NCDEQ should be provided. Plans for sewage collection systems and treatment facilities shall be submitted to NCDEQ. Individual septic tank systems may be considered, if soil, topography, and ground water conditions are favorable.
I. Each Manufactured Home space shall be provided with at least a four (4)-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe

shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.

J. A two-ft. by two-ft. (2' x 2') concrete apron with a minimum depth of six (6) inches shall be installed around all sewer connection riser pipes for support and protection. The sewer connection shall be located under the mobile home and at a distance of at least 100-ft. from the water supply.

K. The sewer connection shall have a nominal inside diameter of at least four inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot, The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be water-tight including connection from mobile home to sewer riser pipe.

L. All material used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent, and durable. The inner surface shall be smooth.

M. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one (1) foot above the ground.

N. All exterior openings in or beneath any structure shall be appropriately skirted with suitable materials.

O. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects, Manufactured Home Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open area s shall be maintained free of heavy undergrowth with a height in excess of 24 inches.

P. All streets within the Manufactured Home Park shall be adequately illuminated from sunset to sunrise. Street light shall be spaced at intervals of not more than 500-ft.

Q. Each Manufactured Home Park shall provide 400 SF of recreation area for each manufactured home space that is 20,000 SF or less in area. Bufferyards shall not be used to satisfy recreation space area requirements, but may include walking paths or pedestrian connections off-site.

R. Every Manufactured Home Park owner or operator shall maintain an accurate register containing a record of all owners of manufactured homes in the park. In the event of a renter-occupied manufactured home, at least one occupant from each manufactured home shall be identified in the register along with the name(s) of the owner(s). The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:
   1. Name of owner and occupant;
   2. Manufactured home space number;
   3. Make, model and registration; and
   4. Date when occupancy within the Manufactured Home Park begins and date when occupancy within the Manufactured Home Park ceases.

8.4.2.5 Road Standards

A. The design standards for streets within Manufactured Home Parks shall comply with either the minimum construction standards for secondary roads as required by the North Carolina Division of Highways or with minimum construction standards of private subdivision roads as specified in Section 6.6.3.3.

B. The State of North Carolina will not add any proposed roads within a Manufactured Home Park to the secondary road system; consequently, the developer shall construct all roads within the Manufactured Home Park serving less than 50 spaces in accordance with Section 6.6.3.3 Minimum Construction and Design Standards for Private Roads. However, if 50 or more spaces are proposed, all roads located within the park shall be paved in accordance with a North Carolina Department of Transportation publication entitled "Subdivision Roads, Minimum Construction Standards", latest edition. Roads shall meet the standards NC Fire Code, Appendix D for access. Roads shall be reviewed by the Person County Fire Marshal for compliance with the Fire Code.
C. All roads and driveways within a Manufactured Home Park shall be maintained by the park owner or responsible agency.
D. Cul-de-sacs and dead-end roads shall serve no more than 25 lots.
E. Street names and addresses for all Manufactured Home Parks shall be subject to the approval of Person County E-911 Addressing. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected whenever possible.
F. Drainage pipes shall be installed under driveways which cross a drainage ditch and these pipes shall have a minimum inside dimension of 15 inches. This requirement may be reduced when valley gutter system and rip-rap is approved.
G. Driveways shall be constructed so that drainage water and sedimentation will not run into the road or highway.
H. Two (2) automobile parking spaces shall be provided within each manufactured home space and shall not be located within any public right-of-way or within any street in the park.

8.4.2.6 Manufactured Home Spaces

A. All manufactured homes shall be located on individual spaces and each space shall be clearly numbered so as to be seen from the access street.
B. Each manufactured home space shall be clearly defined by means of concrete or metal pipe markers placed at all corners.
C. No manufactured home space shall encroach any street right-of-way.
D. Each manufactured home shall be located at least 20-ft. from any permanent building within the Manufactured Home Park.
E. No designated open space/recreation area shall be converted to a Manufactured Home Park space.
F. Manufactured homes used for dwellings within Person County and parked within a Manufactured Home Park as defined by this Ordinance shall adhere to the following standards:

TABLE 5.7-1: MANUFACTURED HOME SPACE REQUIREMENTS

Criteria	W/O Central Water & Sewer	With Central Water	With Central Sewer	With Central Water & Sewer
Minimum space size	40,000 SF	20,000 SF	15,000 SF	10,000 SF
Minimum frontage	100 ft	100 ft	75 ft	60 ft
Front Setback	60 ft*	50 ft*	35 ft*	25 ft*
Side Setback	15 ft	15 ft	10 ft	10 ft
Corner Side Setback	40 ft	40 ft	35 ft	32 ft
Rear Setback	25 ft	25 ft	15 ft	10 ft
Rear Setback on double frontage space	50 ft	50 ft*	35 ft	35 ft

**Unless recommended otherwise by the Person County Health Department*

8.4.2.7 Inspections

A. The Administrator, Person County Health Department, the Person County Building Inspector, and/or the Enforcement Officer are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners or occupants of Manufactured Home Parks to give these agencies free access to such premises at reasonable times for inspection.
B. The person to whom an operating permit for a Manufactured Home Park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
C. The owner of a Manufactured Home Park which is in violation of any provision of this Ordinance shall be notified in accordance with the enforcement processes outlined in Section 2.7.
D. The park owner or operator shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.

8.5 NON-CONFORMING DEVELOPMENT SITES

8.5.1 Non-Conforming Landscaping & Screening

Any substantial change of use, change in zoning classification, or expansion of twenty (25%) percent or greater of an existing use, structure, or parking area shall not occur without the requirements of Section 6.4 having been met to the greatest extent possible as determined by the Administrator and all solid waste containers shall be screened from view meeting the requirements of Section 6.4.9. If at any point the cumulative total of expansions exceeds twenty (25%) percent of the original size, then this Section shall apply. Where the replacement material or structure can meet the standards of this Ordinance, then this Ordinance shall apply and no one-to-one replacement of the non-conforming material or structure shall be permitted.

8.5.2 Non-Conforming Parking & Access

Any substantial change of use, change in zoning classification, or expansion of twenty (25%) percent or greater of an existing use, structure, or parking area, which is deficient in the minimum number of parking spaces, parking lot paving, or curb and gutter as set forth in Section 6.5, shall not occur without the requirements of Section 6.5 having been met. The Administrator may approve a new use within an existing structure if the number of off-street parking spaces required for the new use (per Section 6.5 of this Ordinance) is within ten (10%) percent or 10 spaces, whichever is less, of the number of off-street parking spaces actually provided. Such relief may be granted on a one-time only basis per lot or planned development. The requirements of Section 6.5 shall be met to the greatest extent possible as determined by the Administrator. If at any point the cumulative total of expansions exceeds twenty (25%) percent of the original size, then this Section shall apply. Where the replacement material or structure can meet the standards of this Ordinance, then this Ordinance shall apply and no one-to-one replacement of the non-conforming material or structure shall be permitted.

8.5.3 Non-Conforming Infrastructure

Any substantial change of use, change in zoning classification, or expansion of twenty (25%) percent or greater of an existing use, structure, or parking area shall not occur without the requirements of Section 6.6 being met to the greatest extent possible, as determined by the Administrator. If at any point the cumulative total of expansions exceeds twenty (25%) percent of the original size, then this Section shall apply. Where the replacement material or structure can meet the standards of this Ordinance, then this Ordinance shall apply and no one-to-one replacement of the non-conforming material or structure shall be permitted.

8.6 NON-CONFORMING SIGNS

Signs that were legally erected and were in place prior to the adoption of this Ordinance but which do not conform to the provisions of this Ordinance are declared non-conforming signs. Non-conforming signs may continue to be utilized in good repair in connection with any use or structure permitted in this Ordinance only under the following conditions, limitations, and restrictions:

A. Only normal maintenance and repair may be performed on a non-conforming sign. Normal maintenance and repair, as used herein, means repainting, changing lights, replacing broken glass or other routine work necessary to keep the sign safe, in good repair or neat in appearance. Normal maintenance shall not include structural alterations.
B. A non-conforming sign shall not be enlarged, raised, relocated, or have illumination added. If damaged, destroyed or permitted to deteriorate to an extent of more than sixty (60%) percent of the appraised replacement cost, a non-conforming sign shall not be repaired or replaced, and shall be immediately removed.
C. A non-conforming sign shall not be re-established once the sign structure has been removed.
D. A non-conforming sign shall not be re-established after the use has been discontinued regardless of reason or intent for 180 calendar days or more.
E. If a non-conforming sign is blank or advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought

into compliance by the sign owner, property owner, or other party having control over such sign within ninety (90) calendar days after the use has ceased operation or the service or commodity has ceased being offered. Any non-conforming sign on a lot where the principal structure is vacant for a period of ninety (90) calendar days shall be removed or altered to conform to the regulations of this Article.

F. Signs associated with condemnation actions (eminent domain) may be relocated on the remaining portion of that same lot to meet a cure condition. If the condemnation action results in the sign or the lot to become legally non-conforming, the sign relocation shall be permitted, provided structural and wind-load permit criteria is met.

G. Non-conforming portable and temporary signs shall be removed within sixty (60) calendar days of the effective date of this Ordinance and amendments affecting the conformity of the sign.

H. Where the replacement material or structure can meet the standards of this Ordinance, then this Ordinance shall apply and no one-to-one replacement of the non-conforming material or structure shall be permitted.