

PERSON COUNTY
PLANNING ORDINANCE
PERSON COUNTY, NORTH CAROLINA

**ADOPTED BY THE PERSON COUNTY BOARD OF COUNTY COMMISSIONERS ON MAY 20, 1991
& RE-ADOPTED IN ITS' ENTIRETY ON DECEMBER 6, 1993, TO INCORPORATE WATERSHED
PROTECTION PROVISIONS**

AMENDED:

- (1) July 11, 1994
- (2) September 7, 1994
- (3) May 15, 1995
- (4) November 6, 1995
- (5) January 11, 1996
- (6) February 19, 1996
- (7) March 18, 1996
- (8) June 3, 1996
- (9) July 8, 1996
- (10) August 5, 1996
- (11) February 3, 1997
- (12) March 17, 1997
- (13) May 5, 1997
- (14) July 7, 1997
- (15) November 3, 1997
- (16) June 15, 1998
- (17) February 1, 1999
- (18) March 8, 1999
- (19) December 6, 1999
- (20) August 7, 2000
- (21) May 7, 2001
- (22) June 4, 2001
- (23) July 2, 2001
- (24) November 5, 2001
- (25) January 7, 2002
- (26) May 6, 2002
- (27) July 22, 2002
- (28) February 3, 2003
- (29) August 4, 2003
- (30) November 17, 2003
- (31) December 1, 2003
- (32) November 1, 2004
- (33) February 21, 2005
- (34) June 6, 2005
- (35) August 1, 2005
- (36) March 13, 2006
- (37) November 19, 2007
- (38) December 3, 2007
- (39) August 4, 2008
- (40) September 2, 2008
- (41) November 3, 2008
- (42) December 1, 2008
- (43) December 7, 2009
- (44) February 15, 2010
- (45) August 2, 2010
- (46) December 6, 2010
- (47) February 7, 2011

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PLANNING ORDINANCE
PERSON COUNTY, NORTH CAROLINA

ARTICLE I

SECTION 10 - AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by Section 340 of Chapter 153A of the General Statutes of North Carolina as amended; THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS.

SECTION 11 - PURPOSE

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. It is the intention of the Board of County 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, flood plain and drainage purposes, and the most appropriate use and occupancy of buildings, and by promoting good land use planning. This ordinance is enacted for the further purpose of 1) assuring clean, non-polluted drinking water, 2) protection of all our watersheds, 3) controlling hazardous waste, 4) orderly, planned growth vital to the economic future and livability of Person County, and 5) assuring adequate light and air.

ARTICLE II

TITLE

This ordinance shall be known and may be cited as The Person County Planning Ordinance.

ARTICLE III

SECTION 30 - WATER SUPPLY WATERSHED PROTECTION REQUIREMENTS

(Amended 2/15/2010)

30-1 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. (Amended 11/3/97)

In General, this will be accomplished by establishing Watershed Protection Overlay Districts 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. (Amended 11/3/97)

30-2 APPLICATION CRITERIA

The Watershed Protection Overlay Districts, as established in Section 30-4, overlay other zoning districts established in Article VII, Section 70 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. (Amended 11/3/97)

30-3 EXEMPTIONS.

30-3(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 nonconforming lots of record.

30-3(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 153A-344.1; 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.

30-3(c) Redevelopment of Project Sites. An existing development, as defined in Article III, Section 30-3(b), 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 from Article III.

30-3(d) Expansions of Existing or New Development. Expansions to existing development or new development are permitted as follows:

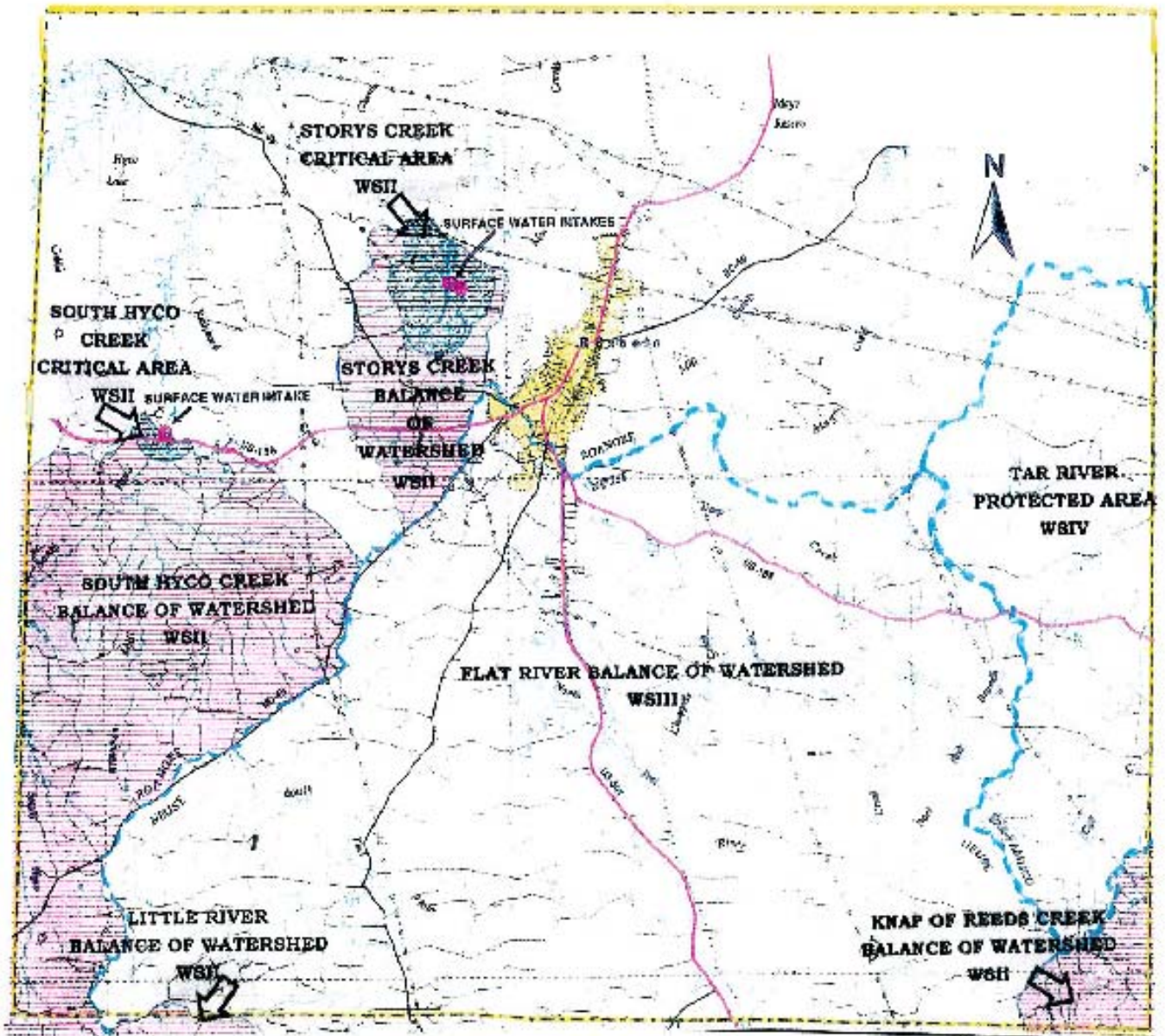
- (1) Expansions to single family residence built before January 1, 1994, are permitted without any restrictions from Article III; and
- (2) Expansions to all other structures classified as existing development must meet the requirement of Article III, except, the built upon area of the existing development 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 Article III.

30-4 ESTABLISHMENT OF WATERSHED OVERLAY DISTRICTS.

Eight (8) watershed protection overlay districts are hereby established, as listed in Table 30-4(a) land delineated on the "Official Person County Watershed Map", as adopted as referenced herein, for all lands within water supply watersheds of existing or potential drinking water supplies. All districts have been classified by the Environmental Management Commission as a WSII, WSIII, or WSIV water supply watershed. (Amended 11/3/97)

TABLE 30-4(a): WATERSHED PROTECTION OVERLAY DISTRICTS				
DISTRICT		CLASS	ACREAGE	GENERAL LOCATION
STORYS-CA	STORYS CREEK CRITICAL AREA	WSII	1,837	ONE-HALF MILE TO THE NORMAL POOL ELEVATION LAKE OR TO THE RIDGELINE WHICH EVER IS LESS
STORYS-BW	STORYS CREEK BALANCE OF WATERSHED	WSII	4,654	THE DRAINAGE BASIN OF STORYS CREEK WHICH IS LOCATED IN PERSON COUNTY
KNAP-BW	KNAP OF REEDS CREEK BALANCE OF WATERSHED	WSII	2,619	THE PORTION OF THE DRAINAGE BASIN OF KNAP OF REEDS CREEK (LAKE BUTNER) WHICH IS LOCATED IN PERSON COUNTY
LITTLE-BW	LITTLE RIVER BALANCE OF WATERSHED	WSII	74.00	THE PORTION OF THE DRAINAGE BASIN OF LITTLE RIVER RESERVOIR WHICH IS LOCATED IN PERSON COUNTY
HYCO-CA	SOUTH HYCO CREEK CRITICAL AREA	WSII	246.00	ONE-HALF MILE UPSTREAM FROM AND DRAINING TO THE INTAKE LOCATED IN SOUTH HYCO CREEK
HYCO-BW	SOUTH HYCO CREEK BALANCE OF WATERSHED	WSII	21646.00	THE PORTION OF THE DRAINAGE BASIN, SOUTH HYCO CREEK WHICH IS LOCATED IN PERSON COUNTY
FLAT-BW	FLAT RIVER BALANCE OF WATERSHED	WSIII	80074.00	THE PORTION OF THE DRAINAGE BASIN OF THE FLAT RIVER WHICH IS LOCATED IN PERSON COUNTY
TAR-PA	TAR RIVER PROTECTED AREA WATERSHED	WSIV	20117.00	THE PORTION OF THE DRAINAGE BASIN OF THE TAR RIVER WHICH IS LOCATED IN PERSON COUNTY

PERSON COUNTY
WATERSHED PROTECTION OVERLAY DISTRICTS



30-5 LAND USE RESTRICTIONS.

All uses allowed in the underlying zoning districts are permitted except as stated in Table 30-5(a).

TABLE 30-5 (a): LAND USE RESTRICTIONS.	
DISTRICT	RESTRICTION
HYCO-CA STORYS-CA	NO NEW LANDFILLS*
HYCO-BW KNAP-BW LITTLE-BW FLAT-BW	NO NEW DISCHARGING LANDFILL *
TAR-PA	
* In view of state regulations and in view of state requirements for a permit from the Division of Water Quality and the Division of Solid Waste, the <u>Person County Sludge Ordinance</u> , which restricted the application of residuals, was rescinded by the Person County Board of Health in September of 1997. (Amended 11/3/97)	

30-6 DENSITY AND BUILT UPON LIMITS**

All structures not exempted by Section 30-3, shall comply with density or built upon requirements listed in Table 30-6(a) or Table 30-6(b), as appropriate.

**TABLE 30-6(a):
RESIDENTIAL DEVELOPMENT**

**TABLE 30-6(b):
NONRESIDENTIAL DEVELOPMENT**

DISTRICT	RESIDENTIAL	NONRESIDENTIAL
STORYS-CA HYCO-CA	1 DU/2 AC OR 6% BUILT UPON AREA.	UP TO 6% BUILT UPON AREA.
STORYS-BW HYCO-BW KNAP-BW LITTLE-BW	1 DU/1 AC OR 12% BUILT UPON AREA UP TO 70% BUILT UPON AREA FOR ALL RESIDENTIAL USES OTHER THAN SINGLE FAMILY PROVIDED MINIMIZE BUILT UPON SURFACE AREA, DIRECT STORMWATER RUNOFF AWAY FROM SURFACE WATERS AND INCORPORATE BEST MANAGEMENT PRACTICES TO MINIMIZE WATER QUALITY IMPACTS IN 10% OF THE WATERSHED. (amended 5/16/2002)	UP TO 24% BUILT UPON AREA. UP TO 70% BUILT UPON AREA PROVIDED MINIMIZE BUILT UPON SURFACE AREA, DIRECT STORMWATER RUNOFF AWAY FROM SURFACE WATERS AND INCORPORATE BEST MANAGEMENT PRACTICES TO MINIMIZE WATER QUALITY IMPACTS IN 10% OF THE WATERSHED. (amended 5/6/2002)
FLAT-BW	1 DU/.5 AC OR 24% BUILT UPON AREA. UP TO 70% BUILT UPON AREA FOR ALL RESIDENTIAL USES OTHER THAN SINGLE FAMILY PROVIDED MINIMIZE BUILT UPON SURFACE AREA, DIRECT STORMWATER RUNOFF AWAY FROM SURFACE WATERS AND INCORPORATE BEST MANAGEMENT PRACTICES TO MINIMIZE WATER QUALITY IMPACTS IN 10% OF THE WATERSHED. (amended 5/6/2002)	UP TO 24% BUILT UPON AREA. UP TO 70% BUILT UPON AREA PROVIDED MINIMIZE BUILT UPON SURFACE AREA, DIRECT STORMWATER RUNOFF AWAY FROM SURFACE WATERS AND INCORPORATE BEST MANAGEMENT PRACTICES TO MINIMIZE WATER QUALITY IMPACTS IN 10% OF THE WATERSHED. (amended 5/6/2002)
TAR-PA	1 DU/.5 AC OR 24% BUILT UPON AREA.* 1 DU/.33 AC OR 36% BUILT UPON AREA ALLOWED FOR PROJECTS WITHOUT CURB/GUTTER*.	UP TO 24% BUILT UPON AREA*. UP TO 36% BUILT UPON AREA FOR PROJECT WITHOUT CURB & GUTTER.
* 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 WSIV WATERSHED.		
** REFER TO ARTICLE VII, TABLE 75-TABLE OF DIMENSIONAL REQUIREMENTS AND ARTICLE III, SECTION 30-9.		
(Amended 11/3/97; 5/6/2002)		

CLUSTER RESIDENTIAL DEVELOPMENTS.

(Amended 02/15/2010)

Cluster residential developments are permitted on a project by project basis in compliance with the Subdivision Regulations of Person County provided that:

- 30-7(a) Project Density. Overall project density does not exceed the requirements stated in this Article.
- 30-7(b) Minimum Lot Requirement. Lots meet minimum requirements stated in Article VII, Table 75 of the Planning Ordinance.
- 30-7(c) Open Space. The remainder of the tract shall remain in a vegetated or natural state. The owner or developer shall provide, through legally enforceable means, for the perpetual preservation of land as open space. Such mechanism shall be approved by the Zoning Administrator and may include, but shall not be limited to the recording of restrictive covenants or deeding of open space to the property owners' association. (Amended 11/3/97)
- 30-8 Buffer areas.

Buffers adjacent to perennial waters and public supply impoundments shall be provided as follows:

- 30-8(a) Perennial Waters. A minimum of a fifty (50) foot vegetative buffer, unless otherwise stated in this Article, 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 stream or landward from the normal pool elevation of the perennial water. Projects that exceed the allowed built upon area shall provide a one hundred (100) foot vegetative buffer along perennial waters.

Plats to contain the following language: "Written authorization from the North Carolina Division of Water Quality may be required for activities that are proposed to occur within the fifty foot Neuse River Riparian buffer. Local program approvals do not authorize activities within the riparian buffer".

Whenever conflicts exist between Federal, State or Local laws, ordinance or rules, the more restrictive provision shall apply.
(Amended 2/15/2010)

- 30-8(b) Public Water Supply Impoundments. A minimum fifty (50) foot buffer, as measured from the normal pool elevation, is required for all public water supply impoundments.

30-8(c) Development within the Buffer area. 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. (Amended 11/3/97)

30-9 WASTE WATER AND SEWAGE DISPOSAL

All residential, commercial, and industrial waste water and sewage disposal shall be governed by applicable NC General Statues.

30-10 ACTIVITIES WITHIN WATERSHED PROTECTION OVERLAY DISTRICTS.

All activities within a water supply watershed shall comply with North Carolina Rules Governing Public Water Supplies, 15A NCAC 18B .1100, .1200 and .1500.

30-11 WATERSHED PROTECTION OVERLAY DISTRICT BOUNDARY INTERPRETATION.

Where uncertainty exists as to the location of a Watershed Protection Overlay District Boundary, interpretations shall be made in accordance to Article V, Sections 50-2(a), (b), (c), and (d) of the Planning Ordinance. (Amended 11/3/97)

30-12 BEST MANAGEMENT PRACTICES (BMP) REQUIRED.

DISTRICT	LAND USE
STORYS-CA HYCO-CA	AGRICULTURAL ¹ , FORESTRY ² , TRANSPORTATION ³
STORYS-BW HYCO-BW KNAP-BW LITTLE-BW FLAT-BW TAR-PA	FORESTRY ² , TRANSPORTATION ³
<p>¹</p> <p>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</p> <p>²</p> <p>SILVICULTURE ACTIVITIES ARE SUBJECT TO THE PROVISIONS OF THE FOREST PRACTICES GUIDELINES REGULATED TO WATER QUALITY (15A NCAC 11.0101-.0209) AS NC DIVISION OF FOREST RESOURCES AND EXISTING ENVIRONMENTAL MANAGEMENT COMMISSION RULES ADMINISTERED BY THE N.C. DIVISION OF WATER QUALITY. (Amended 11/3/97)</p> <p>³</p> <p>THE DEPARTMENT OF TRANSPORTATION 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.</p>	

30-13 ADMINISTRATION.

30-13(A) APPEALS

Decisions of the Zoning Administrator in the implementation of this Article may be appealed to the Person County Board of Adjustment in accordance with Article XIV of this Ordinance.

30-13(B) VARIANCES. (Amended 11/3/97)

- (1) A request for a Minor Variance from the State Watershed Protection Rules shall be reviewed by the Person County Board of Adjustment in accordance with Article XIV of this Ordinance.
 - (a) In addition to the notification requirements stated in Article XIV, Section 143-2 of this Ordinance, the Zoning 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.
 - (b) Local governments receiving notice of the variance request may submit comments to the Zoning Administrator prior to a decision by the Person County Board of Adjustment.
 - (c) Before the Board of Adjustment may grant a minor variance, it shall make the findings of fact required in Article XIV, Section 142-1 (b) or (c).
 - (d) In accordance with Article XIV, Section 142-1(d) of this Ordinance, 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.
 - (e) Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Person County as stated in Article XIV, Section 144 of this Ordinance.
 - (f) Records of minor variance shall be forwarded to the Division of Water Quality for each calendar year, on or before January 1st of the following year.
- (2) 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:

- (a) 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.
- (b) 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.
- (c) The Board of Adjustment shall prepare a final decision in accordance with the Environmental Management Commission's decision.

30-14 Density Averaging. (added 8/4/03)

Density averaging involves the use of two noncontiguous parcels and is based on the idea that the development plans for a pair of parcels can be submitted together and treated as a single project for purposes of these regulations. The amount of development allowed for the paired parcels taken together cannot exceed the amount of development that would be allowed if the parcels were developed separately.

- a) A Special Use Permit shall be obtained from the Planning Board sitting as the Watershed Review Board to ensure that both parcels considered together meet the standards of the ordinance and that potential buyers have notice of how the watershed regulations were applied to the parcel pair. Only buyers of both of the paired parcels may submit the application for Special Use Permit. A site plan for both parcels must be submitted and approved as part of the Special Use Permit. If such a permit is granted, no change in the development proposal authorized for either parcel shall be made unless the permit is amended. Upon issuance of such permit, one copy will be forwarded to the Local Government Assistance Unit of the Division of Water Quality. Included with the Special Use Permit will be a site plan, registered plats for both properties, a description of both

properties and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

- b) Parcel pairs being submitted for approval under this provision shall be submitted for development approval as a single unitary proposal.
- c) Sufficient information shall be submitted so that it may be determined that overall density of the paired parcel averaged density development, calculated either by dwelling units per acre or built upon area, shall not exceed the density that would be allowed if the parcels were developed separately. The parcel pair shall be preferably in the same drainage area of the watershed. Parcels to be used in pairs may be located in the Balance of Watershed, Protected or Critical Areas. However, if one of the parcels is located in the Balance of Watershed or Critical Area and one is located in the Protected area, the Critical Area parcel shall not be developed. Density Averaging is not allowed between two parcels when both are in the Critical Area.
- d) Buffers shall at a minimum meet the appropriate minimum statewide water supply watershed protection requirements on both parcels in the parcel pair according to the density of development occurring on each parcel.
- e) Sufficient information shall be submitted so that it may be demonstrated that the parcels are designed to:
 - 1) Minimize storm water runoff impact to the receiving waters by minimizing concentrated storm water flow;
 - 2) Maximize the use of sheet flow through vegetated areas;
 - 3) Minimize impervious surface areas;
 - 4) Locate development away from surface waters and drainage ways to the maximum extent practicable; and
 - 5) Convey storm water from developed areas by vegetated swales to the maximum extent practical.
- f) The undeveloped parcel(s) or portion(s) thereof shall remain in a vegetated or natural condition and shall be placed in a permanent conservation easement granted under G.S. 121-35 to the County, a land conservation organization or other entity capable of providing for the ongoing maintenance of the undeveloped property.
- g) Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed for so long as the requirements of this section are applicable.

Parties to enforcement of such agreement shall include Person County. No such agreement shall be accepted without approval of the County Attorney as to the legal sufficiency of the documents involved.

- h) Undeveloped land areas proposed for incorporation into the density or impervious coverage area calculations shall meet the following criteria:
 - 1) Projects in the Balance of Watershed or Protected Area may incorporate undeveloped land elsewhere in the Balance of Watershed, Protected Area or Critical Area. The amount of additional undeveloped acreage required shall be determined by dividing the appropriate density or impervious coverage area factor into the number of dwelling units or impervious coverage area in excess of the amount permitted on the project site by these regulations to determine the amount of other land to be reserved as undeveloped so that the overall density or intensity of the project shall not exceed the density or intensity that would be allowed if the parcels were developed separately.
 - 2) Projects in the critical area may not utilize density averaging. (Delete this item, already included in C)
 - 3) Undeveloped land included to meet the requirements of one project shall not be included as meeting the requirement of any existing or proposed project nor shall any land included in a parcel pair for which a watershed variance has been granted or would be required.
 - 4) The preservation of undeveloped floodplain land, steep slopes, or other environmentally sensitive lands within the Critical Area for this purpose is encouraged. All such land shall be properly vegetated.
- i) The Planning Board sitting as the Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the plan as a whole conforms to the intent and requirements of this section, and that the proposed agreement assures protection of the public interest and achievement of the objectives of this section.
- j) At the time of the issuance of the Zoning Permit, the Special Use Permit and conservation easement, shall be caused to be recorded by the Planning Director in the office of the Register of Deeds and filed with the offices of the Planning Director, Building Inspector and the City Clerk. Notations shall be made by the Planning Director on the official Zoning Map and the approved development plans and or plats for future guidance in administration and as a public record.

- k) The pattern of development and the agreement between the owners shall not be changed except by the issuance of a new or amended Special Use Permit in the manner herein established.

Definitions:

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.

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 provision of this ordinance.

Parcel Pair – Two noncontiguous parcels of land under the same or separate ownership, or two continuous parcels of land under separate ownership, the development plans for which have been submitted in tandem so as to qualify for density averaged development permission under this Section.

Undeveloped Parcel – The parcel in a parcel pair that is not developed.
(added 8/4/2003)

ARTICLE IV

The provisions of this ordinance shall apply to all land as shown on the Official Planning Map(s) of Person County, North Carolina. 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.

On-site marketing of farm products produced on the premises shall be exempt from the provisions of this Ordinance where compliance with Table of Permitted Uses, Note One is assured.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

SECTION 50 - INTERPRETATION OF DISTRICT BOUNDARIES

- 50-1 The locations and boundaries of each of the planning districts shall be shown on the map accompanying this ordinance and made a part hereof, entitled, "Official Planning Map, Person County, North Carolina," dated __, and adopted by the Board of County Commissioners. The Planning Map and all the notations, references and amendments thereto, and other information shown are hereby made a part of this ordinance. The Planning Map shall be kept on file in the office of the Planning and Zoning Administrator and shall be available for inspection by the public.
- 50-2 Where uncertainty exists with respect to the location of certain boundaries of districts as shown on the Official Planning Map, the following rules shall apply:
- 50-2(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.
- 50-2(B) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- 50-2(C) Distances not specifically indicated on the Official Planning Map shall be determined by the scale of the map.
- 50-2(D) Where physical and cultural features existing on the ground are at variance with those shown on the Official Planning Map, or in other circumstances not covered by subsections 50-2(a) through 50-2 (c) above, the Board of Adjustment shall interpret the district boundaries.
- 50-2(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 two hundred and fifty (250) feet beyond the district line into the remaining portion of the lot.

ARTICLE VI

APPLICATION OF DISTRICT REGULATIONS

SECTION 60 - GENERAL REGULATIONS

(Amended 11/17/2003; Amended 08/2/2010)

- 60-1 Except as hereinafter provided, the regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- 60-2 Notwithstanding nonconforming uses as herein defined, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof, shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations as specified herein for the district in which it is located.
- 60-3 No part of a yard or other open space required about or in connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard or other open space similarly required for any other building or use.
- 60-4 No yard setbacks or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.
- 60-5 Unless otherwise specified in this ordinance, accessory buildings may be allowed within five (5) feet of rear and side yard lot lines provided they are five (5) feet or more from the main structure.
- 60-6 Unless otherwise specified by this ordinance, every principal building hereafter erected or moved shall be located on a separate lot and in no case shall there be more than one principal building and three permitted accessory buildings on all lots under three (3) acres. There shall be allowed one additional accessory building for every acre over three (3) acres. Industrial operations located in the GI district shall be exempted from this provision. (Amended 11/17/2003)
- 60-7 Campers and Recreational Vehicles shall not be used for dwelling purposes on individual lots but can be stored provided they are registered to the owner of the lot and there is an existing dwelling. There shall only be one camper/recreational vehicle stored per lot. A Conditional Use Permit will be required for storage of more than one camper/recreational vehicle and property owner and camper/recreational vehicle owner must be the same.
(Added 8/2/2010)
- 60-8 Use of one camper/recreational vehicle shall be permitted as an accessory dwelling on an improved lot or on an unimproved lot or tract for a period not to

exceed two continuous weeks. A four week interval shall be required between each allowed use. A tract of land owned by a single owner may not be subdivided into multiple lots for the purpose of evading this section.

(Added 8/2/2010)

- 60-9 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 non compliance with any building or environmental law, rule or ordinance. (Added 8/2/2010)

ARTICLE VII

DISTRICT REGULATIONS

(Revised 8-17-92)

SECTION 70 - DESCRIPTION OF GENERAL USE AND SPECIAL USE DISTRICTS

70-1 The following general use zoning districts are hereby established:

70-1(A) R Residential District: The purpose of this district is to provide for single family residential uses and compatible development.

70-1(B) B-2 Neighborhood Shopping: 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.

70-1(C) B-1 Highway Commercial Business District: 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.

70-1(D) GI General Industrial District: The purpose of this district shall be to provide suitable locations for service, manufacturing and warehousing activities which are non-noxious.

70-1(E) AP Airport District: The purpose of this district shall be to provide an overlay district which establishes land use regulations for areas adjacent to the Person County Executive Airport. Specific requirements for the Airport District are set forth in **ARTICLE IX, SECTION 91 and SECTION 92.**

70-1(F) R-C Rural Conservation District: The purpose of this district shall be to provide for only limited land use controls in areas with limited nonagricultural development.

70-2 The following Special Use Districts are hereby established.

70-2(A) A Special Use District, bearing the designation SU, is hereby established as a companion district for every district established in Section 70-1 (a-f). These districts are SU-R, SU-B-2, SU-B-1, SU-GI, SU-AP, and SU-R-C. All regulations which apply to a general use zoning district also apply to the companion special use 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.

70-3 PURPOSE OF SPECIAL USE DISTRICTS.

If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the applicant may apply for rezoning to a Special Use District bearing the same designation as a standard zoning district but subject to additional conditions. The applicant shall apply simultaneously for the rezoning and Special Use Permit and shall in such application specify the nature of the proposed development. Such application shall also include all requirements of special use permit applications as detailed in the remainder of this section and in Section 74 of this ordinance and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

GENERAL REQUIREMENTS

70-3(a) (A) Special Use District Application:

A Special Use District Application shall be considered only upon request by the applicant(s).

(B) Other Regulations Apply:

Within a Special Use District, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

(C) Conditions.

The conditions imposed may limit the uses which are permitted on the property to some one or more uses(s) otherwise permitted in the zone. Such conditions may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer

areas and other special purpose areas, the timing of development, the location and extent of right-of-ways and other areas to be dedicated for public purposes, and other such matters as the applicant may propose or the County impose in consideration and approval of the request.

(D) Non-compliance to District and Permit Conditions:

Any violation of a condition included in the approval of a Special Use Permit within a Special Use District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, being that any use permitted in a Special Use District is permitted only subject to the specified conditions.

70-3(B) Procedure.

Applications for Special Use Districts shall be processed, considered, and voted upon in the same procedure as that required for zoning amendments.

SECTION 71 - TABLE OF PERMITTED USES

(SEE APPENDIX C)

**CONDITIONAL AND SPECIAL USES
SECTION 72 - OBJECTIVES AND PURPOSE**

72-1 Nature and Purpose: Conditional and Special uses add flexibility to the Planning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in several districts where those uses would not otherwise be acceptable. By means of controls exercised through the Conditional and Special Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

**SECTION 73 - PROCEDURE FOR CONDITIONAL USE
PERMITS APPROVED BY THE BOARD OF ADJUSTMENT**

(As Amended 11/18/91; 8/7/00; 11/17/03)

- 73-1 A Conditional Use Permit may be issued by the Person County Zoning Administrator after approval by the Board of Adjustment. The application for a Conditional Use Permit shall accompany the application for a zoning permit and/or Certificate of Occupancy/Compliance. The Zoning Administrator shall require signs to be posted on the property according to Section 160-4. The application for the Conditional Use Permit shall be filed four (4) weeks prior to the date of review by the Board of Adjustment. In approving the permit, the Board of Adjustment shall find: (Amended 8-7-00; 11/17/2003)
- (a) that the use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;
 - (b) 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 adopted development plans for the County.
- 73-2 In approving the Conditional Use Permit the Board of Adjustment may designate such conditions, which will assure that the use in its proposed location will be harmonious and with the spirit and intent of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and also on the Conditional Use Permit. All conditions shall run with the land and shall be binding on the original applicant for the Conditional Use Permit, the heirs, successors and assigns. In order to ensure that such conditions and requirements of each Conditional Use Permit will be fulfilled, the petitioner for the Conditional Use Permit may be required to provide physical improvements required as a basis for the issuance of the Conditional Use Permit.
- 73-3 If the Board of Adjustment denies the Conditional Use Permit, the reasons for the denial shall be entered in the minutes of the meeting at which the permit is denied.
- 73-4 Additional conditions may be imposed by the Board of Adjustment where deemed to be reasonable and appropriate. Conditional Uses shall comply with the height, yard area, and parking regulations of the zone in which they are located, including, but not limited to, adequate access.
- 73-5 In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit within a reasonable time in the opinion of the Zoning Administrator, the permit

shall become void and of no effect. No building permits for further construction or Certificate of Occupancy/Compliance under the Conditional Use Permit shall be issued, and the use of all completed structure shall immediately cease and not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

- 73-6 In the discretion of the Zoning Administrator, Site Plans may be required to be submitted and approved as part of the application for a Conditional Use Permit. Modifications of the original plans may be made by the Board of Adjustment.
- 73-7 Site Plans may be required to include the location of existing and proposed buildings and buildings 100 feet adjacent thereto, layout of parking spaces, street lights, signs, contours at 10 foot intervals, proposed points of ingress and egress, proposed screenings or plantings, provisions for water and sewer disposal and vicinity map.
- 73-8 At the applicant's discretion, he or she may also submit a site specific development plan and make application to the Board of Adjustment for a vested right status for the proposed use or development project. Vested right status for the proposed use or development project may be applied for jointly with the conditional use permit application or may be requested at a later date.
- 73-8.1 Vested right status shall guarantee the right to develop according to the provisions of the granted conditional use permit and approved site specific development plan for a period up to and including two (2) years from the date of approval. Any guaranteed right to develop period greater than two (2) years and up to a maximum of five (5) years shall be at the discretion of the Board of Adjustment.
- 73-8.2 Vested right status for the proposed use or development project may be granted only after a public hearing is conducted by the board of Adjustment. Such public hearing may be conducted in conjunction with the Board's public hearing on the conditional use permit application or at the time application for a vested right is submitted. Notification and advertisement of such public hearing shall occur in the same manner as is designated for conditional use permit applications.
- 73-8.3 Approval of a site specific development and the granting of vested right status shall not occur under circumstances where a variance from the provisions of this ordinance is necessary except in cases where such variance has been previously applied for granted.
- 73-8.4 The vested right granted under the approval of a site specific development plan is not a personal right, but shall attach to and run with the applicable property. All development, whether by the original applicant and/or landowner and/or successors, shall occur as originally designated and approved on the site

specific development plan unless modifications are submitted to and approved by the Board of Adjustment.

- 73-8.5 The establishment of a vested right under an approved site specific development 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.
- 73-8.6 The establishment of a vested right under an approved site specific development plan shall preclude the expiration of a building permit shall remain valid until the expiration or termination of the vested right to develop period.
- 73-8.7 A vested right established by an approved site specific development 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; or
 - b. with the written consent of the applicant and/or landowner; or
 - c. upon findings by the Board of Adjustment, after 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 development plan; or
 - 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; or
 - e. upon findings by the Board of Adjustment, 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 alter the original approval of the Board of Adjustment of the site specific development plan; or

- f. upon changes in state or federal law or regulation that preclude the proposed use or development project as originally approved in the site specific development plan. The owner and/or applicant shall have the opportunity in this instance to submit appropriate applicable modifications to the original site specific development plan for the Board of Adjustment's approval in order to allow the vested rights status for the use or development project to remain valid.

73-8.8 Nothing in this ordinance shall require the Board of Adjustment to grant a vested right to develop in conjunction with the approval of a conditional use permit. Nothing shall preclude subsequent reviews and approvals of site specific development plans by the board to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval. Nothing in this ordinance shall prohibit the Board of Adjustment from the revocation of the original approval or from other remedies for failure to comply with the applicable terms and conditions of all approvals or of this ordinance. (Amended 11-18-91)

SECTION 74 - PROCEDURE FOR SPECIAL USE PERMITS

(Amended 11-18-91, 11/06/95, 3/18/96, 11/3/97; 7/2/2003, 7/22/02; 9/02/2008; 8/2/2010)

- 74-1 Special Use Permits may be issued by the County Commissioners for the uses mentioned under the Special Uses as pertains to each district.
- A. An application for a Special Use Permit must be accompanied by a site plan, prepared by a North Carolina registered land surveyor, engineer, or architect. The site plan, drawn to scale, shall depict the following: (amended 9/2/2008)
 - 1) The boundary of the lot(s) to be developed labeled with bearings and distances, total gross land area, location of easement(s), utilities, adjacent road name(s) and number(s);
 - 2) Name of project, property owner and applicant, vicinity map, north arrow, scale, date of plan preparation and subsequent revisions dates;
 - 3) Topography of site, at contour interval no greater than ten (10) feet, location of perennial and intermittent waters, 100 year flood plains;

- 4) Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred feet adjacent thereto;
- 5) Proposed points of ingress and egress together with the proposed pattern of internal circulation;
- 6) Existing and proposed parking spaces;
- 7) Proposed provisions for water supply and sewage disposal;
- 8) If the site is located in a designated drinking water supply watershed, the plan shall also:
 - (a) depict the location of existing (labeled according to the date of establishment) and proposed impervious surfaces and respective totals in square feet;
 - (b) the total land area of the lot(s) outside of the road right-of-way(s) in square feet.

The property owner and/or applicant shall have the burden of proving that the proposed special use will not materially injure the value of adjoining or abutting property.

- B. In additions to requirements listed in Section 74-1A, a special use permit site plan for a radio, telephone or television tower must show compliance with Note 9 of this ordinance. (Amended 7/1/2002)

74-1B In addition to requirements listed in Section 74-1 A, a Special Use Permit site plan for a camper/recreational vehicle park must show compliance with the following in addition to meeting the requirements of Section 81 (Site Plan Requirements):

1. A minimum lot size of two acres is required.
2. Density to be 2500 square feet for each tent or trailer space.
3. A minimum undisturbed fifty foot buffer from all property lines.
4. Each campsite shall contain a stabilized parking pad of either pavement or gravel and one off-street parking space.
5. A sanitary source of drinking water shall be not more than 200 feet, toilet facilities not more than 400 feet and wash houses not more than 1500 feet from any tent or trailer space. This provision shall not apply where

community water and sewer connections are provided to trailers having self contained kitchens and bathroom facilities.

(added 8/2/2010)

Upon receiving such application, the Zoning Administrator shall give notice of a public hearing on the application, in the same manner as is required for the hearing on an amendment to this ordinance. (Section 160-Amendment) (amended 7/22/02)

74-2 The Planning Board and County Commissioners shall each hold a public hearing at which all interested persons shall be permitted to testify. (amended 7/22/02)

74-3 The Planning Board shall forward its recommendation to the County Commissioners within sixty (60) days after the meeting at which the application is heard. (amended 7/22/02)

74-4 On receiving the recommendation of the Planning Board, the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:

(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 comprehensive plan.

74-5 In granting the permit, the Planning Board may recommend and the County 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.

- 74-6 If the Planning Board recommends the disapproval of the Special Use Permit, and if the County Commissioners denies the permit, each body shall enter the reasons for its action in the minutes of the meeting at which the action is taken.
- 74-7 No appeal may be taken to the Board of Adjustment from the action of the County Commissioners in granting or denying a Special Use Permit. Any such action by the County Commissioners shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewable only in the same manner as action on a proposed amendment.
- 74-8 In addition to the specific conditions imposed by the regulations in this Article and whatever additional conditions the County 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.
- 74-9 In the event of failure to comply with the plans approved by the County Commissioners or with any other conditions imposed upon the Special Use Permit within a reasonable time in the opinion of the Zoning Administrator, the permit shall thereupon become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use shall be issued.
- 74-9.1 At the applicant's discretion, he or she may also submit a site specific development plan and make application to the Planning Board and County Commissioners for a vested right status for the proposed use or development project. Vested right status may be applied for jointly with the special use permit application or may be requested at a later date.
- 74-9.2 Vested right status shall guarantee the right to develop according to the provisions of the granted special use permit and approved site specific development plan for a period up to and including two (2) years from the date of approval. Any guaranteed right to develop period greater than two (2) years and up to a maximum of five (5) years shall be at the discretion of the County Commissioners.
- 74-9.3 Vested right status for the proposed use or development project shall be granted only after a public hearing is conducted by the Planning Board and County Commissioners. Such public hearing may be conducted in conjunction with the Boards' public hearing on the special use permit application or at the time application for vested right is submitted. Notification and advertisement of such public hearing shall occur in the same manner as is designated for special use permit applications.

- 74-9.4 Approval of a site specific development plan and the granting of vested right status shall not occur under circumstances where a variance from the provisions of this ordinance is necessary except in cases where such variance has been previously applied for and granted.
- 74-9.5 The vested right granted under the approval of a site specific development plan is not a personal right, but shall attach to and run with the applicable property. All development, whether by the original applicant and/or landowner and/or their successors, shall occur as originally designated and approved on the site specific development plan unless modifications are submitted to and approved by the board of County Commissioners.
- 74-9.6 The establishment of a vested right under an approved site specific development 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.
- 74-9.7 The establishment of a vested right under an approved site specific development plan shall preclude the expiration of a building permit and such building permit shall remain valid until the expiration or termination of the vested right to develop period.
- 74-9.8 A vested right established by an approved site specific development 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; or
 - b. with the written consent of the applicant and/or landowner; or
 - c. upon findings by the County Commissioners, after 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 development plan; or
 - 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; or

- e. upon findings by the County 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 County Commissioners of the site specific development plan; or
- f. upon changes in state or federal law or regulation that preclude the proposed use or development project as originally approved in the site specific development plan. The owner and/or applicant shall have the opportunity in this instance to submit appropriate applicable modifications to the original site specific development plan for the Planning Board and County

Commissioners' approval in order to allow the vested rights status for the use or development project to remain valid.

74.9.9 Nothing in this ordinance shall require the County Commissioners to grant a vested right to develop in conjunction with the approval of a special use permit. Nothing shall preclude subsequent reviews and approvals by either Board of site specific development plans to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval. Nothing shall prohibit the County Commissioners from the revocation of the original approval or from other remedies for failure to comply with the applicable terms and conditions of all approvals or of this ordinance.

74-10 Modifications of Special Use Permits

The Zoning 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 Zoning 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;
6. Significant change in the amount or location of required landscape screening if an alternate proposal does not provide the same or greater degree.

**PERSON COUNTY
NORTH CAROLINA
PLANNING & ZONING DEPARTMENT
SECTION 75 - TABLE OF DIMENSIONAL REQUIREMENTS**
(Amended 9/16/91, 2/1/93, 6/15/98, 1/07/02; 8/4/08)

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For R, B-1, B-2, G1, and R-C Districts

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	Without Central Water & Sewer	With Central Water	With Central Sewer	With Central Water & Sewer	Planned Building & Group
Minimum Lot Size in Square Feet	43,560	20,000	15,000	6,000	8,000 sq. ft. (see note #1)
Minimum Lot Width in Feet	100	100	75	60	100
Minimum Front Yard Requirement in feet US/NC Highways (see notes 2,5,6) ALL OTHER ROAD TYPES (see note 2,5,6)	40*	40*	40*	40*	60
	25*	25*	25*	25*	
Minimum Side Yard Requirement in Feet *(See Note 1,2,6)	20	15	10	8	15 feet (see note #2)
Minimum Rear Yard Requirement in Feet *(See Note 3,6)	25	25	15	10	25
MINIMUM SIDE YARD REQUIREMENTS INTERSECTING US/NC (See Note 4,6) OR ALL OTHER ROAD TYPES (See Note 4,6)	40*	40*	40*	40*	60
	25*	25*	25*	25*	
MINIMUM REAR YARD REQUIREMENTS ON DOUBLE FRONTAGE LOTS (SEE NOTE 4,5,6)	50	50	35	25	25
Building Heights	50*	50*	50*	50*	50

NOTES:

* From right-of-way.

** Building exceeding 50 feet may apply for a special permit for approval. The following uses are not controlled by the height limitation: belfries, spires, cupolas, domes, monuments, observation towers, chimney, smokestacks, water towers, conveyers, flag poles, television and radio masts, aerials, and towers.

1. 8,000 square feet for first two dwelling units and 2,500 sq. ft. for each additional dwelling unit.
2. Minimum setback for the first story and 10 additional feet for each additional unit.
3. Zero (0) yard requirement adjacent to the contour line of Hyco Lake, Lake Roxboro (located on the Person/Caswell County line) and Mayo Lake.
4. Measured from the closest point of the building to the property line or right-of-way.
5. No structure need be setback more than the average of the two (2) directly adjacent primary use structures on either side.
6. Unenclosed stoops, decks and steps may extend into any required yard area no more than one half the required yard depth or width for lots without central water and sewer and with central water except no encroachment will be allowed adjacent to US or NC Highways. (added 8/4/2008)

SECTION 76 - SETBACK REQUIREMENTS

76-1 Where a B-1, B-2, or GI District abuts a R district all business or industrial uses which abut said districts shall be set back a minimum of 50 feet from the abutting exterior property lines.

CLUSTER DEVELOPMENT

(added 8/1/2005)

(amended: 12/07/09)

Section 77-1 Purpose

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 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.

Section 77-2 Minimum Subdivision Site Size

Clustering of lots shall not be allowed on any tract of land less than ten (10) acres in size.

Section 77-3 Minimum Lot Size

All lots shall be a minimum of 6,000 square feet of usable land (not to include any right of way or easements). For single-family or multi-family attached structures, there shall be no minimum lot area. (Amended: 12/07/09)

Section 77-4 Setback Requirements

A. The minimum building setbacks for single family detached dwellings are as follows:

- Front yard on Subdivision main artery; 25 feet
- Front yard on cul-de-sac or parking lots; 10 feet
- Rear yard; 15 feet
- Side yard; 8 feet

B. Minimum building setback for single family attached dwellings or multifamily structures are as follows:

- Front yard; 25 foot minimum for single family detached. Multi-family; 25 foot minimum for first story and 10 additional feet for each additional story.
- Rear yard; 10 feet
- Side yard; can be reduced to zero
- All setbacks shall be shown on the plat.

Section 77-5 Accessory Structures

- A. Accessory Structures are allowed only on lots of 20,000 square feet or more and only one structure per lot.
- B. All setbacks for accessory structures must be in compliance with Section 75.

Section 77-6 Minimum Road Design

Roads may be designed to meet NCDOT specifications for subdivisions, Traditional Neighborhood Development Guidelines (TND) or to a lesser design approved by the County Commissioners. All roads are to 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.

All Cluster Development shall have access off of a NCDOT Secondary Road, State or Federal Highway.

Section 77-7 Open Space

Land within the subdivision site not contained in lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total are of parcels dedicated or reserved as permanent open space shall make up at least thirty (30) percent of the subdivision.

- A. The open space shall be subject to a Conservation Easement conveyed to Person County setting aside the said open space from future development and, in areas subject to Watershed Ordinances, the said conservation easement shall limit use as it relates to water quality regulations. The title to the open space shall be conveyed to a property owner's association, homeowners' association or other legal entity (public agency or nonprofit organization) that is capable of and willing to accept responsibility for managing open space for its intended purpose.
- B. Ownership of the Open Space is not restricted but any transfer of ownership of this property is subject to the conservation easement and any other conditions of the special use permit which created the Open Space.

- C. The design of the open space shall consider protecting water quality, conserving farm and forest land, providing wildlife habitat and preserving the natural aesthetics of the area.

ARTICLE VIII

SECTION 80 - PLANNED BUILDING GROUP REGULATIONS

Commercial and Residential

(Amended 5/6/2002)

- 80-1 A planned building group shall be a special use. The development shall be on a minimum of a 2-acre lot. It shall be exempt from the lot and yard dimensional requirements of this ordinance provided that the intensity of the development is no greater and the preservation of open spaces no less than allowed for other development in the same district. (Revised 1/11/96)
- 80-2 Proposals for planned building groups (exclusive of mobile home parks) shall be submitted to the Planning Department at least four (4) weeks prior to the regular monthly Planning Board meeting at which it is to be reviewed. The Planning Board shall forward a recommendation to the Board of County Commissioners for their consideration. A planned building group shall be permitted only upon approval of the County Commissioners.

The following Planned Group Regulations shall be adhered to:

- A. Site Plans are required and must show the following:
- 1) Proposed provisions for storm drainage and sanitary sewage as approved by the appropriate governmental agency.
 - 2) Size and proposed location of any signs.
 - 3) Proposed water system and fire fighting facilities such as hydrants and sprinkler connections.
 - 4) Proposed solid waste facilities.
 - 5) The location, dimensions and type of surfacing for drives, sidewalks, malls, etc. All parking and travel ways to be paved.
(amended 5/6/2002)
 - 6) The location and heights of all fences, walls and hedges.
 - 7) Show proposed water and sewer lines and size.
(amended 5/6/2002)
 - 8) Lighting plans inclusive of wattage and illumination.

- 9) Location of traffic control devices.
- 10) Location and amount of recreation areas.
- 11) Location and approximate size of existing and proposed structures within the site and all buildings and structures within 500 feet in addition to public or private easements or right-of-ways adjoining or intersecting such property.
- 12) Location and extent of proposed parking and loading areas.
- 13) Land contours at 10-foot intervals.
- 14) Proposed points of ingress and egress and proposed patterns of internal automobile and pedestrian circulation.
- 15) Proposed schedule of development.

Upon the recommendation of the Planning Department, the Board of County Commissioners may require submission of the following information as a condition to the granting of a Planned Building Group/Special Use Permit:

- 1) The slope, grade and cross-section of drives, sidewalks, malls, etc.
- 2) Profiles of publicly maintained water and sewer lines.
- 3) Profiles, cross-sections and slopes of on-site and off-site ditches carrying water run-off.
- 4) Erosion and Sediment Control Plans.
(amended 5/6/2002)

B. Parking and loading

Off-street parking shall be provided in ratio to two and one-half (2 1/2) spaces per family unit for residential groups and at a ratio of one-half (1/2) parking space per 100 square feet of building area for planned business groups. One loading space for each 10,000 square feet of enclosed building space must be provided in planned commercial building groups. All parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.

C. Screening and fencing

A screen not less than six feet high of dense plant material and/or fence may be required.

D. Recreation areas for planned residential groups

Play areas shall be provided for all apartment and condominiums with over five (5) dwelling units. A minimum play area of 2,000 square feet having a minimum width of 40 feet shall be provided for the first six (6) to twenty-five (25) dwelling units. An additional fifty-six (56) square feet of recreation area shall be provided for each unit in excess of twenty-five (25) units. The distribution and number of individual play areas shall be determined by the arrangement of the units, topography and other physical features. Swimming pools and their accessory areas shall not constitute any part of the open space requirements and no part of the required play area shall be used for any other purpose.

E. There shall be maintained at least thirty (30) linear feet of open space between individual buildings in a residential building group.

F. Where the length of a dead-end street exceeds two hundred (200) feet and where there exists six (6) or more dwelling units, an area must be provided for the turnaround of fire fighting vehicles on a stabilized surface. This area shall not be used for parking.

G. Locations for fire hydrants must be shown within 1000 feet, as measured along the access drive from every dwelling unit in a residential building group. All hydrants must be served by a water main of sufficient size. In no case shall the minimum size main be less than six (6) inches in diameter.

SECTION 81 – SITE PLAN REQUIREMENTS

For Commercial and Industrial Uses (Added 12/01/03)

Statement of Intent: The purpose of these requirements is to promote the orderly development of certain activities within the county and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians.

81-1 The Planning Director may waive any requirement of this article provided it is not adverse to the purpose of this article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this article, or that the requirement is unreasonable. The Planning Director also may ask for additional information if deemed necessary by the Director to evaluate the site.

81-2 Site Plan Specifications:

- a. Every site plan shall be prepared in accordance with the following specifications:
 1. Shall be prepared by a North Carolina registered land surveyor, engineer or architect.
 2. The proposed title of the project and the name of the engineer, architect, surveyor and/or developer, the developer, and a signature panel for the Planning Director's approval.
 3. The north point, scale, date, and vicinity map. Tax Map and Parcel Number and Township.
 4. Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
 5. The present use of all contiguous or abutting properties.
 6. The boundaries of the property involved by bearings and distances.
 7. All existing property lines, existing street, buildings, watercourses, waterways or lakes and other existing physical features in or adjoining the project.
 8. Topography of the project area with contour intervals of ten feet or less.
 9. The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, and easements for these facilities. Location of proposed or existing fire hydrants.
 10. The location, dimensions and character of construction of proposed streets, alleys, driveways and the location, type and size of ingress and egress to the site.

11. The location of all existing and proposed off-street parking and parking bays, loading spaces and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces. All parking and travel ways shall be paved. Vehicular travel lanes or driveways shall not be less than twenty feet in width for two-way traffic and ten feet for one-way traffic.
12. The location, height, type and materials of all existing and proposed fences, walls, screen planting and landscaping details of all buildings and grounds, and the location, height and character of all outdoor lighting systems, inclusive of wattage and illumination.
13. The location of all proposed buildings and structures, accessory and main; number of stories and height, proposed general use for each building; and the number, size and type of dwelling units where applicable.
14. Proposed finished grading by contour supplemented where necessary by spot elevations.
15. One hundred year floodplain areas per FEMA.
16. The location, character, size, height and orientation of proposed signs.
17. The location and dimensions of proposed recreation, open space, and required amenities and improvements.
18. Location of proposed solid waste facilities.
19. Proposed schedule of development.
20. Show total impervious surface. Show Best Management Practices where applicable.

The Planning Director may request the following information:

1. The slope. Grade and cross-section of drives, sidewalks, malls, etc.
2. Profiles of publicly maintained water and sewer lines.
3. Profiles: Cross-sections and slopes of on-site and off-site ditches carrying water run-off.
4. Erosion and Sediment Control Plans.

- b. Parking and Loading.
Off-street parking shall be provided in ratio to two and one-half (2 ½) spaces per family unit for residential groups.
- c. Screening and Fencing.

A screen not less than six feet high of dense plant material and/or fence may be required.
- d. Where the length of a dead-end street exceeds two hundred (200) feet and where there exists six (6) or more dwelling units, an area must be provided for the turnaround of fire fighting vehicles on a stabilized surface. This area shall not be used for parking.
- e. Locations of fire hydrants must be shown within 1000 feet, as measured along the access drive from every dwelling unit in a residential building group. All hydrants must be served by a water main of sufficient size. In no case shall the minimum size main be less than six (6) inches in diameter.

(Added 12/1/03)

ARTICLE IX

SECTION 91 - AIRPORT OVERLAY DISTRICT REQUIREMENTS

TO LIMIT HEIGHT OF OBJECTS AROUND PERSON COUNTY AIRPORT

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 Executive 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 Person County Executive Airport;
- (2) that it is necessary in the interest of the public health, public 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.

91-1: RESERVED

91-2: AIRPORT ZONES

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Person County Executive Airport. Such zones are shown on the Person County Airport Zoning 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 in the Person County Planning Office. An area located in more than one of the zones is considered to be only in the zone with the more restrictive height limitation.

91-3: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow or property use permitted in any zone created by this Ordinance to a height which exceeds the height limitations established by the surfaces of these zones. These height restrictions supersede any other height restrictions in this ordinance.

91-4: USE RESTRICTION

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.

91-5: NONCONFORMING USES

1. Regulations Not Retroactive - 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 nonconforming use.

2. Marking and Lighting - The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the County Planner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the County of Person.

91-6: PERMITS

1. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.
2. Nonconforming Uses Abandoned or Destroyed - Whenever the County Planner determines that a nonconforming 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.
3. Variances - 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. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief 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) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

4. Obstruction Marking and Lighting - Any permit or 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 County of Person, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION 92 - AIRPORT OVERLAY NOISE EXPOSURE DISTRICT

- 92-1 The Airport Overlay Noise Exposure District 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 Overlay District Area shall be zoned General Industrial (GI) which will allow for compatible uses around the Airport.
- 92-2 The AP Overlay District regulates the area surrounding the Airport that has noise levels that may exceed 65 Ldn., as shown on the official Zoning Map.
- 92-3 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.
- 92-4 The following uses shall not be permitted in the AP Overlay District:
- Churches, Temples, Synagogues
 - Day Care Center
 - Dwelling, Single Family
 - Manufactured Homes
 - Modular Homes
 - Funeral Homes
 - Assemblies

ARTICLE X

NONCONFORMING USES

SECTION 100 - INTENT

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 nonconforming uses to continue until they are removed, but not to encourage their continuation. Any land use which was a violation of predecessor Person County Zoning Ordinances shall continue to be a violation of this ordinance and shall not be considered as a nonconforming use.

SECTION 101 - CONTINUATION OF NONCONFORMING USES

(Amended 11-17-92, Amended 5-7-01; Amended 11/17/03; Amended 2/03/03)

- 101-1 Nonconforming uses may not be changed to another nonconforming 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 nonconforming use.
- 101-2 No building may be extended or enlarged or the amount of land devoted to a use increased unless such extensions or enlargements comply with all the provisions of this ordinance.
- *101-3 Nothing in this ordinance shall be construed to prevent the reconstruction of any building, conforming or nonconforming, damaged by any means. However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. No reconstruction or new construction shall be allowed which creates any new or additional nonconformity than that which existed at the time of damage. *(Amended 11/17/92)
- 101-4 If a nonconforming use is discontinued for a period of 180 consecutive days or for more than eighteen months in any three-year period, the future use of the building or land must be a conforming use.
- 101-5 A nonconforming use may be changed to a use of a higher classification and whenever the use is changed to a higher or conforming classification then it shall not be allowed to change to the original use or to a lower use. For the purposes of this section, the order of classification of use, from the highest to the lowest shall be as follows: R, B-1, B-2, GI, and R-C.

- 101-6 If a nonconforming structure or a conforming structure devoted to a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall not exceed 60 percent of the cost of reconstructing the entire structure based on the assessed structure value, as recorded by the County Tax Assessor, it may be repaired or restored, provided such repair or restoration is started within six (6) months of the damage and completed within twelve (12) months. However, any nonconforming building which is damaged may only be replaced by a structure of equal or smaller size and square footage as that of the previous structure. Relief to the time limits may be granted by the Board of Adjustment. (added 11/17/2003)
- 101-7 A nonconforming structure or a conforming structure devoted to a nonconforming activity that is damaged by any casualty to an extend more than 60 percent of its assessed value, based on County Tax Assessor records, shall not be restored except as follows:
- a. As a conforming use.
 - b. If the use is a one-family dwelling, restoration shall be permitted, provided such restoration is begun within six months of the casualty and completed with 24 months of the casualty.
 - c. For structures except a one family dwelling, restoration of a non-conforming structure shall require approval by the Board of Adjustment. A site plan according to Section 80 will be required. In approving such permit, the Board will consider the stated purpose for establishing the zoning district in which the structure is located, the uses in the area immediately surrounding the structure in question, particularly the other nonconforming uses, and the hardship which would result from a denial of the Conditional Use Permit. The permit shall include conditions as to time for repair to be completed and any other conditions deemed necessary to carry out the intent of this section of the ordinance.
- 101-8 A nonconforming use may be extended or enlarged with a Special Use Permit provided that the addition is no more than 50 (fifty) percent of the original structure and a landscape buffer is provided to buffer the new portion from adjacent land owners and all setbacks, height, and area requirements of the Planning Ordinance are met. Single-family dwellings are exempt from Section 101-6. (amended 5/7/01; 2/3/03)

SECTION 102 - REPAIRS AND MAINTENANCE

- 102-1 Nothing in this ordinance shall prevent the restoring or strengthening of a nonconforming structure to a safe condition, provided that the square feet of the structure shall not be increased.
- 102-2 Should any nonconforming structure be moved for any reason within the Zoning Jurisdiction of Person County, it shall conform to the regulations for the district in which it is to be located.

SECTION 103 - NONCONFORMING LOTS OF RECORD

(Amended 2/1/93)

- 103-1 In any district, notwithstanding the dimensional requirements for the district in regards to lot width and minimum area, buildings may be erected on any legally created lot of record existing at the effective date of adoption to this ordinance. (Amended 5/20/91)

ARTICLE XI

SECTION 110 - OFF-STREET PARKING AND LOADING

(Amended 3/8/99; 9/2/2008)

(Added 8/4/2008)

- 110-1 Required off-street parking shall be provided on every lot or within a distance of 500 feet from the lot if such parking space cannot be reasonably provided on that lot. Each application for a Certificate of Occupancy/Compliance shall include information as to:
- location and dimensions of off-street parking and loading space;
 - distance between that parking/loading space and street or alley;
 - ingress and egress of the property.
- 110-2 An off-street parking space shall not be less than 9' x 18' per space. Twenty percent of required parking spaces to be for compact cars with a minimum size of 7.5' x 15'. (Added 8/4/2008) (Amended 9/2/2008)

110-3 The following off-street parking space shall be provided:
(Added 8/4/2008)

USE	REQUIRED OFF-STREET PARKING
Residence-Single Family	2 spaces
Residence, Duplex	4 spaces
Residence, Multi-Family	2 ½ Spaces for each dwelling unit
Offices	1 space for every 250 sq. ft. of gross floor area
Retail Business (Amended 11-18-91)	.7 of a space for every 200 sq. ft. of gross floor area
Churches	1 space for every 5 seating spaces in principal sanctuary
Auditoriums, Stadiums and Theaters	1 space for every 5 seats
Motels, Tourist Homes and Boarding Houses	1 space for every rental room
Hospitals and Nursing Homes	1 space for every bed space
Medical Clinics	4 spaces for each doctor plus 1 space for each employee
Wholesale Establishment, Warehouse and other businesses not catering to retail or package trade	1 space for every 3 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously
Industries	1 space for every 1.5 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously
Institutions and Clubs	1 space for every 5 seats in principal assembly room
Community or Private Swimming Clubs	1 space for every 5 memberships
Day Care Center	1 space for each adult attendant and 1 space for every six children or fraction thereof
Restaurants	1 space for each 5 seats
Assisted Living/Home for the Aged (amended 3/8/99)	1 space for every 2 bed spaces
Independent Living Facility (age restricted) (added 8/4/2008)	1 space per unit and 1 space per employee during maximum employment

ARTICLE XII

SIGNS

(Amended 3/17/97, 7/7/97)

(Added 7/2/2001)

SECTION 120 -- PURPOSE AND SCOPE

This article is intended to address the placement of signs within the county's jurisdiction for the following purposes: to promote traffic safety; 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 prevent the overcrowding of land; 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.

SECTION 121 -- SIGN COMPLIANCE

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 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 N.C. Department of Transportation. Any sign authorized in this article is allowed to contain non-commercial copy in lieu of any other copy. (Amended 7/7/97)

SECTION 122 -- SIGNS EXEMPTED

The following signs shall be exempt from regulations under this article, regardless of whether they may be considered "signs":

1. Commemorative tablets or signs, historical or memorial markers or monuments, erected by or with the permission of the Person County Board of Commissioners, Roxboro City Council or the N.C. Department of Transportation.
2. Any official traffic control or other public sign;
3. Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
4. Signs carried by people.
5. Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such structures.
6. Signs not visible from a public or private street.

SECTION 123 - TEMPORARY SIGNS

The following temporary signs do not require a zoning permit; however, these signs shall conform to the standards and provisions of this section and other applicable parts of this ordinance. Unless otherwise stated herein, temporary signs shall not exceed forty (40) square feet in area per sign face, or have more than one sign face per direction of travel or exceed six (6) feet in height.

1. Real estate signs.
2. Construction site identification signs.
3. Seasonal Agricultural Signs. Such signs may be erected for the purpose of advertising and directing potential patrons to the seasonal sale of agricultural products produced and offered for sale at bonifide farming operation. Seasonal agricultural signs may be erected not sooner than 30 days before the normal sales or harvest season and must be removed within 30 days after the normal sales or harvest season.
4. Signs erected in connection with elections or political campaigns. Political signs shall not be erected before the established filing date for an election nor allowed to remain longer thirty (30) days after the election.
5. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, air show, fund raiser, or similar event is to take place. Such signs may be erected not sooner than 30 days before the event and must be removed not later than 30 days after the event.
6. Yard sale sign. A sign not exceed 6 square feet may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.
7. Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.

SECTION 124 -- ON-PREMISE SIGNS
(added 7/2/2001)

An on-premise sign shall be an accessory use incidental to the principal land use; an on premise sign shall specifically comply with the following:

1. Area. The maximum area of all free standing on premises signs shall be 300 square feet. The area shall mean the surface area of a sign as computed in accordance with Section 131 herein.
2. Height. The maximum height of a free standing on-premise sign shall be 30'. The height shall mean the height of a sign as determined in accordance with Section 131 herein.
3. Setback. Setback. An on-premises sign shall meet the minimum setback requirement of fifteen (15) feet. (Amended 11/17/2003)
4. Number Permitted. One free standing on-premises sign shall be permitted per street frontage of a zoning lot.
5. For permitted commercial/industrial uses, total sign area for building mounted signs on building housing only one (1) tenant shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign shall be required to be less than forty (4) square feet, nor shall it exceed two hundred (200) square feet. Where frontage is on more than one street, each frontage shall be considered a separate frontage for the purpose of this section. (added 7/2/2001)
6. On lots containing buildings housing more than one tenant, sign are for building mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by the tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet. (added 7/2/2001)
7. For Planned Building Groups, building mounted signs are allowed for each tenant and shall not exceed two (2) square feet for each lineal foot of building. Signage to be approved in the Special Use Permit process (Article VIII, Section 80). (added 7/2/2001)
8. Awning signs are permitted provided that such sign shall be limited to the drop leaf portion and the maximum sign are is forty (40) square feet per sign. The area of all permitted awning signs shall be included in the area allowed for building mounted signage. (added 7/2/2001)
9. Marquee signs are permitted and may extend the full length of the marquee on theaters, auditoriums and assembly halls. Height of the message area may not exceed eight (8) feet and sign area may not exceed 200 square feet. Only one marquee sign per each establishment. (added 7/2/2001)

10. Fuel canopy signage is permitted provided the signage is limited to logo signs and shall not exceed twelve (12) square feet per canopy side. Signage is not allowed to exceed beyond the vertical edge of the canopy. (added 7/2/2001)
11. This section shall be deemed complied with if such on-premise signs are specifically included as part of sign plan approved as condition of, or pursuant to a special use permit.

SECTION 125 -- HOME OCCUPATIONS

A home occupation shall be permitted one sign professional or announcement sign per dwelling unit not exceeding six (6) square feet in area.

SECTION 126 -- SUBDIVISION AND MULTI-FAMILY DEVELOPMENT ENTRANCE SIGNS

At any entrance to a residential subdivision or multi-family development, there may be not more than two ground signs to identify or identifying such subdivision or development. A single face of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs located at a single entrance exceed 32 square feet.

SECTION 127 -- INDUSTRIAL PARK ENTRANCE SIGNS

At any entrance to an industrial park, there may not be more than two ground signs identifying the park. A single face of any such sign may not exceed 100 sq. ft., nor may the total surface area of all such signs located at a single entrance exceed 150 square feet.

SECTION 128 -- OFF-PREMISE ADVERTISING SIGNS

Off-premise advertising signs are permitted in accordance with the following provisions:

1. Area. The maximum area of an off-premise advertising sign shall 378 square feet per sign face, one sign face per directional flow of traffic. Signs may be back to back or "V- type" construction.

The area of the sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

2. Height. The maximum height of an off-premise advertising sign shall be 30'. Said 30' shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, which ever is higher, to the uppermost part of the sign or sign structure, whichever is higher.
3. Setback. An off- premise advertising sign shall comply with the following minimum setbacks requirements:
 - a. In General Industrial (GI), Highway Business (B-1), and Neighborhood Business (B-2) an off-premise advertising sign shall be set back a minimum of 15' from the road right-of-way and 15' from the side property lines; and
 - b. In a Rural Conservation (RC) Zoning District an off-premise advertising sign shall be set back a minimum of 15' from the road right-of-way, and 50' from the side property lines.
4. Spacing from Other Off-Premise Advertising Signs No off-premise advertising sign shall be located closer than 1400' from any other off-premise advertising. A sign on the opposite side of the road or highway shall not be located closer than 400 feet 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.
5. Spacing from Other Structures or Land Uses. No off-premise advertising sign shall be placed within 300' of any zoning lot used for a school or public park.
6. Allowed Use. Notwithstanding other provisions of this ordinance, off-premise advertising signs shall be allowed as a principal or accessory use incidental to the principal land use when erected in a Highway Business (B-1), Neighborhood Business (B-2), Rural Conservation (RC), or General Industrial (GI) Zoning District.
7. Most restrictive provisions apply. When or if any portion of this ordinance is in conflict with any applicable state or federal regulations or statutes, the more restrictive provisions shall apply.
8. 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.
9. Zoning Permit Required: A zoning permit shall be obtained from the Zoning Administrator prior to the placement of an off-premises advertising sign. Each request for a zoning permit shall be accompanied by a:

- a. recorded survey plat or a survey prepared by a registered land surveyor, if available, showing accurate dimensions of the lot to be built upon and the proposed sign location.

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.

- b. Tax map reference number and parcel number of the lot to be built upon;
- c. 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 N.C. 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.)
- d. Zoning Permit Fee.

SECTION 129 -- OFF-PREMISE DIRECTIONAL SIGNS

Off-premise directional signs do not require a zoning permit; however, these signs shall conform to the standards of this article and other applicable parts of this ordinance. An off-premise directional sign which does not meet such provisions of this article shall be considered in violation of the ordinance.

An off-premise directional sign shall not exceed thirty-two (32) square feet in area per sign face, or have more than one sign face per directional flow of traffic, or no more than two (2) sign faces per sign structure, or exceed six (6) feet in height.

Not more than three (3) off-premise directional signs shall contain directions to the same business or activity.

SECTION 130 - SIGN ILLUMINATION

Signs must be effectively shielded to prevent beams or rays of light from being directed toward any portion of a traveled road, and must not be of such intensity or brilliance or glare or impair the vision of the driver of any motor vehicle or otherwise interferes with any driver's operation of a motor vehicle. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal. All illuminated signs or structures shall be placed so as to prevent the light rays or illumination from being cast directly on any residence.

SECTION 131 -- COMPUTATIONS.

The area and height of a sign shall be computed as follows:

1. Area of Individual Signs. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

2. Multi-Faced Signs - Computation of Area. For multi-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.
3. Height. Height shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, which ever is higher, to the uppermost part of the sign or sign structure, which ever is higher.

SECTION 132 -- PROHIBITED SIGNS

(Revised 11/5/01)

The following signs are prohibited:

1. Any non-governmental sign which resembles a public safety warning or traffic sign;
2. Signs with animated, blinking, chasing, flashing or moving effects except as used to display time, temperature and messages on an electronic message board, no signs shall contain flashing lights. (Revised 11/5/01)
3. Animated, rotating, or other moving or apparently moving signs. (Revised 11/5/01)

SECTION 133 - SIGN MAINTENANCE

All signs 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.

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 nonconforming condition.

A sign face shall be in a state of disrepair when more than twenty (20%) of its' total surface is disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions.

No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts.

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.

No illuminated sign shall be allowed to operate with partial illumination.

SECTION 134 -- NONCONFORMING SIGNS

All signs made nonconforming by this article, but which were lawfully established may continue provided that no such sign shall be: changed or replaced with another nonconforming sign except that copy may be changed on an existing sign; expanded; relocated except in conformance with the requirements of this ordinance; reestablished after damage or destruction in excess of sixty percent (60) percent of the fair market value immediately prior to the time of the damage or destruction; modified in any way which increases the sign's degree of nonconformity; or reestablished after the sign structure has been removed.

As soon as reasonably possible after the effective date of this amendment, the zoning administrator shall make every reasonable effort to identify all the nonconforming signs with the county's planning jurisdiction.

ARTICLE XIII

ADMINISTRATION, ENFORCEMENT, PENALTIES, AND RIGHT OF APPEAL

SECTION 130 - ZONING ENFORCEMENT OFFICER

- 130-1 The Zoning Enforcement Officer who shall be appointed by the Person County Board of Commissioners is duly charged with the enforcement of the provisions of this ordinance. If the Zoning Enforcement Officer finds that any of the provisions of this ordinance are being violated, he 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. He shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 131 - ZONING PERMIT

(Amended 11-18-91, 3/17/97)

- 131-1 Unless otherwise stated in this ordinance, no building, structure (a sign is considered a structure) or any part thereof designed or intended to be used for other than farm or agricultural purposes, shall be erected or altered until Zoning permit has been issued by the Zoning Administrator or authorized representative. (Amended 3/17/97)
- 131-2 Each application for a Zoning Permit shall be accompanied by a plat, 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 of this ordinance. An accurate record of such applications and plats, together with a record of the action taken thereon shall be kept in the office of the Person County Planning Department. The Zoning Enforcement Officer may waive any of these application requirements.
- 131-3 Zoning Permit Application Issuance. Any zoning permit shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year. The zoning permit shall become invalid if the work authorized by it is not completed within one (1) year of the date of issuance of the zoning permit. Application may be made to the Zoning Administrator for a new zoning permit to replace any permit which becomes invalid under this section. In the event a new permit is denied by the Zoning Administrator, an appeal may be made to the Board of Adjustment.

- 131-4 At the applicant's discretion, he or she may also submit a site specific development plan and make application to the Planning Board for a vested right status for the proposed use or development project. Vested right status may be applied for jointly with the zoning permit application or may be requested a later date.
- 131-4.1 Vested right status shall guarantee the right to develop according to the provisions of the granted zoning permit and approved site specific development plan for a period up to and including two (2) years from the date of approval. Any guaranteed right to develop period greater than two (2) years and up to a maximum of five (5) years shall be at the discretion of the Planning Board.
- 131-4.2 Vested right status for the proposed use or development project shall be granted only after a public hearing is conducted by the Planning Board. Notification and advertisement of the public hearing shall occur in the same manner as is designated for a zoning change in this ordinance.
- 131-4.3 Approval of a site specific development plan and the granting of vested right status shall not occur under circumstances where a variance from the provisions of this ordinance is necessary except in cases where such variance has been previously applied for and granted.
- 131-4.4 The vested right granted under the approval of a site specific development plan is not a personal right, but shall attach to and run with the applicable property. All development, whether by the original applicant and/or landowner and/or their successors, shall occur as originally designated and approved on the site specific development plan unless modifications are submitted to and approved by the Planning Board.
- 131-4.5 The establishment of a vested right under an approved site specific development 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.
- 131-4.6 The establishment of a vested right under an approved site specific development plan shall preclude the expiration of a building permit and such building permit shall remain valid until the expiration or termination of the vested right to develop period.

A vested right established by an approved site specific development 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; or
- b. with the written consent of the applicant and/or landowner; or
- c. upon findings by the Planning Board after 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 development plan; or
- 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 Planning Board. Compensation shall not include any diminution in the value of the subject property; or
- e. upon findings by the Planning Board, 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 alter the original approval of the Zoning Enforcement Officer of the site specific development plan; or
- f. upon changes in state or federal law or regulation that preclude the proposed use or development project as originally approved in the site specific development plan. The owner and/or applicant shall have the opportunity in this instance to submit appropriate applicable modifications to the original site specific development plan for the Planning Board's approval in order to allow the vested rights status for the use or development project to remain valid.

131-4.8 Nothing in this ordinance shall require the Planning Board to grant a vested right to develop in conjunction with the approval of a zoning permit. Nothing shall preclude subsequent reviews and approvals of site specific development plans by the Board to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval. Nothing in this ordinance shall prohibit the Planning Board from the revocation of the original approval or from other remedies from

failure to comply with the applicable terms and conditions of all approvals or of this ordinance.

SECTION 132 - PERMIT OF OCCUPANCY/COMPLIANCE

- 132-1 No land shall be used or occupied, except for farm purposes, and no building or structure erected or altered shall be used or changed in use for other than farm purposes until a Permit of Occupancy/Compliance has been issued by the Zoning Enforcement Officer stating that the building and/or the proposed use complies with the provisions of this ordinance. A permit of the same shall be required for the purpose of changing any existing use as well as for maintaining, reviewing, changing or extending any nonconforming use. The aforementioned Permit shall be applied for coincidentally with the application for a Zoning Permit and shall be issued within ten (10) working days after notification to the Zoning Enforcement Officer of completion of the erection or alterations of such building or part in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file in the office of the Zoning Enforcement Officer(s), and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or land.
- 132-2 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 for a building or use at that location. No gas, electric, or water company or municipal department shall provide utility service or install a meter in any building or premise or part thereof hereafter, created, erected, changed, converted, altered or enlarged, wholly or part in its use or structure unless a Certificate of Compliance shall have been issued thereof.

SECTION 133 - RIGHT OF APPEAL

- 133-1 If the Zoning and/or Occupancy/Compliance Certificates are denied, the applicant may appeal the action of the Zoning Enforcement Officer to the Board of Adjustment.

ARTICLE XIV

BOARD OF ADJUSTMENT

SECTION 140 - COMPOSITION

- 140-1 The Person County Board of Commissioners shall provide for the appointment of the Person County Board of Adjustment. The Board of Adjustment shall consist of five members from Person County.
- 140-2 The Board of Adjustment shall appoint a secretary whose duties shall be:
- a. To keep accurate minutes of all proceedings conducted by the Board of Adjustment.
 - b. To provide all notices required by Section 143 of this ordinance.
 - c. To receive all applications for Board of Adjustment action.
 - d. To perform other duties as assigned by the Board of Adjustment.

SECTION 141 - RULES FOR PROCEEDINGS OF THE BOARD OF ADJUSTMENT

- 141-1 The Board shall adopt rules governing its organization and for all proceedings before it. such rules shall provide and require the following in addition to such other rules and regulations the Board shall adopt:
- The Board shall elect a chairman and a vice-chairman on an annual basis.
 - No appeal may be heard unless a quorum is present. A quorum shall consist of four-fifths of the membership of the Board.
 - A representative of the Planning Department and any other interested party may appear in person by agent or by attorney to offer evidence and testimony relative to an appeal.

SECTION 142 - POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

- 142-1 Powers and Duties: The Board of Adjustment shall have the following powers and duties:
- 142-1(a) Administrative Review: To hear and decide any appeal from and review any order, requirement, decision, or determination made by the Zoning Enforcement Officer.

142-1(b) Variances: To authorize upon application, in specific cases, such variances from the terms of this ordinance which 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. A variance from the terms of this ordinance may be granted by the Board of Adjustment when a written application demonstrates:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or building in the same district;
- (2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance;
- (3) That the hardship is not the result of the applicant's own action;
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or building in the same district;
- (5) That if the applicant complies with the provisions of the ordinance, he can secure no reasonable use of his property;
- (6) That granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

142-1(c) In addition to the grounds for granting variances specified by Section 142-1(b) the Board of Adjustment may grant a variance when it finds that the grant of the requested variance will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon the Person County and will not create any significant obstacle to implementation of the zoning plan evidenced by this ordinance or the adopted development plan of Person County.

142-1(d) Conditions imposed on variances: In granting any variance, 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. Such conditions may be imposed by the Board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when under part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

- 142-1(e) Conditional Uses: To hear and decide requests for conditional use permits allowed by this ordinance.
- 142-1(f) Vested Rights Status: To hear and decide vested rights requests in conjunction with applications for conditional use permits allowed by this ordinance. (Amended 11/18/91)
- 142-1(g) The Board of Adjustment, by a vote of four-fifths of its members, may approve conditional use permits, vested rights status, variances and interpretations of the ordinance. (Amended 11/18/91)

SECTION 143 - BOARD OF ADJUSTMENT PROCEDURES

(Amended 11/17/03)

(Added 3/13/2006; 3/13/2006)

- 143-1 Appeals from the enforcement and interpretation of this ordinance, and applications for conditional use permits or variances shall be filed with the Department of Planning, which shall transmit all such records to the Board of Adjustment.
- 143-2 The Secretary to the Board of Adjustment shall publish notice of hearing of all appeals and applications to be heard by the Board of Adjustment in a newspaper of general circulation in Person County at least one time, no less than five (5) days prior to the hearing to be held by the Board of Adjustment. In addition, the secretary shall mail notice by first class mail of the time, place and subject of each hearing to the appellant or applicant and to the owners of adjoining property or properties within five hundred (500) feet from the boundaries of the property involved in the appeal or application.

The Zoning Administrator shall require that notice be posted on the land subject to the application. If required, the applicant at his expense shall post the notice on weatherproof signs, one sign per each road frontage and no more that 25' from the street right of way. Signs must be clearly visible from the street and designate "Zoning

Proposal Pending” with the phone number of the Person County Planning Office.
(Amended 11/17/2003)

- 143-3 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment that, based on the records of the case, a stay would cause damage to life or property, in which case proceedings shall not be stayed otherwise than by an order from the Person County Superior Court.
- 143-4 The Board of Adjustment, by a vote of four-fifths of its members, may reverse any order, requirement, decision, or determination of an administration officer charged with the enforcement of any provision of this ordinance.
- 143-5 The Board of Adjustment may not authorize or permit a use in a district where that use is neither a permitted use or a conditional use.
(Amendment 2/19/96)
- 143-6 A member 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 conflicts 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 excuse himself or herself, the remaining members shall by majority vote rule on the objection. (added: 3/13/2006)
- 143-7 The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board pursuant to a subpoena issued in exercise of the power conferred by this section may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board, willfully swears falsely, is guilty of a Class 1 misdemeanor. (Added: 3/13/2006)

SECTION 144 - BOARD OF ADJUSTMENT ACTIONS

(Amended 2/19/96)

- 144-1 Every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Person County by proceedings in the nature of certiorari.
- 144-2 The petition for the writ of certiorari must be filed with the Person County Clerk of Court within 30 days after the later of the following occurrences:
- (a) A written copy of the Board's decision has been filed in the office of the Planning and Zoning Department; and
 - (b) A written copy of the Board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
- 144-3 A copy of the writ of certiorari shall be served upon the County of Person.

ARTICLE XV

VESTED RIGHTS FOR PHASED DEVELOPMENT PLANS

(Amended 11/18/91)

- 150-1 Substantial development projects incorporating a broad range of land use and encompassing a lengthy development period may from time to time be envisioned by owners and developers.
- 150-2 At an owners or developer's discretion, he or she may submit a phased development plan and make application to the Planning Board and County Commissioners for a vested right for a proposed development project. Vested right status for phased development plans may be applied for prior to, in conjunction with, or after other approval application have been submitted.
- 150-3 Vested right status shall guarantee the right to develop, within certain limitations, according to the provisions of an approved phased development plan for a period up to and including two (2) years from the date of approval. Any guaranteed right to develop period greater than two (2) years and up to a maximum of five (5) years shall be at the discretion of the County Commissioners.

- 150.4 Vested right status for a phased development plan shall be granted only after a public hearing is conducted by the Planning Board and County Commissioners. Notification and advertisement of such public hearing shall occur in the same manner as is designated for special use permit applications.
- 150-5 The vested right granted under the approval of a phased development plan is not a personal right, but shall attach to and run with the applicable property. All development, whether by the original applicant and/or landowner and/or their successors, shall occur as originally designated and approved on the development plan unless modifications are submitted to and approved by the Board of County Commissioners.
- 150-6 The establishment of a vested right under an approved phased development 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.
- 150-7 The establishment of a vested right under an approved phased development plan shall preclude the expiration of a building permit and such building permit shall remain valid until the expiration or termination of the vested right to develop period.
- 150-8 A vested right established by an approved phased development 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; or
 - b) with the written consent of the applicant and/or landowner; or
 - c) upon findings by the County Commissioners, after 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 public health, safety, and welfare if the project were to proceed as originally approved in the phased development plan; or
 - 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. Compensations shall not include an diminution in the value of the subject property; or

- e) upon findings by the County 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 alter the original approval of the County Commissioners of the phased development plan; or
- f) upon changes in state or federal law or regulation that preclude the phased development project as originally approved in the phased development plan. The owner and/or applicant shall have the opportunity in this instance to submit appropriate applicable modifications to the phased development plan for the Planning Board and County Commissioners' approval in order to allow vested rights status for the phased development to remain valid.

150.9 Nothing in this ordinance shall require the County Commissioners to grant a vested right to develop in conjunction with the approval of any land use permit applications. Nothing shall preclude subsequent reviews and approvals by either Board of phased development plans, site specific development plans or land use permits to ensure compliance with the terms and conditions of the original phased development plan approval, provided such reviews and approvals are not inconsistent with the original approval. Nothing shall prohibit the County Commissioners from the revocation of the original approval or from other remedies for failure to comply with the applicable terms and conditions of all approvals or of this ordinance.

ARTICLE XVI

SECTION 160 - AMENDMENTS

(Amended 8/5/96; Amended 11/5/01; 7/22/02; Amended 3/13/2006;9/2/2008
(added: 3/13/20006)

160-1 The Person County Board of Commissioner may, at any time, amend, supplement, change, modify or repeal the boundaries or regulations herein, or subsequently amend. This may be done in accordance with the provisions of **SECTION 160-4** of this ordinance on the Commissioner's motion as a result of a recommendation of the Planning Board.

160-2 Wherever there is a zoning classification action for a parcel of land, e.g., appeal, request for a special permit, request for a variance, request for an interpretation, or request for an amendment, the owner of the parcel of land as shown on the county tax listing and the owner of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the proposed classification by first-class mail at the last addresses listed for such owners in the county tax abstracts.

160-3 Applications for the amendments to the Official Planning Map and/or Planning Ordinance text shall contain at least the following:
(Amended 9/2/20008)

- (1). For Amendments to the Official Planning 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 Planning Ordinance text, 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 Planning Map and/or Planning 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 Planning Map and/or Planning Ordinance text amendment reasonable necessary to the promotion of the public health, safety and general welfare;
- (5). The manner in which the proposed Official Planning Map and/or Planning 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 Planning Map and/or Planning Ordinance text amendment.

(Amended 8/5/96)

160-4 After Submission of an application, the Zoning Administrator will schedule a public hearing for the planning board. When the provisions of the ordinance require that written or mailed notices be required, the Zoning Administrator will be responsible for mailing the written notices to all abutting property owners

including the applicant. The Zoning Administrator shall require that notice be posted on the land subject to the application. If required, the applicant at his expense shall post the notice on weatherproof signs, one sign per each road frontage and no more than 25' from the street right-of-way. Signs must be clearly visible from the street and designate "Zoning Proposal Pending" with the phone number of the Person County Planning office. When multiple parcels are included, a posting on each individual parcel is not required, but there should be reasonable notice provided to interested persons. A notice of such public hearing shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Person County. Said notice shall be published the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date established for such public hearing. (Amended 11/5/01; 7/22/02; 3/13/2006)

160-5 If no written report is received from the Planning Board within thirty days of referral of the amendment to that Board, the Board of County Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of County Commissioners is not bound by the recommendation, if any, of the Planning Board. (amended 7/22/02; 3/13/2006)

160-5(A) Members of the Planning Board and the Board of County Commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (added 3/13/2006)

160-5(B) The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, 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 County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. (added 3/13/2006)

160-6 The County Manager of designate is authorized to set the public hearing date immediately following the Planning Board meeting. Notice of the public hearing shall be advertised in accordance with Section 160-4. (amended 7/22/02)

160-7 A simple majority vote of the Board of County Commissioners shall be the required minimum to amend this ordinance when recommendation from the Planning Board is received.

160-8 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 Planning 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 months elapses, unless 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 previous hearing. A request to be heard on this basis must be filed with the Zoning Administrator within the time period for an appeal to superior court. However, such a request does not extend the period with which an appeal must be taken.

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 Zoning Administrator within 30 days from the date of submittal. (Amended 8/5/96)

ARTICLE XVII

SECTION 170 - SEPARABILITY

- 170-1 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.
- 170-2 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.

ARTICLE XVIII

PENALTIES AND FEES

**SECTION 180 - PENALTIES FOR VIOLATIONS
(Amended 11/17/2003)**

180-1 Penalties for Violation

- (1) Any person, firm or corporation who violates any provision of this ordinance shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500). Each day a violation exists shall be a separate violation hereunder. (Amended 11/17/2003)
- (2) This Ordinance may be enforced by an appropriate equitable remedy, including temporary restraining order, preliminary injunction and permanent injunction as issued by a court of competent jurisdiction. (Amended 11/17/03)

SECTION 181 -

(Amended 11/18/91: Amended 2/1/99; Amended 7/22/02)

ARTICLE XIX

SECTION 190 - EFFECTIVE DATE

190-1 This ordinance, shall become effective on May 20, 1991.

H.G. STONBRAKER, CHAIRMAN

FAYE WILSON, CLERK TO THE BOARD

APPENDIX A

GLOSSARY

INTERPRETATION OF TERMS AND DEFINITIONS

Words used in present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular.

The word person includes a firm, joint venture, association, organization, partnership, corporation, trust and company, as well as an individual.

The word lot includes the word "plot" or "parcel".

The word "building" includes the word "structure".

The word "shall" is always mandatory and not merely directory.

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."

The words "Planning Map" or "Official Person County Planning Map" shall mean the planning map of Person County, North Carolina.

APPENDIX B DEFINITIONS

ACCESSORY BUILDING - A detached subordinate building, the use of which is clearly incidental to that of the principal building or use and is located on the same lot.
(Revised 1/11/96)

ACCESSORY USE - A subordinate use clearly incidental to the principal use of a zoning lot.
(Def. Addition 1/11/96)

AGRICULTURE OR FARM USE - The science or art of cultivating the soil and its fruits, especially in large areas or fields, and the rearing, feeding, and management of livestock thereon, including every process and step necessary and incidental to the completion of products there from for consumption or market and the incidental turning of them to account. 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.

AIRPORT ELEVATION - 609.4 feet 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.

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.

BILLBOARD - An off-premise advertising sign designed for the display of information and/or advertising. (Def. Added 3/17/97)

BOARD OF ADJUSTMENT - A semi-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.

BUFFER - Natural or vegetated area through which storm water 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.

BUILDING - A structure, or part thereof (i.e. stoop, landing, porch, deck, etc.), either temporary or permanent, covered or uncovered, and designed for the use or shelter of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building. (Amended 2-1-93)

BUILDING LINE - A line running parallel (as determined by the actual location of the building on the lot), with the front, side or rear of a building. (Amended 2-1-93)

BUILT UPON AREA - That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious). (Amended 11/3/97)

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. (Def. added 8/2/2010)

CAMPER/RECREATIONAL VEHICLE PARK - Any site or tract of land upon which two or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance. (Def. added 8/2/2010)

CERTIFICATE OF OCCUPANCY - A statement signed by the Zoning Enforcement Officer setting forth that the building, structure, or use complies with the Zoning Ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein.

COMMERCIAL MODULAR BUILDING - A manufactured building designed to be used as a multi-family dwelling unit (3 or more families) or as a commercial structure which has been constructed in and labeled indicating compliance with the *North Carolina State Building Code*. (Def. Added 5/5/97)

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 feet.

CONSTRUCTION SITE IDENTIFICATION SIGN - A sign which identifies architects, engineers, contractors, and other individual s or firms involved with construction on the premises, the name of the building or development and/or the expected completion date. (Def. Added 3/17/97)

CONSTRUCTION, TRADES - One who accomplished work or provides facilities under contract with another and specifically engages in a specialized trade such as plumbing, heating, wiring, sheet metal and roofing work, etc.

COUNTY GOVERNMENTAL FACILITY - A County owned building or land use for a public purpose or activity that protects the public health, safety or general welfare.
(Ref. Added 2/3/97)

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 ridge line 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 ridge line of the watershed (whichever comes first).

DEVELOPMENT - 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 precipitation into the soil.

DISCHARGING LANDFILL - A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit. (Amended 11/3/97)

DU - A dwelling unit.

DWELLING UNIT - A residential structure or that portion of a residential structure used or designed as a residence for one family.

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

FAMILY - One 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.

FAMILY CARE HOME - As defined in G.S. 168-21, 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 handicapped persons.

FREE STANDING SIGN - 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. (Def. Added 3/17/97)

FRONTAGE - All property abutting on one (1) side of a street measured along the street line.

GROUND SIGN - A sign placed upon the ground, or a free standing sign, not exceeding eight (8) feet in height. (Def. Added 3/17/97)

GROUP HOME FOR DEVELOPMENTALLY DISABLED ADULTS - A residence which provides care for two to nine adults who are developmentally disabled and who have or can develop self-help skills, are ambulatory, in need of a home and are able to participate in activities in the community.

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

HAZARDOUS MATERIAL - Any substance or material in a particular form or quantity which the Secretary of Transportation finds may pose an unreasonable risk to health, safety, and property. Substances so designated may include explosive, radioactive materials, etiologic agents, flammable liquids or solids, poisons, oxidizing or corrosive materials, and flammable gases. Define via rule making process, under authority of PL 93-633.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HISTORIC PRESERVATION COMMERCIAL USE - A structure that is either nominated for or listed on the National Register of Historic Places or included in the North Carolina Plan for Historic Preservation as compiled by the North Carolina Division of Archives and History in which commercial use is being operated from the structure.

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

IMPERVIOUS COVER - A surface that does not allow precipitation to percolate through it.

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

- (a) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

- (b) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
- (c) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
- (d) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

LANDFILL - A facility from the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the NC General Statutes. For the purpose of this ordinance, this term does not include composting facilities.

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.

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 parcel of land enclosed within the boundaries formed by the property lines plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.

LOT DEPTH - The depth of a lot, for the purpose of this Ordinance, is 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 LINE, FRONT - Any boundary line of a lot running along a street right of way line.

LOT LINE, REAR - The rear lot line, shall be 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.

MAJOR VARIANCE FROM STATE WATERSHED RULES - A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- (1) the relaxation, by a factor greater than ten (10) percent of any requirement under the low density option;
- (2) the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
- (3) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.(Amended 11/3/97)

MINOR VARIANCE FROM STATE WATERSHED PROTECTION RULES - A variance from the minimum statewide watershed protection 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 of up to ten (10) percent, of any management requirement under the low density option.

MANUFACTURED HOME - A dwelling unit that (1) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (2) is composed of one 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, and (3) exceeds forty (40) feet in length and eight (8) feet in width.

MANUFACTURED HOME, CLASS A - A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that meets the following additional criteria:

- (1) The structure is made up of two or more sections designed to be installed or assembled into one unit at the building site;
- (2) 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

- (3) 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.

This definition includes typical "double-wide" manufactured homes and does not include modular housing as regulated by North Carolina State Building Code. (Rev. 5/5/97)

MANUFACTURED HOME, CLASS B - A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction but 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. (Revised 5/5/97)

MANUFACTURED HOME, CLASS C - Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

MOBILE HOME - An alternative term for a manufactured home. (Def. Added 5/5/97)

MOBILE HOME PARK - Any lot upon which three (3) or more manufactured homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations. (Def. Added 5/5/97)

MODULAR HOME - A manufactured building designed to be used as a one or two family dwelling unit which has been constructed in and labeled indicating compliance with the *North Carolina State Building Code, Volume VII - Residential*. (Def. Added 5/5/97)

NONCONFORMING USE - A use of buildings or land that does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this ordinance or the predecessor Person County Zoning Ordinance.

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

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 GS 143.215.1(c).

NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or

area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OFF-PREMISE ADVERTISING SIGN - 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. (Def. Added 3/17/97)

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. (Def. Added 3/17/97)

OFFICE – A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations. (Def. Added 12/6/99)

ON-PREMISE SIGN - 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. (Def. Added 3/17/97)

PHASED DEVELOPMENT PLAN - a plan for land development submitted for the purposes of obtaining a vested right which must describe with some certainty the type and intensity of use for a specified parcel or parcels of property and must during construction and at completion meet all land use requirements of Person County and North Carolina State Law. Such a plan includes, but is not limited to: a vicinity map; names of adjoining property owners; a general schedule noting development stages (if available); approximate locations of various proposed land uses; any information available regarding water and sewer provisions and any other proposed improvements; and any other available pertinent information. (Amended 11/18/91)

PLANNED BUILDING GROUP - A Planned Group shall consist of two or more principal uses in one or more structures on the same zoning lot. A Planned Building Group shall be located on a minimum of a 2 acre lot. (Amended 1/11/96)

PLANNING BOARD - A body appointed by the County Commissioners to perform the following duties:

- develop and recommend long-range development plans and policies
- advise the County Commissioners in matters pertaining to current physical development and zoning for the County's planning jurisdiction.

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 feet 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.

PRINCIPAL BUILDING/USE - The main building or use of a zoning lot. (Addition 1/11/96)

PROFESSIONAL OFFICES - Offices of accountants, appraisers, architects, attorneys, financial consultants, dentists, physicians and similarly recognized professionals.

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. (Amended 11/3/97)

REAL ESTATE SIGN - A sign advertising the premises for sale, rent or lease. (Def. Added 3/17/97)

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. (Amended 11/3/97)

SETBACK - The distance between the minimum building line and the centerline of a street right of way; and where no street right of way is involved, the property line shall be used in establishing the setback.

SIGN - Any identification, description, illustration, or device, illuminated or nonilluminated, 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. (Def. Added 3/17/97)

SITE SPECIFIC DEVELOPMENT PLAN - A plan for land development submitted for the purposes of obtaining a vested right and must describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property. Such a plan

drafted by an engineer or registered land surveyor includes, but is not limited to: the boundaries of the property with bearings and distances; names of adjoining property owners and a vicinity map; the location and approximate dimensions, including heights (if possible) of all existing and proposed structures and buildings; proposed improvements including provisions for water, sewer, parking, lighting, signage, buffering, and screening; provisions for storm drainage, solid waste disposal, and open space and recreation areas; a notation detailing total impervious cover; and a schedule noting development stages. (Amended 11/18/91)

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.

TEMPORARY CONSTRUCTION BUILDING - Any building or portion of a building 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. (Def. Added 5/5/97)

TEMPORARY SIGN - 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 displayed is subject to periodic changes, that sign shall not be regarded as temporary. (Def. Added 3/17/97)

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 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

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

VARIANCE - A modification or alteration of any of the requirements of this ordinance.

VESTED RIGHT - A right pursuant to the North Carolina General Statutes to undertake and complete the development and use of property under the terms and conditions of an approved site specific or phased development plan. (Amended 11/18/91)

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

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.

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

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:

1. 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 .0211 of this Subchapter; local programs to control nonpoint sources and storm water discharges of pollution area required; suitable of all Class C uses.
2. 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 storm water discharges of pollution area required; suitable for all Class C uses.
3. WS-IV, water 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 .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.
4. 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.

WINERY – A facility operated for the purpose of making wine. Associated with this process can include catering, lodging facilities, restaurants, live music venue, farm tours, winery tours, farmers market, petting zoo, corn maze, cheese processing, roasting of coffee and associated retail sales. (added 11/1/2004)

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. (Amended 2/1/93)

YARD, FRONT - A yard across lot, extending from the front building line to the front lot line or right-of-way. (Amended 2/1/93)

YARD, REAR - A yard located behind the rear building line and extending to rear lot line or right-of-way. (Amended 2/1/93)

YARD, SIDE - A yard between the side building line and side lot line or right-of way, extending from the front building line to the rear building line. (Amended 2/1/93)

ZONING ADMINISTRATOR - Planning Director (aka County Planner) or designated representative.

ZONING PERMIT - A permit by the Person County Zoning Administrator or his authorized agents that a course of action to use or occupy a tract of land or a building or to erect, install, or alter a structure, building, or sign situated in the zoning jurisdiction of the County fully meets the requirements of this ordinance.

**APPENDIX C
TABLE OF PERMITTED USES**

**(amended: 5/18/92; 11/17/92; 4/4/94; 7/11/94; 2/19/96; 6/3/96; 7/8/96; 5/5/97;
12/6/99; 5/4/2001; 12/1/2003; 6/6/2005; 11/1/2004; 11/19/2007; 11/3/2008;
12/1/2008)**

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

Districts in which particular uses are permitted as a conditional use upon approval of the Board of Adjustment are indicated by "C". See Section 73 for details in obtaining a conditional use permit.

District in which particular uses are permitted as a special use upon approval of the Board of Commissioners are indicated by "S". See Section 74 for details in obtaining a Special use permit.

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
ACCESSORY BUILDING	X	X	X	X	X
ACCESSORY USES INCIDENTAL TO ANY PERMITTED USE (SEE NOTE 1)	X	X	X		X
ADOPTION SERVICES		X			X
ADVERTISING AGENCIES		X	X		X
AGRICULTURAL OR FARM USE	EXEMPT FROM ZONING ORDINANCE				
AIRCRAFT EQUIPMENT, PARTS AND SUPPLIES (*SEE NOTE 5)			X	X*	X
AIRLINE TICKET AGENCY (*SEE NOTE 5)		X	X	X*	X
AIRPORT OPERATIONS, SEE SECTION 92) (*SEE NOTE 5)	S	S	S	X*	S
AIRSTRIPS, (PRIVATE) /HELIPORT WITHOUT COMMERCIAL ACTIVITY (*SEE NOTE 8)(ADDED 5/7/01)	X*	X*	X*	X*	X*
ALCOHOLIC BEVERAGES PACKAGED, RETAIL SALE		X	X		X
AMBULANCE SERVICE OR RESCUE SERVICE	C	X	X	S	X
AMUSEMENT PARKS		C			X
ANIMAL MEDICAL CARE (INCLUDING KENNEL OPERATIONS)		C	X		X
ANTIQUE SHOPS	C	X	X		X
APPAREL AND ACCESSORY SALES		X	X		X
APPLIANCE (MAJOR) SALES AND REPAIR		X	X		X
APPLIANCE (SMALL) SALES AND REPAIR		X	X		X
ART AND CRAFT SUPPLIES		X	X		X
ART GALLERY		X	X		X
ASPHALT AND ASPHALT PRODUCTION (amended 12/1/2008)				S	S

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
AUCTION SALES (EXCLUDING LIVESTOCK AUCTIONING)		S	X		X
AUTOMOBILE OFF-STREET PARKING, (COMMERCIAL)		X	X	X	X
AUTOMOBILE PARTS AND ACCESSORY SALES		X	X		X
AUTOMOBILE REPAIR AND/OR BODY WORK (EXCLUDING) COMMERCIAL WRECKING, DISMANTLING OR STORAGE OF JUNKED VEHICLES) (amended 12/1/2008)			X		S
AUTOMOBILE RENTALS AND LEASING (*SEE NOTE 5)		X	X	X*	X
AUTOMOBILE SALES, NEW AND USED		C	X		X
AUTOMOBILE SERVICE STATION OPERATIONS		X	X		X
BAKERY PRODUCTION AND WHOLESALE SALES			X	X	X
BAKING, ON-PREMISES AND RETAIL ONLY		X	X		X
BANK, SAVINGS AND LOAN COMPANY AND OTHER FINANCIAL ACTIVITIES		X	X	S	X
BARBER OR BEAUTY COLLEGE INSTRUCTION		X	X		X
BARBERING AND HAIR DRESSING SERVICES		X	X		X
BED AND BREAKFAST INNS, BOARDING AND ROOMING HOUSES, AND TOURIST HOMES	C	X			X
BICYCLE SALES AND REPAIR		X	X		X
BLACKSMITH			C		X
BOATS AND ACCESSORIES, RETAIL SALES AND SERVICE		C	X		X
BOOKS AND PRINTED MATTER, DISTRIBUTION			X		X
BOOK BINDING		C	X		X
BOOK STORES		X	X		X
BOTTLING, BEVERAGES			X	X	X
BOWLING ALLEY		X	X		X
BRIDAL SHOPS		X			X
BUILDERS SUPPLY			X		X
BUS REPAIR AND STORAGE TERMINAL ACTIVITIES (amended 12/1/2008)			X		S
BUS STATION ACTIVITIES (*SEE NOTE 5)		C	X	X*	X
CABINET MAKING		C	X	X	X
CAMPER/RECREATIONAL PARK (Amended 8/2/2010)	S	S	S		S
CANDY OR CONFECTIONERY MAKING ON PREMISES AND RETAIL ONLY		X	X		X
CANDY WHOLESALE PRODUCTION AND DISTRIBUTION				X	
CARPET AND RUG CLEANING		X	X		X
CARWASH		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
CATALOG SALES		X	X		X
CATERING		X	X		X
CELLULAR TELEPHONE SALES AND SERVICES		X	X		X
CEMETERIES - CHURCH OR FAMILY	X	X	X	S	X
CEMETERIES – COMMERCIAL	C	C	C		X
CHEMICAL RETAIL SALES			X		X
CHURCH, TEMPLES, SYNAGOGUES	C	C	C	S	X
CLINIC SERVICES, MEDICAL AND DENTAL	C	X	X	S	X
CLOTHING MANUFACTURE AND DISTRIBUTION		S	X	X	X
CLUB OR LODGE	C	C	C		X
COAL SALES AND STORAGE (amended 12/1/2008)			X		S
COLD STORAGE PLANT (amended 12/1/2008)			X		S
COMMERCIAL MODULAR BUILDING (ADOPTED 5/5/97)		X	X		X
COMPUTER SALES, AND/OR PROGRAMMING SERVICES		X	X		X
CONSTRUCTION STORAGE			X		X
CONSTRUCTION, TRADES (*BUILDING, HEATING, ELECTRICAL, PLUMBING, FIRE SPRINKLER AND OTHERS) (EXCLUDING OUTSIDE STORAGE OF EQUIPMENT OR SUPPLIES) *amended 11/19/2007		C	X	X	X
CONSTRUCTION, TRADES (WITH OUTSIDE STORAGE OF EQUIPMENT OR SUPPLIES)			X		X
CONTRACTOR, GENERAL (EXCLUDING OUTSIDE STORAGE OF EQUIPMENT OR SUPPLIES)		X	X		X
CONTRACTOR, GENERAL (WITH OUTSIDE STORAGE OF EQUIPMENT OR SUPPLIES)			X		X
CONVENIENCE STORES	C	X	X		X
COUNTY GOVERNMENTAL FACILITY (ADOPTED 2/3/97)	C	X	X		X
CURIO AND SOUVENIR SALES		X	X		X
DAIRY PRODUCTS AND PROCESSING				X	
DAIRY PRODUCTS SALES, ON-PREMISES RETAIL SALES ONLY	C	X	X		X
DAIRY PRODUCTS, SALES AND PROCESSING			X		X
DAY CARE CENTER	C	C	C	S	X
DRY CLEANING AND LAUNDRY		X	X		X
DRY CLEANING OR LAUNDRY (CUSTOMER SELF-SERVICE)		X	X		X
DRY KILNS (amended 12/1/2008)				X	S
DWELLING, SINGLE-FAMILY	X	X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
DWELLING, TWO-FAMILY AND GARAGE APARTMENTS	C	C	C		X
DWELLING, MULTIPLE-FAMILY (SEE SECTION 80)	S	S	S		X
EATING OR DRINKING FACILITIES (amended 12/1/2008)		X	X		S
ELECTRICAL EQUIPMENT AND SUPPLY SALES		X	X		X
ELECTRICAL EQUIPMENT MANUFACTURE AND DISTRIBUTION			C	X	X
ELECTRICAL GENERATING FACILITIES (amended 12/1/2008)		S	S	S	S
ELECTRONIC EQUIPMENT MANUFACTURING AND DISTRIBUTION (amended 12/1/2008)			C	X	S
ELECTRONIC EQUIPMENT SALES AND SERVICE		X	X		X
EMPLOYMENT AGENCIES		X	X		X
EXPLOSIVE STORAGE AND DISTRIBUTION FACILITIES (AMENDED 5/18/92)				S	S
EXTERMINATING SERVICE		C	X		X
FAMILY CARE HOME	X	X	X		X
FARM MACHINERY SALES AND SERVICING		C	X		X
FARM SUPPLIES MERCHANDISING (EXCLUDING FARM MACHINERY)		X	X		X
FEED AND SEED MILLING			C	X	X
FERTILIZER MANUFACTURE (amended 12/1/2008)				S	S
FERTILIZER SALES			X		X
FIRE STATION AND LAW ENFORCEMENT OPERATIONS	C	X	X	X	X
FLOOR COVERING SALES		X	X		X
FLOWER SHOP		X	X		X
FOOD PROCESSING (EXCLUDING ANIMAL SLAUGHTERING) AND DISTRIBUTION			X	S	X
FOOD PROCESSING (INCLUDING ANIMAL SLAUGHTERING) AND DISTRIBUTION (amended 12/1/2008)				S	S
FOUNDRIES (amended 12/1/2008)				S	S
FUNERAL HOME	C	X	X		X
FURNITURE MANUFACTURING AND DISTRIBUTION (amended 12/1/2008)		C	C	S	S
FURNITURE REPAIR, UPHOLSTERY AND REFINISHING		C	X		X
FURNITURE RETAIL SALES		X	X		X
GAME AND SPORTS FACILITIES (AMENDED 5-18-92)		S	S		
GLASS SALES AND INSTALLATION		X	X		X
GOLF COURSES	C	X	X		X
GROCERY RETAIL		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
GROCERY, WHOLESALE			X		X
GROUP HOME FOR DEVELOPMENTALLY DISABLED ADULTS	X	X	X		X
GUNSMITH		X	X		X
HARDWARE, PAINT AND GARDEN SUPPLY SALES		X	X		X
HEALTH SPAS, FITNESS CENTER (amended 2/7/2011)		X	X		X
HISTORICAL PRESERVATION COMMERCIAL USE	C	X	X		X
HOME FOR THE AGED	C	C	X		X
HOME FURNISHINGS AND APPLIANCE SALES		X	X		X
HOSPITAL OR SANITARIUM CARE (EXCEPT FOR THE INSANE, FEEBLE-MINDED AND ADDICTED) (amended 12/1/2008)		C	X		S
ICE MANUFACTURING (amended 12/1/2008)		X	X	X	S
INCINERATORS, NON TOXIC			S		S
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE			X		X
INDUSTRIAL OPERATIONS, (SEE NOTE 2)			S	S	S
INDUSTRIAL RESEARCH FACILITIES				S	S
INSURANCE AGENCIES		X	X		X
INTERIOR DECORATOR		X	X		X
JANITORIAL SERVICE		X	X		X
JEWELERS		X	X		X
KARATE AND OTHER MARTIAL ARTS INSTRUCTION		X	X		X
KENNEL OPERATIONS, CARE		C	C		X
LABORATORY OPERATIONS, MEDICAL OR DENTAL		X	X	S	X
LANDSCAPE CONTRACTOR		C	X		X
LIBRARY	C	X	X		X
LIVESTOCK SALES AND AUCTIONS (amended 12/1/2008)			S		S
LOCKSMITH		X	X		X
MACHINE TOOL MANUFACTURING OR WELDING			S		X
MACHINE TOOL MANUFACTURING AND DISTRIBUTION				S	
MANUFACTURED HOME FOR TEMPORARY DWELLING DURING CONSTRUCTION OF PERMANET DWELLING (ADOPTED 5/5/97)	SEE NOTE 7				
MANUFACTURED HOME (INDIVIDUAL) FOR RESIDENTIAL OCCUPANCY-CLASS A (REV. 5/5/97)	SEE NOTE 6				
MANUFACTURED HOME (INDIVIDUAL) FOR RESIDENTIAL OCCUPANCY-CLASS B (Rev. 5/5/97)	SEE NOTE 3				
MANUFACTURED HOME (INDIVIDUAL) FOR RESIDENTIAL OCCUPANCY - CLASS C (Rev. 5/5/97)	SEE NOTE 3				
PRINCIPAL USES	ZONING DISTRICTS				

	R	B-2	B-1	GI	RC
MANUFACTURED HOME INDUSTRIAL FACILITY (AMENDED 2/19/96)				X	S
MANUFACTURE HOMES SUPPLIES AND EQUIPMENT SALES		C	X		X
MANUFACTURED HOMES UNDER THE HARDSHIP CLASS A, B AND C	SEE NOTE 4				
MARINAS		X	X		X
MIXING PLANTS FOR CONCRETE AND MANUFACTURE OF CONCRETE PRODUCTS (amended 12/1/2008)			S	S	S
MOBILE HOME PARK BUT EXCLUDING ANY MOBILE HOME SALES (AMENDED 11-17-92, 7/11/94)	S	S	S		S
MOBILE HOME SALES AND SERVICE			X		X
MODULAR HOMES (AMENDED 11-17-92)	X	X	X		X
MONUMENT SALES		X	X		X
MONUMENT WORKS					X
MOTEL, HOTEL OR MOTOR COURT OPERATIONS			X		X
MOVIES, VIDEO SALES AND RENTALS		X	X		X
MOVING AND STORAGE OPERATIONS (amended 12/1/2008)			X	S	S
MUSICAL INSTRUMENT SALES		X	X		X
NEWSSTAND SALES		X	X		X
NONHAZARDOUS, NON-TOXIC SOLID WASTE DISPOSAL (ADOPTED 5-18-92)	S	S	S	S	S
NURSERY OPERATION (PLANT)	X	X	X		X
NURSING HOME	C	C	C		X
OFFICE (ADOPTED 12/6/99)		X	X	S	X
OFFICE SUPPLIES AND EQUIPMENT SALES AND SERVICE		X	X		X
PAINTING CONTRACTORS		X	X		X
PAPER, PULP, CARDBOARD, BUILDING BOARD MANUFACTURER, AND TORREFIED BIOMASS PRODUCT (AMENDED 11/3/2008)				S	S
PAVING CONTRACTORS (amended 12/1/2008)					S
PAWN SHOP		X	X		X
PET SALES, EXCLUDING KENNEL ACTIVITIES OR OUTSIDE STORAGE OF ANIMALS		X	X		X
PHARMACEUTICAL SALES, RETAIL		X	X		X
PHARMACEUTICAL PRODUCTION AND DISTRIBUTION				X	
PHOTOGRAPHY, COMMERCIAL		X	X		X
PRINCIPAL USES	ZONING DISTRICTS				

	R	B-2	B-1	GI	RC
PLANNED BUILDING GROUP (SEE ARTICLE VIII, SECTION 80) (ADDED 12/1/03)	S	X	X		S
PLASTIC FABRICATION (amended 12/1/2008)			C	S	S
PLATING (amended 12/1/2008)				S	S
POST OFFICE		X	X	X	X
PRIVATE RECREATION CLUB OR SWIMMING CLUB ACTIVITIES NOT OPERATED AS A BUSINESS OR PROFIT (amended 12/1/2008)	C	C	C	S	S
PRIVATE RECREATION FACILITIES FOR PROFIT (AMENDED 5/18/92, 7/8/96)	S	S	S	S	S
PRINTING AND REPRODUCTION		C	X		X
PROFESSIONAL OFFICES	C	X	X	S	X
PUBLIC RECREATIONS (SUCH AS COMMUNITY CENTER BUILDINGS, PARKS, MUSEUMS, PLAYGROUNDS, AND SIMILAR FACILITIES OPERATED ON A NONPROFIT BASIS)	C	C	C		X
PUBLIC UTILITY STATION, BULK STATION OR SUBSTATIONS (amended 12/1/2008)	C	C	C	S	S
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS					X
QUARRY OPERATIONS	S				S
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY			X		X
RADIO, TELEPHONE AND TV TRANSMITTING TOWER (SEE ARTICLE VII & IX) (AMENDED 11/6/95)	S			S	S
RAILROAD STATION OPERATIONS (amended 12/1/2008)			C	S	S
RAILROAD YARD OPERATIONS				S	X
REAL ESTATE AGENCIES		X	X		X
RECEPTION CENTERS FOR RECYCLING		C	X		X
REDUCING SALON CARE		X	X		X
REPAIR, RENTAL AND/OR SERVICING OF ANY PRODUCT THE RETAIL SALE OF WHICH IS A USE-BY-RIGHT IN THE SAME DISTRICT AND NOT OTHERWISE LISTED HEREIN		X	X		X
REST HOMES	C	C	C		X
RETAILING OR SERVICING OPERATIONS		C	X		X
SALVAGE OPERATION/JUNKYARD				S	S
SAWMILL OR LUMBER SURFACING ACTIVITIES (amended 12/1/2008)				S	S
SECOND HAND AND SWAP SHOP SALES		X	X		X
SCHOOL, PRIVATE OR PUBLIC (ELEMENTARY, SECONDARY, OR HIGHER LEVEL) (amended 12/1/2008)	C	C	X	X	C
SPORT SHOPS		X	X		X
STABLES, HORSE (AMENDED 4/4/94)	X		S		X
PRINCIPAL USES	ZONING DISTRICTS				

	R	B-2	B-1	GI	RC
STEREOPHONIC AND HIGH FIDELITY EQUIPMENT AND SUPPLY SALES		X	X		X
STORAGE, COAL BY PRODUCTS				S	C
STORAGE, FLAMMABLE (amended 12/1/2008)			C	S	C
STORAGE, HAZARDOUS, TOXIC AND RADIOACTIVE WASTE	NOT PERMITTED IN ANY DISTRICT				
STORAGE, HOUSEHOLD AND COMMERCIAL		C	X		X
STORAGE, OPEN (amended 5-4-01)		C	C		S
SURVEYOR OFFICES		X	X		X
TAILORING, (DRESSMAKING)		X	X		X
TANNING SALONS		X	X		X
TAXICAB STAND OPERATIONS (*SEE NOTE 5)		X	X	X*	X
TEACHING OF ART, MUSIC, DANCE, DRAMATICS, OR OTHER FINE ARTS	C	X	X		X
TEMPORARY CONSTRUCTION BUILDING (Amended 6/6/2005)	X	X	X	X	X
TEXTILE MANUFACTURER (amended 12/1/2008)				X	S
THEATER PRODUCTIONS	S	X	X		X
TIRE RECAPPING				X	X
TIRE SALES CENTERS		X	X		X
TOBACCO PROCESSING				X	X
TOBACCO SALES			X	X	X
TRAVEL AGENCIES (*SEE NOTE 5)		X	X	X*	X
TRUCK STOP					X
TRUCK TERMINAL ACTIVITIES REPAIR AND HAULING AND/OR STORAGE					X
VARIETY, GIFT AND HOBBY SUPPLY SALES (*SEE NOTE 5)					
VENDING MACHINE RENTAL			X		X
WINERY (ADDED 11/1/2004)	S				X
WHOLESALE DISTRIBUTION OF BUILDING AND REMODELING PRODUCTS (REVISED 6/3/96)				S	
WHOLESALE SALES WITH OPERATIONS CONDUCTED AND MERCHANDISE STORED ENTIRELY WITHIN A BUILDING AND NOT OTHERWISE LISTED HEREIN		C	X		X

NOTES TO THE TABLE OF PERMITTED USES

NOTE 1- HOME OCCUPATIONS

(Amended 9/7/94, 3/18/96)

A home occupation is an occupation carried on in a dwelling unit or accessory building in accordance with the following.

1. The use is an incidental use to the residential property.
2. The home occupation shall not generate significantly greater volumes of traffic than would be expected in that residential neighborhood.
3. No more than one (1) person other than the resident of the dwelling are to be engaged in the home occupation.
4. No more than twenty-five percent (25%) of the total heated floor area of the principal structure shall be used for the home occupation.
5. One hundred percent (100%) of an accessory structure may be used for the home occupation: (1) if located to the side or the back of the principal structure; and (2) the total floor area of the accessory structure does not exceed fifty percent (50%) of the gross floor area of the principal structure.
6. 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 its' residential character in exterior appearance.
7. The outside storage or exterior display of merchandise, products or materials, is prohibited.
8. Required parking for a home occupation shall be met off the street and not in a required front or side yard setback.
9. Signage shall comply with Article XII, Section 125.
10. All residential properties served by a well and/or sewage disposal system must have said systems evaluated (when applicable) in accordance with North Carolina General Statutes and local regulations.

11. The use shall not emit any obnoxious 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.
12. 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.

**NOTE 2 - INDUSTRIAL OPERATIONS
(Amended 3/18/96)**

1. The following industrial uses shall not be allowed:
 - (a) Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches. (Amended 5/18/92)
2. A special use permit shall be required for industrial uses not specifically permitted as a "Use-By-Right", except under the following circumstances:

Industrial Additions:

1. If otherwise in compliance with applicable provisions of the ordinance and other rules or regulations, the Zoning Administrator may approve or approve with conditions an application to expand a principal structure, or parking and circulation areas, by not more than 10 percent (10%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This ten percent limitation shall apply whether reached in one increment or in more than increment over time.

Prior to making a final decision on any such application, the applicant shall cause notice of the proposal in a form approved by the Administrator to be given by first class mail to all property owners within five (500) feet, as shown on the County's tax records, of the zoning lot. The Zoning Administrator shall afford the notified property owners ten (10) days within which to comment before mailing a final decision on the application. The Zoning Administrator shall notify the Planning Boards at its next regular meeting of any application approved or approved with conditions under this section.

If, in the judgment of the Zoning Administrator, the application presents significant issues affecting the public health, safety and welfare, he/she shall refer the application to the Planning Board for approval, denial, or approved

with conditions. In such cases, the applicant shall cause notice of the Planning Board meeting in a form approved by the Zoning Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot.

2. If otherwise in compliance with applicable provisions of this ordinance and other rules or regulations, the Planning Board May approve an application to expand a principal structure, or parking and circulation areas, by not more than fifteen percent (15%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This fifteen percent limitation shall apply whether reached in one increment or in more than one increment over time.

NOTE 3 - MANUFACTURED HOMES, CLASS B AND CLASS C
(Amended 7/11/94, 11/6/95, 5/5/97)

A 'Class B' manufactured home shall be a permitted use in the Residential (R) and Rural Conservation (RC) Zoning Districts provided that:

- (1) 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.
- (2) 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;
- (3) The roofing materials are compatible with those used in standard residential construction;
- (4) The wheels, axles, transporting lights and towing apparatus have been removed
- (5) 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*.

A Class B manufactured home meeting conditions 1 through 5 above shall be a conditional use in the Highway Business (B-1) and Neighborhood Business (B-2) Zoning Districts except when located within a mobile home park.

A Class C manufactured home meeting conditions 1 through 5 above shall be a conditional use in the Residential (R) and Rural Conservation (RC) Zoning Districts and shall not be permitted in the Highway Business (B-1) nor Neighborhood Business (B-2) Zoning Districts except when located within a mobile home park.

Class B and Class C manufactured homes may be used only for residential purposes and may not be used for storage accessory buildings, utility buildings nor shops.

All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

Class B and Class C manufactured homes not meeting requirements (1) through (5) above may be located in a mobile home park subject to the provisions of the *Person County Mobile Home Park Ordinance*. (Rev. 5/5/97)

NOTE 4 - MANUFACTURED HOMES, HARDSHIP

The Board of Adjustment may grant temporary permits for placing mobile homes for dwelling purposes to the rear or side of a dwelling located on a residential lot in certain hardship cases when the Board of Adjustment finds that:

- (1) The person or persons occupying the mobile home are physically dependent upon the person or persons occupying the dwelling house, or that the person or persons occupying the dwelling house are physically dependent upon the person or persons occupying the mobile home.
- (2) The water and sewage facilities are approved by the District Health Department.
- (3) One of the following types of relationships exists between the occupants of the manufactured home and the occupants of the principal dwelling unit:
 1. Blood relationship.
 2. Relationship by marriage.
 3. Legal guardian relationship established by law.
 4. The attendant is compensated for his or her services and is providing care for not more than two related persons.
- (4) The manufactured home meets requirements 1 through 5 in NOTE 3 MANUFACTURED HOMES, CLASS B AND CLASS C in APPENDIX C, NOTES TO THE TABLE OF PERMITTED USES.

The permit shall expire after one (1) year and shall be renewable upon similar findings by the Zoning Administrator or by the Board of Adjustment. When the hardship ceases to exist, the permit shall automatically be revoked and the mobile home removed. When any of the terms, conditions, or restrictions imposed on the conditional use are not being complied with, the Zoning Administrator shall rescind and revoke such permits after notifying all parties concerned by letter and granting full opportunity for a public hearing.

Any mobile home approved by the Board of Adjustment under the hardship provisions prior to the date of this amendment shall be included in the above restrictions with regard to expiration of permits after one (1) year from the date of issuance and all such permits shall be renewed within one (1) year of the date of this amendment. (Rev. 5/5/97)

NOTE 5 - AIRPORT OVERLY

1. Use specifically permitted only in the Airport Overlay, provided in accordance with applicable ordinance provisions.

NOTE 6 - MANUFACTURED HOMES, CLASS A

A Class A manufactured home shall be a permitted use in the Residential (R), Highway Business (B-1), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The manufactured home is listed and assessed as real property;
- (2) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;
- (3) 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;
- (4) The manufactured home is set up in accordance with the standards set by the N.C. 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;
- (5) 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

(6) The moving hitch, wheels and axles, and transporting lights have been removed.

A Class A manufactured home may be used only for residential purposes and may not be used for storage, accessory buildings, utility buildings nor shops. All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

A Class A manufactured home not meeting criteria (1) through (6) above may be located in a mobile home park subject to provisions of the *Person County Mobile Home Park Ordinance*.

(Adopted 5/5/97)

NOTE 7 - MANUFACTURED HOME FOR TEMPORARY DWELLING DURING CONSTRUCTION OF A PERMANENT DWELLING

The Board of Adjustment may grant a conditional use permit to allow the temporary placement of a manufactured home for dwelling purposes on a lot during construction or installation of a permanent residential unit on that lot provided that:

- (1) A building permit has been issued for construction of the permanent home;
- (2) The construction of the permanent home is started within six (6) months from placement of the manufactured home on the lot and is completed within three (3) years from the date of approval of the conditional use permit. At the discretion of the Board, the duration of the conditional use permit may be extended a maximum of five (5) years from the date of approval of the permit to allow completion of the permanent home;
- (3) 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; and
- (4) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.

The manufactured home must be removed from the lot within thirty (30) days following issuance of the Certificate of Occupancy of the permanent home.

Should any of the terms, conditions or restrictions imposed on the conditional use permit be violated, the Zoning Administrator shall rescind and revoke such permits after notifying by letter all parties concerned and granting them full opportunity of a hearing. When such a conditional use permit is revoked, the manufactured home for which it

was issued must be removed from the property within thirty (30) days after the revocation is final. (Adopted 5/5/97)

**NOTE 7A – TEMPORARY EMERGENCY USE OF
CAMPER/RECREATIONAL VEHICLE**
(Added 8/2/2010)

Temporary emergency use of a camper/recreational vehicle is allowed for a period of six months in the event of a fire, flood or other natural disaster which has made the principal dwelling uninhabitable. The temporary use must be located on the same lot and a zoning permit is required. The zoning permit may be renewed for one additional six month period.

The Board of Adjustment may grant a Conditional Use Permit to allow the temporary use of a camper/recreational vehicle for dwelling purposes during the construction or installation of a permanent residential unit provided that:

1. A building permit has been issued for construction of the permanent home.
2. Approval is for a period of one year. Applicant shall only be allowed one reapplication for the same lot.
3. The camper/recreational vehicle can not be used for residential purposes on the same lot once the certificate of occupancy is issued or the time allowed by the Conditional Use Permit has expired.

NOTE 8 – PRIVATE AIR STRIP/HELIPORT
(ADDED MAY 7, 2001)

Private airstrip/heliport without commercial activity. No zoning permit required.

NOTE 9 – SECTION - WIRELESS TELECOMMUNICATIONS FACILITIES
(ADDED JULY 22, 2002,)
(AMENDED: 2/21/2005; AMENDED 12/3/2007; AMENDED:)
(DELETED: DECEMBER 6, 2010)

PERSON COUNTY WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE (Added 12/6/2010)

I. Purpose and Legislative Intent

The County of Person finds that wireless telecommunications facilities may pose concerns to the health, safety, public welfare, character and environment of the County and its residents. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to assure that the placement, construction or modification of wireless telecommunications facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, wireless telecommunications facilities application and permitting process. The intent of this Ordinance is to minimize the physical impact of wireless telecommunications facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the County of Person.

II Severability

- A) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B) Any special use permit issued pursuant to this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by such, the permit shall be void in total, upon determination by the County.

III. Definitions

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning as defined. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. "**Accessory Facility or Structure**" means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

2. **“Administrative Approval”** means zoning approval that the Planning Director or designee is authorized to grant after administrative review.
3. **“Amend” or “Amended”** means any change in an application made subsequent to the submission of the application originally submitted, regardless of the reason.
4. **“Applicant”** means any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.
5. **“Application”** means all necessary and required documentation that an applicant submits in order to receive a special use permit or a building permit and zoning permit for wireless telecommunications facilities.
6. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
7. **“Board”** means the Board of County Commissioners.
8. **“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.
9. **“Co-location”** means the use of an approved telecommunications structure to support an antenna for the provision of wireless services.
10. **“Commercial Impracticability” or “Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable.”
11. **“Completed Application”** means all necessary and required information and data are included to enable an informed decision to be made with respect to an application.
12. **“DAS” or “Distributive Access System”** means a technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling or fiber optics.
13. **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
14. **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.

15. **“Height”** means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure including an antenna or lightning protection device.
16. **“Maintenance”** means plumbing, electrical or mechanical work that may require a building permit and zoning permit but that does not constitute a modification to the wireless telecommunications facility.
17. **“Modification”** or **“Modify”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or site as a co-location is a modification.
18. **“Monopole”** --A single, freestanding pole-type structure supporting one or more antenna. For purposes of this Ordinance, a monopole is not a tower.
19. **“Necessary”** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the application. Necessary does not mean what may be desired or preferred technically.
20. **“NIER”** means Non-Ionizing Electromagnetic Radiation.
21. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
22. **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
23. **“Personal Wireless Services (PWS)”** or **“Personal Telecommunications Service (PTS)”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
24. **“Repairs and Maintenance”** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
25. **“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.

26. **“Special Use Permit”** means the official document or permit by which an applicant is allowed to file for a building permit and zoning permit to construct and use wireless telecommunications facilities as granted or issued by the County.
27. **“Stealth”** or **“Stealth Technology”** means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean building the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS or its functional equivalent or camouflage where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.
28. **“State”** means the State of North Carolina.
29. **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
30. **“Telecommunications Site”** See definition for wireless telecommunications facilities.
31. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of wireless telecommunications facilities.
32. **“Temporary”** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
33. **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
34. **“Wireless Telecommunications Facility or Facilities (WTF or WTFs)”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”** meaning a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

IV. Summary of Approvals Required for Telecommunications Facilities and Support Structures.

Administrative Review and Approval

Type of Structure	Use	Maximum Height	Zoning District
New Support	Telecommunications	60 feet	Any except residential
Stealth	Telecommunications	60 feet	Any
New Support	Wireless Broadband Service	120 feet	Any
Stealth	Telecommunications	150 feet	Any except residential
New Support	Telecommunications	199 feet	Industrial
Monopole/Replacement poles	Telecommunications	none specified	Utility easements or rights of way
COWs	Telecommunications	none specified	Any

Special Use Permit

**Any structure not meeting the above guidelines

Exempt

Ordinary Maintenance

Antennas used by residential households solely for the reception of radio and television broadcasts

Satellite antennas used sole for household or residential purposes

COW's placed in Person County for 120 days or less after declaration of emergency or disaster

Television and AM/FM radio broadcast towers and associated facilities

V. Telecommunications Facilities and Support Structures Permitted by Administrative Approval.

(A) Telecommunications Facilities Located on Existing Structures

- (1) Telecommunications facilities are permitted in all zoning districts when located on any existing structure subject to administrative approval in accordance with the requirements of this section.
- (2) Antennas and accessory equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a substantial increase.
- (3) Minor modifications are permitted in all zoning districts subject to administrative approval in accordance with the requirements of this section.

(B) New Support Structures

- (1) New support structures less than sixty (60) feet in height shall be permitted in all zoning districts except residential districts in accordance with the requirements of this section.

- (2) Stealth telecommunications facilities that are less than sixty (60) feet in height shall be permitted in any residential district after administrative review and administrative approval provided that it meets the applicable standards in accordance with this Ordinance
- (3) New support structures up to one hundred twenty (120) feet in height that are used to provide wireless broadband service to specific geographical areas or neighborhoods shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance.
- (4) New support structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this section. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.
- (5) A monopole or replacement pole that will support utility lines as well as a telecommunications facility shall be permitted within utility easements or rights-of-way, in accordance with the requirements of this section.
 - (a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - (b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
 - (c) The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - (d) Monopoles and the accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - (e) Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
 - (f) Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20) feet above the height of the utility tower.
- (6) Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in

addition to telecommunications facilities shall be permitted in accordance with requirements of this section. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.

(C) Stealth Telecommunications Facilities

- (1) Stealth telecommunications facilities shall be permitted in all zoning districts after administrative review and administrative approval in accordance with the requirements below. Stealth facilities in residential areas must not exceed sixty (60) feet and comply with the requirements below in order to qualify for administrative review.
 - (a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - (b) Existing structures utilized to support the antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
 - (c) Setbacks for stealth facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.

(D) COW Facilities and Minor Modifications

- (1) The use of COWs shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance if the use of the COW is either not in response to a declaration or emergency by the Governor or will last in excess of one hundred-twenty (120) days.

(E) General Standards, Design Requirements, and Miscellaneous Provisions

- (1) Unless otherwise specified herein, all telecommunications facilities and support structures permitted by administrative approval are subject to the applicable general standards and design requirements of Section VII and the provisions of Section VIII.

(F) Administrative Review Process

- (1) All administrative review applications must contain the following:
 - (a) Administrative review application form signed by applicant.
 - (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.

- (c) Site plans detailing proposed improvements which comply with Section 81—Site Plan Requirements of the Person County Planning Ordinance. Drawings must depict improvements related to the requirements listed in this section, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
- (d) In the case of a new Support Structure:
 - i. Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option; and
 - ii. The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.
 - iii. Applications for new support structures with proposed telecommunications facilities shall be considered together as one application requiring only a single application fee.
- (e) Administrative review application fee listed as Cellular Tower Recertification, Cellular Tower Fee, and/or Collocation Fee as appropriate in the Person County Schedule of Fees.

(2) Procedure

- (a) Within thirty (30) days of the receipt of an application for administrative review, the Planning Director shall either: (1) inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the Planning Director informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.
- (b) An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

- (c) The Planning Director must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:
 - (ii) Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the applicant.

Failure to issue a written decision within ninety (90) days shall constitute an approval of the application.

- (d) Should the Planning Director deny the application, the Planning Director shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- (e) Applicant may appeal any decision of the Planning Director approving, approving with conditions, or denying an application or deeming an application incomplete, within thirty (30) days to the Planning Board in accordance with this Ordinance.

VI. Telecommunications Facilities and Support Structures Permitted by Special Use Permit.

(A) Any Telecommunications Facility or Support Structures Not Meeting the Requirements of Section V Shall Be Permitted by Special Use Permit in all Zoning Districts Subject to:

- (1) The submission requirements of Section VI (B) below; and
- (2) The applicable standards of Sections VII and VIII below; and
- (3) The requirements of the special use permit general conditions in Section 74 of the Person County Planning Ordinance.

(B) Submission Requirements for Special Use Permit Applications

- (1) All special use permit applications for telecommunications facility and support structures must contain the following:
 - (a) Special Use Permit application form signed by applicant.
 - (b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.

- (c) Written description and scaled drawings of the proposed support structure, including structure height, ground and structure design, and proposed materials.
- (d) Number of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure.
- (e) When locating within a residential area, a written technical and operational analysis of why a monopole or similar structure at a height of less than one hundred (100) feet cannot be used.
- (f) Line-of-sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- (g) A statement justifying why collocation is not feasible. Such statement shall include:
 - (i) Such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
 - (ii) A list of the existing structures considered as possible alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or technologically infeasible.
- (h) A statement that the proposed support structure will be made available for collocation to other service providers at commercially reasonable rates.
- (i) Proof that the proposed special use will not materially injure the value of the adjoining or abutting property as required by Section 74 of the Person County Planning Ordinance.
- (j) Special use permit application fee and Cellular Tower Recertification, Cellular Tower Fee, and/or Collocation Fee as appropriate as listed in the Person County Schedule of Fees.

(C) Procedure

- (1) Within thirty (30) days of the receipt of an application for administrative review, the Planning Director shall either: (1) inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Planning Director informs the applicant of an incomplete application within thirty (30) days, the overall timeframe

for review is suspended until such time that the applicant provides the requested information.

- (2) If an application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- (3) A complete application for a special use permit shall be scheduled for a hearing date as required by Section 74 of the Person County Planning Ordinance.
- (4) Applications for new support structures with proposed telecommunications facilities shall be considered as one application requiring a single application fee.
- (5) The posting of the property and public notification of the application shall be accomplished in the same manner required for any special use permit application under this Ordinance.
- (6) The Planning Director must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:
 - (i) The Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the applicant.

Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

VII. General Standards and Design Requirements.

(A) Design

- (1) Support Structures shall be subject to the following:
 - (a) Shall be designed to accommodate a minimum number of collocations based upon their height:
 - (i) Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;

- (ii) Support structures from one hundred (100) to one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;
 - (iii) Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.
 - (b) The compound area surrounding the monopole must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section VII(A)(1)(a).
 - (2) Stealth telecommunications facilities shall be designed to accommodate the co-location of other antennas whenever feasible.
 - (3) Upon request of the applicant, the Planning Board may waive the requirement that new support structures accommodate the co-location of other service providers if it finds that co-location at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.
- (B) Setbacks
- (1) Property Lines. Unless otherwise stated herein, support structures shall be set back from all property lines a distance equal to their height measured from the base of the structure to its highest point.
 - (2) Residential Dwellings. Unless otherwise stated herein, monopoles, towers and other support structures shall be set back from all off-site residential dwellings a distance equal to the height of the structure. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or replacement structures shall not be subject to a setback requirement.
 - (3) Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to a setback requirement.
 - (4) The Planning Board shall have the authority to vary any required setback upon the request of the applicant if:
 - (a) Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.

- (b) The telecommunications facility or support structure is consistent with the purposes and intent of this Ordinance.

(C) Height

- (1) In non-residential districts, support structures shall be designed to be the minimum height needed to meet the service objectives.
- (2) In residential districts, support structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Any proposed support structure shall be designed to be the minimum height needed to meet the service objectives.
- (3) In all zoning districts, the Planning Board shall have the authority to vary the height restrictions of this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Planning Board.

(D) Aesthetics

- (1) Lighting and Marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the FCC or the FAA.
- (2) Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information required by government regulation. Commercial advertising is strictly prohibited.
- (3) Landscaping. In all districts, the Planning Board shall have the authority to impose reasonable landscaping requirements surrounding the accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The Planning Board may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the Planning Board, landscaping is not appropriate or necessary.

- (E) Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the telecommunication facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

The accessory equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the Planning Board.

VIII. Miscellaneous Provisions.

(A) Fencing

- (1) Ground mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the Planning Board.
- (2) The Planning Board may waive the requirement of Subsection (1) above if it is deemed that a fence is not appropriate or needed at the proposed location.

(B) Abandonment and Removal. If a support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the County may require that such support structure be removed only after first providing written notice to the owner of said structure and giving them the opportunity to take such action(s) as may be necessary to reclaim said structure within thirty (30) days of receipt of written notice. In the event the owner of the support structure fails to reclaim said structure within the thirty (30) day period, they shall be required to remove it within six (6) months thereafter. The County shall ensure and enforce removal by means of its existing regulatory authority.

(C) Multiple Uses on a Single Parcel or Lot. Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

IX. Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Ordinance.

(A) Telecommunications facilities and support structures that were legally permitted on or before the date this Ordinance shall be considered a permitted and lawful use.

(B) The provisions of this section are limited to those structures that do not meet the height or setback requirements set forth in these regulations.

(C) Non-conforming Support Structures

- (1) Ordinary maintenance may be performed on a non-conforming support structure or telecommunications facility.
- (2) Co-location and/or minor modifications of telecommunications facilities on an existing non-conforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section IV.

(3) Major modifications may be made to non-conforming support structures utilizing the regulatory approval process defined in Section V.

X. Retention of Expert Assistance

- (A) The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- (B) The hiring of any consultant will be based upon the findings of the County Manager or their designee of a demonstrable need for assistance beyond the expertise of the County staff.
- (C) The cost of retaining this expert will be borne by the applicant and shall not exceed an amount of \$4,000.

XI. Effective Date

This ordinance shall become effective on the 6th day of December, 2010.

Jimmy B. Clayton, Chairman
Person County Board of Commissioners

Brenda B. Reaves
Clerk to the Board