

# **Town of Peletier, North Carolina Zoning Ordinance**



**Updates Adopted: April 7, 2025**

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## **1000. ENACTMENT**

### **1001. Enactment.**

An ordinance establishing comprehensive zoning regulations for the Town of Peletier, North Carolina, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of North Carolina General Statutes 160D [Planning and Development Regulation] inclusive, and for the repeal of any ordinance in conflict herewith.

### **1002. Purpose.**

The Town of Peletier Board of Commissioners deem it necessary for the purpose of promoting the health, safety, morals or general welfare of the Town of Peletier to enact such an Ordinance. To achieve this end, the Board of Commissioners have appointed a Planning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. As such, the Planning Board has divided the Town into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion throughout the Town; to secure safety from fire, panic and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The Planning Board has given reasonable consideration, among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town, and the Planning Board has submitted its final report to the Town Board of Commissioners. The Town Board of Commissioners have given due public notice of hearings relating to zoning districts, regulations and restrictions, and have held such public hearings, and all requirements of the General Statutes of North Carolina, with regard to the preparation of the report of the Planning Commission and subsequent action of the Town Commissioner have been met.

### **1003. Official Zoning Map.**

The zoning map entitles "Peletier Town Limits with Zoning" as prepared by the Carteret County Tax Office as amended according to this ordinance, is hereby designated the "Official Zoning Map of the Town of Peletier".

Per G.S. 160D-105, the "Official Zoning Map, Town of Peletier" shall be retained in the office of the Town Clerk. The Zoning Map and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein. The maps may be in paper or a digital format approved by the town and may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the town clerk in accordance with G.S. 160A-79 shall be admissible into evidence and shall have the same force and effect as would the original map.

Development regulations adopted pursuant to this ordinance may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps.

When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in subsection this section.

#### **1004. Permit Choice & Vested Rights.**

General. Per G.S. 160D-108, the General Assembly recognizes that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation.

Permit Choice. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

Process to Claim Vested Right. Per G.S. 160D-108, a person claiming a statutory or common law vested right may submit information to substantiate that claim to the administrative officer or other agency designated by this ordinance, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrative officer may be appealed to the under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1

#### **1005. Planning and Development Regulation Jurisdiction.**

The geographic area defined in Part 2 of G.S. 160D within the town may undertake planning and apply the development regulations authorized by G.S. 160D where these regulations shall govern the development and use of land and structures.

#### **1006. Interpretation of Zoning Maps.**

Where uncertainty exists with respect to the boundaries of the various districts shown on the maps cited in Section 1004, the following rules will be used to interpret the maps:

**1006.1** In cases where a zoning boundary line is located within a street or alley right-of-way, railroad or utility right-of-way or easement, canal, navigable or un-navigable water body, it will be considered to be in the center of the street or alley right-of-way, railroad or utility easement, canal or water body. If the actual location of such right-of-way, easement, canal or water body varies slightly from the location as shown on the map, then the actual location will control.

**1006.2** Where a zoning district boundary is shown to approximately coincide with a property line or city limit line, the property line or city limit line will be considered to be the zoning district boundary, unless otherwise indicated.

**1006.3** In cases where a district boundary does not coincide or approximately coincide with any street or alley, railroad, water body or canal, or property line, and no dimensions are shown, the location of the boundary will be determined by the use of the scale appearing on the map.

**1006.4** In instances where none of the above methods are sufficient to resolve the boundary location by the Zoning Enforcement Officer, The Board of Adjustment shall be empowered to interpret the intent of the zoning map as to the location of district boundaries in case any further uncertainty exists.

### **1007. Bona Fide Farms Exempt.**

The provisions of this ordinance shall not apply to bona fide farms. This ordinance does not exercise controls over crop lands, timber land, pasture lands, idle or other farm lands, nor over any farm house, barn, poultry house, other farm building including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Per G.S. § 160D-903, residences which are not occupied by the owner, lessee, or operator and other non-farm uses shall be subject to the provisions of this ordinance.

### **1008. Zoning Districts.**

For the purposes of this Ordinance, the planning and development regulation jurisdiction of the Town of Peletier as shown on the official zoning map, are divided into Zoning Districts R-A, R-35, R-20, R-15, R-15M, R-10, CC, OP, B-3, B-2, B-1, MC, RCP, LIW, P-I and I-W.

- 1) RA (Rural Agricultural District): The district encompasses those lands which are primarily suited for agriculture, agriculturally related uses, and low density residential or woodlands.

- 2) R-35 (Residential District, 35,000 square foot minimum lot size): This district is suited for low density single-family residential dwellings in environmentally sensitive areas. The minimum lot size is 35,000 square feet.
- 3) R-20 (Residential District, 20,000 square foot minimum lot size): A single-family residential district established to maintain a density of approximately two units per acre with a 20,000 square foot minimum lot size.
- 4) R-15 (Residential District, 15,000 square foot minimum lot size): A residential district requiring a minimum of 15,000 square feet per lot if water or sewer is available and a minimum of 20,000 square feet if no public services are available.
- 5) R-15M (Residential District, 15,000 square foot minimum lot if water or sewer is available and a minimum of 20,000 square feet if no public services are available. This district allows manufactured homes residential structures built as per Volume IB of the North Carolina Building Code.
- 6) R-10 (Residential District, 10,000 square foot minimum lot size): A residential district allowing a minimum of 10,000 square feet if both water and sewer are available or 15,000 square feet if either water or sewer is available, and 20,000 square feet if neither service is available.
- 7) C-C (Church Campus District): A religious education and recreation use district intended to facilitate the orderly growth of church-related uses.
- 8) OP (Office and Professional District): A district established to provide controlled office, institutional and professional development complexes.
- 9) B-3 (Planned Business District): A business district established to provide controlled shopping center development.
- 10) B-2 (Marine Business District): A business district established for marine- related businesses.
- 11) B-1 (General Business District): A business district established for retailing of merchandise and for conducting professional and business service.
- 12) MC (Planned Mobile Home and Camper Park District): A district allowing for the development of manufactured home parks and travel trailer parks.
- 13) RCP (Recreational Camper Park District): A recreational district established to provide controlled campground developments (Amended 09/15/98).
- 14) LIW (Light Industrial Wholesale District): This is a district suited for the location of offices, warehouses, and other light industries on tracts of land where the operations involved do not detract from the development potential of nearby properties.

- 15) P-I (Port-Industrial District): An industrial district developed exclusively for port-related manufacturing and storage activities.
- 16) I-W (Industrial and Wholesale District): A District suited for the location of manufacturing and other related uses which would be incompatible with business and residential areas.

#### **1009. Zoning Affects Every Building and Use.**

No building, structure or land may be used or occupied, and no building, structure or part thereof may be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with all the regulations of this ordinance for the district in which it is located, except as otherwise provided by this ordinance. However, the regulations in this ordinance do not apply to bona fide farms as defined in Section 1100.

#### **1010. Rounding Off Fractions.**

When a requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more will be rounded off and considered a whole unit. Fractions of less than one-half will be rounded off to the nearest lower number of units. For example, when the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more will be considered a dwelling unit and a fraction of less than one-half will be disregarded.

#### **1011. Lots Divided by Zoning District Boundaries.**

In the event that a zoning district boundary line on the zoning map divides a lot or tract of single ownership, each part of the lot may only be used in conformity with the regulations established by this ordinance for the district in which each part is located. Should such division prove to be an impractical application and an unreasonable hardship, the lesser portion of the lot or tract will be regulated the same as the greater portion of the lot or tract; or in the case of an equally divided lot or tract, the more restrictive zoning designation applies.

#### **1012. Reduction of Lot area Prohibited.**

No lot existing at the time of adoption of this ordinance may be reduced in its dimensions or area below the minimum requirements of this ordinance for the district in which it is located unless specifically authorized by other provisions of this ordinance.

#### **1013. Every Lot Must Abut a Street.**

No building, structures or use of land for any purpose except agriculture may be placed on a lot which does not abut a street. The following sections list exemptions to this rule.

**1013.1** A single-family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot meets the terms of the Town of Peletier Subdivision Regulations or is a lot of record.

**1013.2** Any structure approved under the Group Housing Ordinance is exempt from this Section.

**1014. Interpretation and Application of these Regulations.**

In the interpretation and application of this ordinance, the provisions of the ordinance will be construed to be the minimum requirements adopted to promote the public health, safety, comfort, convenience and general welfare.

**1015. Relation of this Ordinance to Other Ordinances.**

It is not intended that this ordinance will in any way repeal, annul or interfere with the existing provisions of any law or ordinance. In addition it is not intended that this ordinance will in any way repeal, annul or interfere with any rules, regulations or zoning permits which were legally adopted or issued under previous ordinances for the use or development of land or structures.

**1016. Zoning Boundaries over Surface Waters.**

Since NCGS 160D-702, as amended, permits a town to regulate development over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146- 2, within the bounds of that Town, the zoning boundaries for waterfront parcels shall be extended linearly 400 feet waterward of the mean high water mark. This water surface zoning shall not unreasonably infringe on the right to navigation protected by the federal government or on other rights, such as shell fishing right, allowed by State government.

**1017. Zoning District Changes Affecting the Zoning Maps.**

Upon the effective date of this ordinance, the R-50 (Single-Family Residential District) zone shall be changed in name to RA (Rural Agricultural), and the C-I (Planned Mobile Home and Camp Park District) zone shall be changed in name to MC (Planned Mobile Home and Camp Park District). These changes do not constitute a change in the dimensional requirements or uses permitted within these districts.

**1018. Every Structure Shall Display an Address Sign**

Upon the adoption of this amendment dated August 1, 2005:

**1018.1** The owner of any addressable structure shall post the approved road address on such structures for the purpose of health, safety, and general welfare of the citizens of the Town of Peletier.

**1018.2** The minimum size for any road address number displayed is three (3) inches.



**1018.3** The height of the road address number displayed on a single-family dwelling, non-commercial structure, mobile home space or unit shall be a minimum of three (3) inches.

**1018.4** The height of the road address number displayed on multiple dwelling units, commercial buildings and mobile home parks shall be a minimum of five (5) inches.

**1018.5** Road address numbers shall be of a contrasting color to the background so that they are clearly visible. It shall be the responsibility of the property owner to ensure that road address numbers are in good repair and promptly repair or replace any numbers which are damaged, destroyed, or otherwise made unreadable.

**1018.6** The road address number must be displayed on the building in a location that will be clearly visible from the road during both day and night.

**1018.7** If the road address number displayed on a structure is not clearly visible during both day and night due to landscaping or other obstructions, the road address number shall also be placed at or near the driveway which serves the structure. The mail box can be used to display the road address number in this case, only if the mail box is a single mail box and is at the entrance to the driveway which serves the structure.

**1018.8** If a structure is one hundred (100) feet or greater from the center line of the roadway which fronts the structure, the road address number should also be placed at or near the driveway which serves the structure. The mail box can be used to display the road address number in this case, only if the mail box is a single mail box and is at the entrance to the driveway which serves the structure.

**1018.9** Road address numbers displayed at or near the driveway shall be installed with the road address number visible from either direction.

**1018.10** Mobile home and other non-permanent dwelling unit lots shall have sequential road address numbers throughout the park. Each lot shall have a separate road address number assigned. The road address number of each lot must be clearly displayed on the lot so as to be legible from the road.

## **1100. RULES OF CONSTRUCTION AND DEFINITIONS.**

### **1101.**

This ordinance has been written so that the average citizen may use and understand its provisions. Efforts have been made to avoid the overuse of technical language where the meaning could be conveyed in another form. For the purposes of this ordinance, the following rules of construction and interpretation apply.

**1101.1** Words used in the present tense include future tense.

**1101.2** Words used in the singular number include the plural number and the plural number includes the single number unless the context of the particular usage clearly indicates otherwise.

**1101.3** The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.

**1101.4** The word "may" is permissive.

### **1101.5 Definitions.**

For the purpose of this ordinance, the following words and terms have the meanings specified in the following sections.

Terms not herein defined shall have the meanings customarily assigned to them.

**Administrative decision.** Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as “ministerial” decisions or “administrative determinations.”

**Administrative hearing.** A proceeding to gather facts needed to make an administrative decision.

**Abutting.** Sharing a common boundary line or separated by a publicly or privately dedicated road or right-of-way.

**Accessory Building or Structure.** A detached subordinate building or structure, the use of which is incidental and secondary to that of the principal building or use on the same lot or tract of land as the principal building or use. Under no circumstances shall an accessory building or structure be used for residential occupancy.

**Accessory Use.** A subordinate use, clearing incidental and related to the principal structure, building or use of land, and located on the same lot as that of the principal structure, building or use.

**Adjacent.** Nearby, but not abutting.

**Adult Uses.** An establishment which has a majority of its business which excludes minors by reason of age because of the sexually explicit nature of the material. Such establishments

include, but are not limited to, adult bookstores, adult theaters (drive-in, picture and mini-picture), massage parlors, adult cabaret, etc. See Amendment 12.6.93

**Animal Hospital Veterinary Clinic.** A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

**Avocational Farming.** The use of land for those activities which constitute general farming or less than five acres or which have sales less than \$3,000.00 for the preceding three years or which have less than ten acres of forest land for which a management plan has been prepared. Avocational farming includes the use of the land for the raising and keeping of animals, reptiles, etc., or the propagation of ornamental plants, fruits and vegetables in a manner which does not constitute specialized animal husbandry or specialized horticulture. Avocational farming does not include home gardening or the keeping of pets, both of which are allowed in any zone. Home gardening and the keeping of pets are customarily accessory uses to the primary use of the land.

**Auditorium.** A place of assembly to watch and/or listen to athletic events, musical performances, dramatic or dance performances, speeches and/or ceremonies. The term is intended to include such uses as stadiums, coliseums, athletic centers, theaters and arenas.

**Bed and Breakfast.** See G.S. 130A-247.

**Billboard.** An outdoor advertising device, sign or display used to advertise information concerning a person, place or thing which is located off-site at another location.

**Boarding House.** A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for five or more guests, but not exceeding nine guests. Bed and breakfasts shall be included in this definition.

**Boat.** A self-propelled registered or documented vessel or watercraft specifically designed to be self-propelled by engine, sail, oar, paddle or other means which is used to travel from place to place by water.

**Bona Fide Farm.** Those agricultural activities set forth in G.S. 160D-903.

**Buffer.** A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, hedges, landscaped areas, berms, additional setbacks, or combinations of the above. See Section 1601.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Line.** A line formed by the surface of the ground and the closing wall of a building or portion thereof. Where eaves, carports, terraces, patios, enclosed courts, balconies, decks or other projections or appurtenances are portions of a building and extend beyond the enclosing walls of the building, the building lines shall be the outer face of such projections.

**Built-Up Area.** That portion of an individual development project that is covered by impervious or partially impervious cover including buildings, pavement, recreation facilities, etc., but not including decking as defined in 15 NCAH 2H .100 (Stormwater Runoff Disposal).

**Business Residence.** One structure consisting of both a residence and business activity. The residence must be physically attached to the business.

**Camp, Seasonal.** A facility intended as a recreational/learning center for use by girl and boy scout groups or other where activities may include riding, swimming, tennis hiking, crafts or the like. Camp facilities may provide sleeping and eating quarters or may be intended for day use only. Also called "Summer Camp".

**Coastal Area Management Act (CAMA).** A state law as defined in G.S. 113A-100 which claims jurisdiction adjacent to coastal waters and other areas of environmental concern. CAMA permits are required for any land-distributing activities which take place within a prescribed distance from the mean high water mark.

**Caretaker.** A resident occupant of a business, industrial or mobile home park site who is intended to oversee the ongoing operations of said facility and remain on site continuously for security reasons.

**Church.** A structure in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

**Club or Lodge, Private.** An establishment operated by a corporation or association of persons for social, recreations, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

**Commercial Feeder Operation.** As intensive animal raising operation that takes place within a building (e.g. chicken hatchery and swine production).

**Community Center or Civic Center.** A new or existing facility that is owned or operated by a non-profit group from the community for non-commercial activity.

**Comprehensive plan.** A comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

**Conditional zoning.** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

**Conditional Use.** See Special Use Permit.

**Condominium.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interest in the common elements is vested in the unit owners.

**Condominium Unit.** A physical portion of the condominium designated for separate ownership or occupancy the boundaries of which are described pursuant to GS 47C- 2- 105 (a) (5).

**Construction or demolition (C&D).** when used in connection with "waste" or "debris" means solid waste resulting solely from construction, remodeling, repair, or demolition operations on

pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.

Day Care Center. An agency, organization or individual providing preschool instruction or daytime care to adults and/or children not related by blood or marriage, or not the legal wards or foster children of, the attendant adult at anyplace other than an occupied dwelling in which the occupant provides day care or any place which provides care for more than 15 children/adults.

Dedication. A transfer of, or restriction of an interest in land, by the owner for a specified purpose or purposes. Because a transfer of property is entailed, dedication must be made by written instrument or by operation of law and is completed with an acceptance.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Any of the following:

- (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- (b) The excavation, grading, filling, clearing, or alteration of land.
- (c) The subdivision of land as defined in G.S. 160D-802.
- (d) The initiation or substantial change in the use of land or the intensity of use of land.

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

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

Disposal. means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Double Frontage Lot. A lot, other than a corner lot, having frontage on more than one street.

Drive-In Service Window. A customer service facility designed for the convenience of the motoring public as an accessory part of an office or retail establishment which is intended to enable the customer to transact business with a salesperson located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon completion of the business transaction.

Drystack Boat Storage. A dry dock boat storage facility associated with commercial marinas.

Duplex. A building designed, constructed or reconstructed for use as two dwelling units that are connected by a common structural or load-bearing wall. Also known as dwelling, two-family.

.1 Detached. A single family dwelling which is unattached from another single family dwelling.

.2 Attached. A one family dwelling that is connected on at least one side by means of a common dividing structural or load bearing wall to one or more other one-family dwellings.

Dwelling, Multi-Family. A building designed, constructed or reconstructed, and used for more than three dwelling units.

Dwelling. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of G.S. 160D, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose

Easement. A grant of rights by a property owner to another entity to make limited use of a portion of real property for a specified purpose.

Efficiency Unit. An additional dwelling unit within a single family dwelling that shall be allowed in all residential zones if the following criteria are met:

1. The efficiency unit contains no more than 25% of the gross heating and/or cooled floor area of the total dwelling;
2. The lot meets the minimum lot size requirements of the zoning district in which it is located. See Section 3101.

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

Family. An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit; or a group of not more than two persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

Family Care Home. See G.S. 160D-907.

Fishing Ranch. A pond or lake, or series thereof, used for the extraction of fish for recreational purposes and opened to the general public on a commercial basis, not to include hatchery facilities or operations.

Floating Structures (Floating Home). Any structure, not a boat, supported by a means of flotation, designed to be used without a permanent foundation, which is used or intended for human habitation or commerce. A structure will be considered a floating structure when it is inhabited or used for commercial purposes for more than thirty days in any one location. A boat may be deemed a floating structure when its means of propulsion has been removed or rendered inoperative and it contains at least 200 square feet of living space area. (15 NCAC .07M.0600)

Floor Area, Gross. The sum of the horizontal areas of the several floors of the building, or portion thereof, devoted to such use.

Floor Area, Net. Net floor area shall equal gross floor area minus floor area devoted primarily to storage purposes.

Garbage. means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

Golf Course. A tract of land designed and laid out for the game of golf, involving accessory uses and building. Government Uses. See Addendum.

Group Care Facility. A facility licensed by the appropriate state agency as a group care facility for from seven to fifteen unrelated individuals, excluding supervisory personnel, who are handicapped, aged or disabled and are undergoing rehabilitation, or extended care, and are provided services to meet their specific needs. This category includes group homes for all ages, half-way houses, foster and boarding homes.

Group Development. One or more principal structures built on a single lot, tract or parcel of land and designed for occupancy by more than one separate family, firm business or other enterprise.

Governing board. The town board of commissioners of the Town of Peletier. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

Hazardous waste. means a solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hazardous waste facility. means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Hazardous waste generation means the act or process of producing hazardous waste.

Hazardous waste disposal facility. means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under this Article.

Hazardous waste management. means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

Hazardous waste management program. means the program and activities within the Department pursuant to Part 2 of this Article, for hazardous waste management.

Health Services. Establishments of licensed practitioners, or licensed persons independently practicing a profession, primarily engaged in rendering medical, surgical and other health-related and allied personal care services in the health field (e.g., physicians, physical therapists).

Home for the Aged. An agency, organization, or individual providing care for three or more sick or aged persons not related by blood or marriage to the operation.

Home Occupation. An occupation, service, profession or enterprise carried on by resident members of a family and not more than few nonresident employees. An accessory use of residential property which is clearly incidental and subordinate to the principal residential use of the property.

Home Occupation, Traditional. Traditional and/or historic home occupations unique to given areas including, but not limited to, small craft wooden boat builders, fishermen, wood carving, artisan, food canning and the like which are conducted on- site and may be conducted in an accessory structure.

Horticulture, Specialized. The use of land for the propagation of ornamental plants and other nursery products such as bulbs, florist greens, flowers, shrubbery, flower and vegetable seeds, plants and sod and fruits and vegetables grown primarily under cover (e.g., greenhouses).

Hotel, Motel, Motor Lodge, Motor Inn, Inn, Tourist Court. A building or group of attached or detached buildings containing, in combination, ten or more lodging units or ten or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupants are generally residents rather than transients.

Hotel, Residential. A building or group of attached or detached buildings containing, in combination, ten or more lodging units available for occupancy only for periods of thirty days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with the number of such units limited to ten percent of the number of tenant lodging units.

Industrial solid waste. means solid waste generated by manufacturing or industrial processes that is not hazardous waste.

Inert debris. means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.



**Junk Yard.** An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, wrecked, used or dismantled products and articles such as machinery, vehicles, appliances and the like.

**Junked or Wrecked Motor Vehicles.** Motor vehicles which do not display a current license plate or a current registration sticker and which do not display a current inspection sticker issued by or in the same state as the license plate or registration sticker and which either:

- .1 are partially dismantled or wrecked; or
- .2 cannot be self-propelled or moved in the manner in which originally intended.

**Kennel.** A place or facility prepared to house, board (for a long or short time period), breed, handle, train or otherwise keep or care for dogs and cats belonging to the owner or occupant of the property, customers, patrons or others, including lost or strayed animals, for compensation or as a humanitarian gesture. Facilities which provide dental, medical or surgical care are exempt from this definition, as well as facilities which breed animals exclusively for the purpose of hunting, showing or bettering blood lines for AKC registration.

**Land-clearing debris.** means solid waste which is generated solely from land- clearing activities.

**Landfill.** means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

**Landowner or owner.** The holder of the title in fee simple. Absent evidence to the contrary, the town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

**Legislative decision.** The adoption, amendment, or repeal of a regulation under this ordinance. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

**Legislative hearing.** A hearing to solicit public comment on a proposed legislative decision.

**Lot.** A portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of the lot, no part of the right-of-way of a road may be included.

**Lot Area.** The total horizontal area within the lot lines of a lot exclusive of street or highway rights-of-way and/or property below the mean high water mark.

**Lot, Corner.** A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

Lot Line, Front. In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or through lot, the lot line separating said lot from that street which is designated as the front street in the request for a Building Permit.

Lot Line, Rear. The lot line opposite and most distant from the front lot line; in the case of irregularly shaped lots, such lot line shall be an imaginary line parallel to the front line but not less than ten feet along and measured within said lot.

Lot, Nonconforming. A lot of record existing at the time regulations were passed requiring greater minimum width or area than provided on such lot, or establishing other limitations which such lot does not meet. Such lots may be considered substandard lots of record.

Lot, Non-Legal for Zoning Purposes. A lot which does not meet the requirements of a nonconforming lot and is substandard. No such lot shall be used or occupied until it is made to conform to the requirements of this ordinance and other applicable regulations (e.g., a lot which is illegally subdivided and does not meet the minimum lot size requirement for the district in which it is located).

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Carteret County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been recorded prior to the adoption of this ordinance.

Lot Width. The distance between the side lot lines, measured along the front setback line as established by this ordinance.

Mail-Order House. Establishment primarily engaged in the retail sale of products by catalog and mail-order, and including catalog and order-taking offices.

Manufactured Home. See Mobile Home.

Marina, Commercial. Any dock or basin and associated structures providing permanent or temporary commercial harboring of ten or more commercial and/or pleasure boats and providing services related to the facility including, but not limited to, fuel sales, retail and food sales, drystack boat storage, and other related services. Pump-out facilities are required at commercial marinas. See Section 3117.

Marine, Residential. A private, non-profit boating facility including permanent or temporary docks, piers and/or launching ramp planned for the harboring or storing of ten or more boats on property having water frontage, the use of which is intended to serve primarily the residents within an approved subdivision or planned unit development. The facility is intended to serve units that have a legal interest in the subdivision. No commercial activities of any kind shall be allowed within the confines of the facility. This shall include, but is not limited to, drystack boat storage, fuel sales, slip rentals and the like. Pump-out facilities shall be required. See Section 3105.

Medical waste. means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or

testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this Article, radioactive waste, household waste as defined in 40 Code of Federal Regulations § 261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the definition of "solid waste" in this section.

**Mobile Home.** A structure as defined in G.S. 143-145(7).

**Mobile Home Park.** A parcel of land, more than three acres, under single ownership which has been planned and improved for the placement of two or more mobile homes for dwelling purposes. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

**Mobile Home Space/Lot.** A parcel of land occupied or intended to be occupied by one and only one mobile home for the exclusive use of the occupants of said mobile home. Mobile home space shall also mean a parcel of land in a mobile home park provided with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of only one (1) mobile home, and for the exclusive use of the occupants of said mobile home.

**Mobile Home Stand.** That part of an individual mobile home space which has been reserved for the placement of the mobile home and additions or attachments thereto.

**Modular home.** Any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly and installation on the building site other than mobile homes or recreational vehicles.

Modular homes shall comply with all codes applicable to residential construction and shall be considered the same as any conventional, site-built home

**Model Unit Marketing Center.** A model unit marketing center shall be defined as a model unit, including model homes, mobile homes and group housing units, located within a particular development project only for the marketing and sales of said approved development project. See Section 3122.

**Motor vehicle oil filter.** means a filter that removes impurities from the oil used to lubricate an internal combustion engine in a motor vehicle.

**Motor Vehicle Repair Garage.** An establishment where the following services are available: Major mechanical repairs, including engineer overhaul and transmission work. Repair garages can also offer services similar to service stations.

**Motor Vehicles Service Station.** An establishment where gasoline, diesel oil and/or other fuel for internal combustion engines is supplied and dispersed at retail. A service station is not a repair garage nor a body shop. Uses permissible at a service station do include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke, fumes or other characteristics to an extent greater than normally found in service stations.

**Municipal solid waste.** means any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

**Municipal solid waste management facility.** means any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.

**Nonconforming Building or Structure.** An existing building or structure which does not comply with this ordinance either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated in this ordinance.

**Nonconforming Use.** The use of a building, structure or lot for a purpose that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated in this ordinance.

**Non-Profit Educational Cooperative.** An organization operated on a non-profit basis whose purpose is to acquire, produce and distribute instructional materials for the benefit of its member institutions. Membership consists primarily of fully accredited schools of health, education, special, legal environmental and/or engineering sciences in institutions of higher learning. On-site faculty development workshops and fellowship training programs may also be provided as part of the organizations' purpose.

**Nursing/Convalescent Home.** A facility, licensed by the appropriate state agency for the care of aged or infirmed individuals, that meets the requirements set forth in this ordinance.

**Open dump.** means any facility or site where solid waste is disposed of that is not a sanitary landfill and that is not a facility for the disposal of hazardous waste.

**Package Treatment Plant.** Privately or publicly owned and operated sewage treatment facility. These plants are prefabricated by the manufacturer and delivered as completed units to the clients.

**Parking Deck, Automobile.** A special structure of two or more levels designed to be used for the temporary storage of motor vehicles. A parking deck shall be constructed according to the required building and fire codes.

**Parking Space.** A parking space is defined as an off-street space available for the parking of motor vehicles. A standard parking space must have minimum dimensions of 10 feet in width and 20 feet in length with a total minimum area of 200 square feet. This area does not include any passageways and driveways used for access to the space or spaces. Where there are lots designed to accommodate more than ten vehicles, up to 25 percent of the spaces may have

minimum dimensions of 7.5 feet in width and 16 feet in length. The smaller spaces, if provided, shall be designated for use only compact cars.

Parsonage/Caretaker's Quarters. A dwelling built to NC Building Code Vol. I provided by a church for its pastor or caretaker. Only one dwelling shall be allowed per parcel.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Planning and development regulation jurisdiction. The geographic area defined in Part 2 of G.S. 160D within the town may undertake planning and apply the development regulations authorized by G.S. 160D.

Planning board. Any board or commission established pursuant to G.S. 160D-301.

Property. All real property subject to land-use regulation by the town. The term includes any improvements or structures customarily regarded as a part of real property.

Principal Building or Structure. A building or structure containing the principal use of the lot.

Principal Use. The primary use and chief purpose for which a lot is used.

Processing. means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

Public or Community Sewer System. A single system of sewage collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a homeowner's association, a county or municipality or a public utility.

Public Water Supply System. An approved water system serving fifteen or more connections or serving a minimum of twenty-five people daily at least 60 days out of the year, including county, municipal and private water systems.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Recovered material. means a material that has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse. In

order to qualify as a recovered material, a material must meet the requirements of G.S. 130A-309.05(c).

Recreation Use, Non-Profit. An indoor or outdoor recreation use owned by a not-for-profit corporation, according to the laws of North Carolina.

Recreation Use, Profit. An indoor or outdoor recreation use owned by an entity other than a not-for-profit corporation.

Recyclable material. means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling. means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.

Refuse. means all non-putrescible waste.

Restaurant. An establishment designed in whole or in part to cater to or accommodate the consumption of food and/or beverage and:

- .1 Customers, normally provided with an individual menu, are served their foods and/or beverages, including alcohol, by a restaurant employee at the same table or counter at which said items are consumed.
- .2 A cafeteria style setting is provided where food, and/or beverages are consumed within the restaurant structure.

Restaurant, with Drive-In Service. An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverages in automobiles on or off the premises of such establishment.

Sanitary landfill. means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article.

Setback. Yard space, other than a court, unoccupied and unobstructed by a structure or portion of a structure. Fences and walls may be permitted in any setback subject to height limitations established generally for the district and, further, provided that poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback if they do not constitute substantial impediments of free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility. Also known as building line. In cases where the minimum front setback line bisects the lot at a point where the minimum lot width is substandard as set forth in the dimensional requirements of the district, the front setback will be determined at the point where the lot width equals the minimum lot width.

Sign. Any device designed to inform or attract attention of persons not on the premises on which the device is located. Specific definitions for signs are located at the end of this section.

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision

Sound Barrier. A sound barrier consists of a wall of brick, concrete, concrete block, glass, full louvered or solid wood fencing manufactured of suitable salt-treated lumber not less than eight feet high and no more than ten feet from a building where outside noises occur (such as animal, human, machinery, engines under operation or testing, etc.) The sound barrier shall encircle the noise area on all sides with a combination of building, wall, or fence which meets the eight foot height requirements.

Sludge. means any solid, semisolid or liquid waste generated :from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

Solid waste. means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
- b. Solid or dissolved material in:
  1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
  2. Irrigation return flows.
  3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous

waste under RCRA shall also be a solid waste for the purposes of this Article.

c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).

e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

f. Recovered material.

Solid waste disposal site. means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

Solid waste management. means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

Solid waste management facility. means land, personnel and equipment used in the management of solid waste.

Special Use. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Street. A public or private right-of-way not less than 30 feet in width set aside for public or private travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public or private street prior to the date of adoption of this ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision which has been approved by either the Planning Board or Board of Town Commissioners, or which had been approved as a private street in accordance with the Town of Peletier Subdivision Regulations by either the Planning Board or Board of Town Commissioners.

Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other manmade facilities or infrastructures.

Temporary Residential Mobile Home. A mobile home, intended for residential use for a limited period of time, used for purposes of providing for custodial care under a special use permit or providing temporary residential space during the installation of a replacement mobile home or



construction of a residential unit built to NC Building Code on the same lot, and for 30 days after the issuance of Certificate of Occupancy for the permanent unit. The temporary mobile home shall be anchored as per NC Building Code.

Thoroughfare. For the purpose of this ordinance the term thoroughfare shall mean the rights-of-way of Highways 70, 24, 58, 101 and 12.

Trailer, Hauling or Utility. A vehicle or structure designed to be transported and intended for carrying animals or goods.

Trailer, Overnight Camping. For purposes of this ordinance the following shall be considered an overnight camping trailer:

- .1 Travel Trailer: A vehicular, portable structure built on a chassis (other than a mobile home) designed as a temporary dwelling for travel, recreation and vacation.
- .2 Pick-Up Coach: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- .3 Motor Home: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- .4 Camping Trailer: A temporary, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Trailer Park, Overnight Camping (Campground). An approved site, tract of land or lot upon which not less than two overnight camp sites and/or overnight trailers occupied for temporary shelter, dwelling, recreational or vacation uses may be located, regardless of whether or not a charge is made for such services.

Triplex. A Building designed, constructed or reconstructed for use as three dwelling units that are connected by a common structural or load-bearing wall.

Variance. A relaxation of the literal terms of this ordinance where such relaxation will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this ordinance. Establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

Vested right. The right to undertake and complete development and use of property under the terms and conditions of an approval secured as specified in G.S. §160D-108 or under common law

White goods. includes refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirement of this chapter. For lots of record which front on access easements, yard and lot depth measurements shall be made from the edge of the easement rather than from the lot line.

- (a) Yard, front. A yard extending between side lot lines across the front of a lot adjoining the public street. Depth of required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be essentially parallel. The inner edge of the front yard shall be measured from the building foundation and shall exclude the outermost three (3) feet of eaves, gutters, uncovered handicapped ramps, or uncovered steps.
- (b) Yard, rear. A yard extending across the rear of the lot between side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line. There shall be no encroachments allowed in the rear yard.
- (c) Yard, side. A yard extending from the rear line of the required front yard to the rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line. The inner edge of the side yard shall be measured from the building foundation and may exclude the outermost three (3) feet of eaves, gutters, uncovered handicapped ramps, or uncovered steps or uses.

Yard trash. means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Zoning map amendment or rezoning. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning regulation. A zoning regulation authorized by Article 7 of G.S. 160D.

## **1101.6 Definitions Relating to Signs:**

**Advertising Display Area:** The advertising display surface area encompassed within any polygon which would enclose all parts of the sign. The structural supports for a sign, whether, they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area. Also known as sign area.

**Controlled Access Highway:** A state or city highway, or section thereof, especially designed for through traffic and over, from, or to which highway owners or occupants of abutting property, or others, shall have only controlled right of easement of access.

**Copy:** The wording on a sign surface in either permanent or removable letter form.

**Enforcement Officer:** The word Enforcement Officer shall mean the Zoning Enforcement Officer and, when applicable, the Building Inspector.

**Erect:** To build, construct, attach, hang, place, suspend, or affix a sign. **Face of Sign:** The area of a sign on which the copy is placed.

**Flashing:** A light which intermittently flashes on and off.

**Height of Sign:** the vertical distance measured from the highest point of the sign to the surface grade beneath the sign.

**Indirect Illumination:** A sign which is lighted by a light source not seen directly.

**Internal Illumination:** A sign whose light source is concealed or contained within the sign itself, and which becomes visible in darkness by shining through a translucent surface.

**Maintenance:** The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

**Owner:** A person recorded as such on official records. For the purposes of this Section, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Enforcement Officer (e.g., a sign leased from a sign company).

**Premises:** A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as a unit of real estate.

**Public Body:** Any government for governmental agency of the County of Carteret, the State of North Carolina or the United States of America. Any government or governmental agency of the Town of Peletier, Carteret county, the State of North Carolina, or the United States of America.

**Sign Area:** That are enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in determining sign area. In no case shall decorative features or landscaping at the base of the sign obstruct the view of motorists.

**Special Events Display:** A banner sign may be erected on the premises of an establishment having a grand opening or special event, provided that such signs shall be displayed for a period not to exceed thirty (30) calendar days within any twelve (12) month period.

**Signs:** Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated surface which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner, whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which are displayed in any manner whatsoever, including out-of-doors. Types of Signs:

**Abandoned Sign:** A sign for which no legal owner can be found.

**Animated Sign:** Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

**Banner Sign:** A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purposes of this ordinance. Banner signs shall be considered under the Special Event Display definition.

**Construction Sign:** A sign which give the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**Changeable Copy Sign:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. This shall also include the changing of copies of billboards. Changeable copy signs, for the purposes of this ordinance, shall mean signs on which the copy is changed manually.

**Directional/Informational Sign:** An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g., parking or exit and entrance signs).

**Directory Sign:** A sign on which the names and locations of occupants or the uses of a building is given. This shall include office buildings and church directories.

**Double-Faced Sign:** A sign with two faces.

**Flashing Sign:** A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

**Freestanding Sign:** Any mobile sign structure, including portable signs, not securely attached to the ground or to any other structure. This definition shall not include trailer signs.

**Government Sign:** Any sign erected and maintained by the City, County, State or Federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service ,property or facility.

**Ground or Pole Sign:** A sign which is supported by structures or supports in the ground and independent of support from any building.

**Identification Sign:** A sign whose copy is limited to the name and address of a building, institution, or person.

**Illegal Sign:** A sign which does not meet the requirements of this ordinance and which has not received legal non-conforming status and which does not have permit authorization, if required under the terms of the old ordinance.

**Illuminated Sign:** A sign illuminated in any manner by an artificial light source.

**Nonconforming Sign:** A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements but has received approval from the Zoning Board of Adjustment.

**Off-Premise, Commercial Sign:** A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located (e.g., "billboards").

**On-Premise, Commercial Sign:** A sign which pertains to the use of the premises on which it is located. This definition shall include ground or pole signs.

**Political Sign:** For the purposes of this ordinance, a sign used in connection with a local, site or national election or referendum.

**Portable Sign:** A sign which is mobile and which may or may not have wheels. **Prohibited Sign:** A sign which is not permitted in the planning and development regulation jurisdiction of this ordinance.

**Real Estate Sign:** A sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

**Roof Sign:** A sign which extends above the ridge of the roof

**Snipe Sign:** A sign of any material whatsoever that is attached in any way to a utility pole, tree or any object other than a building, roof or sign post, located or situated on public or private property.

**Subdivision Signs:** A sign(s) which identifies a subdivision name and logo.

**Three-Dimensional Sign:** A sign which has height, depth and depth which incorporated an object into an advertising sign (e.g., a three dimensional hamburger or life-sized pig advertising a food place).

aa) **Trailer Sign:** A sign mounted on a vehicle normally licensed by the state of North Carolina as a trailer and used principally for advertising or promotional purposes.

bb) **Wall Sign:** A sign painted or mounted on the wall of a building or structure.



## **1200. ADMINISTRATION**

### **1201. Zoning Administration.**

The Board of Commissioners shall appoint, designate or contract for a designation, the Zoning Enforcement Officer is authorized to administer and enforce the provision of this Ordinance. More specifically, for the purposes of this Ordinance, it will be the duty of the Zoning Enforcement Officer to enforce and administer the provisions of this Ordinance. Any appeal from decision of the Zoning Enforcement Officer may be taken to the Zoning Board of Adjustment established pursuant to this Ordinance in Section 1400.

When the Zoning Enforcement Officer determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this ordinance or other local development regulation or any State law delegated to the town for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued.

The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D- 1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405

### **1202. Enforcement Methods.**

Per G.S. 160D-404, the provisions of this ordinance may be enforced by any one or more the following methods. The Town may apply for any appropriate equitable remedy to enforce the provisions of this ordinance.

#### **1202.1 Injunction.**

The provisions of this ordinance may be enforced by injunction. When a violation of this ordinance occurs, the Town of Peletier may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

#### **1202.2 Order of Abatement.**

In addition to an injunction, the Town may enter an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions: that buildings, or other structures on the property be closed, demolished, or removed; fixtures, furniture or other

moveable property be moved; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance.

### **1202.3 Execution of Court Decisions.**

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Town may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the Judge before whom the matter was heard and will be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the Judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

### **1203. Violation of Ordinance.**

Any person, firm or corporation convicted of a violation of any provision of this ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty (\$50) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violations.

### **1204. Zoning Compliance Certificate.**

No structure is considered to be conforming until a zoning compliance certificate is issued by the Town of Peletier Zoning Enforcement Officer.

### **1205. Zoning Permits.**

1205.1 It is illegal for any person to begin construction of, or change the use of, a structure or any part of a structure without obtaining a zoning permit from the Zoning Enforcement Officer.

1205.2 The Zoning Enforcement Officer will not issue a zoning permit unless the plot plans, zoning specifications and intended use of the structure conform to the requirements of this ordinance. The application for a zoning permit must be accompanied by information sufficient to allow the Zoning Enforcement Officer to act on the request.

1205.3 In cases where the applicant for a zoning permit appeals a decision of the Zoning Enforcement Officer or applies for a variance from the provisions of the ordinance, the Zoning Enforcement Officer will forward all information pertaining to application to the Zoning Board of Adjustment.



1205.4 Any zoning permit issued in accordance with this section will lapse and be invalid unless the work for which it was issued is started within six months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

**1206. Application for Residential Zoning Permit.**

The following information shall be required when making application for a zoning permit related to a single-family dwelling or duplex dwelling in a single-family residential district (R-35, R-20, R-15, R-15M, R-10) or rural agricultural district (RA):

- 1) Site plan showing the actual dimensions of the lot to be developed.
- 2) Location of existing and proposed buildings and structures, including setbacks;
- 3) Size of proposed building or structure.

**1207. Application Requirements Commercial and Industrial Zoning Permits**

- 1) Site plans for all uses, with the exception of single-family and duplex, when listed as permitted or special uses within a district must be reviewed by the planning board and approved by the board of commissioners before a zoning permit for construction may be issued.
- 2) Site plan requirements. Copies of the site plan shall be submitted no later than Thirty (30) days prior to the planning board meeting date at which the plan is to be reviewed. The number of copies required for review shall be determined by the planning and development department. All plans shall be prepared, stamped and endorsed by a registered engineer, surveyor or other person duly authorized by the state to practice as such. All plans shall contain at least the following information:
  - a. Property and ownership information.
    1. Present recorded owner and the map book reference of the site property.
    2. Owners, lot numbers or map book and page reference of all adjacent properties.
    3. Boundary of the entire lot by course and distance.
    4. Width of the existing rights-of-way.
    5. Nature or purpose, location and size of existing easements.
    6. Iron pins three-eighths (3/8) inch in diameter and thirty-six (36) inches in length or concrete monuments shall be shown and installed at all lot comers, points of tangents, and any angle point along a given course of the lot.

7. Plan drawn to at least one (1) inch equals sixty (60) feet scale showing north arrow.
- b. Existing features information.
1. Streets showing the type and width of pavement, curbs and sidewalks.
  2. Topographic features of the lot and existing grades for the lot, streets, storm drainage, etc.
  3. Flood zone(s) as determined by the latest FEMA flood insurance rate map, with the notation "flood zones subject to change by FEMA."
  4. All other underground utilities and facilities including gasoline tanks.
  5. Location of areas subject to U.S. Army Corps of Engineers 404 wetlands protection.
  6. Delineation of any and all Areas of Environmental Concern (AEC) as defined by CAMA.
  7. The location of any marsh areas or estuarine waters within or abutting the lot.
- c. Site improvements.
1. Proposed building type (brick, concrete or frame), number of floors and dimensions.
  2. Proposed first floor elevation shall be shown.
  3. Location and type of all sidewalks and curbs within the site.
  4. Location of sanitary sewer facilities with connection to sewer system or septic tank.
  5. Layout and number of parking stalls shall be shown in accordance with this ordinance.
  6. Finished grades shall be shown for the entire site.
  7. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre. Before any proposed site plan shall be approved, tentative approval of the proposed sewage treatment and disposal facilities, by the Carteret County Department of Environmental Health or the North Carolina Department of Environment, Health, and Natural Resources, shall be demonstrated to the planning board along with any dredging and filling permits required by law.

8. A detailed Lighting Plan shall be provided in accordance with the Town of Peletier Zoning Ordinance.
  9. Right-of-way improvements shall be made in accordance with the standards and specifications of NCDOT or of the Code of Ordinances of the Town of Peletier.
  10. Storm drainage shall be provided in accordance with the Code of Ordinances of the Town of Peletier.
  11. Inspections. Inspections of sites involving public rights-of-way and inspections of any on-site construction shall be made by the Town of Peletier.
  12. After approval of a site plan by the board of commissioners, minor changes in the plan may be approved in writing by the planning and development director, provided that the changes do not prevent the spirit and intent of a condition of approval from being met, or a provision or requirement of an ordinance from being executed.
- 3) Dimensional requirements and development standards shall be in accordance with the district in which the building is to be located.
  - 4) The planning board may recommend approval, conditional approval or rejection of any proposed site plan. Upon completion of review, the planning board will transmit their recommendations to the board of commissioners. The board of commissioners may approve, approve with specific requirements or disapprove any site plan. A rejected site plan may be resubmitted in accordance with this section when redrafted to meet the specifications of this chapter and upon payment of a site plan review fee as required in the most recent adopted fee schedule.
  - 5) If, following board of commissioners' conditional or final approval, the owner or developer desires to make a major change in any of the factors listed in subsection (2)c. above, the change must be approved by the planning board and board of commissioners.

## **1300. ZONING TEXT AND MAP AMENDMENTS.**

### **1301. Amendment Responsibility.**

1301.1 The Board of Commissioners on its own motion or by petition may amend, supplement, change or repeal the zoning district boundaries or regulations established by this ordinance. Any such amendment will be adopted only after public notice and public hearing as required by general law.

1301.2 In approving an amendment to change a zoning classification, the Board of Commissioners may change the existing zoning classification of the area or any part of the area covered by the petition to the classification requested or to a higher classification or classifications as defined in section 1008. This action may occur without the withdrawal or modification of the petition.

1301.3 When an amendment to change a zoning classification on the Official Zoning Map of Peletier is proposed, the Town shall post a notice of Legislative Public Hearing on the site of the property least ten days but not more than 25 days before the public hearing.

When multiple parcels are included within a proposed Rezoning request, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

### **1302. Petition for Amendment.**

Petitions for an amendment to the Zoning Ordinance or for the rezoning of property must be filed with the Zoning Administrator or the Town Clerk by a property owner or his duly authorized agent. An official application form, entitled "Petition for Change of Zoning in Peletier (Land Use Application Form)" shall be obtained and returned to the Town Clerk or Zoning Enforcement Officer. A filing fee shall accompany the Petition and the Board of Commissioners from time to time is authorized to adopt a fee schedule. With the Petition a list of property owners abutting the property under consideration of rezonings shall also be submitted. The petitioner is responsible for notifying abutting property owners. When zoning regulations are changed or property is rezoned (zoning map amendment), the owner of that parcel affected by such rezoning parcels of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts.

For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.

If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-602, a single

hearing on the zoning map amendment and the boundary amendment may be held. In this instance the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

### **1303. Withdrawal/Suspension of Petitions.**

1303.1 Petitions for rezoning of property or amendment to the ordinance may be withdrawn or suspended by the petitioner at any time up to and including 10 days prior to the hearing date. After that time, requests to withdraw or suspend a petition must be filed with the Town Clerk and, on the day of the hearing, the Commissioners will decide if the withdrawal/suspension will be allowed. If the request for a suspension is granted, the petitioner shall incur all costs associated with the re-advertisement of the public hearing. If a petition is withdrawn, any re-application shall be treated as a new petition and all required fees shall be paid.

1303.2 The petitioner will not be allowed to amend or change the petition after the Town Board of Commissioners authorizes a public hearing to hear the request.

### **1304. Legislative Public Hearing.**

1304.1 No amendment of the ordinance or rezoning of property may be adopted until after a legislative public hearing has been held on the petition. A notice of the hearing shall be given once a week for two consecutive calendar weeks in a newspaper have general circulation in the area. The notice shall be published the first time not more than 25 nor less than ten days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

1304.2 The total amount of time allowed for the supporters or the opponents of a petition to provide verbal comments shall be determined at public hearing. At the hearing, the presiding officer of the hearing will decide whether to grants all or part of any request for additional time.

1304.3 In cases involving controversial rezoning matter and a large number of persons wishing to speak at the public hearing in favor of or against a request, the Planning Board and/or Town Board of Commissioners reserves the right to require those persons to sign up in advance of the public hearing in order to facilitate and organize the speakers. Persons who do not register to speak in advance shall be allowed that right at the public hearing. If such a requirement for pre-registration is necessary, the advertised public hearing notice shall clearly indicate this requirement.

### **1305. Recommendation of the Planning Board.**

1305.1 No proposal to amend the zoning ordinance or rezone property will be approved unless it is first submitted to the Planning Board for its recommendations pursuant to Section 1302. The Planning Board must make a recommendation to the Town Board of Commissioners within thirty (30) days after the petition has been referred to the Planning Board and a meeting was held. If

the Planning Board does not render a decision within that period, the petition will be considered the same as a favorable recommendation. At no time is the Town Board of Commissioners bound by the recommendations, if any, of the Planning Board.

1305.2 When conducting a review of a proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Town Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the town board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.,

### **1306. Effect of Denial by Town Board.**

1306.1 A petition for amendment to the ordinance or for the rezoning of property that has been denied in whole or in part or has been approved to a higher classification (as defined in Section 1010) than the one originally requested may not be resubmitted within six months of the date of action on the original request. However, the Town Board may choose to allow a re-application if, after a report from the Planning Board, it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

1306.2 Plan Consistency. Per G.S. 160D-605, when adopting or rejecting any zoning text or map amendment, the town board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the town board that at the time of action on the amendment the town board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the town board shall provide a statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

1306.3 Additional Reasonableness Statement for Rezoning. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the town board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding

community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D- 602(b), the town board statement on reasonableness may address the overall rezoning.

1306.4 Effect on Comprehensive Plan. If a zoning amendment is approved and deemed to be inconsistent with the comprehensive plan, per G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

### **1307. Citizen Comment**

1307.1 If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

### **1308. Conflict of Interests**

Per G.S. 160D-109, the following conflict of interest standards shall be followed:

1. Board of Commissioners (governing board). A member of the board of commissioners shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
2. Planning Board (appointed board). Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
3. Zoning Enforcement Officer (administrative staff) - No staff member shall make a final decision on an administrative decision required by this ordinance if the outcome of that

decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

4. Quasi-Judicial Decisions. - A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
5. Resolution of Objection - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
6. Familial Relationship - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.



## **1400. ZONING BOARD OF ADJUSTMENT.**

### **1401. Organization of Zoning Board of Adjustment.**

This Board shall consist of the five (5) elected members appointed for three (3) year staggered terms.

### **1402. Rules of Procedure.**

The Board of Adjustment will adopt rules and regulations in accordance with N.C.G.S. 160D-302 for its own operation necessary to carry out the provisions of this Ordinance. The Zoning Enforcement Officer and Town Clerk will maintain copies of the adopted rules for public information. The Board of Adjustment shall elect a Chairman, Vice-Chairman from its membership who shall serve for a one (1) year term or until his or her successor are elected. The Vice-Chairman in the absence of the Chairman, may administer oaths and subpoena witnesses. The Board shall also appoint a Secretary who may be a Town Official, a contract appointee, or member of the Zoning Board of Adjustment.

### **1403. Duties of the Board of Adjustment.**

The Board of Adjustment is assigned a certain number of specific duties by this ordinance. Those duties are listed below.

#### **1403.1 Interpretation of the Ordinance.**

The Board of Adjustment is responsible for interpreting the provisions of the ordinance if there is a question about the meaning or application of a provision only once a determination is made by the Zoning Enforcement Officer and an appeal is filed.

#### **1403.2 Administrative Appeals.**

The Board of Adjustment will hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer. Any person who feels that his/her legal or property rights may have been affected, or any officer, department, board or bureau of Town Commissioners may file such an appeal within 30 days of the decision of the Zoning Enforcement Officer.

#### **1403.3 Variance of the Ordinance Requirements.**

The Board of Adjustment will hear and decide appeals for variances from the requirements of the ordinance which relate to the establishment or extension of structures or uses of land. Before a variance request may be granted, the Board must find:

- 1) That practical difficulties or unnecessary hardship would result if the strict letter of the law were followed;
- 2) That the variance is in accordance with the general purpose and intent of the ordinance;

3) That the public health, safety, and welfare have been assured and substantial justice done.

The Board may not grant a variance that would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension of a nonconforming use, or would change the district boundary or zoning classification of the property in question.

Per G.S. 160D-705(d), in reaching a decision on a variance request, the Board will be guided by the following principles in its evaluation of conditions that constitute "practical difficulties or unnecessary hardship":

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self- created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

#### 1403.4 Issuance of Special Use Permits.

The Board of Adjustment is responsible for issuing minor special use permits and the Town Commissioners is responsible for issuing major special use permits for the uses in the Table of Permitted and Special Uses. Before a special use permit may be granted the Board must find:

- 1) That the proposed use will not materially endanger the public health or safety if located where proposed and if 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 inure the value of abutting or adjoining property, or that the use is a public necessity;
- 4) That the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town of Peletier.

Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be

approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the town that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

#### **1404. Appeals and Hearings.**

After notice of appeal, variance or special use is received, the Board of Adjustment will hold an evidentiary public hearing within 36 days from the filing of such notice. All administrative papers and other information relating to an appeal, special use permit or variance must be submitted to the Zoning Enforcement Officer by the appellant. The Board will give notice of the time, place and subject of its hearings to the person(s) making the request. The applicant shall give notice to the owners of abutting properties. Proof of notification shall be required in advance of the Board of Adjustment meeting. The Board will keep minutes of its hearing and records of the votes of each member.

#### **1405. Actions of the Board.**

Any quasi-judicial decision of the Board of Adjustment will state the reasons and the findings of fact and conclusions of law made by the Board to reach its decision. The concurring vote of a four fifths of the members of the Board will be required to issue a variance. A simple majority of members present is necessary to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance, or to decide in favor of the person(s) making an appeal or special use permit.. The Board of Adjustment shall inform the parties involved of its decision in writing and the reasons and findings of fact in writing.

#### **1406. Rehearing.**

The Board of Adjustment will refuse to hear an appeal or application for a variance which has been previously denied if it finds that there have been no substantial changes in the conditions, circumstances or evidence relating to the matter.

#### **1407. Fees.**

Petitions for appeals to be considered by the Board of Adjustment must be filed with the Zoning Enforcement Officer or Town Clerk and must be in accordance with the Town Fee Schedule.

#### **1408. Appeals of the Decision of the Zoning Board of Adjustment.**

Any person or persons aggrieved by a decision of the Board may appeal the decision of the Board of Adjustment to the Superior Court of North Carolina within thirty (30) days after a written and signed copy of the decision is filed in the Zoning Enforcement Officer.

## **1500. NONCONFORMING USES.**

### **1501. Purpose.**

This ordinance places restrictions on the use and development of land by establishing minimum standards. In many instances, land was initiated prior to the adoption of this ordinance. These uses may not meet the minimum standards contained in this ordinance because they were developed under no specific standards or under standards which were less restrictive. The Town Board of Commissioners recognizes that the strict application of these standards to such uses may create certain hardships for the property owner. The Board also recognizes that these uses may be allowed to continue in use in accordance with the spirit of this ordinance, even though not meeting the ordinance standards. Therefore, the uses or situations described below are accorded a nonconforming status with all the specific privileges and limitations set forth to govern their existence.

### **1502. Nonconforming Vacant Lots.**

A nonconforming vacant lot is a lot which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated in this ordinance. A nonconforming vacant lot may be used for any of the uses permitted by this ordinance in the district in which it is located if the use of the lot meets the following standards:

1502.1 The minimum requirements for front, side and rear yards, height of structures, and unobstructed open space for the particular district must be met.

1502.2 Duplexes and multi-family dwellings must meet the minimum lot standards for those uses in the particular district in addition to the dimensional requirements listed in Section 1502.1.

1502.3 The lot in question does not abut a lot which could be combined with it to make it conforming.

### **1503. Nonconforming Occupied Lots.**

A nonconforming occupied lot is a lot which contained a structure at the time this ordinance was adopted, but which does not meet the minimum requirements for width, area, front, side or rear yard, height and unobstructed open space for the district in which it is located. Any structures on this type of lot may be improved or expanded in accordance with the following standards:

1503.1 Any improvement or expansion of any building on this type of lot must comply with the minimum requirements of the ordinance for front, side and rear yard, height and unobstructed open space for the district in which the lot is located, provided any improvement or expansion does not increase the nonconformity.

### **1504. Nonconforming Open Uses of Land.**

A nonconforming open use of land is an open use of a lot when the only buildings are incidental and accessory to the principal open use which was in existence prior to the adoption of this ordinance and which would not be permitted by this ordinance in the district in which it is located. Uses such as storage yards, used car lots, auto wrecking, salvage yards, golf driving ranges, rifle ranges and miniature golf courses are examples of open uses. A legally established nonconforming open use of land may be continued but is subject to the following limitations.

1504.1 A nonconforming open use of land may only be changed to a conforming use; however, it may not later be used for any nonconforming use.

1504.2 A nonconforming use of land that is discontinued for more than six months may not be reestablished and all subsequent uses of the site must be in conformance with the particular district regulations. Any vacancy or non-use of land regardless of the intent of the owner or tenant will be considered a discontinuance for the purpose of this requirement.

1504.3 A nonconforming open use of land may not be enlarged to cover more land than it occupied when it became nonconforming.

### **1505. Nonconforming Uses of Structure.**

A nonconforming use of a structure is a use in a structure which existed prior to the adoption of this ordinance which would not be permitted by this ordinance in the district in which it is located. This type of use may be continued subject to the following limitations:

1505.1 A nonconforming use of a structure may be changed to another nonconforming use or to a conforming use. The change of a nonconforming use to another nonconforming use must not generate any more automobile or truck traffic, noise, vibration, smoke, dust or fumes than the original nonconforming use.

1505.2 Once a nonconforming use of a structure has been changed to a conforming use, it will not be allowed to return to any nonconforming use.

1505.3 Maintenance and repairs which are necessary to keep a structure which houses a nonconforming use in a safe and sound condition are permitted.

1505.4 A nonconforming use of a structure may be enlarged or extended only into portions of the structure which existed at the time that the use became nonconforming and which were designed or arranged to accommodate the use. No structural alterations are allowed to any structure containing a nonconforming use except for those requires by law or an order from the building inspector to insure the safety of the structure. Existing nonconforming residential uses in a business or industrial district may be enlarged or extended as long as no additional dwelling improvements are completed in accordance with the North Carolina Building Codes.

1505.5 A nonconforming use of a structure that is abandoned for more than six months may not be re-established and all subsequent uses of the structure must be in conformance with the particular district regulations.

**1506. Reconstruction of Damaged Structures.**

When a structure on a nonconforming lot or a structure containing a nonconforming use is damaged by fire, flood, wind, Act of God, or condemnation proceedings the structure may be repaired and restored to its original dimensions and conditions provided that not more than fifty (50) percent of its structural value has been damaged.

**1507. Reserved.**

**1508. Changes in Zoning.**

Any nonconformance created by a change in a zoning classification or district boundary or by a change in the regulations on the ordinance will be regulated by the provisions of this Section.

## **1600. SUPPLEMENTARY REGULATIONS.**

### **1601. Screening/Buffering.**

**1601.1 General Screening Requirements.** Whenever screening is required, a minimum 10- foot wide vegetation buffer must be provided to materially screen the uses within the subject property from the view of abutting properties. The vegetative buffer shall contain evergreen shrubs spaced not more than five feet apart, and not less than one row of dense shrubs planted at an initial height of at least three feet and shall be of such type that can be expected to be five feet or more in height after three growing seasons. Said vegetative buffer shall be maintained continuously in a healthy state by the property owner(s). When a vegetative buffer is deemed inappropriate due to limited lot area, the Zoning Enforcement Officer may allow either a durable masonry wall or wooden fence designed to be compatible with the character of adjacent properties. Within residential districts, walls and fences must be at least five feet in height but not greater than ten feet in height, measured from the ground along the common lot line boundaries, walls and fences must be at least five feet high but not greater than eight feet high. Walls and fences must be constructed and maintained in safe and sound condition.

**1601.2 Screening and Outdoor Storage.** Outdoor storage of any material, stocks, or equipment, accessory to a principal use on any lot within any district other than a residential district must be screened from any abutting lots in residential districts in accordance with the requirements of Section 1601.1 and other pertinent provisions of this ordinance. The screening may be located anywhere on the property, subject to other pertinent provisions of this ordinance, and provided that the open storage area is effectively screened as specified above.

**1601.3 Screening Junkyards and Salvage Yards.** Junkyards and salvage yards must be screened from public view from any public street and from any abutting lots in accordance with the requirements of Section 1601.1 and other pertinent provisions of this ordinance. The screening may be located anywhere on the property, subject to other pertinent provisions of this ordinance, and provided that the junkyard or salvage yard is effectively screened as specified above.

**1601.4 Screening and Zoning District Boundaries.** In all cases where a residential district is bounded by any other zoning district, screening shall be required in accordance with the requirements of Section 1601.1 and other pertinent provisions of this ordinance when non-residential property is developed. The screening shall be located along the perimeter of the property which is not zoned residentially.

**1601.5 Administrative Modification of Screening Requirements when Screening is Already Provided.** There may be cases where the unusual topography and elevation of a site, of the size of the parcel involved, or the presence of screening on abutting property would make the strict adherence to the ordinance serve no useful purpose. In those cases, the Zoning Enforcement Officer is empowered to modify the requirements for screening as long as the spirit and intent of the ordinance and the general provisions of this ordinance pertaining to screening are adhered to.



This section does not negate the necessity for establishing screening for uses abutting vacant property.

**1601.6 Vegetative Requirements Along Shorelines of Sounds, Rivers, Canals and other Water Bodies.** Except when accessory structures are allowed in rear or side yards under other provisions of this ordinance, the minimum rear and side yards for the zoning district in which the lot is located shall remain vegetated on waterfront lots. The vegetation shall consist of grass, trees, other planted ground cover or remain in a natural state. Only the sides of the lot abutting the sound, river, canal or other water body shall comply with this requirement.

### **1602. Development Within Flood Zones.**

The Federal Emergency Management Agency (FEMA) governs development within flood zones with the use of Federal Insurance Rate Maps (FIRM). Four flood zones have been designated; "V", "A", "B" and "C" zones. Any development with the "V" and "A" zones must meet the minimum height requirement as per the FIRM maps. Should a property owner not agree with the FIRM map, an appeal may be made to FEMA.

### **1603. Development Within Coastal Area Management Zone.**

The North Carolina Coastal Area Management Act (CAMA) governs development within certain areas of environmental concern, including areas directly abutting coastal waters. Prior to issuance of a Zoning Permit, required CAMA permits must have been issued.

### **1604. Structures Permitted Above the Height Limit.**

1604.1 The following structures, features, or equipment are permitted above the height limit in any district: silos, skylights and roof structures for elevators, stairways, tanks, ventilating fans, air conditioning or similar equipment for the operation or maintenance of the building and any device used for screening such structures and equipment.

1604.2 The following structures are permitted above the height limit on lots in the business, church campus and industrial districts which do not abut lots in any residential district: towers, steeples, flagpoles, chimneys, water tanks or similar structures. If this type of structure is on a lot which abuts a residential district, then the part of the structure above the height limit must be separated from any such abutting lot line by a distance equal to at least one-half of its height measured from the ground. Towers used to support electric power and other utility lines are exempt from this requirement.

1604.3 The structures listed in Section 1604.2 above are also permitted above the height limit in residential districts. However, any part of such a structure which extends above the height limit must be separated from any abutting property line by a distance equal to at least half of its height measured from the ground. Otherwise the structure will be subject to the usual requirements for the particular district. Towers used to support electric power and other utility lines are exempt

from this requirement. Towers and other similar structures used solely for the purposes of amateur radio reception and transmission shall be exempt from this requirement.

1604.4 Radio and television towers and similar structures are permitted above the height limit in any district. If such a structure is located on a lot in or abutting a residential district, it must be located at least 50 feet from all abutting residential property lines or at a distance equal to its height, whichever is greater.

1604.5 The height of any structure shall be measured from its finished grade.

## **1605. Accessory Building or Structure.**

1605.1 Accessory building and structure in general.

- 1605.1.1 Permit required. An accessory building or structure requires a zoning permit.
- 1605.1.2 Location. Accessory buildings or structures will not be permitted in any required front yard or within less than five feet of any exterior property line.
  - 1605.1.2.1 Non-residential exception. An accessory building or structure in a non-residential district may be permitted in a front yard.
- 1605.1.3 Corner lot. If located on a corner lot, the accessory structure will not be nearer to the side street than the principal structure.
- 1605.1.4 Security guard stations and gates may be located within any required setback or yard provided that the site has been approved by the Zoning Enforcement Officer.
- 1605.1.5 Underground accessory structures will be permitted within any setback or yard requirement in any district but shall not be permitted any closer than five feet to any exterior property line.
- 1605.1.6 Canopies to cover gasoline pumps shall be located ten feet or more from any exterior property line.
- 1605.1.7 Exemptions. Exempted from the requirements for accessory buildings or structures are well houses, fences, mail boxes, flower boxes, dog houses, and the like.

1605.2 Accessory building or structure in single-family residential districts.

- 1605.2.1 Maximum area. The total cumulative area of all accessory buildings or structures, including sheds, shall not exceed 25% of the total area of the lot.

1605.2.2 Fences and walls. Refer to section 1619 for fences and wall in residential districts.

1605.3 Residential sheds.

1605.3.1 This subsection pertains to sheds in single-family residential districts or the rural agricultural district associated with single-family dwellings or duplex dwellings.

1605.3.2 Definition. For the purpose of this subsection, 1605.3, a *shed* is defined as a small accessory building or roofed accessory structure that is typically used as storage, a workshop, or similar incidental residential use, and is typically constructed with lightweight materials such as wood, metal, or plastic.

1605.3.3 Maximum height. A shed shall not exceed 12 feet in height.

**1606. Public Utility Companies.**

Public utilities may be established in any district in conformance with the requirements listed below:

- .1 Lots must conform to minimum set back and yard requirements of the district in which they are located.
- .2 The design of buildings, structures and facilities on the site should conform as closely as possible to the character of the area or neighborhood.
- .3 Adequate fencing or comparable safety devices must be installed and maintained in order to make the facility inaccessible to the public.
- .4 Portions of properties not used for buildings, parking or related services must be maintained with planted ground cover. Screening must be provided in accordance with the provisions of Section 1601.

**1607. Street Deposit.**

1607.1 For the purpose of this section, MAJOR CLEARING AND/OR CONSTRUCTION is defined as clearing using any type of logging equipment or commercial clearing equipment such as bulldozers, backhoes, ditch diggers, logging trucks, cement or mixer trucks or other heavy type equipment. Specifically excluded are bush hogs, riding mowers or garden-type tractors.

1607.2 Prior to any construction or major clearing taking place on any lot or parcel within the planning and development regulation jurisdiction of the town, a security deposit, in the amount of \$500 must be posted to cover any damages or problems that may occur as a result of the clearing or construction. This sum shall be deposited with the Town Clerk at the time the zoning permit is issued.

1607.3 The Street Commissioner will check the property both before and after clearing or construction. Upon his or her certification that the street, shoulder and right-of-way have suffered no damage,- or that the damages have been corrected, and that no drainage problems which may require culverts have been created, the security deposit will be refunded in accordance with this section, Where culverts are needed to ensure proper drainage, a minimum 12-inch culvert shall be properly installed. Should damages or drainage problems not be corrected to the satisfaction of the Street Commissioner, this sum will be forfeited and the owner billed for any additional charges. A request for a refund must be made with a copy of the certificate of occupancy by the property owner and/or developer no later than six months after issuance of certificate of occupancy. If the request along with the certificate of occupancy is not received within the six-month period, the deposit will be forfeited.

1607.4 This section shall be effective upon adoption by the Board of Commissioners. This ordinance shall be effective on all work commenced on or after the date it is adopted. Any work commenced prior to obtaining a zoning permit will be considered work commencing the date of the zoning permit.(Ord. passed 01-07-08)Penalty, see Chapter 1200, Administration

#### **1608. Minimum Requirements for Mixed Uses.**

When two or more uses occupy the same building and those uses would normally have different minimum requirements, the more restrictive requirements shall apply. The off-street parking and loading requirements for each use must be met fully.

#### **1609. Administrative Modifications of Setbacks.**

When a lot is nonconforming relative to its width, the side yard requirements for the lot may be reduced by a distance equal to the average of the district requirement and the established nonconforming side yard created by existing primary structures within a 300-foot radius. In no case shall a structure and its architectural features such as cornices, eaves, steps, gutters and fire escapes be allowed any closer than seven feet to a side property line.

#### **1610. Certain Extensions into Yards Allowed.**

Architectural features such as cornices, eaves, gutters and handicapped ramps may project up to three feet into any required yard or beyond any required setback unless such a feature would obstruct driveways which may be used for service or emergency vehicles.

#### **1611. Wind Energy Facilities.**

1611.1 General.

A Small System Wind Energy Facility is considered to be an accessory use and does not require approval of a Wind Energy Permit Application. However, such a Small System shall comply with the dimensional requirements of this Article plus any other applicable ordinances.

A temporary pole or tower may be erected to use an anemometer or other meteorological measuring devices to test the wind conditions at that site and does not require approval of a Wind Energy Permit Application. However, each such temporary pole or tower shall comply with the dimensional requirements of this Article plus any other applicable ordinances. A copy of a FAA determination report as a result of filing the FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, shall be submitted prior to submission of any building permits for such a temporary pole or tower.

Before a building permit may be submitted for a Large System Wind Energy Facility or a Utility-scale Wind Energy Facility, a Wind Energy Permit Application must first be approved by the Planning Commission.

#### 1611.2 Permit application information.

Throughout the permit process, the applicant shall promptly notify the Carteret County Planning and Development Department of any changes to the information contained in the permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted administratively.

The application for a Large System or Utility-scale Wind Energy Facility shall contain at least the following information:

- 1611.2.1 A narrative overview of the project, including the generating capacity of the Wind Energy Facility.
- 1611.2.2 A tabulation describing the:
  - A. Specific number, types and height of each wind turbine to be constructed, including their generating capacity.
  - B. Dimensions and respective manufacturers.
  - C. Appurtenant structures and/or facilities.
- 1611.2.3 Identification of the property on which the proposed Wind Energy Facility will be located.
- 1611.2.4 A site plan showing the:
  - A. Planned location of each wind turbine.
  - B. All property lines within one mile of the property lines of the proposed site.
  - C. Setback lines.
  - D. Access road and turnout locations.
  - E. Substation(s).

- F. Electrical cabling from the Wind Energy Facility to the substation(s) and from the substation(s) to where the electricity will leave the site.
- G. Ancillary equipment, buildings, and structures, including permanent meteorological towers.
- H. Associated transmission lines.
- I. Conservation Areas, including natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act; shore land areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important local historic sites; existing healthy, native forests consisting of at least one acre of contiguous area; individual existing healthy trees that are at least 100 years old; other significant natural features and scenic viewsheds; existing trails or corridors that connect the tract to neighboring areas.
- J. Location of all structures and properties within the geographical boundaries of any applicable setback.
- K. A landscaping plan that shows proposed screening and buffering of all buildings and other non-tower structures on the site or sites.

1611.2.5 For Utility-scale Wind Energy Facilities, an Environmental Impact Study (EIS) shall be submitted that includes review comments from all applicable state and federal agencies, including at least the:

- A. NC Department of Environment and Natural Resources,
- B. NC Department of Health and Human Services,
- C. NC Department of Transportation,
- D. NC Wildlife Resources Commission,
- E. US Fish and Wildlife Service, and
- F. US Army Corps of Engineers.

The EIS shall cover, at a minimum, the potential impacts on the human population (such as audible and inaudible sound, shadow flicker and blade glint, viewsheds, blade throw, hurricane resistance, etc.), as well as the animal populations, land, water (including impacts on groundwater resources due to foundations, pilings, etc.), and air. The study area shall include at least the 2 miles surrounding the proposed wind turbines.

- 1611.2.6 Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Carteret County to ensure compliance with this Ordinance.
- 1611.2.7 Decommissioning plan that describes the:
- A. Anticipated life of the wind energy facility.
  - B. Estimated decommissioning costs (in current dollars), including contingency costs of at least 10% (ten percent).
  - C. Method for ensuring that funds will be available for decommissioning and restoration.
  - D. Plan for decommissioning the wind energy facility, including disposing of the structural and turbine materials and restoring the site.
- 1611.2.8 The signature of the property owner(s) and the facility owner/operator.
- 1611.2.9 The applicant shall certify that the proposal is for an International Electrical Congress (IEC) Class S wind turbine that is designed or will be designed to meet the NC Building Code. A Stand-down Plan for High Wind Conditions shall be included, along with any other materials needed for the certification.
- 1611.2.10 A verifiable means of determining if the decommissioning plan needs to be activated due to abandonment, such as a letter from the electric utility stating that it will notify the Zoning Enforcement Officer within 10 (ten) business days if electricity is not received from the Wind Energy Facility for any 30 (thirty) consecutive days.
- 1611.2.11 If any portion of a proposed Large System or Utility-scale wind energy facility is to be located within 2,000 feet of the right-of-way of any Federally designated or State- designated Scenic Route or By-way, the applicant shall describe the proposed measures to be taken to minimize the visual impact of the proposed facility (including shadow flicker and blade glint) upon a Scenic Route or By-way.
- 1611.2.12 If any portion of a proposed wind energy facility is to be located within 20,000 feet of the runway surface of the Michael J. Smith Airport, Bogue Airfield, and/or Atlantic Field, the applicant must demonstrate FAA approval prior to submission of any building permits. This includes showing proof of filing an FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, in accordance with FAA Advisory Circular 70/7460-2k, as amended. Such notice shall be included with the application.

A copy of a FAA determination report as a result of filing the FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, shall be submitted prior to submission of any building permits.

The Applicant shall not install any lighting that exceeds the minimum required by the FAA. Where alternatives to strobe lighting are available from the FAA, strobe lighting shall be the last resort and only if required by the FAA.

The Applicant shall demonstrate compliance with the County's Airport Height Ordinance. If appropriate, as determined by the Zoning Enforcement Officer, the Applicant shall provide a Department of Defense release or approval for the construction of the wind energy facility in restricted air space.

1611.2.13 A Maintenance Plan that details the quarterly, storm follow-up, and non-scheduled maintenance actions that will be taken to keep the Wind Energy Facility operating quietly, efficiently, and non-polluting of the land, water, and air, including (but not limited to) the minimization of loud or high-pitched sound, low frequency sound or vibration, blade glint, and fluid leaks.

The Applicant shall conduct preventive maintenance inspections in January, April, July, October, and after any wind event defined as a tropical storm or Category 1-5 Hurricane. Each inspection shall look for such things as metal fatigue, nut loosening, and other potential failures that might impact the public health and safety, as well as the items detailed in the Maintenance Plan. Such inspection reports shall be provided to the Zoning Enforcement Officer within 30 (thirty) days of the inspection.

**1611.3 Dimensional requirements.** To provide for at least minimal operational safety for persons and property located outside of a wind farm, all wind energy facilities shall comply with the minimums and maximums contained in the following tabulation:

Type of Wind Energy Facility	Minimum Wind Turbine Setback from Any Property Line, Public or Private R-O-W, and/or Access Easement	Maximum Wind Turbine Height*
Small	None	60 feet
System (up to 25 KW) Attached to a house		
Small System (up to 25 KW) Not attached to a house	1 foot for each foot of height from any property line and 1 foot for each foot of height from any vacant or occupied	75 feet



	dwelling unit on the same property But if the Planning Director or designee determines there will be no significant impact on abutting properties or those across a stream, lake, or other body of water, no such setback is required from the waterward property line for a turbine placed in a body of water or on a dock or pier.	
Large System (more than 25 KW and less than 1,000 KW)	1,300 feet	199 feet
Utility-scale (1,000 KW or more)	6 feet for each foot of height	550 feet
* Height is measured from the lowest adjacent grade to the highest point of the structure, including any attachments, such as a lightening protection device or a turbine rotor or tip of the turbine blade when it reaches its highest elevation.		

Such minimum setbacks for a wind energy facility shall be measured from its outermost extension (whether blade tip, nacelle/turbine housing, or tower/pole edge) that is nearest the subject property line, public or private R-O-W, and access easement. To measure maximum height, see the Definitions.

No portion of any wind turbine blade shall be closer than 25 feet to any portion of the ground that surrounds any wind energy facility.

A temporary pole or tower may be erected to use an anemometer or other meteorological measuring devices to test the wind conditions at that site. The temporary pole or tower may be any height but it must be set back from all property lines, rights-of-way, and access easements by a distance that is equal to or greater than its height. The temporary pole or tower may not have any signs; may not be illuminated, except as required by the FAA or Department of Defense; and must be removed within 2 (two) years of the date that it is erected.

**1611.4 Setback Modification.** If a Wind Energy Facility parcel contains no vacant or occupied dwelling units, the owner may sign a modification of the setback requirements.. If a Wind Energy Facility parcel contains one or more vacant and/or occupied dwelling units, the owner may sign a modification of the setback requirements only after receiving the express approval of the Zoning Enforcement Officer. The signed waiver must state that the waiver period shall expire when the Zoning Enforcement Officer agrees in writing that the Wind Energy Facility has been properly decommissioned.

Any signed modification is not effective until it is recorded with the Carteret County Register of Deeds and a copy of the recorded waiver has been provided to the Planning Director within 5

business days of that recording. Such waiver shall be provided to subsequent owners and/or renters of the property during the waiver period on a Disclosure Form provided by the Zoning Enforcement Officer

**1611.5 Installation and design.**

- 1611.5.1 The installation and design of a Large System or Utility-scale Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute.
- 1611.5.2 The electrical connection system from the wind turbines to a collection point or substation shall, to the maximum extent possible, be placed underground. The power from that collection point or substation may use overhead transmission lines, if approved by the Planning Director or designee.
  - A. The electrical connection system from the wind turbines to a collection point or substation shall include an exterior, power disconnect switch.
- 1611.5.3 Road Analysis: The applicant shall reimburse the NC DOT and/or County (as appropriate) for any and all repairs and reconstruction to roads that are necessary due to the construction or decommissioning of the Large System or Utility-scale Wind Energy Facility. A qualified independent third party or other qualified person, agreed to by the NC DOT and/or County (as appropriate) and the applicant, shall be hired to pre-inspect the roadways to be used during construction and/or decommissioning. This third party shall be hired to evaluate, document, and rate the roads condition prior to construction or decommissioning of the Large System or Utility-scale Wind Energy Facility, and again 30 days after the Wind Energy Facility is completed or removed.
  - A. Any road damage during construction that is done by the applicant and/or one or more of its contractors or subcontractors that is identified by this third party shall be repaired or reconstructed to the satisfaction of the NC DOT and/or County (as appropriate) at the applicant's expense prior to the final inspection. In addition, the applicant shall pay for all costs related to work of this third party pre- inspection prior to receipt of the final inspection.
  - B. The surety for removal of a decommissioned wind energy facility shall not be released until the Planning Director or designee is satisfied that any road damage that is identified by this third party during and after decommissioning that is done by the applicant and/or one or more of its contractors or subcontractors has been repaired or reconstructed to the satisfaction of the NC DOT and/or County (as appropriate) at the applicant's expense. In addition, the applicant shall pay for all costs related to work of this third party's inspection prior to receipt of the release of the surety.

- 1611.5.4 The Large System or Utility-scale Wind Energy Facility shall:
- A. Be a non-obtrusive color (such as light blue, off-white or light gray) that blends with the sky, as determined by the Planning Director or designee.
  - B. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - C. Not contain any signs or other advertising (including flags, streamers or decorative items or any identification of the turbine manufacturer, facility owner and operator). This does not include any identification plaques that might be required by the electric utility or governmental agency.
  - D. Be maintained to minimize noise from the turbine, any engines or motors, and the blades or propellers.
  - E. Be sited and operated so as to not interfere with television, internet service, telephone (including cellular and digital), microwave, satellite (dish), navigational, or radio reception in neighboring areas. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems; including relocation or removal of the facility caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto.
  - F. Have a leak containment system for oil, hydraulic fluids, and other non-solids that is certified by an expert (such as an engineer, turbine manufacturer, etc.) acceptable to the Planning Director or designee that all such fluids will be captured before they reach the ground. The applicant shall pay the cost of the expert.

**1611.6 Minimization of noise and shadow flicker impacts by a large system or utility-scale wind energy facility.**

- 1611.6.1 The applicant shall provide a shadow flicker and blade glint report for each proposed wind energy facility. The report shall:
- A. Evaluate the worst case scenarios of wind constancy, sunshine constancy, and wind directions and speeds.
  - B. Map and describe the zones where shadow flicker and blade glint will likely be present within the project boundary and a one-mile radius beyond the project boundary.
  - C. Identify existing residences and the locations of their windows, locations of other structures, wind speeds and directions, and existing vegetation and roadways.

- D. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, including outdoor viewsheds.
- E. Calculate the total number of hours per year of flicker at all locations, including the outdoor viewshed.
- F. Identify problem zones within a one-mile radius where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems.

1611.6.2 Based upon the findings of the report, the wind energy facility shall be designed so that shadow flicker or blade glint will not fall on or in any roadway or occupied property.

- A. Shadow flicker or blade glint that falls on a portion of an occupied property is acceptable only under the following circumstances:
  - 1. The flicker or glint does not exceed 120 seconds per day for 7 consecutive days, with a 20-hour maximum per year and
  - 2. The flicker or glint falls more than 100 feet from an existing residence or business property.
- B. Shadow flicker or blade glint that falls on a roadway is acceptable only under the following circumstances:
  - 1. The traffic volumes are less than 500 vehicles per day on the roadway and
  - 2. The flicker or glint shall not fall onto an intersection of public roads.

If shadow flicker or blade glint exceeds any of the conditions listed in this Section, the source wind energy facility shall be shut down until the flicker or glint problem is remedied. Each such occurrence shall be a separate violation of this ordinance and the penalties shall be cumulative.

1611.6.3 No Large System or Utility-scale wind energy facility or any generators, equipment, or apparatus shall produce noise above 45 (forty-five) decibels for more than 5 (five) consecutive minutes, as measured at any property line. Each such occurrence shall be a separate violation of this ordinance and the penalties shall be cumulative.

If noise levels exceed 80 (eighty) decibels for more than 24 consecutive hours, as measured at any property line, the applicant and/or owner shall shut down the wind energy facility within 1 (one) business day of being informed to do so by the Planning Director or designee. The facility shall remain shut down until it can be demonstrated to the satisfaction of the Planning Director or designee that the

facility can be operated so as to not exceed 45 (forty-five) decibels for more than 5 (five) consecutive minutes, as measured at any property line.

**1611.7 Decommissioning or abandonment.**

1611.7.1 If the chief building official condemns any portion of a Large System or Utility-scale Wind Energy Facility or if no electricity is generated for 3 consecutive months, the Wind Energy Facility owner and/or property owner shall have 3 months to remedy the safety issues or complete the decommissioning of the Wind Energy Facility, according to the approved plan.

The Zoning Enforcement Officer may grant extensions of time for repair and/or maintenance, for good cause, such as the need to back-order parts that are not currently available from the manufacturer or supplier or the need to repair a Large System or Utility-scale Wind Energy Facility damaged by a hurricane.

1611.7.2 Decommissioning shall include the complete removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities and/or structures, including belowground items such as foundations and power lines.

1611.7.3 Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

**1611.8 Surety for removal of large system or utility-scale wind energy facilities, if decommissioned or abandoned.**

The applicant shall place with the county an acceptable letter-of- credit, bond, or other form of security that is sufficient to cover the cost of removal at the end of the facility's useful life, as detailed in the decommissioning plan. Such surety shall be at least \$200,000 for each wind turbine. The Planning Director or designee may approve a reduced surety amount that is not less than 150% (one hundred fifty per cent) of a cost estimate that is certified by an Engineer, salvage company, or other expert suitable to the Planning Director or designee. The surety shall be used by the county to assure the faithful performance of the terms and conditions of this law and conditions of this ordinance, as well as to serve as a removal security to prevent the taxpayers from bearing the cost of removal in the event of the abandonment or cessation of use for more than 90 consecutive days. The full amount of the bond or security shall remain in full force and effect until any and all necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the facility, as determined by the Planning Director or designee.

**1611.9 Security of large system or utility-scale wind energy facilities.**

1611.9.1 All wind energy facilities shall be located, fenced, or otherwise secured so as to prevent unauthorized access.

1611.9.2 All wind energy facilities shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with.

1611.9.3 Wind energy facilities shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

**1611.10 Reservation of authority to inspect large system or utility-scale wind energy facilities.**

In order to verify that the holder of a permit for a wind energy facility and any and all lessees, renters, and/or licensees of it, have placed and constructed such facilities in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the county may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification, and maintenance of such facilities, including all towers, buildings, and other structures constructed or located on the site.

**1611.11 Liability insurance.**

1611.11.1 The holder of a permit for a Large System or Utility-scale wind energy facility shall secure and maintain for the duration of the permit public liability insurance, as follows:

A. Commercial general liability covering personal injuries, death and property damage. \$1,000,000 per occurrence -- \$2,000,000 aggregate, which shall specifically include the county and its officers, councils, employees, committee members, attorneys, agents and consultants as additional named insureds.

B. Umbrella coverage. \$3,000,000.

1611.11.2 The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".

1611.11.3 The insurance policies shall contain an endorsement obligating the insurance company to furnish the county with at least 30 days' prior written notice in advance of a cancellation.

1611.11.4 Renewal or replacement policies or certificates shall be delivered to the county at least 15 days before the expiration of the insurance that such policies are to renew or replace.

1611.11.5 No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the county a copy of each of the policies or certificates representing the insurance in the required amounts.

1611.11.6 A certificate of insurance that states that it is for informational purposes only and does not confer rights upon the county shall not be deemed to comply with this ordinance.

**1611.12 Indemnification.**

Any application for a Large System or Utility-scale wind energy facility on county property shall contain an indemnification provision. The provision shall require the applicant to at all times defend, indemnify, protect, save, hold harmless, and exempt the county, and its officers, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the county, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the county.

An indemnification provision will not be required in those instances where the county itself applies for and secures a permit for a Large System or Utility-scale wind energy facility.

**1612. Side and Rear Yards Next to Railroad or Waterfront.**

In business and industrial districts, side yards and rear yards are not required abutting railroad rights-of-way. In I-W and P- districts side yards and rear yards are not required on the waterfront side of the lots which abut the water.

**1613. Location of Required Yards on Irregular Lots.**

The location of required front, side and rear yards on irregularly shaped lots will be determined by the Zoning Enforcement Officer. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.

**1614. Special Yard Requirements for Corner Lots.**

In any zoning district, the side yard requirements for corner lots along the side street right-of-way shall be required to have an additional ten feet of yard requirement, unless otherwise stated.

**1615. Rear Yard Requirements for Through Lots.**

If both the front and the rear yards of a lot abut public streets, then the minimum rear yard will be the same as the minimum front yard for the district. Section 1626 also contains standards for yards, including rear yards which abut thoroughfares.

**1616. More Than One Principal Building Per Lot.**

Only one principal building and its customary and/or rightful accessory buildings may be erected on any residentially zoned lot or any individual lot zoned MC which is not an approved mobile home park unless otherwise authorized by this ordinance.

**1617. Construction of Buildings on Lots Not Abutting a Street.**

No building shall be erected on any lot which does not abut at least 25 feet on a street unless such lot has been exempted under the Town of Peletier Subdivision Regulations or was given preliminary approval prior to the adoption of this ordinance or is a lot of record.

**1618. Reserved.**

**1619. Fences and Walls in Residential Districts.**

Within residential districts no freestanding wall or fence may exceed ten feet in height within any required yard. This wall and fence height limit does not apply to walls and fences constructed around electric and gas substations, telephone repeater stations or huts, sewage treatment plants, pressure regulator stations, buildings to house pumps and lift stations and similar structures; radio telephone and television masts, towers, antennas, and similar structures; municipal reservoirs and water storage tanks. Walls and fences to these uses need not conform to any of the yard or setback requirements specified in this ordinance.

**1620. Reserved.**

**1621. Driveway Permits.**

Driveway permits shall be required upon any road or right-of-way upon which the North Carolina Department of Transportation requires one.

**1622. Visibility at Intersections.**

On a corner lot in any residential district, no plantings, fence, wall or other obstruction to visibility more than three feet in height shall be placed in the area bounded by the street rights-of-way of such corner lots and a line joining points along said street rights-of-way fifty feet from the point of intersection.

**1623. Fire Hydrant Requirements.**

Fire Hydrant location requirements shall be administered to all commercial, industrial, and residential developments. Developments previously approved shall be exempt from these requirements:



- .1 Commercial Developments: Any commercial construction shall be within five hundred (500) linear feet of a fire hydrant. This measurement shall be present on the submitted site plan which shall be prepared, stamped and endorsed by a registered engineer, surveyor or other person duly authorized by the state to practice as such.
- .2 Industrial Developments: Any commercial construction shall be within five hundred (500) linear feet of a fire hydrant. This measurement shall be present on the submitted site plan which shall be prepared, stamped and endorsed by a registered engineer, surveyor or other person duly authorized by the state to practice as such.
- .3 Residential Developments: Fire Hydrant location requirements for residential developments are administered through the Peletier Subdivision Ordinance. Individual residential lots are exempt from these location requirements.

**1624. Institutional Uses in Residential Districts.**

The following institutional uses shall be permitted by right within any residential district:

- .1 Governmental Buildings -
  1. Minimum lot size shall be one acre;
  2. Screening may be required in accordance with Section 1601;
  3. The minimum setbacks of the residential district in which the building is located must be met;
  4. Off-street parking shall be required in accordance with Section 2000;
  5. Any other applicable requirements of the Zoning Ordinance must be adhered to.
- .2 Fire Stations -
  - 1) Minimum lot size shall be one acre;
  - 2) Screening shall be required in accordance with Section 1601;
  - 3) The minimum setback for all sides shall be 30 feet;
  - 4) Off-street parking shall be required in accordance with Section 2000;
  - 5) Any other applicable requirements of the Zoning Ordinance must be adhered to.
- .3 Family Care Home -
  - 1) Minimum lot size shall equal what is required for the specific district in which the family care home is to be located;
  - 2) Minimum setbacks shall be in accordance with the specific district in which the family care home is to be located;
  - 3) Off-street parking shall be in accordance with Section 2000;

- 4) Must be located over a one-half mile radius of an existing family care home.
- .4 Public or Private Schools -
- 1) Minimum lot size shall be one acre;
  - 2) Minimum setbacks shall be 30 feet on all sides;
  - 3) Screening shall be required in accordance with Section 1601;
  - 4) Off-street parking shall be in accordance with Section 2000;
  - 5) Any other applicable requirements within the Zoning Ordinance shall be adhered to.
- .5 Public Parks -
- 1) Minimum lot size shall be one half acre;
  - 2) Minimum setback shall be in accordance with the residential zoning district in which the park is located;
  - 3) Off-street parking shall be in accordance with Section 1601;
  - 4) Any other applicable requirements within the Zoning Ordinance shall be adhered to.
- .6 Public Utility Facilities - See Section 1606.
- .7 Temporary health care structures.

**1625. Reserved.**

**1626. Special Requirements for Lots Along Thoroughfares (i.e. Highways 58).**

1626.1 When the front, rear or side yard of a lot in any district abuts a thoroughfare, the minimum setback on the side of the thoroughfares shall be 40 feet.

## 2000. OFF-STREET PARKING AND LOADING REQUIREMENTS

### 2001. Off-Street Parking Requirements.

In order to assure a proper and uniform development of public parking areas throughout the Town of Peletier, to relieve traffic congestion in the streets and to minimize any detrimental effects of off- street parking areas on adjacent properties, the procedures and standards set forth in Section 2002 through Section 2019 will apply.

### 2002. Schedule of Off-Street Parking Requirements.

Off-street parking must be provided and maintained as specified in the following schedule. These requirements will apply to all new buildings and uses and to new additions to existing buildings and uses in all districts.

<b>Type of Use:</b>	<b>Parking Standards:</b>
Airport, Railroad Stations, and Bus Terminals	1 space per each 4 seats for waiting passengers, plus 1 space for each two employees on shift of greatest employment.
Auditoriums, Stadiums Assembly Halls, Gymnasiums, Theaters, Community Recreation Centers, Churches and other places of public assembly.	1 space per 4 fixed seats in largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats In the largest assembly room or 1 space per each 150 square feet of gross floor area, whichever is needed by the facility.
Automobile Sales	In addition to inventory display areas, 1 space per 400 square feet of building area devoted to sales, minus any storage areas.
Banks, Savings and Loans, and similar uses	10 spaces minimum for customer parking and 1 space for each 1 employee on shift of greatest employment.
Barber Shop, Beauty Shop and Personal Services	2 spaces per Operator
Car Wash	1 space per 2 employees
Child Care and Kindergarten	1 space per teacher or staff plus 1 space for 1 car for drop off and pick up per 10 children as identified in the licensing limit.
Dental, Medical Offices, Clinics	1 space per teacher or staff plus 1 space for 1 car for drop off and pick up per 10 children as identified in the licensing limit.
Delivery, Ambulance & other similar services	1 space per vehicle, plus 1 space for each 2 employees.
Drive-In Facilities (In addition to use requirement)	3 stacking spaces for each bay, window or lane.
Fire Station	1 space per person on duty on a normal shift.
Funeral Home	1 space per each 60 square feet of floor area available for seating accommodations.
Hospitals	1 space for each 2 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 3 employees.
Industrial, Manufacturing and Wholesaling establishments	1 space for each 1 employee on shift of greatest employment, plus 5 spaces for visitor parking.
Laboratories and other facilities for research	1 space for each employee on shift of greatest employment.
Marinas, Commercial	0.6 spaces per wet or dry slip plus 1 space per employee
Marinas, Residential	20 percent of wet or dry slips available

Mobile Home Sales	5 spaces, plus 1 space per 10,000 square feet of lot area.
Motels, Hotels, Bed & Breakfast, Motor Courts, Boarding Houses, and similar uses	1 space per unit, plus 2 spaces per 3 employees on the shift of greatest employment.
Museums and Art Galleries	1 space per 300 square feet of gross floor area.
Nursing Homes, Rest Homes, Homes for the Aged	1 space for 4 patient beds, plus 1 space per each 2 employees on the shift of greatest employment.
Offices	1 space for each 200 square feet of net floor area
Post Office	1 space per 150 square feet of public service area, plus 2 spaces per 3 employees on shift of greatest employment.
Public Library	1 space for each 300 square feet of net floor area.
Public or Private Clubs	1 space for each 200 square feet of net floor area.
Public Utility Buildings	1 space for each employee on shift of greatest employment.
Radio and TV Stations	2 spaces per 3 employees on shift of greatest employment.
<b>Recreational Uses:</b>	
1) Bowling Alleys	4 spaces per lane.
2) Golf Courses	4 spaces per hole.
3) Public/Private Swimming Pools excluding single-family of water and deck area and multi-family residential pools	1 space per 100 square feet
4) Recreation uses such as Golf Driving Ranges, Tennis, Billiards, Pool Centers or other similar uses	1 space per tee, green, court and/or other method of participation however styled.
5) Recreational Clubs	1 per 250 square feet of net floor area.
<b>Residential Uses:</b>	
1) Boarding House	1 space per room or boarder whichever is greater, in addition to the normal requirement for the dwelling unit.
2) Housing designed for and Used by the elderly	1 space per 4 dwelling units.
3) Home Occupation	2 additional parking spaces, in addition to residence requirements.
4) Multi-Family Residence	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-1,249 sq. ft.; 2.25 spaces for units over 1,250 sq. ft.
5) Single-Family Dwelling	2 spaces per dwelling unit.
6) Duplex or Triplex	2 spaces per dwelling unit.
7) Dormitories	1 space per three residents.
8) Efficiency Unit	1.5 spaces for units 549 sq. ft. or less; 1.75 spaces for units 550-699 sq. ft.; 2 spaces for units 700-899 sq. ft.; 2.5 spaces for units greater than 900 sq. ft.
Restaurants; Diners and Night Clubs	10 spaces minimum plus 1 space for every 3 seats.
Schools, Elementary and Junior High, including public and private	1 space for each classroom and administrative office employee and maintenance employee, plus 5 visitor parking spaces, plus 1 school bus space for each 50 students, when necessary.
Schools, Senior High, Trade and Vocational; and Colleges and Universities	5 spaces per each room used for administrative offices or class Instruction, or 1 space for each 5 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater, plus 1 school bus space for each 50 students, when necessary
Wholesaling with related retail business	2 spaces per 3 employees on the shift of greatest employment, plus additional spaces per square foot of

	gross floor area devoted to retail sales applicable from "Retail Business" schedule.
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**2003. Parking Space and Travel Aisle Width Defined.**

2003.1 A parking space is defined as an off-street space exclusively available for the parking of motor vehicles. A standard parking space must have minimum dimensions of 10 feet in width and 20 feet in length with a minimum of 200 square feet needed. This area does not include any passageways and driveways used for access to the space or spaces.

Where there are lots designed to accommodate more than 10 vehicles, up to 25 percent of the spaces may have minimum dimensions of 7.5 feet in width and 16 feet in length. The smaller spaces, if provided, shall be designated for use only by compact cars.

2003.2 The minimum width of a travel aisle width in a parking lot with two-way (2 lanes) traffic shall be 24 feet. The minimum width of a traffic aisle for one-way (1 Lane) parking shall be 14 feet.

**2004. Parking Spaces in Driveways.**

In the absence of garages or carports, driveways may be considered as providing required off-street parking spaces for single- family, two- family and three-family dwellings in residential districts.

**2005. Location of Parking Spaces.**

Parking spaces must be located so that no space is farther than 400 feet from the buildings or uses to which it is assigned. However, in no case shall parking be located across a thoroughfare (i.e., Highway 24, 58, 70 101 and 12) from the use nor shall parking be permitted within a structure unless it is an approved parking garage. The Planning Board may waive this distancing requirement if a shuttle system is provided for the use. This 400 foot distancing requirement does not apply to parking spaces for auditoriums, assembly halls, gymnasiums and other places of assembly, industrial, wholesaling, manufacturing establishments and hospitals.

2005.1 A strip a land not less than 10 feet in width shall be required between the first row of parking and any adjoining right-of-way.

**2006. Parking Spaces Assigned to One Use.**

Required parking spaces for any number of separate buildings or uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use at the same time. The required parking spaces for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses if the parking spaces are normally used at different times and a written agreement between both parties regarding the requirements of Section 2006 is submitted to the Zoning Administrator.

**2007. Parking Spaces shall not be Reduced in Number.**

Off-street parking spaces shall not be reduced below the minimum required for the use or facility to which they are assigned. Off-street parking spaces for buildings or uses which existed at the time of the adoption of this ordinance and which were inadequate to meet the minimum parking spaces required by this ordinance must not be reduced as long as those buildings and uses continue to be in existence.

**2008. Additions to Buildings Deficient in Parking Spaces.**

The provision of extra parking spaces is not required for additions to existing buildings and uses that do not meet the minimum requirements for off-street parking spaces if any such additions do not represent an additional parking requirement of more than three off-street parking spaces. If more than three parking spaces would be required, the addition must comply with all applicable parking standards.

**2009. Parking Plans Required.**

Plans for off-street parking lots, whether public or private, must be submitted to the Zoning Enforcement Officer for review for compliance with the provisions of this ordinance with other pertinent ordinances. Each plan must indicate the number of spaces and arrangement of parking aisles, location of driveway entrances, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or deemed necessary by the Zoning Enforcement Officer to fulfill other ordinance requirements. Detached single family, two family and three family residences are exempted from this requirement.

**2010. Barriers Required.**

Curbs, walls, fences, ditches or similar devices must be located along the perimeter of parking lots, garages and storage area, except at entrances and exits indicated on approved parking plans. These barriers must be designed and located to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public rights-of way and adjoining properties from damaging effects from surface drainage from parking lots.

**2011. Parking and Storage Areas.**

2011.1 Parking lots, garages and storage areas must be designed and constructed so that all maneuvering to park cars can take place entirely within the property lines of the lot.

2011.2 All parking areas shall be designed so that there will be no need to use streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces, except where such maneuvering is necessary in the use of driveways for access to and from single-family, two- family and three-family dwellings.

2011.3 Access to parking areas will be limited to driveway entrances and exits specified in the approved parking area plans.

### **2012. Parking Spaces and Lots to be Improved.**

All parking lots and spaces, excluding those provided for detached single-family dwellings shall be improved with gravel or marl, turfstone, compacted stone, asphalt or concrete, or any other innovative means of paving. Each parking space, except those provided for detached single-family dwellings, shall be delineated by curbs, railroad ties, paint or other similar material.

### **2013. Handicapped Parking.**

One handicapped parking space shall be required per 50 parking spaces. Each handicapped space must meet the terms of the NC Building Code and be delineated as required in Section 2012.

### **2014. Off-Street Loading Requirements.**

2014.1 Spaces Appropriate to Function. Off-street loading spaces must be provided as appropriate to the function and scope of operation of individual or groups of buildings and uses.

2014.2 Design of Loading Spaces. Off-street loading spaces must be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises.

Loading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on public rights-of-way.

### **2015. Parking Lot Buffering Requirements.**

Subject to other standards outlined within this Ordinance, all required parking areas shall be required to adhere to the following additional interior buffering requirements:

1. For every ten (10) required parking spaces there shall be an area within the parking lot four hundred (400) square feet in area left in either a natural vegetative state or planted with trees and shrubs that will not exceed a height of three (3) feet.
2. In cases where a commercial or industrial development abuts a residentially zoned lot or a residential land use, the parking areas shall be separated from common property lines in accordance with the prescribed buffer yard requirements as outlined within this chapter plus an additional ten (10) feet.
3. For commercial/industrial land uses that, due to their overall size, are required to provide more than fifty (50) parking spaces to support the proposed land use, the Town of Peletier shall allow for a reduction in the number of required parking spaces based on the following incentive plan:

- a. Required Parking spaces may be reduced by ten (10) percent if there is an additional one thousand (1,000) square feet of land area within the required parking lot dedicated as interior buffer space;
  - b. Required parking spaces may be reduced by twenty (20) percent if there is an additional three thousand (3,000) square feet of land area within the required parking lot dedicated as interior buffering space;
  - c. Required parking spaces may be reduced by thirty (30) percent if there is an additional five thousand (5,000) square feet of land area within the required parking lot dedicated as interior buffering space;
  - d. These allowances shall be in addition to the mandatory buffering requirements outlined within this section
4. The maintenance and upkeep of all interior buffer areas shall be the responsibility of the property owner.



## **2100. DESIGN STANDARDS AND REGULATIONS OF SIGNS.**

The purpose of this Section is to regulate the type, placement and physical dimensions of signs in the interest of public health, safety and welfare, while recognizing the need for signs in the business community.

### **2101. Definitions.**

Please refer to Section 1100 of this Ordinance

### **2102. General Requirements.**

No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced or hung in any zoning district except in compliance with these regulations.

2102.1 Application Materials: Each application for a Zoning Permit for a sign shall be made in writing and shall contain or have attached the following information:

- 1) A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment of support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed;
- 2) A plot plan approximately to scale indicating the location of the sign relative to property lines, easements, buildings, streets and other on- premise signs;
- 3) Two sets of plans to be submitted to the Building Inspector, when required;
- 4) No zoning permit for a sign is required for a construction sign, real estate sign or financial institution sign related to the financing of the project under construction, so long as it is not over 15 square feet and there is not more than 4 feet from the bottom of the sign to the ground thereunder.

Sign plans shall be submitted to the Zoning Enforcement Officer for approval prior to the Building Inspector issuing a Building Permit. A record of such applications and actions taken shall be kept in the Planning Department.

2102.2 Signs Prohibited in All Districts. The following signs are prohibited in all zoning districts:

- 1) Advertising signs resembling traffic signals, traffic signs, emergency vehicles' flashing lights and which are likely to be misconstrued by the traveling public as being official governmental signs or emergency warnings or which by their distracting nature create a hazard to motorists;
- 2) Signs, except for off-premises signs allowed under this Section, advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signage shall be removed within 90 days from the date of termination of

such activity. Upon failure of the owner to remove such signs within the prescribed time, the Zoning Enforcement Officer shall take appropriate legal action to have such sign removed.

- 3) Flashing, blinking, pulsating and portable signs or signs with moving parts;
- 4) Signs, other than traffic governmental or street name signs or official signs, shall not be permitted within any street right-of-way;
- 5) Roof signs;
- 6) Three-dimensional signs;
- 7) Beacon lights, animated signs, trailer signs and snipe signs;
- 8) Portable signs.

2102.3 Illuminated Signs. No illuminated sign shall be so designed or placed that direct or reflected light or glare constitutes a hazard or annoyance to motorists or occupants of adjoining properties.

2102.4 Determination of Sign Area. For the purposes of this ordinance, the square footage area of any sign shall be measured by the smallest area enclosed by one continuous line connecting the extreme points or edges of the sign. This includes lattice work, frame, border molding, lettering and display area incidental to the sign's decoration.

2102.5 Maintenance. All signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a sign should be abandoned, unsafe, or poorly maintained, the Zoning Enforcement Officer shall notify the owner of the sign of such condition, and upon failure of the owner to correct such condition, the Zoning Enforcement Officer shall take appropriate legal action to have such sign repaired or removed.

### **2103. On-Premise, Commercial Signs.**

These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten (10) feet horizontally or vertically from any conductor or public utility guy wire.

2103.1 On-premise signs shall be permitted in all zones provided that the sign advertises the principal use of the lot and meets the requirements of Section 2100.

2103.2 No on-premise sign shall be located closer than then (10) feet from the right- of-way of five (5) feet from the side property lines.

2103.3 One ground or pole on-premise sign shall be permitted per parcel, unless the use is located within a complex, such as a business complex or office complex and shall not exceed 3/4

square foot to each linear foot of road frontage (e.g., 100 feet of road frontage would allow a 75 square foot sign) Interpretation made by Board of Adjustment on 05/12/93. See order at the front of the ordinance.

2103.4 The height of a ground or pole on-premise sign shall not exceed twenty

(20) feet in height from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of a ground or pole on-premise sign shall not be less than eight (8) feet from the grade of the right-of-way or finished grade beneath the sign, whichever is less. Signs may be located closer to surface grade if the setback is increased by one (1) foot for every one (1) foot closer to the ground the sign is located. Setback examples are shown below:

Setback	Clearance of Sign
10 feet	8 feet
11 feet	7 feet
12 feet	6 feet
13 feet	5 feet
14 feet	4 feet
15 feet	3 feet
16 feet	2 feet
17 feet	1 foot
18 feet	Ground Level

2103.5 Signs which are placed parallel to the right-of-way shall be permitted to be located at ground level ten (10) feet from the right-of-way, as shown on the previous illustration.

2103.6 No sign shall be erected at the intersections of streets, driveways, or alleys in such a manner as to obstruct clear vision.

2103.7 No sign shall be erected at the intersections or internal illumination. 2103.8 No signs shall copy or simulate official governmental signs or signals.

2103.9 Sign copy shall be submitted for all proposed signs to the Zoning Enforcement Officer. No sign shall have lewd or lascivious letters, words, or characters designating the same.

2103.10 Special events displays are permitted provided that they are in accordance with all Sections of this ordinance.

2103.11 In the event a business is located on a corner lot, two (2) on-premise ground or pole signs shall be permitted per parcel, provided that it is the intersection of two thoroughfares (i.e., Highways 70, 24, 58, 101 and 12).

2103.12 No sign shall be placed within 50 feet of a lot zoned for residential purposes unless the sign is permitted in residential districts.

**2104. Off-Premise, Commercial Signs.**

These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in

such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign be installed closer than ten (10) feet horizontally or vertically from an conductor or public utility guy wire.

2104.1 Off-premise signs (billboards): Billboards located off premise shall only be allowed if they meet the following requirements:

- A. Billboards should only be constructed of steel or other metal; no wooden billboards shall be allowed.
- B. The maximum size for a billboard is 378 square feet (10.5 feet by 36 feet).
- C. The height of the billboard from ground level or road grade shall be no more than 30 feet to the top of the billboard.
- D. Spacing between billboards on the same side of a road shall be a minimum of 1,500 feet from the nearest billboard.
- E. Spacing of a billboard from a billboard on the opposite side of the road shall be no less than 750 feet from the existing billboard.
- F. No billboard shall be erected within 100 feet of a residential zone property.
- G. Billboards should only be allowed in property zoned business/commercial or industrial.
- H. No billboard shall be located closer than 10 feet from the highway right of way and 5 feet from any side property line.

2104.2 Nonconforming billboards: If any billboard is nonconforming to this ordinance, then no new improvements shall be made to any such billboard and only general maintenance may be maintained. If any such billboard becomes damaged to the extent that it cannot be repaired for less than fifty percent (50%) of the value of the billboard at the time it was damaged, then that billboard must be removed.

## **2105. Signs Permitted in All Districts.**

A Zoning Permit shall be required for an on and off premise signs, except those identified in Section 2106. The following signs are permitted in all districts, but the standards outlined below apply:

2105.1 Permanent Subdivision and School Identification Signs. Permanent subdivision and school identification signs shall not exceed forty-eight (48) square feet in area. Such signs shall be placed so as not to obstruct the view of traffic and may be illuminated in such a fashion so as not to affect the view of motorists.

2105.2 Non Profit Organizations. Signs erected by non-profit organizations shall not exceed fifteen (15) square feet.

2105.3 Churches or Public Bulletin Boards. Signs advertising churches on premises or public bulletin boards shall not exceed thirty-two (32) square feet in area. Such bulletin boards may be illuminated.

2105.4 Off-Premise Church Signs. Signs identifying the name or location of a church remote from the location of the church, provided that such sign shall not exceed eight (8) square feet in area. No such sign shall be illuminated or contain moving parts.

2105.5 Agricultural Products Produced On-Premises. Signs advertising agricultural products produced on the premises, shall not exceed thirty-two (32) square feet. These signs shall be limited to two (2) signs per parcel.

2105.6 Temporary Construction Signs and Financial Institution Signs. Temporary construction signs and financial institution signs may be displayed in commercial and industrial districts, not to exceed two (2) signs per building site, and shall not exceed thirty-two (32) square feet per sign. If the building site has more than one hundred (100) linear feet of road frontage, an additional one-quarter (1/4) square foot may be added for each one (1) linear foot of road frontage. Such signs(s) must be removed within seven (7) days after construction work has been completed and the building occupancy permit has been issued.

2105.7 Temporary Real Estate Signs. Temporary real estate signs may be displayed in commercial and industrial districts, one (1) sign per building site not to exceed thirty-two (32) square feet per sign. If the building site has more than one hundred (100) feet of road frontage, an additional one quarter (1/4) square foot may be added for each (2) linear feet of road frontage over 100 feet. Such sign must be removed after property has been transferred. Typical six (6) square foot standard real estate signs are exempted from this requirement.

These signs shall be limited to one (1) per street front, one (1) per waterfront and one (1) per golf course front per parcel.

Such signs shall not be placed within any public street right-of-way. In the event that a real estate sign is located on the waterfront portion of a lot in the Town of Peletier, a Coastal Area Management Act permit may be required.

2105.8 Political Campaign Signs. Political signs exceeding thirty-two (32) square feet may be posted on private property, but a written consent of the landowner must be presented upon application for a Zoning Permit. These signs shall be removed within seven (7) days after the election. In no case shall political signs be permitted within a public right-of-way.

2105.9 Off-Premise Directional Signs. Off-premise directional signs shall only be allowed to call attention to industrial sites located off a major thoroughfare which contain at least 10,000 square feet of gross floor area. Such directional signs shall be allowed within a five (5) mile radius of said industrial site and shall be limited to eight (8) square feet in area. Each sign shall be placed off the roadway right-of-way. Upon selection of a site, written authorization from the landowner shall be required to permit the siting of the sign in that location. A zoning permit shall be required for all off-premise directional signs.

The following shall be met:

- 1) Only one off-premise directional sign shall be allowed at the intersection of the thoroughfare and the road leading to the industrial site.
- 2) Only one off-premise directional sign shall be allowed to be placed along the major thoroughfare within one mile of the intersection of the roadway leading to the site.
- 3) One off-premise directional sign shall be allowed at all other roadway intersections off the thoroughfare which leads to the industrial site.

2105.10 On-Premise Ground or Pole School Accessory Signs. School Accessory Signs shall not exceed 250 square feet in area. Such signs shall be located no closer than 100 feet off any right-of-way and ten (10) feet off any abutting property line. Maximum height of the signs shall not exceed 20 feet. Signs maybe illuminated as per Section 2101.3 (Amended 11/09/98)

#### **2106. Zoning Permit not Required.**

The following signs were permitted in all districts unless indicated otherwise. A Zoning Permit shall be required for all illuminated signs. No Zoning Permit shall be required for the following signs:

- .1 Signs erected by a governmental agency to regulate, control or direct vehicular or pedestrian traffic;
- .2 Legal notices, warnings, regulatory or informational signs erected by a public agency;
- .3 Signs required by law;
- .4 "No trespassing" signs not exceeding fifteen (15) square feet in area;
- .5 Temporary real estate signs advertising a specific property for sale, lease, rent, or development, located on said property, provided that such signs do not exceed fifteen (15) square feet in area and are not illuminated. These signs shall be limited to one (1) per street front, one (1) per waterfront, and one (1) per golf course front per parcel. Such signs shall not be placed within any public street right-of-way. In the event the real estate sign is located on the waterfront portion of a lot in Peletier, a Coastal Area Management Act permit may be required;
- .6 Typical six (6) square foot standard real estate signs;
- .7 Temporary construction signs and financial institution signs displayed in residential districts, one (1) sign per parcel, not exceeding fifteen (15) square feet;
- .8 Flags, emblems or insignia of any national, state or political subdivision;
- .9 Property number signs not exceeding one (1) square foot in area and bearing only address numbers of premises or other identification of premises not having commercial connotations;

- .10 Holiday decorations in season;
- .11 Political signs on private property not exceed 32 square feet.
- .12 Fence wraps displaying signage when affixed to perimeter fencing at a construction site per G.S. 160D-908.
- .13 Political signs during the time period under G.S. 163-227.2 shall be permitted without a permit in the right-of-way of the State highway system per G.S. 136-32.

**2107. Signs Regulations in Residential Districts.**

In addition to the signs listed under Section 2105, the following regulations shall apply in residential districts. All these signs shall be required to have a Zoning Permit.

None of these signs shall be illuminated unless otherwise allowed within this ordinance.

- .1 No advertising sign shall be permitted in residential districts except signs advertising an existing non-conforming use, provided that such signs shall meet the requirements for signs in B-1 districts, regardless of the residential district within which the nonconforming use is located. Such signs may be illuminated. When the non-conforming use is discontinued, the sign must be removed.
- .2 All signs in the residential district requiring sign zoning permit shall be set back a minimum of ten (10) feet from any property line or street right-of- way.
- .3 The maximum area for real estate signs in residential districts is 15 square feet.
- .4 Identification signs shall be permitted. They may be ground or pole signs. The maximum area of identification signs in residential districts is 15 square feet unless otherwise state.
- .5 Churches, clubs, daycare centers, funeral homes, libraries, museums, galleries, public parks, and community recreation centers shall be permitted to have one (1) on-premise sign for each street front, not exceeding six (6) feet in height and not exceeding twenty (20) square feet in sign area.
- .6 Public utilities shall be permitted one (1) on-premise sign not exceeding six (6) feet in height and not exceeding twenty-five (25) square feet in sign area.

**2108. Sign Regulations in B-1 Districts.**

In addition to the requirements listed under other Sections of this ordinance, the following regulations shall apply B-1 districts.

Maximum square footage area for this district is 200 square feet.

Signs permitted on the premises of special uses shall be subject to all the restrictions listed under the B-1 district.

Signs on the premises of permitted uses in B-1 Districts shall be subject to the following restrictions as to number and size:

- .1 Ground Signs: Not more than one (1) ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highway 58). In that case, two (2) ground signs shall be permitted, one (1) for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.
- .2 Special Events Displays: These shall be permitted provided that they meet all the regulations of the ordinance. The application for the permit shall have the following additional information: length of time the sign will remain. In no case shall this exceed thirty (30) calendar days within a twelve (12) month period.
- .3 Directional Signs: Directional signs not exceeding the six (6) square feet per face shall be permitted. Not more than two (2) directional signs shall be permitted at each entrance.
- .4 Menu boards shall be permitted.
- .5 Wall signs shall be permitted in accordance with Section 2103.3.

No sign in this district shall be less than ten (10) feet from the nearest street right-of-way or less than five (5) feet from the side property line.

#### **2109. Sign Regulations in B-2 Districts.**

In addition to the requirements listed under other Sections of this ordinance, the following regulations shall apply in B-2 districts:

No billboard or roof signs shall be permitted in B-2 districts. Maximum square footage area for this district is 200 square feet.

Signs on the premises of special uses shall be subject to all the restrictions listed.

Signs on the premises of permitted uses in B-2 districts shall be subject to the following restrictions as to number and size:

- .1 Ground Signs: Not more than one (1) ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highway 58) in that case, two (2) ground signs shall be permitted, one (1) for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.
- .2 Special Events Displays: These signs shall be permitted provided that they meet all the regulations of the ordinance. The application for the permit shall have the following additional information: length of time the sign will remain. In no case shall this exceed thirty (30) calendar within a twelve (12) month period.
- .3 Directional Signs: Directional signs not exceeding six (6) square feet per face shall be permitted. No more than two (2) directional signs shall be permitted at each entrance.



.4 Wall Signs: Wall signs shall be permitted in accordance with Section 2103.3.

No sign in this district shall be less than ten (10) feet from the nearest street right-of-way shall be permitted to be located at ground level ten (10) feet from the right-of-way.

### **2110. Sign Regulations in B-3 and OP Districts.**

In addition to the requirements listed under other Sections of this ordinance the following regulations shall apply in B-3 and OP districts.

No billboard, special events displays or roof signs shall be permitted in the B-3 and OP districts.

Maximum square footage area for these districts is 200 square feet.

Signs on the premises of special uses shall be subject to all the restrictions listed under the B-3 and OP districts.

Signs on the premises of permitted uses in the B-3 and Op zoning districts shall be subject to the following restrictions as to number and size:

- .1 Ground Signs: Not more than one (1) ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highway 58). In that case, two (2) ground signs shall be permitted, one (1) for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.
- .2 Directory Signs: Directory signs shall be permitted provided they are not visible from the highway right-of-way. Maximum sign area shall be twelve (12) square feet. The height of the sign shall not exceed eight (8) feet and the bottom of the sign be not more than three (3) feet from the ground thereunder.
- .3 Wall Signs: Wall signs shall be permitted in accordance with Section 2103.3.
- .4 Special Events Displays: These shall be permitted provided that they meet all the regulations of the ordinance. The application for the permit shall have the following additional information: length of time the sign will remain. In no case shall this exceed thirty (30) calendar days within a twelve (12) month period.

No sign in these districts shall be less than ten (10) feet from the nearest street right-of-way or less than five (5) feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right-of-way shall be permitted to be located at ground level ten (10) feet from the right-of-way.

### **2111. Signs permitted in MC, LIW and P-1 Districts.**

In addition to the requirements listed under other Sections of this ordinance, the following regulations shall apply in MC, LIW and P-I districts:

No billboard or roof signs shall be permitted in MC, LIW and P-1 districts. Maximum square footage area for these districts is 200 square feet.

Signs on the premises of special uses shall be subject to all the restrictions listed under the MC, LIW and P-1 districts.

Signs on the premises of permitted uses in the MC, LIW, and P-1 districts shall be subject to the following restrictions as to number and size:

- .1 Ground Signs: Not more than one (1) ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highway 58). In that case, two (2) ground signs shall be permitted, one (1) for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.
- .2 Directional Signs: Directional Signs not exceeding six (6) square feet per sign face shall be permitted. No more than two (2) directional signs shall be permitted at each entrance.
- .3 Wall Signs: Wall signs shall be permitted in accordance with Section 2103.3.

No sign in these districts shall be less than ten (10) feet from the nearest street right-of-way shall be permitted to be located at ground level ten (10) feet from the right-of-way.

#### **2112. Signs Permitted in I-W Districts.**

In addition to the requirements listed under other Sections of this ordinance, the following regulations shall apply in the I-W district:

Off-premise, commercial signs shall be permitted in I-W districts as a special use. See Section 2104.

Maximum square footage area for on-or off-premises signs in these districts is 200 square feet.

No roof signs or special events displays shall be permitted in I-W districts.

Signs on the premises of permitted uses in I-W districts shall be subject to the following restrictions as to number and size:

- .1 Ground Signs: Not more than one (1) ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highway 58). In that case, two (2) ground signs shall be permitted, one (1) for each road front from the intersection of the two roads.

No sign in this district shall be less than ten (10) feet from the nearest street right-of-way or less than five (5) feet from the side property line (i.e., Highway 58). In that case, two (2) ground signs shall be permitted, one (1) for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

- .2 Directional Signs: Directional Signs not exceeding six (6) square feet per sign face shall be permitted. No more than two (2) directional signs shall be permitted at each entrance.

- .3 Wall Signs: Wall Signs shall be permitted in accordance with Section 2103.3. No sign in these districts shall be less than ten (10) feet from the nearest street right-of-way or less than five (5) feet from the side property line.

Notwithstanding the foregoing, signs which are located parallel to the right- of- way shall be permitted to be located at ground level ten (10) feet from the right- of-way.

### **2112. Signs Permitted in I-W Districts.**

In addition to the requirements listed under other Sections of this ordinance, the following regulations shall apply in I-W districts.

Off-premise, commercial signs shall be permitted in I-W districts as a special use. See Section 2104.

Maximum square footage area for on- or off-premises signs in these districts is 200 square feet.

No roof signs or special events displays shall be permitted in I-W districts. Signs on the premises of special uses shall be subject to all the restrictions listed.

Signs on the premises of permitted uses in I-W districts shall be subject to the following restrictions as to number and size:

- .1 Ground Signs: Not more than one (1) ground sign is permitted per parcel unless such parcel is located on a corner of two thoroughfares (i.e., Highway 58). In that case, two (2) ground signs shall be permitted, one (1) for each road front of the lot. In no case shall the signs be any closer than 50 feet from the intersection of the two roads.

No sign in this district shall be less than ten (10) feet from the nearest street right- of-way or less than five (5) feet from the side property line.

### **2113. Nonconforming Signs.**

All signs existing on the effective date of this ordinance may remain in place, and be maintained for four (4) years after the effective date of this ordinance, subject to the following requirements:

- .1 No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.
- .2 No nonconforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued for a period of 90 days.
- .3 If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.

Within four (4) years after the effective date of this ordinance, all nonconforming signs shall be removed or brought into compliance, unless such time is extended pursuant to the following requirements:

- .1 The owner of any nonconforming sign shall have the right, within four (4) years from and after the effective date of this ordinance to make application to the Zoning Board of Adjustment for an extension of the time within which such sign may be permitted to remain.
- .1a If such signs is nonconforming only as to its specific location on the premises, and can be removed or relocated so as to conform with the requirements of the section, then the time shall not be extended.
- .1b if the sign is nonconforming as to its size, then the time may be extended by the Zoning Board of Adjustment one (1) calendar month for each one hundred dollars (\$100.00) of the owner's unused investment in the sign. The term "unused investment" shall mean the original actual dollar costs less one hundred dollars (\$100.00) per month of age of the sign. This shall be effective only upon presentation of reasonable evidence of original cost of the sign.
- .2 Any nonconforming sign created as a result of an amendment to this ordinance shall have four (4) years from the date of such amendment to conform to the requirements of this Section.

#### **2114. Penalties.**

Upon failure to comply with any of the above requirements, the Zoning Enforcement Officer shall cause the removal of any nonconforming sign as hereinafter provided:

- .1 The Zoning Enforcement Officer or his designated agent shall give the owner of the sign notice of the violation be registered or certified mail. The notices shall contain a brief statement of the particulars in which this Section is violated and the manner in which such violation is to be remedied.
- .2 Failure to correct such violation within thirty (30) days shall constitute a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00), or by imprisonment for not more than thirty (30) days. Each day's continuing violation shall be a separate and distinct offense.

## **3000. SPECIFIC USE REGULATIONS**

### **3001. Reserved**

### **3002. RA Rural Agricultural District**

- (a) This district encompasses those lands that are primarily suited for agriculture, agriculturally related uses, and low density residential uses.
- (b) Permitted Uses. The following uses shall be permitted by right:
  - 1. Agricultural Uses and Bona Fide Farm(s) as defined within this ordinance including, but not limited to: Agricultural uses.
  - 2. Dwelling, Single Family
  - 3. Dwelling, Duplex
  - 4. Dwelling, Multi-family
  - 5. Dwelling, Efficiency Unit
  - 6. Fruit or Vegetable Stand as long as product is produced on the same property
  - 7. Customary accessory uses including, but not limited to private recreational uses such as swimming pools and tennis courts, private docks, and accessory buildings.
  - 8. Temporary health care structure.
  - 9. Family Care Home as long as located over a one-half mile radius of an existing family care home.
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners.
  - 1. Cemeteries, Public or Private, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All tombstones, crypts, monuments, and mausoleums shall be located at least twenty- five (25) feet from any side or rear lot in which adjoins a residential district and at least ten (10) feet away from any side or rear lot line which adjoins lots in non-residential zoning districts. All items outlined within this section shall also be required to observe a forty (40) foot setback from any street right-of-way and twenty (20) feet from all interior driveway access roadways.
    - b. Buildings utilized for the maintenance, management, rental and or sale of cemetery lots shall be located at least one hundred (100) feet from any lot lines that adjoin any residential zoning district. If the proposed cemetery is

adjacent to a non-residential zoning district, such buildings shall observe a twenty (20) foot setback from the property line.

- c. A perpetual care agreement shall be submitted guaranteeing the continuous upkeep and maintenance of a cemetery.
2. Child Day Care Center subject to other requirements of this chapter and provided the following conditions are met:
  - a. The facility shall adhere to the minimum requirements of and be licensed by the North Carolina Department of Human Resources, Division of Facility Services, Child Day Care Section.
  - b. Pick-up and drop-off areas shall be provided separate from the drive-aisle. The pick- up and drop-off areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.
  - c. All outdoor recreational areas shall be buffered from adjacent residential uses and districts. The buffer shall be placed on the exterior side of any required fencing.
3. Family Day Care Center subject to other requirements of this chapter and provided the following conditions are met:
  - a. The facility shall adhere to the minimum requirements of and be licensed by the North Carolina Department of Human Resources, Division of Facility Services.
  - b. All principal and accessory buildings shall be located at least twenty-five (25) feet from all property lines.
  - c. A mandatory buffer yard shall be installed to a minimum of ten (10) feet in width that will contain local indigenous plant life that shall achieve a minimum height of five (5) feet within three (3) years.
4. Funeral Home including, but not limited to: Mortuary and Crematorium subject to other requirements of this chapter and provided the following conditions are met:
  - a. All principal and accessory buildings shall be located at least thirty (30) feet from all property lines
  - b. A mandatory buffer yard shall be installed to a minimum of ten (10) feet in width that will contain local indigenous plant life that shall achieve a minimum height of five (5) feet within three (3) years.
5. Group Care Facility subject to other requirements of this chapter and provided the following conditions are met:

- a. The facility shall adhere to the minimum requirements of and be licensed by the North Carolina Department of Human Resources, Division of Facility Services.
  - b. All principal and accessory buildings shall be located at least twenty-five (25) feet from all property lines.
  - c. A mandatory buffer yard shall be installed to a minimum of ten (10) feet in width that will contain local indigenous plant life that shall achieve a minimum height of five (5) feet within three (3) years.
6. Home Occupations subject to other requirements of this chapter and provided that the following conditions are met:
- a. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling. Use of the dwelling for this purpose shall be limited to twenty-five (25) percent of the heated/cooled area of the principal dwelling,
  - b. Storage of materials associated with a legally permitted home occupation shall be limited to one (1) accessory structure no greater than one thousand (1,000) square feet in area. This would include an enclosed garage. No materials associated with the home occupation shall be visible from the street or adjacent property,
  - c. Property owners desiring to have accessory storage for materials connected with the operation of a home occupation, as outlined above, shall be required to erect a fence around the storage facility, or along common property lines, at a minimum height of six (6) feet,
  - d. No chemical, mechanical, or electrical equipment that is not normally a part of domestic or household equipment shall be used for commercial purposes, with the exception of medical, dental, and beautification equipment used for professional purposes. Any machinery that causes noises of other interference in radio or television reception is prohibited,
  - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted,
  - f. No display of products may be visible from the street and only articles made on the premises may be sold on premises,
  - g. Instruction in music, dancing, and similar subjects must be limited to six (6) students at a time, and
  - h. Home Occupations shall not be allowed in neighborhoods where local restrictive covenants forbid them.

7. Kennel(s) subject to other requirements of this chapter and provided the following conditions are met:
  - a. All pens and kennels shall be in an enclosed, air-conditioned building.
  - b. All unenclosed runs shall be set back not less than fifty (50) feet from any existing residential use or district.
8. Library, subject to other requirements of this chapter and provided the following conditions are met:
  - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
9. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
  - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
  - d. No open storage is allowed
10. Public Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
  - a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
11. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
  - a. No open storage is allowed.
  - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
  - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes



12. Public and or Private Schools subject to other requirements of this chapter and provided the following conditions are met:
    - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
    - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
    - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property line.
  13. Private Stables subject to other requirements of this chapter and provided the following conditions are met:
    - a. All horses shall be confined within a fenced enclosure suitably engineered and constructed for such use. The fence shall be sturdily constructed with new material and maintained in good repair and finish.
    - b. All stables shall be located fifty (50) feet from all property lines.
  14. Public/Private Clubs and Lodges, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines.
    - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance.
  15. Religious complexes, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All individual structures within the religious complex shall be separated by a minimum of twenty (20) feet.
    - b. No structure shall be located closer than twenty-five (25) feet to a common property line, nor closer than thirty (30) feet to an abutting street or highway right- of-way.
    - c. All parking areas shall be buffered from abutting residential districts or uses in accordance with this ordinance.
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
1. A minimum lot area of fifty thousand (50,000) square feet is required for all uses
  2. Minimum lot width shall be one hundred-fifty (150) feet
  3. Minimum depth of the front yard shall be fifty (50) feet

4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than twenty (20) feet.
5. Minimum depth of the rear yard shall be thirty (30) feet
6. Maximum height of structures shall be thirty-five (35) feet
7. All proposed duplexes shall be required to meet the minimum lot area and setback requirements for single-family residential developments within the RA zoning district.
8. For multi-family developments each proposed independent dwelling unit over two (2) units shall have to have an additional ten thousand (10,000) square feet of lot area to support the additional proposed dwelling unit.
9. All proposed Efficiency Units shall be comprised of no more than twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit. If the proposed efficiency unit exceeds twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit it shall be considered a duplex.

### **3003. R-35 Single -Family Residential District**

- (a) This district is suited for low-density single-family residential dwellings in environmental sensitive areas.
- (b) Permitted Uses. The following uses shall be permitted by right:
  1. Dwelling, Single Family only.
  2. Accessory building or structure including, but not limited to, those related to private recreational uses such as swimming pools and tennis courts, private docks, and other accessory buildings and structures.
  3. Temporary health care structure.
  4. Family Care Home as long as located over a one-half mile radius of an existing family care home.
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners.
  1. Home Occupations subject to other requirements of this chapter and provided that the following conditions are met:
    - a. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential character of the dwelling. Use

of the dwelling for this purpose shall be limited to 25% of the heated/cooled area of the principal dwelling.

- b. No accessory buildings or outside storage shall be used in connection with the home occupation.
- c. No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used for commercial purposes, with the exception of medical, dental and beautician equipment used for professional purposes. Any machinery that causes noises or other interference in radio or television reception is prohibited.
- d. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- e. No display of products may be visible from the street including signs and only articles made of the premises may be sold on -premises.
- f. Instruction in music, dancing and similar subjects must be limited to six students at a time.

- (d) Impact Studies. The following impact studies may be requested at the discretion of the Planning Board or Board of Commissioners.

Environmental

Public Education

Transportation

Fire and EMS

Water and Sewer

- (e) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements apply:

1. A minimum lot area of thirty-five thousand (35,000) square feet is required for all uses.
2. Minimum lot width shall be one hundred-twenty (120) feet.
3. Minimum depth of the front yard shall be forty (40) feet.
4. Minimum depth of the side yard shall be ten (10) feet. In case comer lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than twenty (20) feet.
5. Minimum depth of the rear yard shall be thirty (30) feet
6. Maximum height of structures shall be thirty-five (35) feet

### **3004. R-20 Single-Family Residential District**

- (a) A single-family residential district established to maintain a density of approximately two units per acre with a 20,000 square foot minimum lot size.
- (b) Permitted Uses. The following uses shall be permitted by right:
  - 1. Agricultural Uses and Bona Fide Farm(s) as defined within this ordinance including, but not limited to: Agricultural uses.
  - 2. Dwelling, Single Family
  - 3. Dwelling, Duplex
  - 4. Dwelling, Multi-family
  - 5. Dwelling, Efficiency Unit
  - 6. Accessory building or structure including, but not limited to, those related to private recreational uses such as swimming pools and tennis courts, private docks, and other accessory buildings and structures.
  - 7. Temporary health care structure.
  - 8. Family Care Home as long as located over a one-half mile radius of an existing family care home.
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners.
  - a. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling. Use of the dwelling for this purpose shall be limited to twenty- five (25) percent of the heated/cooled area of the principal dwelling,
  - b. Storage of materials associated with a legally permitted home occupation shall be limited to one (1) accessory structure no greater than one thousand (1,000) square feet in area. This would include an enclosed garage. No materials associated with the home occupation shall be visible from the street or adjacent property,
  - c. Property owners desiring to have accessory storage for materials connected with the operation of a home occupation, as outlined above, shall be required to erect a fence around the storage facility, or along common property lines, at a minimum height of six (6) feet,
  - d. No chemical, mechanical, or electrical equipment that is not normally a part of domestic or household equipment shall be used for commercial purposes, with the exception of medical, dental, and beautification equipment used for professional purposes. Any machinery that causes noises of other interference in radio or television reception is prohibited,

- e. No internal or external alterations inconsistent with the residential use of the building shall be permitted,
  - f. No display of products maybe visible from the street and only articles made on the premises may be sold on premises,
  - g. Instruction in music, dancing, and similar subjects must be limited to six (6) students at a time, and
  - h. Home Occupations shall not be allowed in neighborhoods where local restrictive covenants forbid them.
2. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
    - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
    - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
    - d. No open storage is allowed
  3. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
    - a. No open storage is allowed.
    - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
    - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
  4. Public Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
    - a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
  5. Religious complexes, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All structures within the religious complex shall be separated by a minimum of twenty (20) feet.

- b. No structure shall be located closer than twenty-five (25) feet to a common property line, nor closer than thirty (30) feet to an abutting street or highway right-of-way.
  - c. All parking areas shall be buffered from abutting residential districts or uses in accordance with this ordinance.
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
- 1. A minimum lot area of twenty thousand (20,000) square feet is required for all uses
  - 2. Minimum lot width shall be one hundred (100) feet
  - 3. Minimum depth of the front yard shall be thirty (30) feet
  - 4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than twenty (20) feet.
  - 5. Minimum depth of the rear yard shall be thirty (30) feet
  - 6. Maximum height of structures shall be thirty-five (35) feet
  - 7. All proposed duplexes within the R-20 zoning district shall be required to have an additional ten thousand (10,000) square feet of required lot area to be developed.
  - 8. For multi-family developments each proposed independent dwelling unit over two (2) units shall have to have an additional ten thousand (10,000) square feet of lot area to support the additional proposed dwelling unit.
  - 9. All proposed Efficiency Units shall be comprised of no more than twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit. If the proposed efficiency unit exceeds twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit it shall be considered a duplex.

**3005. R-15 Single-Family Residential District.**

- (a) A single-family residential district requiring a minimum of 15,000 square feet per lot if public water or sewer is available.
- (b) Permitted Uses. The following uses shall be permitted by right:
  - 1. Agricultural Uses and Bona Fide Farm(s) as defined within this ordinance including, but not limited to: Agricultural uses.
  - 2. Dwelling, Single Family

3. Dwelling, Duplex
  4. Dwelling, Efficiency Unit
  5. Accessory building or structure including, but not limited to, those related to private recreational uses such as swimming pools and tennis courts, private docks, and other accessory buildings and structures.
  6. Temporary health care structure.
  7. Family Care Home as long as located over a one-half mile radius of an existing family care home.
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners.
- a. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling. Use of the dwelling for this purpose shall be limited to twenty- five (25) percent of the heated/cooled area of the principal dwelling,
  - b. Storage of materials associated with a legally permitted home occupation shall be limited to one (1) accessory structure no greater than one thousand (1,000) square feet in area. This would include an enclosed garage. No materials associated with the home occupation shall be visible from the street or adjacent property,
  - c. Property owners desiring to have accessory storage for materials connected with the operation of a home occupation, as outlined above, shall be required to erect a fence around the storage facility, or along common property lines, at a minimum height of six (6) feet,
  - d. No chemical, mechanical, or electrical equipment that is not normally a part of domestic or household equipment shall be used for commercial purposes, with the exception of medical, dental, and beautification equipment used for professional purposes. Any machinery that causes noises of other interference in radio or television reception is prohibited,
  - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted,
  - f. No display of products maybe visible from the street and only articles made on the premises may be sold on premises,
  - g. Instruction in music, dancing, and similar subjects must be limited to six (6) students at a time, and
  - h. Home Occupations shall not be allowed in neighborhoods where local restrictive covenants forbid them.

2. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
    - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
    - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
    - d. No open storage is allowed
  3. Public Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
    - a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
  4. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
    - a. No open storage is allowed.
    - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
    - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
1. A minimum lot area of fifteen thousand (15,000) square feet is required for all uses if public water or sewer is available. If public water or sewer is not available a minimum lot area of twenty thousand (20,000) square feet shall be required.
  2. Minimum lot width shall be eighty (80) feet
  3. Minimum depth of the front yard shall be twenty (20) feet
  4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than twenty (20) feet.
  5. Minimum depth of the rear yard shall be twenty-five (25) feet
  6. Maximum height of structures shall be thirty-five (35) feet



7. All proposed duplexes within the R-15M zoning district shall be required to have an additional ten thousand (10,000) square feet of required lot area to be developed.
8. All proposed Efficiency Units shall be comprised of no more than twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit. If the proposed efficiency unit exceeds twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit it shall be considered a duplex.
9. Mobile homes located within the Town of Peletier have to have been built within ten (10) years from the date the zoning permit requesting permission to locate the structure within the Town is applied for.

**3006. R-15M Single-Family Residential District**

- (a) A residential district requiring a minimum of 15,000 square feet per lot if public water or sewer is available. This district allows manufactured homes or residential structures built as per Volume IB of the North Carolina Building Code.
- (b) Permitted Uses. The following uses shall be permitted by right:
  1. Agricultural Uses and Bona Fide Farm(s) as defined within this ordinance including, but not limited to: Agricultural uses.
  2. Dwelling, Single Family
  3. Dwelling, Efficiency Unit
  4. Manufactured Housing
  5. Accessory building or structure including, but not limited to, those related to private recreational uses such as swimming pools and tennis courts, private docks, and other accessory buildings and structures.
  6. Temporary health care structure.
  7. Family Care Home as long as located over a one-half mile radius of an existing family care home.
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners.
  1. Home Occupations subject to other requirements of this chapter and provided the following conditions are met:
    - a. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the

dwelling. Use of the dwelling for this purpose shall be limited to twenty-five (25) percent of the heated/cooled area of the principal dwelling,

- b. Storage of materials associated with a legally permitted home occupation shall be limited to one (1) accessory structure no greater than one thousand (1,000) square feet in area. This would include an enclosed garage. No materials associated with the home occupation shall be visible from the street or adjacent property,
  - c. Property owners desiring to have accessory storage for materials connected with the operation of a home occupation, as outlined above, shall be required to erect a fence around the storage facility, or along common property lines, at a minimum height of six (6) feet,
  - d. No chemical, mechanical, or electrical equipment that is not normally a part of domestic or household equipment shall be used for commercial purposes, with the exception of medical, dental, and beautification equipment used for professional purposes. Any machinery that causes noises of other interference in radio or television reception is prohibited,
  - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted,
  - f. No display of products may be visible from the street and only articles made on the premises may be sold on premises,
  - g. Instruction in music, dancing, and similar subjects must be limited to six (6) students at a time, and
  - h. Home Occupations shall not be allowed in neighborhoods where local restrictive covenants forbid them.
2. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
- a. All such uses shall be located on a lot that is at a minimum one (1) acre in area.
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance.
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines.
  - d. No open storage is allowed
3. Public Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:

- a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
- 4. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
  - a. No open storage is allowed.
  - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
  - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
  - 1. A minimum lot area of fifteen thousand (15,000) square feet is required for all uses if public water or sewer is available. If public water or sewer is not available a minimum lot area of twenty thousand (20,000) square feet shall be required.
  - 2. Minimum lot width shall be eighty (80) feet
  - 3. Minimum depth of the front yard shall be twenty (20) feet
  - 4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than twenty (20) feet.
  - 5. Minimum depth of the rear yard shall be twenty-five (25) feet
  - 6. Maximum height of structures shall be thirty-five (35) feet
  - 7. All proposed duplexes within the R-15M zoning district shall be required to have an additional ten thousand (10,000) square feet of required lot area to be developed.
  - 8. All proposed Efficiency Units shall be comprised of no more that twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit. If the proposed efficiency unit exceeds twenty-five (25) percent of the gross heated and/or cold floor area of the principal dwelling unit it shall be considered a duplex.
  - 9. Mobile homes located within the Town of Peletier have to have been built within ten (10) years from the date the zoning permit requesting permission to locate the structure within the Town is applied for.

**3007. R-10 Residential District**

- (a) A residential district allowing a minimum of 10,000 square feet if public water and sewer facilities are available or 15,000 square feet if public water or sewer facilities are available and 20,000 square feet if neither service is available.
- (b) Permitted Uses. The following uses shall be permitted by right:
  - 1. Agricultural Uses and Bona Fide Farm(s) as defined within this ordinance including, but not limited to: Agricultural uses.
  - 2. Dwelling, Single Family
  - 3. Fruit or Vegetable Stand as long as product is produced on the same property
  - 4. Accessory building or structure including, but not limited to, those related to private recreational uses such as swimming pools and tennis courts, private docks, and other accessory buildings and structures.
  - 5. Temporary health care structure.
  - 6. Family Care Home as long as located over a one-half mile radius of an existing family care home.
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners
  - 1. Home Occupation subject to other requirements of this chapter and provided the following conditions are met:
    - a. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling. Use of the dwelling for this purpose shall be limited to twenty-five (25) percent of the heated/cooled area of the principal dwelling,
    - b. Storage of materials associated with a legally permitted home occupation shall be limited to one (1) accessory structure no greater than one thousand (1,000) square feet in area. This would include an enclosed garage. No materials associated with the home occupation shall be visible from the street or adjacent property,
    - c. Property owners desiring to have accessory storage for materials connected with the operation of a home occupation, as outlined above, shall be required to erect a fence around the storage facility, or along common property lines, at a minimum height of six (6) feet,
    - d. No chemical, mechanical, or electrical equipment that is not normally a part of domestic or household equipment shall be used for commercial purposes, with the exception of medical, dental, and beautification equipment used for professional purposes. Any machinery that causes noises of other interference in radio or television reception is prohibited,

- e. No internal or external alterations inconsistent with the residential use of the building shall be permitted,
  - f. No display of products may be visible from the street and only articles made on the premises may be sold on premises,
  - g. Instruction in music, dancing, and similar subjects must be limited to six (6) students at a time, and
  - h. Home Occupations shall not be allowed in neighborhoods where local restrictive covenants forbid them.
2. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
- a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
  - d. No open storage is allowed
3. Public Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
- a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
4. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
- a. No open storage is allowed.
  - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
  - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
5. Planned Unit Developments (PUD) in accordance with Section 3300 of the Town of Peletier Zoning Ordinance
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:

1. A minimum lot area of ten thousand (10,000) square feet is required for all uses if public water and sewer is available. A minimum lot area of fifteen thousand (15,000) square feet is required for all uses if public water or sewer is available. If public water or sewer is not available a minimum lot area of twenty thousand (20,000) square feet shall be required.
2. Minimum lot width shall be eighty (80) feet. If both public water and sewer are available then the minimum lot width shall be sixty (60) feet.
3. Minimum depth of the front yard shall be twenty (20) feet
4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than twenty (20) feet.
5. Minimum depth of the rear yard shall be twenty-five (25) feet
6. Maximum height of structures shall be thirty-five (35) feet
7. All multi-family developments within the R-10 Zoning District shall be developed in accordance with Section 3300 of the Town of Peletier Zoning Ordinance.

### **3008. CC Church Campus District**

A religious education and recreation use district intended to facilitate the orderly growth of church-related uses.

Within the C-C district, no lot, building or structure shall be erected which is intended or designed for any other use than the uses specified on the Table of Permitted and Special Uses in Section 3400. The list of permitted and special uses for this district follows:

#### Permitted Uses.

Accessory Use or Building  
 Agricultural Uses/Bona Fide Farm  
 Agricultural Uses  
 Automobile Parking Deck Camp, Seasonal Cemetery  
 Church  
 Day Care Center \* Amended 03/17/97  
 Dock or Pier (Private)  
 Government Uses (See Addendum)  
 Libraries, Museums, Art Galleries  
 Mausoleum  
 Offices  
 Parsonage/Caretaker's Quarters\* Amended 03/02/98)  
 Public or Private School  
 Public Utility Substation  
 Swimming Pool (Private)  
 Swimming Pool (Private)

Tennis Courts (Private) Theater, Indoor  
Theater, Outdoor  
Vending Machines Located Outdoors

Special Uses.

Colleges and Related Facilities

3008.1 Dimensional Requirements.

Min. Lot Area - 5 acres

Min. Lot Width - None

Min. Front Setback - 20 ft.

Min. Side Yard - 10 ft.

Min. Rear Yard - 25 ft.

Max. Height - 35 ft.

Min. Side Yard on Street Right-of-Way - 20 ft.

3008.2 Signs. Signs are permitted in the C-C district in accordance with the provisions of Section 2100.

3008.3 Off-Street Parking. Development of any use in the C-C district must conform to the parking and loading standards in Section 2000.

3008.4 Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of Section 1601.

### **3009. OP Office and Professional District**

An office district established to provide controlled office, institutional and professional office development.

This OP Office and Professional district has been established to create a district exclusively for office, institutional and professional complexes.

Within the Op district, no lot, building or structure shall be erected which is intended or designed for any other use than the uses specified on the Table of Permitted and Special Uses in Section 3400. The list of permitted and special uses for this district follows:

Permitted Uses.

Accessory Use or Building

Agricultural Uses/Bona Fide Farm

Agricultural Uses

Armories for Meeting and Military Training

Assembly Hall

Automobile Parking Deck

Banks and Other Financial Institutions

Civic Center

Colleges and Related Facilities

Convalescent Home  
Day Care Center  
Funeral Home, Mortuary, Crematorium  
Government Offices - See Addendum  
Hospital, health, Sanitarium Care  
Laboratory: Medical, Dental, Optical Laboratory, Research  
Libraries, Museums, Art Galleries  
Motel, Hotel, Motor Court  
Non-Profit Recreational Facility Offices-  
Public or Private School  
Public Utility Office  
Public Utility substation  
Residential Hotel  
Restaurant, Not Drive-In  
TV, Radio Broadcasting Studio  
TV, Radio Transmitting Tower  
Vending Machines located Outdoors

Special Uses.

Group Care Facility Floating Structure  
Colleges and Related Facilities

3009.1 Dimensional Requirements.

Min. Lot Area - 30,000 sq. ft.

Min. Lot Width - 100 ft.

Min. Front Setback - 40 ft.

Min. Side Yard - 10 ft.

Min. Side and Rear Yard When Adjacent to Railroad Rights-of Way – 0 ft.

Min. Rear Yard - 25 ft.

Max. Height - 35 ft.

Min. Side Yard on Street Right-of-Way - 15 ft.

3009.2 Signs. Signs are permitted in the OP district in accordance with the provisions of Section 2100.

3009.3 Off-Street Parking. Development of any use in the Op district must conform to the parking and loading standards in Section 2000.

3009.4 Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of Section 1601.

### **3010. B-3 Planning Business District**

- (a) The B-3 Planned Business District has been established to create a district exclusively for retail shopping center complexes.
- (b) Permitted Uses. The following uses shall be permitted by right:



1. Community Shopping Center

The following uses enclosed within a building, including office, institutional, recreation, retail, service and wholesale are permitted by right: (Manufacturing and/or repair shall be allowed if related to the principal uses below, but any such use involving manufacturing or repair shall be a maximum of five thousand (5,000) square feet in floor area.)

2. Automobile sales and rental, auto sales display space shall be in an enclosed building.
3. Bakery and delicatessen.
4. Business and vocational school.
5. Clinic and medical laboratory.
6. Financial institution.
7. Greenhouse and plant nursery.
8. Home center. A retail outlet carrying products for home improvements, remodeling maintenance, decorating, home care, recreational leisure and related needs, including hardware, appliances, lumber and other building materials, but only in such amounts as will meet the need for self-pickup individuals, do-it-yourself customers, and not amounting to a lumber yard or building material storage yard from which deliveries are made to commercial customers. All materials and products must be enclosed and roofed on all sides. If a building is used in connection with such center, the building may serve as a buffer on one (1) or more sides. The home care center shall be fenced on all sides not abutting a building to a height of six (6) feet. Such construction shall be done in a manner so that there is no visible display of the materials and other matter stored within such center from the outside of such center. A buffer zone of at least two and one-half (2 1/2) feet from all property lines to all buildings, parking areas and drives shall be maintained.
9. Indoor recreational facility.
10. Newspaper printing and publishing, job and commercial printing.
11. Office, including business, financial, governmental, medical and professional.
12. Personal service establishment, including barber and beauty shop, shoe repair shop, cleaning, dyeing, laundry, pressing, dressmaking, tailoring and garment repair shop with processing on the premises.
13. Production and repair facility for eyeglasses, hearing aids, and prosthetic devices.
14. Restaurant and drinking establishment.

15. General Retail Establishment(s), including the incidental manufacturing, repair or service of goods on the premises, retail sales, display rooms, and wholesale and distribution operations in connection with a retail establishment.
  16. Theater.
- (c) Exterior storage and sales areas ancillary to the uses above shall be allowed if screened from exterior public rights-of-way on the rear and side property lines, and from adjacent residential areas.
  - (d) The uses permitted herein for incidental manufacturing and/or repair or service are permitted only where no obnoxious odors, aromas, fumes, or loud noises, or other side effects created which would be detrimental to the health, safety and welfare of the surrounding businesses.
  - (e) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners
    1. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
      - a. No open storage is allowed.
      - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
      - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
    2. Private Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
      - a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
    3. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
      - a. All such uses shall be located on a lot that is at a minimum one (1) acre m area
      - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
      - c. 1 principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
      - d. No open storage is allowed

4. Veterinary Clinic, subject to other requirements of this chapter and provided the following conditions are met:
    - a. All pens and kennels shall be in an enclosed, air conditioned building.
    - b. No boarding of animals shall be allowed on-site.
    - c. If a veterinary clinic operates in conjunction with a kennel, the operation shall be located on a lot that is at a minimum one (1) acre in area.
    - d. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines.
    - e. No unenclosed runs shall be allowed at a veterinary clinic.
  5. Kennel(s) subject to other requirements of this chapter and provided the following conditions are met:
    - a. All pens and kennels shall be in an enclosed, air-conditioned building.
    - b. All unenclosed runs shall be set back not less than fifty (50) feet from any existing residential use or district.
- (f) General provisions. All permitted and special uses within the B3 Planned Business District unless otherwise specified shall comply with the provisions below:
- (1) A twelve-foot wide paved access, which can be used as a fire lane, shall be provided along each of the four (4) sides of buildings greater than ten thousand (10,000) square feet. (Buildings less than ten thousand (10,000) square feet are exempt from this requirement.) Off-street loading and unloading areas shall be provided in accordance with this chapter and shall be marked so as to be distinguished from driveways and parking areas. Required loading areas shall be designed so as not to block the fire lane.
  - (2) Screened dumpsters shall be provided.
  - (3) Handicapped ramps shall be provided adjacent to handicapped parking spaces.
  - (4) A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six (6) inches shall connect all commercial establishments within each building. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
  - (5) A minimum walkway, pedestrian pavement in front of a retail store or group of stores greater than ten thousand (10,000) square feet, shall be eight (8) feet wide.
  - (6) A minimum of four hundred (400) feet of frontage along a street shall be required before two (2) accessways are permitted to the same street. A minimum of six

hundred (600) feet of frontage shall be required before three (3) accessways are permitted. No shopping center shall have more than three (3) accessways to one (1) street. The accessways shall comply with the following standards:

- a. Accessways shall not be less than thirty (30) feet or more than forty (40) feet in width at their intersection with the property line;
  - b. The principal accessways shall have an exit lane for left turns where permitted and an exit lane for right turns and one (1) entrance lane. The lanes shall be appropriately marked as to exit and entrance;
  - c. At its intersection with the property line, an accessway shall not be less than one hundred (100) feet from another accessway or fifty (50) feet from a corner of the property. Notwithstanding, at least one (1) accessway will be allowed for each shopping area.
- (7) Each shopping center with its buildings, parking lots and driveways shall be physically separated from each adjoining street by a curb or other suitable barrier to prevent unchanneled vehicular ingress or egress.
  - (8) If the shopping center is to be constructed in progressive stages, no occupancy permit will be granted for any one (1) stage until all site improvements and conditions assigned to the stage being constructed are completed.
  - (9) A buffer shall be maintained along property lines abutting any neighboring lots not a part of the shopping center. The buffer shall be a fifty-foot wide grassed open space or a vegetative buffer of a minimum width of five (5) feet that will reach a minimum height of ten (10) feet within five (5) years.
  - (10) Public restrooms shall be provided in a convenient and easily identifiable location at the developer's expense.
  - (11) There shall be a minimum twenty-foot separation between detached buildings.
    - a. Freestanding buildings. Separation between buildings or groups of buildings shall be a minimum of twenty (20) feet where buildings are side by side and have no natural lighting requirements in the space adjacent to the separation between buildings. Where buildings face one another, the minimum distance between the face of buildings, not inclusive of any canopy or overhangs, shall be thirty-five (35) feet, a minimum of a twenty-foot space must be left as access areas for fire trucks with a head clearance of at least sixteen (16) feet.
    - b. Connected buildings. In order to provide fire protection for buildings which house a group of stores within one (1) or more connected buildings, there shall be areas for fire protection so as to serve both the front and rear of such connecting buildings. Said fire protection shall include a fire hydrant within five hundred (500) feet of the building and accessible for

emergency personnel. If a fire hydrant is not accessible within five hundred (500) of the building, the developer shall install one to the standards of West Carteret Fire and Rescue. A letter of approval from the Chief of the West Carteret Fire and Rescue shall be submitted with an application for zoning permit.

A preapplication conference shall be held between the planning board and the applicant.

- (g) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
1. A minimum lot area of thirty thousand (30,000) square feet shall be required.
  2. Minimum lot width shall be one hundred (100) feet.
  3. Minimum depth of the front yard shall be forty (40) feet
  4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than fifteen (15) feet.
  5. Minimum depth of the rear yard shall be twenty-five (25) feet
  6. Maximum height of structures shall be thirty-five (35) feet
  7. If a B-3 district adjoins a residential district, the minimum setback or yard requirement for the lot line located adjacent to the residential district shall equal the minimum setback or yard requirement plus one half. (Example: minimum side yard in a B-3 district adjoining a residential district would equal 15 feet.)
- (h) Signs. Signs are permitted in this district in accordance with the provisions of this ordinance.
- (i) Off-Street Parking. Development of any use in this district must conform to the parking and loading standards in accordance with the provisions of this ordinance.
- (j) Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of this ordinance.

### **3011. B-2 Marine Business District**

- (a) A business district established for marine-related businesses.
- (b) Permitted Uses. The following uses shall be permitted by right:
1. Boat Sales, Service, and Repair facilities
  2. Drystack Boat Storage and General Storage Yard(s)
  3. Electrical Repair Shops

4. Fishing Pier(s)
  5. Fishing Ranch
  6. Seafood Processing, Handling, Storage, and Sales Facilities
  7. Laboratory, General Research
  8. Marine Equipment Store
  9. Marine Railway Yard
  10. Marine Research Facility
  11. Professional Offices
  12. Restaurant, not drive-in
- (c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners
1. Commercial Marine facility subject to other requirements of this chapter and provided the following conditions are met:
    - a. Activities and possible uses on the property shall be limited to wet boat storage, boat service and repairs, boat accessory sales, boat trailer parking, automobile parking areas, launching ramp, piers, boat petroleum service areas, and general retail facilities for the purpose of serving marine clientele.
    - b. Minimum lot area for a commercial marine facility shall be thirty thousand (30,000) square feet.
    - c. Minimum lot width for a commercial marine facility shall be one hundred (100) feet.
    - d. Minimum lot depth for a commercial marine facility shall be three hundred (300) feet.
    - e. All principal and accessory structures shall be setback from the side property lines at least thirty (30) feet. All principal and accessory structures shall be setback from the front property line at least fifty (50) feet.
    - f. Maximum impervious surface area, including all building and parking areas, shall be limited to sixty-five (65) percent of the total lot area.
  2. Drystack Boat Storage facility, subject to other requirements of this chapter and provided the following conditions are met:

- a. All principal and accessory buildings shall be no closer than thirty (30) feet from any property line. In cases where a property line is bordered by water, the applicable CAMA setback shall apply.
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
3. Hotel and or Motel, subject to other requirements of this chapter and provided the following conditions are met:
  - a. Customary accessory commercial uses may be located within on premises provided they are within the principal structure with a minimum of fifty (50) units. Entry to any and all commercial accessory uses shall be from the interior of the structure and no outdoor display of merchandise shall be allowed.
  - b. All principal and accessory structures shall be setback a minimum forty (40) feet from all property lines
  - c. All required parking areas shall be buffered and screened in accordance with the regulations within this ordinance.
  - d. All dumpster areas shall be screened.
4. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
  - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
  - d. No open storage is allowed
5. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
  - a. No open storage is allowed.
  - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
  - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes

6. Public Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
    - a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
  7. Yacht and Boating Club
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
1. A minimum lot area of fifteen thousand (15,000) square feet shall be required if public water or sewer is available, twenty thousand (20,000) square feet shall be required if no public water or sewer is available. If both services are available then a minimum lot area of ten thousand (10,000) square feet shall be required.
  2. Minimum lot width shall be eighty (80) feet.
  3. Minimum depth of the front yard shall be forty(40) feet
  4. Minimum depth of the side yard shall be ten (10) feet. In case of a comer lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than fifteen (15) feet.
  5. Minimum depth of the rear yard shall be fifteen (15) feet Maximum height of structures shall be thirty-five (35) feet
  6. Minimum amount of required open space shall be thirty-five (35) percent.
  7. Maximum allowable project coverage area, to include all built upon areas, parking areas, and impervious surface areas, shall be sixty-five (65) percent. If a B-2 district adjoins a residential district, the minimum setback or yard requirement for the lot line located adjacent to the residential district shall equal the minimum setback or yard requirement plus one half. (Example: minimum side yard in a B-2 district adjoining a residential district would equal 15 feet.)
- (e) Signs. Signs are permitted in this district in accordance with the provisions of this ordinance.
- (f) Off-Street Parking. Development of any use in this district must conform to the parking and loading standards in accordance with the provisions of this ordinance.
- (g) Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of this ordinance.
- (h) Fire Protection: All Commercial Development within a B-2 Zoning District shall include a fire hydrant within five hundred (500) feet of the building(s) and accessible for emergency personnel. If a fire hydrant is not accessible within five hundred (500) of the building, the developer shall install one to the standards of West Carteret Fire and



Rescue. A letter of approval from the Chief of the West Carteret Fire and Rescue shall be submitted with an application for zoning permit.

**3012. B-1 General Business District**

(a) A business district intended for the use of general businesses and other related uses.

(b) Permitted Uses. The following uses shall be permitted by right:

(1) Offices, including but not limited to:

- a. General Business.
- b. Banking and Financial.
- c. Health clinic(s) and Medical.
- d. Professional.

(2) General Business and Retail uses, including but not limited to:

- a. ABC Stores
- b. Antiques
- c. Appliance and Gift Store(s)
- d. Automobile and Boat sales
- e. Automobile and Boat service
- f. Flowers, greenhouses, plant nurseries
- g. Food stores
- h. Gas stations
- i. General Retail Merchandise Store(s)

(3) Service establishments, including:

- a. Aerobics class/dance school/karate school.
- b. Auction House
- c. Barber and beauty shops.
- d. Dry cleaning and laundry pickup stations, including laundromats.
- e. Indoor recreational activities, including billiard rooms, bowling alleys, and skating rinks.
- f. Outdoor recreational activities, including golf driving range and outdoor baseball batting cages.

- g. Radio and television broadcasting studios.
- h. Restaurants.
- l. Shoe repair.
- j. Storage Facilities
- k. Theaters.
- i. Church

(c) Special Uses. The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the board of commissioners as provided within this Ordinance

1. Business Residence subject to other requirements of this chapter and provided the following conditions are met:
  - a. Both the residence and business shall be located within the same structure. There shall not be any independent living quarters on the property.
  - b. Two (2) parking spaces shall be provided on-site to support the residential use. These parking spaces shall be independent from the commercial parking requirement.
  - c. The residential unit shall be used by the owner of the property. Under no circumstances shall the residential unit be rented out to a third party.
2. Bed and Breakfast, subject to other requirements of this chapter and provided the following conditions are met:
  - a. Bed and Breakfasts shall provide improved parking spaces for guests and required by this ordinance.
  - b. All parking areas shall be buffered from abutting residential districts or uses in accordance with this ordinance.
  - c. No independent sleeping, cooking, or bathing facilities shall be located on the property. All activities associated with a Bed and Breakfast shall be conducted out of the principal building.
3. Cabinet and Woodworking facility, subject to other requirements of this chapter and provided the following conditions are met:
  - a. No outside storage of materials shall be allowed.
4. Cellular Towers subject to other requirements of this chapter and provided the following conditions are met:

- a. All proposed cell towers shall be developed in accordance with the rules and regulations outlined within Section 3300 of this ordinance
5. Child Day Care Center subject to other requirements of this chapter and provided the following conditions are met:
  - a. The facility shall adhere to the minimum requirements of and be licensed by the North Carolina Department of Human Resources, Division of Facility Services, Child Day Care Section.
  - b. Pick-up and drop-off areas shall be provided separate from the drive-aisle. The pick-up and drop-off areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.
  - c. All outdoor recreational areas shall be buffered from adjacent residential uses and districts. The buffer shall be placed on the exterior side of any required fencing.
6. Family Day Care Center subject to other requirements of this chapter and provided the following conditions are met:
  - a. The facility shall adhere to the minimum requirements of and be licensed by the North Carolina Department of Human Resources, Division of Facility Services.
  - b. All principal and accessory buildings shall be located at least twenty-five (25) feet from all property lines.
  - c. A mandatory buffer yard shall be installed to a minimum of ten (10) feet in width that will contain local indigenous plant life that shall achieve a minimum height of five (5) feet within three (3) years.
7. Funeral Home including, but not limited to: Mortuary and Crematorium subject to other requirements of this chapter and provided the following conditions are met:
  - a. All principal and accessory buildings shall be located at least thirty (30) feet from all property lines
  - b. A mandatory buffer yard shall be installed to a minimum of ten (10) feet in width that will contain local indigenous plant life that shall achieve a minimum height of five (5) feet within three (3) years.
8. Golf Course including all related customary accessory uses including, but not limited to, club house, driving range, and snack bars subject to other requirements of this chapter and provided the following conditions are met:
  - a. All principal and accessory building shall be located at least forty (40) feet from all property lines.

- b. A detailed soil erosion and sedimentation control plan shall be reviewed and approved by the State of North Carolina Department of Water Quality prior to the review of the special use application by the Town of Peletier.
  - c. All proposed golf course holes shall be located at least twenty (20) feet from all property lines.
  - d. The minimum lot area for an eighteen (18) hole golf course shall be one hundred eighty (180) acres. The minimum lot area for a nine (9) hole golf course shall be ninety (90) acres
9. Group Care Facility subject to other requirements of this chapter and provided the following conditions are met:
- a. The facility shall adhere to the minimum requirements of and be licensed by the North Carolina Department of Human Resources, Division of Facility Services.
  - b. All principal and accessory buildings shall be located at least twenty-five (25) feet from all property lines.
  - c. A mandatory buffer yard shall be installed to a minimum of ten (10) feet in width that will contain local indigenous plant life that shall achieve a minimum height of five (5) feet within three (3) years.
10. Hotel and or Motel, subject to other requirements of this chapter and provided the following conditions are met:
- a. Customary accessory commercial uses may be located within on premises provided they are within the principal structure with a minimum of fifty (50) units. Entry to any and all commercial accessory uses shall be from the interior of the structure and no outdoor display of merchandise shall be allowed.
  - b. All principal and accessory structures shall be setback a minimum forty (40) feet from all property lines
  - c. All required parking areas shall be buffered and screened in accordance with the regulations within this ordinance.
  - d. All dumpster areas shall be screened.
11. Kennel(s) subject to other requirements of this chapter and provided the following conditions are met:
- a. All pens and kennels shall be in an enclosed, air-conditioned building.
  - b. All unenclosed runs shall be set back not less than fifty (50) feet from any existing residential use or district.

12. Local Municipal Offices and Facilities, including Fire and Police Stations, subject to other requirements of this chapter and provided the following conditions are met:
  - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
  - d. No open storage is allowed
13. Public Utility Facilities subject to other requirements of this chapter and provided the following conditions are met:
  - a. No open storage is allowed.
  - b. The boundaries of the entire site shall be buffered in accordance with this ordinance.
  - c. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
14. Private Parks and playgrounds subject to other requirements of this chapter and provided that the following conditions are met:
  - a. Lighting shall be prohibited except for minimum lighting that may be required for security purposes
15. Public and or Private Schools subject to other requirements of this chapter and provided the following conditions are met:
  - a. All such uses shall be located on a lot that is at a minimum one (1) acre in area
  - b. All proposed uses and required parking areas shall be buffered and screened in accordance with the buffering requirements of this ordinance
  - c. All principal and accessory buildings shall be located at a minimum of thirty (30) feet from all property lines
16. Religious complexes, subject to other requirements of this chapter and provided the following conditions are met:
  - a. All structures within the religious complex shall be separated by a minimum of twenty (20) feet.

- b. No structure shall be located closer than twenty-five (25) feet to a common property line, nor closer than thirty (30) feet to an abutting street or highway right- of-way.
  - c. All parking areas shall be buffered from abutting residential districts or uses in accordance with this ordinance.
17. Sexually oriented businesses, only those businesses defined and provided for in Section 3300 of the Town of Peletier Code of Ordinances, and provided the following conditions are met:
- a. Sexually oriented businesses shall not be located in a building or on a premises where alcohol or alcoholic beverages are sold or in a building or on a premises that allows alcohol or alcoholic beverages to be consumed.
  - b. No sexually oriented businesses shall be permitted in any building that is:
    - 1. Located within four hundred (400) feet in any direction from a building used as a dwelling in the (where ever we decide to put it) Zoning District.
    - 2. Located within four hundred (400) feet in any direction from a residential zoning district.
    - 3. Located within five hundred (500) feet in any direction from a building in which a sexually oriented business is located.
    - 4. Located within one thousand (1,000) feet in any direction from a building in which a religious complex is located.
    - 5. Located within one thousand (1,000) feet in any direction from a building in which a library, school, or a state licensed child day care center is located.
    - 6. Located within one thousand (1,000) feet in any direction from any lot or parcel on which a public playground, public swimming pool, public ocean or estuarine access, or public park is located.
  - c. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building or structure of a use listed above.
  - d. Signs are allowed, as permitted by the ordinance, but may not include promotional displays, flashing lights, or photographs, silhouettes, drawings, or pictorial representations of any manner depicting sexual activity, themes or nudity.

- e. That the applicant(s) obtain a license in accordance with the Town of Peletier Code of Ordinances.
18. Sign Sales and Manufacturing Center subject to other requirements of this chapter and provided the following conditions are met:
- a. No outside storage of materials shall be allowed
19. Race track and other customary accessory uses subject to other requirements of this chapter and provided the following conditions are met:
- a. Minimum lot area to support a race track and all customary accessory uses shall be at least twenty (20) acres.
  - b. The proposed track shall be a minimum of sixty (60) feet from all property lines.
  - c. No accessory use shall be located within twenty (20) feet of all property lines.
  - d. A minimum twenty (20) foot buffer yard shall be required along all property lines that will achieve a height of five (5) feet within three (3) years.
- (d) Dimensional Requirements. Unless otherwise specified, the following dimensional requirements shall apply:
- 1. A minimum lot area of fifteen thousand (15,000) square feet shall be required if public water or sewer is available, twenty thousand (20,000) square feet shall be required if no public water or sewer is available. If both services are available then a minimum lot area often thousand (10,000) square feet shall be required.
  - 2. Minimum lot width shall be eighty (80) feet.
  - 3. Minimum depth of the front yard shall be forty (40) feet
  - 4. Minimum depth of the side yard shall be ten (10) feet. In case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than fifteen (15) feet.
  - 5. Minimum depth of the rear yard shall be twenty (20) feet
  - 6. Maximum height of structures shall be thirty-five (35) feet
  - 7. If a B-1 district adjoins a residential district, the minimum setback or yard requirement for the lot line located adjacent to the residential district shall equal the minimum setback or yard requirement plus one half. (Example: minimum side yard in a B-1 district adjoining a residential district would equal 15 feet.)
- (e) Signs. Signs are permitted in the B-1 district in accordance with the provisions of Section 2100.
- (f) Off-Street Parking. Development of any use in the B-1 district must conform to the parking and loading standards in Section 2000.

- (g) Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of this section as well as Section 1601.
- (h) Fire Protection: All Commercial Development within a B-2 Zoning District shall include a fire hydrant within five hundred (500) feet of the building(s) and accessible for emergency personnel. If a fire hydrant is not accessible within five hundred (500) of the building, the developer shall install one to the standards of West Carteret Fire and Rescue. A letter of approval from the Chief of the West Carteret Fire and Rescue shall be submitted with an application for zoning permit.

### **3013. MC Planned Mobile Home and Camp Park District**

A district allowing for the development of manufactured home parks and travel trailer parks.

The list of permitted and special uses for this district follows:

#### Permitted Uses.

- Accessory Use or Building
- Agricultural Uses/Bona Fide Farm
- Agricultural Uses
- Campground
- Dock or Pier (Private)
- Fishing Camps
- Government Offices
- Manufactured Home
- Manufactured Home Park
- Offices
- Public or Private School
- Public Utility Substation
- Swimming Pool (Private)
- Tennis Courts (Private)
- Travel Trailer (Camper) Park (including RV Park)

#### Special Uses.

- Day Care Center Floating Structures
- Fruit or Vegetable Stand on Same Parcel as Produced

#### 3013.1 Dimensional Requirements.

- Min. Lot Area for Manufactured Home Park or Travel Trailer (Camper) Park - 3 acres
- Min. Lot Width – None
- Min. Front Setback - 40 feet
- Min. Side Yard - 10 feet
- Min. Rear Yard - 15 feet
- Min. Height - 35 feet
- Min. Side Yard on Street Right-of-Way - 20 feet



**3013.2 Manufactured Home Park or Travel Trailer (Camper) Park Requirements.**

3013.2.1 Space or Lot Size and Dimensions.

Minimum Size and Dimensions for Space or Lot within Manufactured Home Park or Travel Trailer (Camper) Park Table				
	Lot Area (Sq. Ft.) <sup>1</sup>	Lot Width (Feet)	Lot Width (Cul-de-Sac) (Feet)	Lot Frontage (Feet)
Public water and sewer	7,000	50	40	25
Public water or sewer	10,000	65	50	25
No public water or sewer	15,000	75	60	25

1. Required minimum lot area may be increased by Carteret County Environmental Health.

3013.2.2 Space or Lot Principal and Accessory Building Setbacks.

Minimum Principal and Accessory Building Setbacks for Space or Lot within Manufactured Home Park or Travel Trailer (Camper) Park Table	
From the front lot line	20 feet (40 feet if along NC 58)
From the side lot line	7 feet
From the side lot line on a corner lot	15 feet
From the rear lot line	10 feet
From any exterior property line of the park	20 feet

3013.2.3 Access Requirement. No space or lot within a park shall have direct vehicular access to an exterior road or street. Every space or lot shall be served by an internal road.

3013.2.4 Road Improvements. Roads shall be constructed to meet or exceed the requirements of the *North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards*, as amended.

3013.2.5 Fire apparatus access, including, but not limited to, turnarounds for dead-end access roads, shall be approved by the Town Fire Marshal.

**3013.3 Signs.** Signs are permitted in the MC district in accordance with the provisions of Section 2100.

**3013.4 Off-Street Parking.** Development of any use in the MC district must conform to the parking and loading standards in Section 2000.

**3013.5 Screening/Buffering.** Screening and buffering shall be required in accordance with provisions of Section 1601.

\*\* RCP Recreational Camper Park District: See Section 3017 - Amended 09/15/98

### **3014. LIW Light Industrial District**

A district planned and established for the location of manufacturing and other related uses that would be incompatible with business and residential areas.

Within the LIW district, no lot, building or structure shall be erected which is intended or designed for any other use than the uses specified on the Table of Permitted and Special Uses in Section 3400. A list of permitted and special uses for this district follows:

- Accessory Uses and Buildings
- Agricultural Uses/Bona Fide Farms
- Agricultural Uses
- Armories for Meeting and Military Training
- Assembly of Prepared Parts into Finished Products
- Automobile Parking Deck
- Bus Repair and Storage
- Cabinet and Woodworking Shop
- Clothing Manufacturing
- Cold Storage Plant
- Cooperage Works and Crafting
- Services Contractor's Offices
- Contractor's Plant/Storage Yard
- Dry Cleaning/Laundry
- Establishment Electrical Repair Shop
- Electronic Machines, Equipment and Supplies
- Exterminating Services
- Fabricating Shops (Wood,-Metal, Upholstery, Etc.)
- Fairground
- Fiberglass Manufacturing
- Furniture Manufacturing Plants
- General Wholesaling
- Government Offices - See Addendum
- Handcrafting of Small Articles
- Industrial Sales/Repair of Equipment Kennels
- Laboratory: Medical, Dental, Optical Laboratory, Research
- Leather and Leather Products
- Marine Research
- Facility Mini-Warehouse
- Motor Vehicle Repair Garage
- Newspaper Office and incidental Printing Offices
- Plastic Manufacturing Printing and Publishing
- Public Utility Offices
- Public Utility Workshop and Storage
- Public Utility Substation
- Rubber Products

Seafood Processing, handling, Storage and Sales Facilities  
Shooting Range, Indoor  
Signs, Manufacturing and Assembly

Special Uses.

Automobile Manufacturing  
Bakery Plant  
Boat Storage Yard  
Bus and Taxi Terminal  
Chemical/Mineral Manufacturing, Refining and Processing  
Dairy Products Processing Plants  
Fish Processing  
Menhaden Fish Scrap/Oil Processing  
Miscellaneous Manufacturing  
Overnight Camping  
Vehicle Storage  
Pottery, Porcelain and Vitreous China Manufacturing  
Recycling of Waste Matter  
Stone, Clay, Glass and Concrete Products  
Textile Manufacturing  
Tire Recapping and Retreading  
Tobacco Manufacturing Transportation Equipment

### **3014.1 Dimensional Requirements.**

Min. Lot Area - 1 acres  
Min. Lot Width - 100 feet  
Min. Front Setback - 40 feet  
Min. Side Yard - 20 feet  
Min. Side and Rear yard when adjacent to Railroad rights-of-way or Navigable Water - 0 feet  
Min. Rear Yard - 25 feet  
Min. Height - 45 feet  
Min. Side Yard on Street Right-of-Way - 30 feet

If a LIW district adjoins a residential district, the minimum setback or yard requirement for the lot line located adjacent to the residential district shall equal the minimum setback or yard requirement plus one half. (Example: minimum side yard in a LIW district adjoining a residential district would equal 30 feet.)

3014.2 Signs. Signs are permitted in the LIW district in accordance with the provisions of Section 2100.

3014.3 Off-Street Parking. Development of any use in the LIW district must conform to the parking and loading standards in Section 2000.

3014.4 Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of Section 1601.

### **3015. PI Port Industrial District**

An industrial district developed exclusively for port-related manufacturing and storage activities.

All uses listed below shall be required to be port-related.

Within the P-I district, no lot, building or structure shall be erected which is intended or designed for any other use than the uses specified on the Table of Permitted and Special Uses in Section 3400. The list of permitted and special uses for this district follows:

#### Permitted Uses.

Accessory Uses and Buildings

Agricultural Use/Bona Fide Farm

Agricultural Uses

Automobile Parking Deck Boat Building

Boat Launching Ramp

Cold Storage Plant

Contractor's Offices

Contractor Plants and Storage Yard

Electronic Machines, Equipment and Supplies

Export Cargo Packing and Crating Facilities

Fabricating Shops (Wood, Metal, Upholstery, etc.)

Floating Platforms Used for Cargo and Handling Operations (including Pontoons, Camels and Floating Ramps)

Freight Transportation Foundries

General Warehousing

Government Uses (See Addendum dated 06/01/92)

Grain Storage, Mini-Storage and Shipping

Industrial Equipment Sales and Repair

Lumber and Wood Products

Machinery and Equipment (Including Industrial, Mechanical and Electrical)

Manufacturing and Assembly

Marine Railway Yard

Marine Research Facility

Mining and Quarrying

Non Profit Recreation Facility (Amended 03/11/91) Offices

Paper and Allied Products

Pharmaceutical Manufacturing

Piers, Wharves, Deepwater Berth Facilities for Cargo, Marine Research and Commercial Fishing Vessels

Public Utility Substation Primary Metal

Railroad Transportation Facility

Scrap Processing

Seafood Processing, handling, Storage and Sales Facilities

Stone, Clay, Glass and Concrete Products

Tobacco Sales Warehousing Vehicle Terminal Activities

Vending Machines located Outdoors

Water Transportation Facility, including docks, Tugboats, Barges and Related Services and Equipment (Amended 03/04/96)  
Wholesale Storage and Bulk Terminals (Excluding Flammable Products, Chemicals and Mineral Manufacturing and Storage)

Special Uses.

Bus and Taxi Terminal  
Chemical/Mineral Manufacturing, Refining and Processing  
Commercial Marina  
Cooperage Works and Crafting Services  
Drystack Boat Storage  
Fiberglass Manufacturing Floating Structures  
machinery except for Electrical Miscellaneous Manufacturing  
Outer Continental Shelf Service and Supply Base  
Petroleum and Related Products  
Plastic Manufacturing Rubber Products Slaughter House Textile Manufacturing  
Tire recapping and Retreading Tobacco Manufacturing  
Wholesale Storage and Bulk Terminal for Flammable Materials

3015.1 Dimensional Requirements.

Min. Lot Area - 1 acres  
Min. Lot Width - 100 feet  
Min. Front Setback - 30 feet  
Min. Side Yard - 20 feet  
Min. Side and Rear yard when adjacent to Railroad rights-of-way or Navigable Water - 0 feet  
Min. Rear Yard - 25 feet  
Min. Height - 60 feet  
Min. Side Yard on Street Right-of-Way - 30 feet

If a P-I district adjoins a residential district, the minimum setback or yard requirement for the lot line locate adjacent of the residential district shall equal the minimum setback or yard requirement plus one half. (Example: minimum side yard in a P-I district adjoining a residential district would equal 30 feet).

3015.2 Signs. Signs are permitted in the P-I district in accordance with provisions of Section 2100.

3015.3 Off-Street Parking. Development of any use in the P-I district must conform to the parking and loading standards in Section 2000.

3015.4 Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of Section 1601.

**3016. I-W Industrial and Wholesale District**

A district planned and established for the location of manufacturing other related uses that would be incompatible with business and residential areas.

Within the I-W district, no lot, building or structure shall be erected which is intended or designed for any other use than the uses specified on the Table of Permitted and Special Uses in Section 3400. A list of permitted and special uses for this district follows:

Permitted Uses.

Accessory Uses and Buildings  
Agricultural Uses/Bona Fide Farm  
Alcohol Manufacturing and Related Products Air Transportation/Airport  
Agricultural Uses  
Assembly of Prepared Parts into Finished Products  
Automobile Parking Deck  
Automobile Manufacturing  
Bakery Plants  
Boat building  
Boat Launching Ramp  
Bottling Plants  
Breweries  
Cabinet and Woodworking Shop  
Cannery  
Chemical/Mineral Manufacturing, Refining and Processing  
Chicken Hatchery Clothing Manufacturing Cold Storage Plant  
Contractor's Offices  
Contractor's Plant/Storage Yard  
Cooperage Works and Crafting Services  
Dairy Products Processing Plants  
Dry Cleaning/Laundry Establishment  
Electronic Machines, Equipment and Supplies  
Export Cargo Packing and Crating  
Facilities Exterminating Services  
Fabricating Ships ('Wood, Metal, Upholstery, etc.)  
Fairground  
Fiberglass manufacturing  
Fish Processing  
Floating Platforms for Cargo/Handling Operations (Including pontoons, Cannels and Floating Ramps)  
Food Processing/Manufacturing in Wholesale Quantities Foundries  
Freight Transportation Warehousing Furniture Manufacturing Plants General Warehousing  
Government Uses - See Addendum  
Grain Storage, Mini-Storage and Shipping  
Industrial Sales/Repair of Equipment Junkyard  
Kennels  
Leather and Leather Products  
Lumber and Wood Products  
Machinery and Equipment (Including Industrial mechanical and Electrical)  
Manufacturing and Assembly  
Marine Railway yard

Marine Research Facility  
Menhaden Fish Scrap/Oil Processing  
Mining and Quarrying  
Mini Warehouses - Amended 10/04/93  
Miscellaneous Manufacturing  
Motor Vehicle Repair Garage  
Newspaper Office and Incidental Printing Offices  
Other Communication Facilities  
Outdoor Shooting Range  
Outer Continental Shelf Service and Supply Base  
Paper and Allied products  
Pharmaceutical Manufacturing Petroleum and Related Products  
Piers, Wharves, Deepwater Berth Facilities for Cargo, Marine research and Commercial Fishing Vessels  
Plastic Manufacturing  
Pottery, Porcelain and Vitreous China Manufacturing Primary metal  
Printing and Publishing  
Public Utility Office  
Public Utility Workshop and Storage Public Utility Substation  
Railroad Transportation Facilities  
Recycling of Waste Matter  
Rubber Products Scrap Processing  
Seafood Processing, handling, Storage and Sales Facilities  
Shooting Range, Indoor  
Shooting Range, Outdoor  
Signs, Manufacturing and Assembly  
Slaughter House  
Sludge Disposal - See Addendum

The Following Solid Waste Management Facilities:

1. Storage and/or disposal of Land-clearing Debris with the following buffering requirements:
  - Site shall include a 20 foot perimeter vegetative buffer and shall not be visible from and right-of-way
2. Construction or Demolition Transfer Site
  - Site shall include a 20 foot perimeter vegetative buffer and shall not be visible from and right-of-way
3. Yard Trash/Waste Transfer Site
  - Site shall include a 20 foot perimeter vegetative buffer and shall not be visible from and right-of-way

Stone, Clay, glass and Concrete Products  
Swine Production  
Textile Manufacturing  
Tire Recapping and Retreading  
Tobacco Manufacturing Tobacco Sales Warehousing

Trailer (Utility/Hauling) Sales and Rental  
Transportation Equipment  
Truck Terminal Activities  
Vending Machines located outdoors  
Wholesale Nurseries/Greenhouses  
Wholesale Storage and Bulk Terminal (excluding flammable products, chemicals and mineral manufacturing and storage)

Special Uses.

Billboards/Off-Premise Signs  
Bus and Taxi Terminal  
Bus Repair and Storage  
Drystack Boat Storage  
Floating Structures Manufactured Home Park

The Following Solid Waste Management Facilities:

1. Hazardous Waste Management Facility
2. Industrial Solid Waste Disposal
3. State, County, or Municipal Landfill
4. Medical Waste Disposal
5. White Goods Disposal

Wholesale Storage and Bulk Terminal for flammable materials

3016.1 Dimensional Requirements.

Min. Lot Area - 1 acres  
Min. Lot Width - 100 feet  
Min. Front Setback - 50 feet  
Min. Side Yard - 20 feet  
Min. Side and Rear yard when adjacent to Railroad rights-of-way or Navigable Water – 0 feet  
Min. Rear Yard - 30 feet  
Min. Height - 45 feet  
Min. Side Yard on Street Right-of-Way - 30 feet

If an I-W district adjoins a residential district, the minimum setback or yard requirement for the lot line located adjacent to the residential district shall equal the minimum setback or yard requirement plus one half. (Example: minimum side yard in an I-W district adjoining a residential district would equal 30 feet.)

3016.2 Signs. Signs are permitted in the I-W district in accordance with the provisions of Section 2100.

3016.3 Off-Street Parking. Development of any use in the I-W district must conform to the parking and loading standards in Section 2000.

3016.4 Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of section 1601.



### **3017. RCO Recreational and Camper Park District**

A recreational district established to provide controlled campground developments.

The RCP district has been established to create a district exclusively for the development of travel trailer/recreational vehicle parks.

Within the RCP district, no lot, building, or structure shall be erected which is intended or designed for any other use than the uses specified on the Table of Permitted and Special uses in Section 3400. The list of permitted and special uses for this district follows:

#### Permitted Uses.

Accessory Use and/or building  
Agricultural Uses/Bona Fide Farms  
Agricultural Uses  
Boat Launching Ramp  
Campground  
Dock or Pier (Private)  
Fire and Rescue Stations Public Utility

#### Special Uses.

#### Government Uses

#### Dimensional Requirements.

Min. Lot Area - 3 acres  
Min. Lot Width – None  
Min. Front Setback - 40 feet  
Min. Side Yard - 10 feet  
Min. Rear Yard - 15 feet  
Min. Height - 35 feet  
Min. Side Yard on Street Right-of-Way - 20 feet

#### Travel Trailer/Recreational Vehicles

Parks and campgrounds developed in the RCP district shall be developed in accordance with the Peletier Travel Trailer (Camper) Park Ordinance. Dimensional requirements for individual spaces located within the campground are defined in the above mentioned ordinance.

Signs. Signs are permitted in the RCP district in accordance with the provisions of Section 2100.

Off-Street Parking. Development of any use in the RCP district must conform to the parking and loading standards in Section 2000.

Screening/Buffering. Screening and buffering shall be required in accordance with the provisions of Section 1601.

### **3100. SPECIAL REQUIREMENTS FOR CERTAIN USES.**

#### **3101. Efficiency Unit.**

Efficiency units may be established in residential districts subject to the area, yard and height regulations of those district and the following limitations:

- .1 The efficiency units shall not contain more than 25 percent of the gross heated and/or cold floor area of the dwelling.
- .2 The lot must meet the minimum lot size requirements of the zoning district in which it is located.

#### **3102. Car and Boat Washes.**

Car and boat washes may be established in the B-1 and B-2 districts subject to the area, yard and height regulations of those districts and the following limitations:

All washing facilities must be within an enclosed building. Washing bays are permitted. Vacuuming facilities may be outside the building but may not be located in any required yard area.

#### **3103. Outdoor Amusement.**

Outdoor Commercial Amusements, such as miniature golf, ride, commercial beaches, slides and similar commercial enterprises are permitted in the B-1 and B-2 districts. All uses, buildings and structures must be at least 200 feet from any residential district.

#### **3104. Cemeteries.**

Private or public cemeteries are permitted in all districts in accordance with the requirements listed below:

- .1 Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any side or rear lot line which adjoins lots in a residential district and at least 10 feet from any side or rear lot line which adjoins lots in non- residential districts. In any case, they must be at least 40 feet from any street right-of-way.
- .2 Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise, any such buildings must conform the requirements for principal uses in the district where they are located.

#### **3105. Residential Marinas.**

Residential marinas approved as part of the development area are permitted in all residential districts subject to the following limitations:

- .1 Boat slips, piers and bulkheads are permitted, however, no commercial activities shall be permitted. Marinas may include any pump out facilities required by water quality or other state or federal regulations.
- .2 A club house or similar facility that could normally be included in a residential development may be included with the marina facilities.
- .3 Residential developments in which marinas are allowed as accessory uses must receive preliminary approval from the Planning Board and, when appropriate, the Town Commissioners prior to issuance of any county permits for the construction of the marina.
- .4 Drystackes shall not be permitted in residential development marinas.
- .5 Signs calling attention to the marina other than those for vehicular directional purposes located within the development are not permitted.
- .6 The number of slips may not exceed 110% of the number of units in the residential development. Each slip over and above the number of units in the residential development must be provided with two parking spaces in a specifically designed area.

**3106. Country Clubs, Golf Courses, Tennis Clubs and Community Recreation Center.**

Country clubs, golf courses, tennis clubs and community recreation centers are allowed on a special use basis, unless otherwise stated in the Table of Permitted and Special Uses, within any district subject to the following requirements. When located in residential districts, any enclosed buildings and parking areas must meet the minimum setback and yard requirements for the district in which it is located. Swimming pools must be located at least 100 feet from lots in any residential district.

**3107. Group Developments.**

Procedure for approval shall be in accordance with the "Town of Peletier Group Housing Ordinance".

**3108. Reserved.**

**3109. Junkyards.**

Junkyards, scrap metal, paper and rag storage and processing, similar uses are permitted in the I-W district. They must be enclosed by a non-climbable fence and be screened in accordance with the standards of Section 1601. The fence must be located at least 20 feet from any public street right-of-way and the screening must be at least 8 feet high and adequate to conceal all storage from public view.

### **3110. Kennels.**

Kennels are permitted by right in the I-W, LIW and B-1 districts and by special use in the RA, R-35, R-20, R-15, R-15M and B-3 districts. The minimum lot size is one acre, and the kennel building shall not be located any closer than 50 feet to any property line. Kennels must be enclosed by a sound barrier and be screened in accordance with the standards of Section 101. Caretaker quarters shall be permitted.

### **3111. Business Residence.**

A business residence may be established in the B-1 and B-2 districts subjects to the yard requirements and the following limitations:

- .1 The residence may not exceed 50% of the gross floor area of the business operation.
- .2 The residence may be located above the business.
- .3 In no case shall the residence be located in the front yard of the business.
- .4 The business residence must be within the same structure.

### **3112. Motels, Motor Courts and Hotels.**

Motels, motor courts and hotels may be established in business districts subject to the area, yard and height regulations of the designated districts and the following regulations:

- .1 Associated commercial uses may be located only in a motel, motor court or hotel having a minimum of 50 units.
- .2 Public entry to commercial facilities must be from the interior of the building. No direct public entrance from the street or outside of the building is permitted.
- .3 No merchandise or merchandise display window may be visible from the outside of the building.
- .4 Outside storage or display of merchandise shall not be permitted.

### **3113. Overnight Camping Trailers.**

Overnight camping trailers are permitted to be stored unoccupied on lots in any district. They are permitted in overnight camping trailer parks subject to the provisions of the "Peletier Mobile Home, Mobile Home Park and Travel Trailer (Camper) Park Ordinance".

### **3114. Storage of 200,000 Gallons or Less of Petroleum.**

The storage of 200,000 gallons or less of petroleum products is permitted below ground as an accessory use to an automobile service station in the B-1 district and a marina in the B-2 district.

All petroleum storage facilities of this type must comply with the North Carolina Building Code and NGPA 30.

**3115. Automobile Service Station.**

Automobile service stations shall be permitted by right in the B-1 district subject to the following limitations:

- .1 Gasoline pumps and other appliances shall be located a minimum of 15 feet from any property line.
- .2 When an automobile service station adjoins a residential district, the underground storage tanks shall be located a minimum of 30 feet from the property line.
- .3 All underground storage tank facilities shall comply with the North Carolina Building Code and NFPA 30A.

**3116. Stables, Private.**

Private stables housing horses, mules or ponies shall be permitted by right in the RA district and by special use in the R-35, R-20 and R-15 M district subject to the following limitations:

- .1 The minimum lot size is one acre. The number of horses allowed shall be limited to one horse per acre or when a parcels three acres or more and the dwelling thereon is occupied by a single family, the number of horses may be increased to match the number of family members living on the premises.
- .2 In no case shall private stables be the principal use of a lot.
- .3 All horses shall be confined within a fenced enclosure suitably engineered and constructed for such use. The fence shall be sturdily constructed with new material and maintained in good repair and finish. In a subdivision with an equestrian theme, the Restrictive Covenants for said subdivision may require all horse pasture, fences to be uniform in size, design and construction material.
- .4 All stables shall be located 50 feet from all property lines.

Amended 09/06/94.

- .5 Caretaker quarters shall be permitted within the stable. - Proposed amendment

**3117. Commercial Marinas.**

3117.1 Activities and possible uses on the marina property shall be limited to wet boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas.

3117.2 Dimensional Requirements:

Min. Lot Area - 30,000 sq. ft.  
Min. Lot Width - 100 feet  
Min. Lot depth - 300 feet  
Min. Side Yard requirement for structures - 30 feet  
Min. front setback for structures - 50 feet  
Min. Height - 45 feet  
Maximum project area coverage including parking areas and built upon areas - 65%

### **3118. Drystack Boat Storage.**

3118.1 If permitted within the district, drystack boat storage buildings may be used in conjunction with marinas provided that the following conditions shall be adhered to:

- .1 The drystack building shall be no closer than 30 feet from any property line unless such property line abuts the water.
- .2 A buffer shall be constructed between the building and any adjacent property line in accordance with Section 1601.
- .3 Any drystack boat storage building in an I-W district must be located on a parcel abutting a surface water body.

### **3119. Duplexes and Triplexes.**

Duplexes and triplexes shall be permitted in accordance with the Permitted and Special Use Table, subject to the following limitations:

- .1 Duplex building lots shall be required to have the minimum lot area required in the minimum lot area required in the district, plus an additional 10, 000 square feet which shall be contiguous. The minimum lot area for some districts may vary according to whether public water and/or public sewer is available. See Section 3000.
- .2 Triplex building lots shall be required to have the minimum lot area required in the district, plus an additional 15,000 square feet that shall be contiguous. The minimum lot area for some districts may vary according to whether public water and/or public sewer is available. See Section 3000.

### **3120. Floating Structures.**

- .1 Floating structures shall be allowed or permitted within the public trust waters of Peletier.
- .2 Floating structures shall not be located within 5 feet of the waterward extension of any property lines.
- .3 No more than one dwelling unit shall be permitted per floating structure.

- .4 Each floating structure shall be inspected and approved by the Building Inspector prior to placement in a location with approved sanitary facilities. This approval shall include, but shall not be limited to, adequacy of the electrical system and the method of existing.
- .5 Each floating structure shall be provided with permanent water and on- shore sewage treatment systems approved by the Carteret County Health Department or appropriate agency. All wastewater piping from the unit shall be constructed to the North Carolina Building Code. No overboard discharge openings through the hull or structure shall be permitted except for one dewatering pipe which may not be connected to wastewater piping.
- .6 A system for collection and removal of solid waste (garbage) shall be approved by the Carteret County Health Department.
- .7 A minimum of two (2) off-street parking spaces per floating structure shall be provided on-shore.
- .8 A zoning permit is required for all floating structures.
- .9 A site plan shall be submitted to the Zoning Enforcement Officer or his designee prior to issuance of a zoning permit.

**3121. Reserved.**

**3122. Model Unit Marketing Center.**

A model unit marketing center shall include model homes, mobile homes and group housing units located within a particular development project. The model unit marketing center shall be used only for the marketing and sales of said approved development project. It shall comply with the following requirements:

- .1 The model unit shall be constructed for the purposes of sale as a residential unit and shall be utilized temporarily as a model unit marketing center only during the period of time in which the project developer is actively engaged in the sale of property owned by the project developer within the project in which the model unit is located.
- .2 When the model unit is sold, the office may be relocated to another model unit, but at no time shall more than one marketing center be allowed per development project.
- .3 All signs shall be in accordance with Section 2100.
- .4 In addition to the requirements outlined in Section 2100, the model unit marketing center may display a placard not exceeding four (4) square feet which is attached to the model unit. Said placard shall indicate only that the unit is the model unit/sales office.

**3123. Indoor Shooting Ranges.**

Indoor Shooting Ranges shall be permitted by right in the B-1, LIW and I-W districts subject to the following limitations:

- .1 Said facility shall meet all applicable OSHA guidelines and requirements concerning the construction and operation of an indoor firing range.
- .2 Said facility shall maintain liability insurance with minimum, coverage of two hundred fifty thousand dollars (\$250,000) through a company licensed in North Carolina.
- .3 The walls and ceiling of the indoor firing range shall be constructed such that any rounds, ammunition, or projectiles utilized in the firing range cannot penetrate the walls and ceiling or floor of said firing range.
- .4 There shall be no noise outside the building resulting from the use of firearms.
- .5 A range supervisor shall be present during all hours of operation. Said supervisor shall have obtained a certificate of completion of the National Rifle Association's Firearms Safety Course or an equivalent course conducted by an appropriate governmental agency, educational institution, or nationally recognized private firearms safety training certification organization.
- .6 Firearm classes offered on the premises shall be taught by an individual with the proper instructor certification for the type of course taught (i.e., for pistol, rifle, shotgun, etc.). Such certification shall be from the National Rifle Association or an appropriate governmental agency, educational institution, or nationally recognized private organization for firearms instructor certification.



## **3200. CONDITIONAL ZONING DISTRICTS.**

### **3201. Purpose**

**3201.1 Conditional Zoning District.** Per G.S. 160D-703, property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the town or its agencies, but only those conditions approved by the town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S.160A-307, or other unauthorized limitations on the development or use of land.

### **3202. Application and Review Process**

**The following process applies to the conditional zoning district:**

**3202.1 Application.** Rezoning petitions to establish a conditional zoning district must be submitted to the Zoning Enforcement Officer and will be processed in accordance with the procedure for zoning amendments described in Section 1300, as well as the provisions of this Section. A conditional zoning district classification will be considered only if the application is made by the owner of the property or his/her authorized agent. All applications must include a schematic plan drawn to scale and any supporting text for the ordinance amendment. The applicant should include at least the items listed below:

- .01 A boundary survey showing the total acreage, present zoning classification(s), date and north arrow;
- .02 The owner's names, addresses, and the tax parcel numbers of all abutting properties as shown on the tax records of Carteret County;
- .03 All existing easements, reservations and rights-of-way and all yards required for the zoning district requested;
- .04 Proposed use of land and structures. For residential uses, this should include the number of units and an outline of the area where the structures will be located. For non-residential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located;
- .05 Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

**3202.2 Additional Requirements.** It may be necessary to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning

Board and/or Town Board of Commissioners may request additional information as they deem necessary. This information may include, but is not limited to, the items listed below:

- .01 Proposes screening, including walls, fences or planting areas as well as treatment of any existing natural features;
- .02 Delineation of areas within the regulatory flood zone as shown on the official FEMA flood zone maps for Carteret County;
- .03 Existing and proposed topography at 2-foot contour intervals or less;
- .04 Generalized information on the number, height, size and the location of structures;
- .05 Proposed number and location of signs;
- .06 Proposed phasing, if any, and approximate completion time of the project.

The application for a conditional zoning district must contain information and/or site plans which indicate all of the principal and accessory uses which are proposed to be developed on the site. Subsequent to the approval of a conditional zoning district, only those principal and accessory uses indicated on the approved plan may be constructed on the site. Any substantial modifications to an approved plan, including any changes in the permitted principal or accessory uses, must comply with the provisions of Section 3202.5.

**3202.2 Review and approval.** In considering an application for the establishment of a conditional zoning district, the Town Board of Commissioners may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to town ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional zoning district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional zoning district shall follow the same process for approval as are applicable to zoning map amendments.

If multiple parcels of land are subject to a conditional district zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

**3202.4 Effect of Approval.** If an application is approved the conditional zoning district that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with approved plan and conditions.

**3202.5 Alterations to an approved conditional zoning district.** Changes to approved plans and conditions of development will be treated the same as changes to the zoning map and will be

processed as an amendment as provided for in Section 1300. However, minor changes in the detail of the approved plan which will; not alter the basic relationship of the proposed development to adjacent property, which will not alter the uses permitted or increase the density or intensity of development, and which will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved by the Zoning Enforcement Officer without going through the amendment process. The Zoning Enforcement Officer, at their discretion, may elect not allow any proposal as a minor change and will, in that event, forward the detailed application for changes to the Planning Board and/or Town Board of Commissioners for their consideration.

**3202.6 Reserved.**

**3203. Reserved.**

**3204. Official Zoning Map Designation.**

Following Town Board of Commissioners approval of a conditional zoning district, the property so zoned will be identified on the zoning maps by the appropriate parallel conditional zoning district designation. This designation is the general zoning district designation plus the letters "CZ".

**3205. Reserved.**

**3206. Flexible Planned Unit Development.**

Certain large parcels may require additional flexibility in design than is allowed under the conditional zoning PUD overlay district standards. This flexibility may be necessary to maximize environmental protection, encourage open space dedication and to group complementary land uses. Parcels containing acceptable acreage may request the Flexible PUD. A mix of commercial, single-family and group housing shall be allowed within the Flexible PUD tract but the following criteria must be met.

- .1 The overall density of single and multi-family units shall not exceed 2.9 units per acre for the project's net acreage. The net acreage shall mean the entire tract, minus 10 percent for necessary infrastructure. Commercial land uses shall not be included within the tract net acreage.
- .2 The total number of units (single- or multi-family) shall not exceed 8 in number for any single designated acre within the project;
- .3 No single-family units shall exceed 35' in height. All other structures shall not exceed 50' in height from its finished grade.
- .4 Planned amenities including marinas and drystack boat storage facilities (including repair and maintenance facilities) shall be utilized primarily by the residents within the PUD

and only incidentally by transients. None of these facilities shall be permitted adjacent to any surface waters under current nomination or designated as Outstanding Resource Waters by the State of North Carolina. Any date which supports the use of these amenities or recreational facilities solely by Flexible PUD residents shall be made available to the zoning Enforcement Officer upon request.

- .5 A centralized water and sewer system shall be provided to serve all the residents or the buildings in the total acreage designated as a Flexible PUD;
- .6 A Master Plan and schedule for future development shall be provided at the time or Preliminary approval. Each section or phase of the Master Plan shall be recorded in Carteret County Register of Deeds after Final approval by Peletier Planning Board and Peletier Board of Commissioners.
- .7 Table of Permitted and Special Uses appropriate to other districts shall not apply to the Flexible PUD district.

### **3206.1 Application for a Flexible Planned Unit Development.**

Application for a project as a Flexible PUD shall be submitted and reviewed in accordance with the Peletier Subdivision Regulations. Master Plan plats shall be reviewed by the Planning Board and must be submitted no later than two (2) weeks prior to the Planning Board Meeting. The Zoning Enforcement Officer shall submit the plan with his recommendations to the Planning Board, and the Planning Board shall subsequently make advisory recommendation to the Board of Town Commissioners, which, following a public hearing held pursuant to proper notice, shall make the final decision as to whether the application and plat will be approved or disapproved.

The following shall be shown on the plat:

- .1 Proposed primary traffic circulation pattern.
  - 1) All 404 wetland areas on the tract.
  - 2) Proposed means of compliance with Division of Environmental Management Stormwater Regulations.
- .2 Proposed parks, tennis courts, swimming pools, beaches, golf course, boating docks, playgrounds, community buildings, common open space, etc;
- .3 Proposed means of dedication of common open space areas and facilities, and the organizational arrangements for the ownership, maintenance, and preservation of common open space, wetlands and stormwater management facilities;
- .4 Delineation of the sections, units or phases to be constructed in progression of sequence in a Master Plan concept which will be the basis for approval subject to accepted and approved changes by the Peletier Planning Board and the Peletier Board of Commissioners.

- .5 When required by the Zoning Enforcement Officer, Planning Board, or the Town Board of Commissioners, an environmental impact statement will be submitted. The specific issues necessitating the environmental impact statement shall be described in writing to the applicant.

### **3207. Conditional Zoning Planned Unit Development Overlay.**

**3207.1** The Planned Unit Development district is established to foster the blending of various land uses including, but not limited to, residential, light commercial, office and recreational structures, which would not otherwise be possible under general district requirements. The purpose of this district is to promote economical and efficient patterns of land use which are sensitive to natural features and site amenities and allow for the accumulation of large areas of open space with the flexibility in design not afforded in other residential zoning districts. The Planned Unit Development district is intended to provide flexibility within the constraints of the Town's Land Use Plan in situations where the owners of the property present a development plan which is found to be in the public interest and which provides necessary urban services and improvements required by this ordinance and the Town's policies for growth and development.

The Planned Unit Development may focus on resort amenities, such as golf, tennis, swimming, boating, with occasional club buildings and supporting commercial establishments for the PUD residents and their guests. All structures must be similar in design and structure to allow for a blending among land uses. The dedication of common open space shall be utilized as a tool to create a resort atmosphere as well as enhance the visual character of the development.

The PUD district shall be allowed as an overlay to the existing residential districts. Development densities shall follow the prescribed minimum lot size for the underlying district, unless 1) density credits area applied to individual lots in sections of the PUD according to the requirements of the Density Bonus Chart, or 2) the Planned Unit Development qualifies for varying development densities under the Flexible PUD provision.

The PUD district requires approval of a master plan, as well as preliminary and final plats for each section or phase. The approval process is outlined in Section 3207.9 of this ordinance.

#### District Regulations.

- 1) **Minimum District Size** - The PUD tract must consist of a contiguous land area of acceptable size as deemed appropriate by the Planning Board. It must be under single ownership or presented as a petition signed by all owners.
- 2) **Maximum Building Height** - the maximum building height for residential, commercial, and office units is thirty-five (35) feet. Group housing developments have a maximum height restriction of fifty (50) feet.
- 3) **Building Setback and Separation**- Buildings located on the periphery of the PUD tract must be set back a minimum of thirty (30) feet from the PUD tract boundary line. Structures taller than 35 feet shall be required to set back 30 feet plus an additional one (1) foot for each additional two (2) feet in height. All structures shall be set back at least

ten (10) feet from all pedestrian and bicycle paths, twenty-five (25) feet from all public and private streets, and forty (40) feet along US and NC numbered highways and major thoroughfares as defined. In no case shall any part of a detached, single-family dwelling be closer than twenty (20) feet to any part of any other detached, single-family dwelling and in no case shall any part of a multiple-dwelling unit be located closer than thirty (30) feet to any part of another dwelling unit or non-residential buildings.

- 4) If the Zoning Enforcement Officer or Planning Board deems the PUD use to be inconsistent with adjoining land uses, a buffer according to Section 1601 shall be installed in accordance with the ordinance requirement.
- 5) Land Use Mixture - As per the Table of Permitted and Special Uses, limited commercial, office, recreational and resort-associated structures are permitted in a PUD development, however, they shall be of similar construction concepts, designed to blend with one another in physical appearance in accordance with the conventional requirements for business zoning districts. Commercial land uses shall not constitute more than five (5) percent of the gross acreage of the PUD tract.
- 6) Public Services - Public services, such as water and sewer, shall be provided within the PUD. The size and capacity of the systems shall exceed the projected requirements by thirty (30) percent.
- 7) Definition of Net Acreage - The net acreage of a PUD tract shall be defined as the acreage for the entire tract, minus ten (10) percent for necessary infrastructure. Commercial land uses shall not be included within the tract net acreage.

**3207.3 Open Space Requirements.** Open space shall be defined as an area or facility designated on the PUD Master Plan as "common area" which will be held in ownership for the use and benefit of residents of the dwelling units. Common open spaces may contain structures and improvements desirable for religious, educational, noncommercial, recreational or cultural uses. To qualify as common open space, land shall have a minimum width of 20 feet that is unoccupied by street rights-of-way, drives, parking areas or structures other than recreational structures. In waterfront developments, required open space may be utilized in conjunction with public water access facilities prescribed by the Peletier Subdivision Regulations. Certain open space areas, such as golf courses or tennis courts, may be provided as open space and held in private ownership. If approved as open space for the PUD, a use dedication shall be required for the open space area at the time of recordation of the final plat.

- 1) Location of Open Space - Open space may be natural or landscaped for the use of active or passive recreation and should be located so as to be conveniently accessible to all residents of the development.
- 2) Conveyance and Maintenance of Open Space - All common open space designated on the Master Plan and recorded in the Office of the Register of Deeds, must be conveyed by the following method:

1. By leasing or conveying title (including beneficial ownership) to a corporation, association or other legal entity as indicated in Section 3207.7 (Homeowners Association). The terms of such lease or other instrument of conveyance must include provisions suitable to the Planning Board for guarantees of:
  - .01 The continued use of such land for its intended purposes through provisions in deeds to each parcel to be served by the common area or facility;
  - .02 Responsibility for and continuance of proper maintenance for the portions of the open space required maintenance;
  - .03 Assurance that the open space shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule.
  - .04 Financial arrangements shall be made to ensure the improvement and/or maintenance of said common space facilities.
  - .05 A legally binding use dedication shall be recorded at the time of final approval for open space areas dedicated to specific uses, such as golf courses, tennis courts, playgrounds, etc.
- 3) Amount of Open Space Required - PUD developments shall reserve no less than twenty-five (25) percent of the gross tract acreage as open space. Said open space shall be proportionally distributed throughout the total residential area as nearly as possible.
- 4) Substitution of Amenities for Open Space - When deemed appropriate by the Planning Board, an amenity may be approved as a substitute for the required open space in any phase of the project. If an amenity is approved as all or part of the required open space, performance guarantees may be requested if said amenity is not completely constructed upon presentation for Final approval.

**3207.4 Maximum Density Standards.** High density development shall be encouraged where adequate public services are available and where environmental impacts will be minimal. The allowable densities within the PUD shall be consistent with this Section of this ordinance, in addition to the policies and land classification system in the Town Land Use Plan. Commercial land uses shall not be included in the total tract acreage when computing land use density. The following restrictions shall apply:

- 1) The residential density factor of the PUD shall be five (5) dwelling units per net acre if the project is located within the Urban Transition area. Densities within the Limited Transition area shall be no greater than 2.9 units per net acre.
- 2) Residential Units shall not be allowed at a density greater than 2.5 units per net acre in areas classified Community.

- 3) Residential units shall not be allowed at a density greater than 2.1 units per net acre in areas classified as Rural and Rural with Services. Residential units shall not be allowed at a density greater than 1 unit per gross acre in areas classified as Conservation. In cases where a PUD included rural and Conservation area, then densities may exceed 2.1 units per net acre in the rural area, provided the number of units per gross acre in the conservation area is reduced by an equal amount.
- 4) If the PUD is located within the Transition area, the residential density factory of the PUD may be increased by using the Density Chart as shown below. An increase in density from 5 to 12 dwelling units per acre requires a total score of 65 points or more. An increase in density from 12 to 20 units per acre requires a total score of 165 points or more.
- 5) Density Bonus Chart:

Points shall be assigned to each PUD development that meets the following criteria:

<b><u>Points</u></b>	<b><u>Criteria</u></b>
10	Project is located immediately adjacent to a thoroughfare.
15	If the PUD is located in a manner that satisfies at least two of the following criteria:  *Within one road mile of a neighborhood convenience store offering basic grocery and consumer items;  *Within two miles of a community shopping center. A community shopping center is defined as a site with a common parking area, a grocery store and at least two of the following types of retail establishments: drug store, hardware store, dry cleaners, variety retail, department store, discount store or restaurant;  *Within three miles of a regional shopping center consisting of over 100,000 square feet of retail space for sales and storage.
25	PUD is located at least ½ mile inland of coastal wetlands estuarine waters, estuarine shorelines, ORWs and public trust waters.
20	All structures are located beyond the 100-year flood plain as designated on the County's official Flood Insurance Rate Maps.
15	Bus or shuttle transportation is located within 1/4 mile on the project.
30	Project provides a solid waste transfer or compaction station.
10	Project is located within three miles of a public park and recreation facility.



- 30 At least 5 percent of the total number of dwelling units in the PUD are designated and reserved on the Master Plan for either handicapped persons or households with incomes less than the gross median income for Carteret County.
- 50 PUD provides public access and public waterfront facilities are provided such as docks, piers and boat ramps. In order to qualify for points, public accesses must be provided at a rate of two per quarter-mile of shoreline.
- 20 Alternative energy systems supply at least 20 percent of the total non-renewable energy consumption for space and hot water heating.
- 20 Project provides recreational facilities other than tot lots and mini- parks. These recreational facilities may include, but are not limited to tennis courts, golf courses, ball fields, basketball courts and community recreation buildings. Points will be awarded at a rate of one point for each \$5,000.00 of investment (not including land or design costs), up to a maximum of 20 points. Adequacy of design and improvement sand cost estimates will be evaluated by the County Parks and Recreation Director.

**3207.5 Improvements Needed.** The following minimum improvements and public services shall be provided in accordance with all standards set by the Town or appropriate state or local agency:

- 1) Adequate water supply and wastewater disposal facilities;
- 2) Fire hydrant and water supply systems that meet the standards specified in volume 2, Standard 24 of the National Fire Protection Association Fire Code as amended, when required;
- 3) Street lights, at the rate of one fixture per 500 linear feet or less of public or private roadway;
- 4) Audible fire alarm systems connected directly to the County's Communication Center for all structures other than single-family and duplex residential when possible. When applicable, fire alarm systems may be required to connected directly to the appropriate fire station.
- 5) Roads shall be constructed to the minimum paving standards specified in Subdivision Roads Minimum Construction Standards, July 1, 1985 (as amended).
- 6) Off-street parking shall be provided in accordance with Section 2000 of this ordinance.
- 7) A 10 foot utility easement shall be retained at the front of all single-and multi- family lots.

**3207.6 Other Requirements.** The developer shall provide written documentation from the appropriate agencies to ensure that an adequate level of services shall be provided to anticipate the impact of build-out of the PUD. The documentation shall indicate that the applicant has held

a formal conference with the proper authorities. The existing level of services delivered shall be addressed, as well as the expected demand brought on by the proposed development. Additional equipment, personnel or other resources required to accommodate the impacts of the development shall be addressed. The following agencies shall be consulted when deemed appropriate:

Carteret County Sheriff's Department  
Carteret County Fire Marshal  
Carteret County Schools Superintendent  
Carteret County Environmental Health Supervisor  
North Carolina Department of Transportation  
NC Department of Environment, Health and Natural Resources (DEHNR) Divisions of Environmental Management (if appropriate)  
DEHNR Division of Health Services  
Other agencies as deemed appropriate

Multi-family dwelling and group housing projects shall meet the requirements of the Peletier Group Housing Ordinance. If any ordinance regulations conflict, the restrictions described in this ordinance shall apply.

Signs shall be limited to the requirements of Section 2100 of this ordinance.

Off-street parking shall be provided for automobiles in accordance with Section 2000. The gross area for required parking spaces, aisles and turning areas may be redistributed to group parking on commonly owned land and shall provide special accommodations for recreational vehicles, including boats, located away from the residential areas in common open areas.

All abutting property owners shall be notified of the proposed rezoning.

The procedures for establishing a Flexible PUD are described in Section 3207 for this ordinance.

**3207.7 Homeowners Associations.** Homeowners associations shall be required for all PUDs. The following requirements shall be applied whenever a homeowners association is established for residential developments:

- 1) When a plat or map is to be recorded, the map or plat shall contain a certificate indicating the book and page number of the homeowners association covenants, conditions and restrictions. When the covenants for a development are recorded, the deed book and page number of the plat shall be so indicated.
- 2) Responsibilities for maintenance of private streets, open space, recreation facilities and other common areas shall be specified.
- 3) Responsibilities for exterior maintenance of attached dwelling units shall be specified.

**3207.8 Required Master Land Use Plan.** A Master Land Use Plan and documents required within this Section shall be submitted with the rezoning petition. The Master Land Use Plan shall consist of an overall development plan showing existing and proposed development for the Planned Unit Development as a whole.

Contents of the Master Land Use Plan shall include:

- 1) Scale of not less than one (1) inch to two hundred (200) feet;
- 2) North arrow tied down;
- 3) Vicinity map;
- 4) Owner's name and address;
- 5) Name of development;
- 6) Developer (if different from owner);
- 7) Names of design team;
- 8) Date of Plan;
- 9) boundary line of proposed PUD district;
- 10) Topographic information at 2 foot contour intervals;
- 11) All water course, flood zones, mean high water lines, ABC areas, ORWs and 404 wetlands;
- 12) Location of wooded areas;
- 13) Recreation areas and facilities;
- 14) Street layout and traffic circulation pattern;
- 15) Pedestrian and bicycle circulation systems;
- 16) CAMA Land Use Plan land classification;
- 17) Residential areas with projected density and planned housing types;
- 18) Total tract acreage;
- 19) Commercial, industrial, and office and institutional areas with proposed land use, estimated square footage and acreage;
- 20) All adjoining land uses and zoning districts;
- 21) School sites and recreational areas to be dedicated for public use,
- 22) Total acres occupied by street rights-of-way and parking areas.

**The Master Land Use Plan shall be accompanied by the following:**

- 1) Names and addresses and parcel number of each property owner within the proposed Planned Unit Development;
- 2) Community property owners association proposed covenants;
- 3) Proposed means of compliance with Division of Environmental Management Stormwater Regulations' low density alternative, if applicable;
- 4) A utility plan showing existing and proposed utility systems, including sanitary sewers, water, electric, gas, telephone and television lines, fire hydrants, street lighting and trash collection areas;
- 5) A development phasing schedule including the sequence and approximate dates of each phase; and propose phasing of construction of public improvements; recreation and common open space areas.
- 6) Proposed means of dedication of open space areas and facilities and the organizational arrangement for the ownership, maintenance and preservation of common open space, wetland areas and stormwater management facilities;

- 7) A statement of planning objectives including:
  - 1) An estimate of the total residential population at built-out;
  - 2) Identification of appropriate Master Land Use Plan policies achieved by the proposed Planned Unit Development;
- 8) An environmental Impact Statement can be required by the Zoning Enforcement Officer, Planning Board or Town Commissioners. The specific issues necessitating the EIS shall be described in writing to the applicant.
- 9) An outline of the types of the types of land uses anticipated within the PUD development.

**3207.9 Procedural Requirements for the Establishment of a Conditional Zoning Planned Unit Development Overlay.** A Planned Unit Development shall be processed in accordance with the conditional zoning district process in this ordinance and the Town's subdivision ordinance.

## **3300. SPECIAL USE PERMITS.**

### **3301. Purpose.**

This ordinance provides for certain uses to be located by right in certain districts where the uses are compatible with the purpose of the district and with other uses to be with the purpose of the district and with other uses to be located in certain districts only by complying with additional development standards to ensure that same compatibility. However, certain uses which are basically in keeping with the intent and purposes of the district may have substantial impacts on the surrounding area and should only be allowed after a review of the specific proposal. In order to insure that these uses would be compatible with surrounding development and be in keeping with the purposes of the district in which they are proposed to be place, they are not allowed to be established as a matter of right. They may be established only after a review and approval of a special use permit as required by this Section.

Within the Town of Peletier, certain specific uses have special standards they are required to satisfy in order to obtain approval from the Town of Peletier. In this section there are additional requirements for certain uses that may have a broader impact on adjacent land uses and therefore are deemed to be more pertinent to impose even more reasonable restrictions to avoid the creation of any unnecessary ancillary negative secondary affects. In cases where a conflicting regulation exists, the most restrictive shall always take precedence.

### **3302. Structure.**

Uses that require Special use permits vary greatly in their size, characteristics, impact on surrounding properties, impact on public facilities, and relationship to the overall health, safety and welfare of the community. Because of this variation, this section establishes two classes of special use permit uses which group uses together based on their relative size, characteristics and community impact. The two classes will be known as MAJOR and MINOR.

**3302.1 Major Special Use Permit.** Uses are those uses that, by virtue of the size, impact or relationship to the overall health, safety and general welfare of the community, will be reviewed and approved by the Town Board of Commissioners after an evidentiary public hearing.. Unless otherwise stated, all Special use permit applications will be deemed to the MINOR Special use permit applications.

**3302.2 Minor Special Use Permit.** Uses are those uses which, by virtue of their more limited size, impact or relationship to the overall health, safety and general welfare of the community, will be reviewed and approved by the Zoning Board of Adjustment.

### **3303. Application**

A request for a MAJOR or MINOR Special use permit will be considered only if requested by the owner of the property in questions or an authorized agent of the property owner. Applications for all Special use permits or amendments to any approved Special use permit must be filed in

the office of the Zoning Enforcement Officer on the forms provided by the Town. All applications must be accompanied by the proper fee to defray administrative and advertising expenses. The fee for all Special Use Permits shall be established from time to time by the Board of Commissioners .

All applications for a Special use permit must be accompanied by a site plan drawn to scale that includes at least the following information:

- .1 A boundary survey showing the total acreage, zoning classification(s), date and north arrow;
- .2 An identification of abutting properties as per tax records, the name and address of the owners and property lines abutting the subject parcel;
- .3 All existing easements, reservations and rights-of-way and all yards required for the zoning district requested;
- .4 Proposed location of all structures, their approximate square area and general exterior dimensions;
- .5 Proposed use of all land and structures;
- .6 Traffic, parking and circulation plan, showing proposed location and arrangement of parking spaces, ingress, and egress to adjacent streets;
- .7 Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features;

The Zoning Enforcement Officer will review each application for compliance with all applicable administrative requirements. If the application is complete, the Zoning Enforcement Officer will take the Special use permit to the Board of Commissioners for their review if it is a MAJOR Special use permit or to the Zoning Board of Adjustment if it is a MINOR Special use permit. Evidentiary public hearings will be conducted in accordance with Section 3305.

#### **3304. Additional Application Requirements.**

When processing a Special use permit application, it may be desirable to request to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Zoning Board of Adjustment and/or the Town Board of Commissioners may require additional information. This may include, but is not limited to, the following information:

- .1 Delineation of areas within the regulatory flood zones as shown on the Carteret County FEMA maps;
- .2 Topography at 4-foot contour intervals or less (existing and proposed);
- .3 Proposed location of buildings, their general exterior dimensions and number of floors;
- .4 Proposed signs and their locations;

.5 Proposed phasing, if any, and approximate completion time of the project.

### **3305. Public Notice**

**3305.1** No MAJOR or MINOR Special use permit may be issued until after an evidentiary public hearing has been held on the request. Notice of evidentiary hearings conducted pursuant to this ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

### **3306. Hearing Procedure**

3306.1 Major Special use permit evidentiary hearings will be conducted in accordance with Robert's Rules of Order and G.S. 160D-406 for quasi-judicial decisions.

3306.2 Minor Special use permit hearings will be conducted in accordance with the "Rules of Procedure" adopted by the Zoning Board of Adjustment.

3306.3 The applicant, the town, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board

In considering an application for a Special use permit, the Town Commissioners or Zoning Board of Adjustment will consider, evaluate and may attach reasonable and of the proposed use and its relation to surrounding property. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters the Town Commissioners or Zoning Board of Adjustment may find appropriate or that the applicant may propose.

### **3307. Effect of Approval**

An approved application for a Special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the Special use permit and all plans, specifications and conditions unless

terminated by procedures established below. It is unlawful to develop or use real property in violation of any approved Special use permit, all additional conditions, or the resolution authorizing a Special use of the property. The Special use permit shall become effective after being duly recorded in the Carteret County Register of Deeds.

### **3308. Reapplication for a Special Use Permit.**

If an application for a Special use permit is denied by the Town Board of Commissioners or the Zoning Board of Adjustment, a re-application for that Special use on that property may not be instituted, unless, however, upon request of the property owner, the Town Board of Commissioners or Zoning Board of Adjustment determine that there have been sufficient changes in conditions or circumstances bearing on the property to warrant a re-application.

### **3309. Modification of an Approved Special Use Permit.**

**3309.01** The owner of property which is subject to an approved Special use permit may petition for a modification of the Special use permit by following the same procedure as if applying for the Special use permit as provided in Section 3303. Application for a modification must include a new site plan which identifies the proposed changes. Evidence presented at the hearing on the proposed changes. Evidence presented at the hearing on the proposed modification will be limited to the effect of the proposal on the original Special use permit, any plans or conditions which were a part of the original Special use permit, and the standards and requirements of the ordinance under which the original Special use permit was approved. The hearing will be conducted in accordance with the appropriate Rules of Procedure to the extent that those rules apply.

**3309.2** All proposed modifications to an approved Special use permit must be considered in accordance with the requirements listed above. However, in certain circumstances modifications of an approved Special use permit may be allowed by the Zoning Enforcement Officer. Changes that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved by the Zoning Enforcement Officer.

### **3310. Revocation or Termination.**

**3310.1** Revocation of a Special use permit is required when a court has determined that a particular Special use permit has been violated. After receipt of the final judgment and after the party responsible for the violation has had reasonable opportunity to correct the violation but has not, the Town Board of Commissioners or Zoning Board of Adjustment, when appropriate, will revoke the Special use permit in the same process for approval as is applicable to the approval of a special use permit..

Subsequent to the revocation of a Special use permit, the Special use for which the Special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or



development of the property commenced pursuant to the Special use permit must conform or be brought into conformance with the standards of the district where the property is located.

3310.2 Termination of a Special use permit may be requested by the property owner or an authorized agent of the property owner. All applications for termination of a Special use permit will be considered as a MINOR Special use permit request and are subject to the provisions of this Section.

**3311. Conformance of Existing Conditional Uses.**

Uses listed in the various district regulations as Conditional uses which were already in existence prior to being classified as Special uses will be considered as conforming uses. However, any expansion of such a use must receive Special use permit approval under these provisions as if the expanded use for the entire site were being newly established.

**3312. Recognition of Previously Approved Special Use Permits.**

Special use permits which have been previously granted will be recognized for a building permit and other administrative purposes for six months after the effective date of this Section. If, after six months, a building permit has not been obtained or commencement of the project has not taken place, the Conditional use permit will be considered null and void. A new application and approval will be required to complete the proposed development.

**3313. Variances.**

The Board of Adjustment has no authority to grant a variance on any condition imposed by a Special use permit.

**3314. Appeals.**

Any appeal from the action of the Town Board of Commissioners or Zoning Board of Adjustment pertaining to the decision on a Special use permit request must be taken to the Superior Court per G.S. 160D-1402.

**3315. Specific Standards for Identified Special Uses.**

**3316. Approval Procedures for Group Housing Project Requiring a Special Use Permit**

- .1 A preliminary plan containing the following information shall be submitted for review and recommendation:
  - 1) Name of development;
  - 2) Name of owner and/or developer;
  - 3) Name of land planner, architect , engineer, surveyor;
  - 4) Scale of map not greater than one inch = 100 feet;

- 5) Date of plan;
  - 6) Vicinity map;
  - 7) Dimensions and bearings of exterior property lines and total acreage;
  - 8) Land contours or topographic survey;
  - 9) Access roads and roads within project;
  - 10) Water drainage plans;
  - 11) Location and dimensions of proposed and existing buildings;
  - 12) Recreation and open space;
  - 13) Method of surfacing roads and parking area;
  - 14) Electrical system for project area;
  - 15) Water source and distribution system;
  - 16) Sewage disposal system;
  - 17) Environmentally sensitive areas on site;
  - 18) Adjoining property owners;
  - 19) Graphic scale with north arrow;
  - 20) Type of group housing units;
  - 21) Number of one, two, three and four bedroom units;
  - 22) Maximum project area covered by group housing project;
  - 23) Parking area and number of parking spaces;
  - 24) Flood zone data;
  - 25) Any drafts of necessary documents (Homeowner's Association documents, etc.)
- .2 If the Special use permit is granted, the applicant may apply for a building permit to construct the group housing project. The building permit may be issued for a phase of the project or the entire project.
- .3 After all specifications of the Preliminary plan have been satisfactorily completed, the Final plat must be submitted to the Zoning Enforcement Officer for final approval. No Certificates of Occupancy shall be issued until the project receives final approval from the Zoning Enforcement Officer.

### **3317. Requirements for Mobile Home Parks and Travel Trailer Parks as a Special Use.**

**3317.1** All proposed mobile home parks and travel trailer parks shall be required to meet the standards of the "Peletier Mobile Home, Mobile Home Park and Travel Trailer (Camper) Park Ordinance".

**3317.2** Approval Procedure for Mobile Home Parks and Travel Trailer Parks:

- 1) A preliminary plan shall be submitted for review and recommendation.
- 2) The Preliminary plat shall then be submitted to the Zoning Board of Adjustment for a Special use permit.
- 3) Once the Special use permit is granted and the Zoning Board of Adjustment preliminary approval, the applicant may then apply for a building permit to construct the park.

- 5) After all specifications of the preliminary plan have been satisfactorily completed, the Final plat must be submitted to the Zoning Enforcement Officer for final approval. No Certificate of Occupancy shall be issued until the project receives final approval from the Zoning Enforcement Officer

### **3318. Requirements for Marinas as a Conditional Use.**

**3318.1** In the event the Board of Adjustment approves a commercial marina as a Special use, the conditions, restrictions, area requirements and design standards in Section 3117 shall be adhered to in addition to any other applicable sections of the ordinance.

**3318.2 Marinas as Accessory Uses in Residential Developments.** Marinas, as an accessory use to a residential development and approved as part of the development area are permitted in all residential districts subject to the following limitations:

- .01 Boat slips, piers and bulkheads are permitted, however, no commercial activities shall be permitted. Marinas may include any pump out facilities required by water quality or other state or federal regulations.
- .02 A club house or similar facility which normally be included in a residential development may be included with the marina facilities.
- .03 Residential developments in which marinas are allowed as accessory uses must receive preliminary approval from the Planning Board and, when appropriate, the Town Commissioners prior to issuance of any county permits for the construction of the marina.
- .04 Drystackes shall not be permitted in residential development marinas.
- .05 Signs callings attention to the marina other than those for vehicular directional purposes located within the development are not permitted.
- .06 The number of slips may not exceed 100% of the number of units in the residential development. Each slip over and above the number of units in the residential development must be provided with tow parking spaces in a specifically designed area.

### **3318.3 Approval Procedure for Marinas.**

- .01 A preliminary plan containing the following information shall be submitted to the Zoning Enforcement Officer, along with any other documentation requested by Town Board of Commissioners:
  - 1) Name of marina;
  - 2) Name of owner/developer;
  - 3) Name of land planner, architect, engineer, surveyor;
  - 4) Date of plan;
  - 5) Vicinity map;
  - 6) Location and size of any marinas within 1000 feet of the proposed project;
  - 7) Dimensions and bearings of exterior property lines and total acreage;

- 8) Land contours or topographic survey;
- 9) Access roads and roads within the project;
- 10) Water drainage plans;
- 11) Location and dimensions of proposed and existing buildings;
- 12) Method of surfacing roads and parking areas;
- 13) Electrical system for project area;
- 14) Water source and distribution system;
- 15) Sewage disposal system;
- 16) Environmentally sensitive areas on site;
- 17) Adjoining property owners;
- 18) Adjoining property uses;
- 19) Graphic scale with north arrow;
- 20) Maximum project area coverage;
- 21) Parking area and number of parking spaces;
- 22) Flood zone data;
- 23) Any other documentation required by Town Board.

**3318.4** Reserved.

**3318.5** The developer shall apply for a Special use permit from the Zoning Board of Adjustment prior to issuance of the Coastal Area Management Act Permit.

**3319. Requirements for Drystack as a Special Use.**

**3319.1** In the event the Board of Adjustment approves a drystack as a Special use, the conditions, restrictions, area requirements and design standards in Section 3118 shall be adhered to in addition to any other applicable sections of the ordinance. In no case shall a Special use permit be issued for a drystack on a parcel zoned IW which is not adjacent to surface waters.

**3319.2 Approval Procedure for Drystacks.**

- 1) A preliminary plan containing the following information shall be submitted for review and recommendation.
- 2) Name of Drystack;
- 3) Name of Owner/Developer;
- 4) Name of land planner, architect, engineer, surveyor;
- 5) Date of plan;
- 6) Vicinity map;
- 7) Location and size of any marinas and/or drystacks within 1000 feet of the proposed project.
- 8) Dimensions and bearings of exterior property lines and total acreage;
- 9) Land contours or topographic survey;
- 10) Access roads and roads within the project;
- 11) Water drainage plans;
- 12) Location and dimensions of proposed and existing buildings;
- 13) Method of surfacing roads and parking areas;
- 14) Electrical system for project area;

- 15) Water source and distribution system;
- 16) Sewage disposal system;
- 17) Environmentally sensitive areas on site;
- 18) Adjoining property owners;
- 19) Adjoining property uses;
- 20) Graphic scale with north arrow;
- 21) Maximum project area coverage;
- 22) Parking area and number of parking spaces;
- 23) Flood zone data;
- 24) Any other documentation requested by the Town Board.

**3319.3** The developer shall apply for a Special use permit from the Zoning Board of Adjustment, prior to issuance of the Coastal Area Management Act permit.

**3320. Reserved**

**3321. Special Uses in the Port Industrial District (P-I).**

The Port Industrial District (P-I) is established as a district to provide and protect areas for port-related industrial purposes and uses which are dependent to some degree on nearby water or need access to nearby harbors or bodies of water. Due to the uniqueness of this District, all Special uses shall be required to obtain a MAJOR Special use permit.

**3321.1** Prior to granting a MAJOR Special use permit in the P-I District, the Town Board of Commissioners must make the following findings:

- .1 That the Special use will not materially endanger the public health, public safety, adjacent water and air resources or environment if located where proposed and developed according to the plan as submitted and approved;
- .2 That the Special use meets all the requirements, conditions and specifications of this ordinance;
- .3 that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
- .4 that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development;
- .5 That either adequate water, sewer and safety equipment and facilities are either present or are proposed and will be constructed to adequately provide for and protect the adjoining areas;
- .6 That adequate public or private transportation means and facilities are present at or near the site or are proposed and will be carried out by or on behalf of the applicant to serve the site and the activities and uses on the site so as not to endanger the safety or unduly

disrupt the normal activities of nearby property owners or the citizens of nearby communities through which the transportation system must pass;

- .7 that the proposed use would not have a substantial adverse environmental impact on water and air resources.

**3321.2** The following time limits shall be attached to the MAJOR Special use permit in addition to any conditions the Town Board of Commissioners deem necessary:

All work shall be completed within a specified time not more than five (5) years from the approval date. Unless all work pursuant to the permit is completed within the specified time period, the permit shall be void and of no effect; provided, however, that the permit may be renewed for periods of one (1) year as deemed reasonable and appropriate by the Town Board of Commissioners.

**3321.3** Application Requirements. The applicant for a MAJOR Special use permit within the P-I District shall provide the following documentation at the time of application:

- 1) Ten (10) copies of the final site plan shall accompany every application and shall show or contain the following information:
- 2) A location map with the scale not less than one (1) inch equals 1,000 feet showing the location of the proposed site in relation to the surrounding area within a one (1) mile radius;
- 3) Names and addresses of the owners of the property, the developer, if applicable, and the operator or leasee of the site, if applicable, and the registered surveyor, engineer or architect who designed the site plan and facilities;
- 4) Date, scale and approximate north arrow;
- 5) The boundary line of the tract with accurate linear and angular dimensions drawn to scale and the area of the site in square feet or acres;
- 6) Location of all structures, buildings and improvements to be carried out on the site;
- 7) Proposed and existing contours with a vertical interval of five (5) feet or less and the elevation of existing streets, roads drives, walks, railroad tracks, curves, catch basins, etc.
- 8) Name, location and dimensions of all existing or proposed roads to serve the site, and the location and dimensions of all alleys, driveways, entrances exits and walkways;
- 9) The name, location and dimensions of all railroad rights-of-way and other public transportation facilities to serve the site;
- 10) General landscape plan showing the location, name and size of all plant materials to be used on the project, and plans of landscape features such as screens, fences, etc.;
- 11) Plans of proposed utility layouts (sewer lines, septic tanks, septic tanks drain fields, and water lines) showing connections to existing or proposed utility systems;

- 12) A detailed plan for all gas and electrical installations and equipment prepared to meet the National Fire and Electrical Codes and all other codes or ordinances governing the type and manner of such equipment and installations.
- 13) The location and dimensions of all docks, wharves or other storage areas within the site;
- 14) A complete and comprehensive narrative detailing the plans of the applicant and all proposed uses and purposes of the site and facilities located thereon;
- 15) The name and location of other sites and facilities similar in purpose and nature to the site and facility being proposed by the applicant or others either within the State of North Carolina or in the United States;
- 16) When deemed necessary by either the Planning Board or the Town Board of Commissioners, certification by a registered engineer or similar professional experienced in his field may be required to insure the prevention of explosive hazards and pollution of adjoining waters or lands as a result of chemical, petroleum or other products to be placed on the site.
- 17) Complete and detailed plans and documentation from either a county or state agency having regulatory authority over the applicant concerning the availability of an adequate supply of water on the premises, and providing information regarding the excess capacity of water distribution facilities on or near the property, the plans for increasing capacity, or a report prepared by a registered professional engineer providing data on the excess capacity of an underground aquifer;
- 18) Documentation from the North Carolina Department of Transportation stating that a conference has been held with the applicant and providing information regarding the capacity of roads serving the property, including access roads and nearby thoroughfares, the plans for increasing capacity on existing roads, plans for new roads in the area, and stating that the road system of the applicant as proposed will adequately provide the transportation needs of the applicant and the County;
- 19) Detailed plans regarding the applicant's needs for fire protection and any and all equipment or improvements the applicant proposes to construct on the site for fire protection and fire prevention;
- 20) Documentation from either the County Fire Marshal's office or the North Carolina Department of Insurance, as appropriate, outlining the fire protection and fire prevention needs of the applicant and its activities and listing any additional equipment or improvements that will be required to be furnished either by the applicant or by public fire departments serving the area;
- 21) A written and detailed statement from the applicant indicating how he proposes to overcome deficiencies in existing public facilities serving the site, if such exist, and how the proposed development of the additional public facilities needed will be phased in;

- 22) A written and detailed statement from the applicant outline the transportation needs of the applicant for the delivery of inventory, cargo, supplies or equipment to the site, and the shipment of cargo, inventory, products or materials from the site to its intended destination. The statement shall also include the frequency of deliveries or shipments to and from the site and the routes, methods and means of such shipments to and from the sites of all inventories, products and materials going to and from the site.
- 23) If deemed necessary by either the Planning Board or the Town Board of Commissioners, certification from a registered professional consultant to the effect that the transportation facilities serving or to serve the site are adequate and safe and will not unduly interrupt or interfere with the normal daily activities of nearby property owners and businesses and the citizens and residents of nearby communities through which the transportation system proposed to serve the site passes;
- 24) If the transportation facilities proposed to serve the site are inadequate, a detailed and concrete proposal of the applicant as to how and when the transportation facilities will be upgraded and improved so that the same area adequate for the site, nearby property owners, and nearby communities through which the transportation facilities pass;
- 25) A detailed list of all local, state and federal permits needed by the applicant in order to construct and operate the facility, and a status report on the permit process being undertaken by the applicant for each needed permit;
- 26) With regard to all local, state and federal permits needed by the applicant, documentation from each agency indicating that all required permits have been applied for;
- 27) If deemed necessary by either the Planning Board or the Town Board of Commissioners, a detailed analysis of all possible adverse environmental impacts on nearby water and air resources which could result from the activities proposed for the site, and all proposals of the applicant to minimize possible adverse environmental impacts;
- 28) A detailed statement of the economic impact the proposed use would have in Peletier and the adjoining areas;
- 29) Any other documentation, studies or data deemed necessary by either the Planning Board or the Town Board of Commissioners in order to adequately consider and act upon the Special use permit application.

### **3322. Cellular Towers:**

#### **A. Purpose and Intent.**

The purpose of this Wireless Telecommunications Ordinance is to ensure that development of wireless telecommunication facilities within the Town of Peletier is done in such a manner as to reduce the overall potential negative secondary impact to local residents and businesses owners from the development of such facilities and to ensure



that the aesthetic character of the community is protected while allowing for the reasonable development of telecommunication facilities within the community.

The Telecommunications Act of 1996 preserved, with certain limitations, local government's ability to establish reasonable land use and zoning regulations governing the placement, construction and modification of wireless telecommunications facilities.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable local, state, and federal laws, and is consistent with the Town of Peletier's land use policies, the Town is adopting a single, comprehensive, wireless telecommunications ordinance.

This Ordinance establishes parameters for the location/development of Wireless Telecommunications Facilities and in enacting this ordinance it is Town's intent to:

- (1) Encourage the use of existing Monopoles, Towers and other structures for the collocation of Wireless Telecommunications Facilities;
- (2) Encourage the location of new Monopoles and Towers in non- residential areas or in areas where the overall impact on local residents and the local landscaped is minimal;
- (3) Minimize the number of new Monopoles and Towers constructed within the community;
- (4) Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping and construction practices; and
- (5) Ensure public health, safety, welfare, and convenience;

**B. Applicability.**

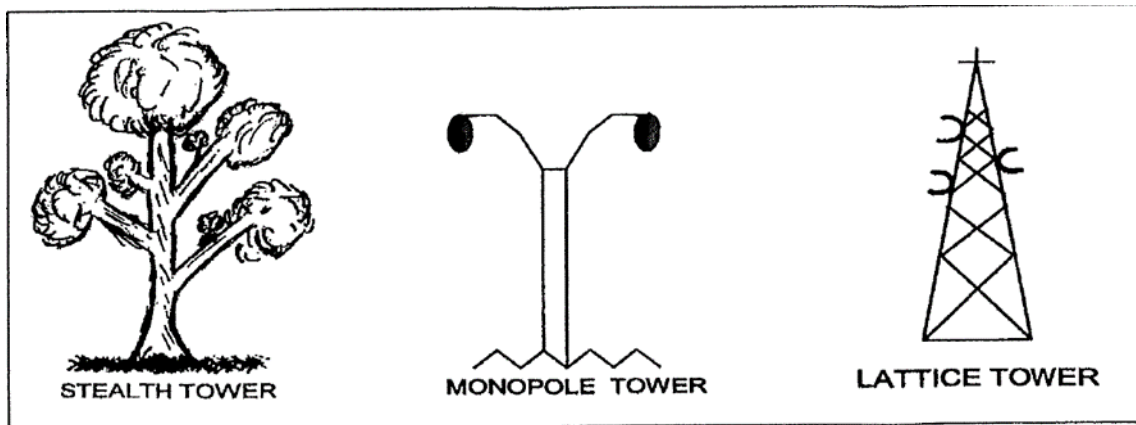
This section shall apply to all telecommunication towers locating within the planning and development regulation jurisdiction of the Town of Peletier after the effective date of passage of this Ordinance.

**C. General Provisions.**

- (A) Telecommunication Towers shall only be permitted as a Special use within the I-W and LIW zoning districts.
- (B) The Town of Peletier shall allow for the location of cellular antenna on existing government buildings and similar structures (i.e. water towers) with the issuance of a Special permit.
- (C) No telecommunication tower located within the Town of Peletier shall exceed one hundred ninety-nine (199) feet in height. This height limitation includes all antenna and support apparatus developed or located on the telecommunication

tower. Height shall be measured from the base of the tower at grade level to the highest protrusion from the tower structure.

- (D) Guy Wire Towers are specifically forbidden from development within the Town of Peletier,
- (E) The Town of Peletier shall only permit the following types of telecommunications towers within the Planning and Development Regulation jurisdiction of the Town:
  - (1) A stealth tower, as defined above and that is camouflaged in such a manner as to make the tower similar in appearance to nearby natural or manmade features such as trees or buildings.
  - (2) A monopole tower, as defined above and that is a single pole attached to the ground or a structure on which may be mounted one or more telecommunications antennas.
  - (3) A lattice tower, as defined above and consists of interconnected members and may be attached to the ground or a structure at one or more points.
  - (4) The following are illustrations of each type of tower.



- (F) There shall not be more than one (1) telecommunications tower on anyone (1) lot or parcel of land.
- (G) All towers located within the Town of Peletier shall be designed and engineered to collapse on themselves, or self-collapse, so that the tower structure shall remain on the property where the tower is located.
- (H) Exempt. Ordinary Maintenance of existing Telecommunications Facilities and Telecommunication Facility Support Structures as defined herein, shall be exempt from zoning and permitting requirements.
- (I) The following facilities are not subject to the provisions of this Ordinance:
  - (1) Antennas used by residential households solely for broadcast radio and television reception as approved by the Town of Peletier;

- (2) Satellite antennas used solely for residential or household purposes as approved by the Town of Peletier;
- (3) COW's, as defined within this Section, placed for a period of not more than sixty (60) days at any location within the Town of Peletier or after a declaration of an emergency or a disaster by the Governor or by the responsible official of the Town of Peletier; and
- (4) Television and AM/FM Radio broadcast towers and associated facilities as approved by the Town of Peletier.

**D. Co-location requirements/restrictions.**

- (A) Individuals seeking to co-locate an antenna on an existing telecommunications tower shall be required to request a Special use permit from the Town of Peletier.
- (B) Any person erecting or causing to be erected any telecommunications tower shall ensure that the tower as constructed bears at least five (5) co-location sites more than those used by the owner, and by his or her submission of an application for a special use permit for a telecommunications tower, agrees to allow co-location of at least five (5) antenna/transmitter combinations in addition to those used by the owner.
- (C) No new telecommunications towers shall be permitted until all co-locator sites on existing towers are filled unless the applicant for such new tower can demonstrate that such applicant cannot reasonably use any existing co-location site.
- (D) No commercial signage or other commercial messages may be displayed from a telecommunications tower. No lighting of any kind, except that required by Federal law or regulations maybe displayed on a telecommunications tower.

**E. Power Output.**

Upon the addition of any co-located antenna, the owner of such co-located antenna shall provide satisfactory written documentation that the addition of such co-located antenna, cumulatively with all other antennas located on the same tower does not except Federally approved levels for exposure to electromagnetic radiation.

**F. Standards.**

The development of a telecommunications tower within the Town of Peletier shall adhere to the following general design standards and requirements:

- (1) Regardless of the zoning district dimensional requirements, all telecommunication towers shall be located on a parcel of property within a minimum lot size of one half(½) acre with a minimum road frontage of one hundred (100) feet. No Variances shall be allowed from this provision.

- (2) The Tower shall be located in such a manner that if there is a catastrophic failure of the super-structure that the tower shall remain entirely on the property in the event of a collapse. All telecommunication towers shall be required to observe the following minimum setback requirement: one (1) foot of separation from all property lines for every two (2) feet of tower height.
- (3) The perimeter of the property shall be buffered or landscaped in accordance with the provisions of this ordinance.
- (4) A ten (10) foot high protective barrier shall be required around the base of the tower. The barrier shall be masonry wall, chain link fence, solid wood fence, or opaque barrier.
- (5) All accessory structures necessary to house electrical equipment necessary to guarantee the operation of the tower shall be setback a minimum of forty (40) feet from all property lines.
- (6) The tower shall be lighted to satisfy the Federal Aviation Administration requirements and documentation signifying compliance with these regulations shall be required at the permitting process phase.
- (7) All advertising signage is prohibited.
- (8) Separation of at least ½ mile from any other Tower, and a five hundred (500) foot setback from any existing residence or residential district.

**G. Submission requirements.**

In accordance with the submission requirements for special use permits as outlined within this ordinance, any one proposing the development of a telecommunication tower shall be required to submit the following documentation to the Town of Peletier:

- (1) Identification of intended user of tower
- (2) Documentation by registered engineer that the tower has sufficient structural integrity to accommodate more than one (1) user.
- (3) Statement from the owner that his intent is to allow for shared use of the tower and how others will be, accommodated.
- (4) Documentation by registered engineer that the tower has been designed to collapse upon itself and will not extend past the property lines in the event of a catastrophic tower failure.
- (5) Documentation from a registered engineer that the proposed tower complies with all applicable Federal Aviation Administration and Federal Communications Commission requirements and regulations.
- (6) Documentation from a registered engineer that the proposed tower complies with all applicable Federal Radio Frequency Emissions Standards.

- (7) Documentation from a registered engineer denoting all proposed lighting for the tower structure. This document must also demonstrate that the lighting is compliant with all applicable Federal Aviation Administration requirements.
- (8) Sufficient documentation certifying that the proposed tower complies with the Telecommunications Act of 1996.
- (9) The applicant shall provide information to the Town ensuring that adequate insurance coverage has been, or will be, obtained to cover any potential damage by, or to, the tower.
- (10) A detailed buffering/landscaping plan.
- (11) A detailed site plan denoting the location of the proposed tower and its distance from all property lines, the intended fall zone for the tower structure, the location for all necessary accessory structures and their distance from all property lines, the location of access roads and driveways, and the proposed method for erecting a barrier around the tower structure.
- (12) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application.
- (13) Written description and scaled drawings of the proposed Telecommunications Facility Support Structure, including structure height, ground and structure design, and proposed materials.
- (14) Number and type of Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure.
- (15) Propagation maps and a statement detailing the service area to be covered.
- (16) Documentation that no suitable existing facilities within coverage area are available to applicant. Such documentation shall include a list of all sites (both new tower locations and existing structures) considered as alternatives to the proposed location. The applicant must provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons.
- (17) A color-drawing or sample of the materials to be used on the Monopole, Towers, Antennas, and Accessory Equipment.
- (18) Property owners list, including the name, address, and tax parcel information for each parcel entitled to notification of the application.

**H. Miscellaneous Provisions.**

- (A) Safety.

- (1) Ground mounted Accessory Equipment and Telecommunications Facility Support Structures shall be secured and enclosed with fence not less than ten (10) feet in height.
- (2) Access roads shall be designed for functionality and safety, with consideration given to drainage, parking, access and other relevant factors.

## **I. Removal of Telecommunications Facilities**

- (A) Notwithstanding the provisions of this ordinance, the Board of Commissioners may, upon ten (10) days written notice to the holder of a special use permit that it is considering such action, conduct a hearing to determine whether the health, safety, and welfare interests of the town warrant and require the removal of telecommunications facilities in any of the following circumstances:
  - (1) Telecommunications facilities with a permit have been abandoned (i.e., not used as telecommunications facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred eighty (180) days in any three hundred sixty-five (365) day period, except for periods caused by forces of nature or Acts of God, in which case, repair or removal shall commence within ninety (90) days;
  - (2) Permitted telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
  - (3) Telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required special use permit, or any other necessary authorization.
- (B) If the Board makes a determination as noted in Section (A) above, then the Board shall notify the holder of the special use permit for the telecommunications facilities that said telecommunications facilities are to be removed. The Board may approve an interim temporary use agreement/permit, for the purpose of allowing the sale of the telecommunications facilities, or such other purpose as the Board deems appropriate.
- (C) The holder of the special use permit, or its successors or assigns, shall dismantle and remove such telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Board. However, if the owner of the property upon which the telecommunications facilities are located wishes to retain any access roadway to the telecommunications facilities, the owner may do so with the approval of the Board.

- (D) If telecommunications facilities are not removed or substantial progress has not been made to remove the telecommunications facilities within ninety (90) days after the permit holder has received notice, then the Board may order officials or representatives of the Town to remove the telecommunications facilities at the sole expense of the owner or special use permit holder and the bond posted pursuant to section 20-7, shall be subject to forfeiture to the Town.
- (E) If the Town removes or causes to be removed, telecommunications facilities, and the owner of the telecommunication facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the Town may take steps to declare the telecommunications facilities abandoned, and sell them and their components.
- (F) Notwithstanding anything in this section to the contrary, the Board may approve a temporary use permit/agreement for the telecommunications facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or relocation of the affected telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the Board, and an agreement to such plan shall be executed by the holder of the special use permit and the Town. If such a plan is not developed, approved, and executed within the ninety (90) day time period, then the city may take possession of and dispose of the affected telecommunications facilities in the manner provided in this section.

**J. Non-conforming telecommunications facilities.**

- (A) Telecommunications Facilities and Telecommunications Facility Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use and shall be subject to the provisions outlined below:
  - (1) Ordinary Maintenance may be performed on Nonconforming Antennas, Accessory Equipment, and Tower structure to ensure the public's health, safety, and general welfare.
  - (2) Collocation of Telecommunications Facilities on an existing non-conforming structure is permitted upon granting of special permit by the Town of Peletier provided that the addition of the Antenna and Accessory Equipment do not intensify the non-conforming characteristic of the Support Structure. All new antenna and accessory facilities are required to adhere to the standards contained within this ordinance including, but not limited to, height and setback limitations.
- (B) If an existing telecommunication tower is deemed to be structurally unstable, the Town of Peletier shall review the condemnation of the tower structure. In such

cases, upon the removal of such structure, no tower can be erected on the property except in compliance with this ordinance.

### **3323. Sexually Oriented Businesses/Adult Establishments**

#### **Purpose.**

- (a) It is the purpose of this article to regulate sexually oriented businesses in order to protect public health, safety, and welfare of citizens and visitors and to establish reasonable and uniform regulations to prevent the deleterious location of sexually oriented businesses within the Town. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.
- (b) Rationale. The following regulations were designed to address two (2) very distinct issues. One (1), the town wants to minimize the potential secondary impacts of sexually oriented businesses on those identified sensitive uses, i.e. residential districts, schools, churches, day care centers, etc. Two (2), the town wants to provide an area where people can exercise their First Amendment right to expression without infringing on other peoples' rights. By allowing these uses, the Town of Peletier has had to balance its constitutional obligations with the need to guarantee our local economy and quality of life is not impeded.

#### **Definitions.**

*Adult arcade.* Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

*Adult bookstore:* A bookstore:

- (1) Which receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or
- (2) Having as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.



*Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment that for at least ten (10) percent of its business hours in any day features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

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

*Adult escort agency.* A person or business that furnishes, offers to furnish, or advertises to furnish adult escorts as one (1) of its business purposes for a fee, tip, or other consideration.

*Adult live entertainment.* Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

*Adult live entertainment business.* Any establishment or business wherein adult live entertainment is shown for observation by patrons.

*Adult media center.* Adult media center includes, but is not limited to, an adult bookstore, and an adult video store and means any place:

- (1) Which receives more than fifty (50) percent of its gross income during any calendar month from the sale, rental, or both of books, periodicals, magazines, video-tapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging media which are distinguished or characterized by their emphasis on matter depicting, describing, or presenting specified anatomical areas as defined in NCGS § 14-202.10(10), or specified sexual activities as defined in NCGS § 14-202.10(11), or sexually oriented devices as defined in NCGS § 14-202.10(9), or any combination thereof; or
- (2) Having more than twenty-five (25) percent of its merchandise inventory consisting of books, periodicals, magazines, video-tapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging media which are distinguished or characterized by their emphasis on matter depicting, describing, or presenting specified anatomical areas as defined in NCGS § 14-202.10(10), or specified sexual activities as defined in NCGS § 14-202.10(11), or sexually oriented devices as defined in NCGS § 14-202.10(9), or any combination thereof.

A commercial establishment may have other business purposes on the same building site that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult media center. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult media center so long as one (1) of its business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

*Adult merchandise.* Any product dealing in or with explicitly sexual material as characterized by matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

*Adult mini motion picture theater.* An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

*Adult motel.* A hotel, motel or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public rights-of- way that advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than twelve (12) hours.

*Adult motion picture theater.* An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. "Adult motion picture theater" does not include any adult mini motion picture theater as defined in this section.

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

*Adult video store.* A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video tapes or cassettes, video reproductions, CD-ROMs, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or any combination thereof

*Bottomless.* A state of nudity or semi-nudity where a person exposes to view a human bare buttock, anus, male genitals, or female genitals.

*Employee of a sexually oriented business.* A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

*Lap.* The area between a person's knees and his or her waist.

*Nude model studio.* Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. There is excepted from this definition any studio which is part of a school for artists who are regularly enrolled in a course of instruction in the arts, and in which the use of nude models involves less than ten (10) percent of the course hours.

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

*Non-adult use businesses.* Any business or establishment not defined as a sexually oriented business in this section and in section 22-153, definitions and specific terms, of the zoning ordinance. Non-adult use businesses shall not display or merchandise adult, sexually oriented implements and paraphernalia, including but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.

*Patron.* Any person who is physically present on the premises of a sexually oriented business and who is not an owner, employee, agent, subcontractor, or independent contractor of said business, or any entertainer or performer at said business.

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

*Sexually oriented business.* A business which offers its customers or patrons any device, activity or demonstration depicting specified sexual activities, or which is intended to appeal to sexual

interests, titillation or arousal of the customer or patron. A sexually oriented business shall include an adult establishment as defined in NCGS § 14-202.10(2) and, in addition, without limitation: adult arcade, adult bookstore, adult video store, adult cabaret, adult media center, adult live entertainment business, adult motel, adult motion picture theater, adult mini motion picture theater, adult theater, adult escort agency, and nude model studio.

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

*Sexually oriented devices.* Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely \_and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

*Touch or touching.* Any form of intentional, physical, bodily contact, whether exposed or clothed parts of either body are involved.

Licensing of sexually oriented businesses.

The following license provisions and regulations are ordained for the purpose of operating asexually oriented business:

- (a) No person shall operate a sexually oriented business unless such person has received a sexually oriented business license as provided by this section.
- (b) Every application for a sexually oriented business license prescribed herein shall be upon a form approved by the town and shall be filed with the town clerk. An application shall be made under oath and shall contain the following information:
  - (1) If the applicant is a person, the name and residence address of such person including any aliases or other names by which the applicant is known or which the applicant has used at any time; the residence and address for the past two (2)

years, the business and home telephone numbers, occupation, date and place of birth, social security number, driver's license number, and a recent photograph of the applicant. If the applicant is a partnership, corporation, association, or other entity the same information is a requirement for all corporate officers, directors, and any individuals having a ten (10) percent or greater interest in the corporation, partnership, association, or other entity.

- (2) The address of the premises where the proposed sexually oriented business is proposed to be located;
- (3) A complete statement of all convictions of any person whose name is required to be given in subsection (b)(1) for any sexually related crime; prostitution or any violation of any law relative to prostitution; or of any crime involving sexual misconduct as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in Article 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of the United States, this or of any other state;
- (4) A complete statement of any denial and/or revocation of any license, including the grounds and reasons theretofore, to operate a sexually oriented business by any governmental unit listed by name and address of any person whose name is required to be given in subsection (b)(1) for the five (5) years preceding the date of the filing of this application;
- (5) A complete statement of any conviction for violation of any statute, law, ordinance or regulation concerning the operation of a sexually oriented business by any governmental unit listed by name and address of any person whose name is required to be given in subsection (b)(1) for the five (5) years preceding the date of the filing of this application;
- (6) A description of any other business proposed to be operated on the same premises or on adjoining premises owned or controlled by the applicant or any other person or entity listed in (b)(1) above.
- (7) All applicants, and any individual listed in (b)(1) above, shall submit to fingerprinting by the Carteret County Sheriff's Department. The fingerprint cards shall be submitted to the S.B.I for processing. Returned fingerprint cards and any criminal histories shall be kept on file in the Town of Peletier.
- (8) A site plan showing the floor layout, customer area, and location of the structure to be used as a sexually oriented business on the property in accordance with all the requirements outlined in this article.
- (9) A current certificate and straight-line drawing prepared by a registered land surveyor depicting the property lines and the structure containing the proposed sexually oriented business and its distance from existing land uses to include, but

not be limited to: residential zoning districts, other sexually oriented business, churches or any structure or building being used as a church or religious facility, libraries, schools, state licensed child day care centers, public playgrounds, public swimming pools, public parks, and any outdoor recreational use.

- (10) A statement signed under oath that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, the applicant consents to the investigation of his/her background by the Town of Peletier to verify the information provided, and that the applicant has read and understands the provisions of this article regulating sexually oriented businesses.
  
- (c) In addition to the above requirements, every licensed sexually oriented business shall maintain a current list of all employees employed by the licensee showing: the legal name, current stage name, current address, current phone number, date of birth, and current driver's license number. In addition the licensee of a sexually oriented business shall maintain a record updated at least every six (6) months of the height, weight, hair and eye color, scars, tattoos and a passport quality photograph of each employee.
  
- (d) The records required by this section shall be kept available and open for inspection by the police department at any time, or the state or county health departments, or by the director of planning and development or his authorized representative at any time the sexually oriented business is open for business.

**Issuance of license.**

- (a) The town clerk shall transmit a copy of the completed application, containing all the required information outlined in this section to the planning department and the Planning Board to determine compliance with all zoning, building regulations, and ordinances.
  
- (b) The planning department and Planning Board shall, within a reasonable time not to exceed forty-five (45) working days, report the results of their examinations to the town clerk.
  
- (c) If the planning department and Planning Board does not respond within forty-five (45) working days to the town clerk then the application and special use permit is to be deemed to meet the approval of the Zoning Enforcement Officer.
  
- (d) A completed application accompanied by all required information outlined in this section and all reports and recommendations as outlined in this section, shall be submitted to the town clerk and placed on the agenda of the next regularly scheduled board of commissioners meeting.
  
- (e) Upon the receipt of said application for a sexually oriented business license, the board of commissioners shall review the special use application, the site plan, and the sexually

oriented business license application and approve the issuance of the license if the board determines that:

- (1) The application contains no misstatement of fact;
  - (2) The applicant, or any person or entity having any legal or beneficial ownership interest in the application, has not been convicted of a sexually related crime, prostitution or a violation of any law relative to prostitution, crime involving sexual misconduct as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of the offenses enumerated in Articles 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of the United States, this or any other state.
  - (3) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes.
  - (4) The applicant or any person, corporation, partnership, association or other entity having a legal or beneficial ownership interest in the applicant has not, for the five-year period preceding the application, had a previously issued license for engaging in any sexually oriented business that has been suspended or revoked anywhere.
- (g) If the board of commissioners has not approved or denied the sexually oriented business application within thirty (30) days from receiving the completed application and special use application, the license shall be deemed granted.

**Annual business license.**

- (a) A license granted pursuant to this section shall be subject to annual review upon the written application of the applicant and a finding by the town that the applicant has not been convicted of any specified criminal activity as defined within this article or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in this article.
- (b) The license required under this article is annual and shall be valid for a period of twelve (12) months as outlined the Town Code. Such license fees shall be due and payable in the same manner as prescribed for other privilege licenses issued by the town.
- (c) Application for renewal of a business license shall be made at least thirty (30) days before the expiration date to the town tax collector. When made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.
- (d) Any violation of the licensing provisions in this article will result in the denial of the renewal application.

- (e) All licenses shall be issued for a business conducted at a specific location and all fees shall be nonrefundable and shall be nontransferable to any person, partnership, corporation, association, or other entity.

**Fees.**

Every application for a sexually oriented businesses license, whether for a new license or for renewal of an existing license, shall be accompanied by a nonrefundable application and investigation fee as enumerated in the consolidated fee schedule.

Sexually oriented businesses shall be required to pay all applicable businesses and privilege license fees.

**Inspection of a sexually oriented business.**

An applicant or licensee shall permit representatives of the Carteret County Police Department, Fire Department, Town of Peletier Zoning Enforcement Officer or other town departments or agencies, or the Carteret County Health Department to inspect the premises of any sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business. Failure or refusal by any person to permit a lawful inspection of the premises during regular business hours shall be punishable in accordance with Town code and in addition may result in the revocation of the privilege license.

**Denial or revocation of license.**

- (a) Before the board of commissioners revokes a license issued pursuant to this article, or if the board of commissioners determines reasonable grounds exist to deny an application for a license pursuant to this article, the board of commissioners shall cause a written notice to be sent by certified mail to the licensee or applicant affected, at the address stated in the license or application. The notice shall advise the affected party of a right to appear before the board of commissioners, with or without legal counsel, at a stated time and place for the purpose of presenting any evidence relevant to such revocation or denial and for the purpose of hearing all evidence submitted and examining or cross-examining any person providing such evidence.
- (b) A license issued pursuant to this section shall be revoked by action of the board of commissioners if the board of commissioners determines that:
  - (1) The licensee has violated any provision of this article;
  - (2) The licensee, or the legal or beneficial owner of any interest in the licensee is convicted of any felony; prostitution or any violation of any law relative to prostitution; crime involving sexual misconduct; as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in Articles 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of any other state.



- (3) Any employee or contract personnel of the licensee is convicted of any felony; prostitution or any violation of any law relative to prostitution; crime involving sexual misconduct; or any offense against public morality and decency as codified in the laws of the United States, this or any other state, including, but not limited to convictions of violations of any of the offenses enumerated in Articles 26, 26A and 27 of Chapter 14 of the North Carolina General Statutes, or the same offenses as codified in the laws of any other state, which arises out of, or in the course of the business of the licensee.
- (4) The licensee has knowingly, willingly, or intentionally operated a sexually oriented business during a period of time when the licensee's license was suspended for any reason.
- (5) The licensee has knowingly, willingly, or intentionally allowed prostitution on the premises.
- (6) The licensee has knowingly, willingly, or intentionally violated state ABC laws.
- (b) A license issued pursuant to this article is immediately terminated and of no force and effect if the licensee moves or ceases operating a sexually oriented business at the location stated in the application for license pursuant to this section. For the purposes of this article, indicators of the cessation shall include but not be limited to (1) no town water; or (2) no electrical service has been legally provided and consumed for the use in question for a period of three (3) consecutive months.
- (c) When the town revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the town finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.
- (d) After denial of an application, or denial of a renewal of an application or revocation of any license, and all administrative measures have been exhausted, the applicant or licensee may seek immediate judicial review of such board action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

**Location of a sexually oriented business.**

- (a) As specified in the Town of Peletier Zoning Ordinance, a sexually oriented business may not:
  - (1) Locate within five hundred (500) feet in any direction from a residential zoning district.
  - (2) Locate within five hundred (500) feet in any direction from a building in which a sexually oriented business is located.

- (3) Locate within one thousand (1,000) feet in any direction from a building in which a church is located.
  - (4) Locate within one thousand (1,000) feet in any direction from a building in which a library, school, or a state licensed child day care center is located.
  - (5) Locate within one thousand (1,000) feet in any direction from any lot out parcel on which a public playground, public swimming pool, public estuarine access, or public park is located.
- (b) Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building or structure of a use listed above.

#### **Posting of license.**

Every person, corporation, partnership, or association licensed under section 10- 178 hereof shall display such license in a prominent place.

#### **Hours of operation.**

- (a) No sexually oriented business shall be open for business before 8:00 a.m. or after 2:00 a.m. daily, local time.
- (b) No business, nor any owner, agent or employee, licensed under section 10- 178 shall admit customers or prospective customers, or remain open for business, or allow, permit or condone any customer or patron upon the premises of a sexually oriented business before 8:00 a.m. or after 2:00 a.m. daily, local time.

#### **Patronage of a sexually oriented business by minors and employment of minors.**

- (a) No business, nor any owner, agent, or employee, licensed under this article shall allow, permit or condone the patronage of any person under the age of eighteen (18) years upon the licensed premises. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.
- (b) No business, corporation, partnership, association, or other entity licensed pursuant to this article shall employ any person under the age of eighteen (18) years. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.

#### **Regulations pertaining to sexually oriented businesses.**

- (a) A person who operates or causes to be operated a sexually oriented business which exhibits on the premises a film, video cassette, live entertainment, sells adult oriented merchandise including books, magazines, novelty items, computer software, videos, or shows other video reproductions which depicts specified sexual activities shall comply with the following requirements:

- (1) Upon application for asexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place in which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall be required; however, each diagram should be oriented to the north or to some designated street and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal inches.
- (2) No alteration in the configuration of a manager's station may be made without prior approval of the planning and development director or his designee.
- (3) It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times when a patron is inside the premises to ensure that no illegal activity is taking place within the establishment.
- (4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction or surveillance equipment, books, or any items offered for sale. If the premises has two (2) or more manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations, excluding restrooms. The view required in this subsection shall be by direct line of sight from the manager's station.
- (5) It shall be the duty of the owner(s) and operator(s), and it shall be the duty of any agent(s) and employee(s) present in the premises, to ensure that the view area specified in subsection (4) remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as off limits to patrons.
- (6) Sexually oriented businesses shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that this illumination is maintained at all times when any patron is present within the premises.
- (7) Adult motion picture theaters, adult mini motion picture theaters, and adult theaters shall be equipped with overhead lighting fixtures of sufficient intensity to

illuminate every place to which patrons are permitted access. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that this illumination is maintained at all times when any patron is present within the premises.

- (8) Adult motion picture theaters and adult theaters shall be in an enclosed building with no less than one hundred (100) fixed seats. No private viewing rooms or semi-private booths are allowed.
  - (9) An adult mini motion picture theater shall not allow more than one (1) person in a viewing room at any time.
  - (10) No owner or operator shall allow openings of any kind to exist between viewing rooms within an adult mini motion picture theater.
  - (11) The owner or operator of an adult mini motion picture theater shall, during each business day, regularly inspect the walls between the viewing rooms to determine if any openings or holes exist.
  - (12) The owner or operator of an adult mini motion picture theater shall cause all floor coverings in viewing rooms to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  - (13) The owner or operator of an adult mini motion picture theater shall cause all wall and ceiling surfaces in viewing rooms to be constructed of, or permanently covered by, nonporous, easily cleanable material.
- (b) A person having a duty under sections one (1) through thirteen (13) of this section is in violation of this article if he/she knowingly, willfully, or intentionally fails to fulfill that duty.

**Prohibited conduct on premises of sexually oriented businesses.**

- (a) It shall be a violation of this article for any person in a sexually oriented business to appear in a state of full nudity or to depict specified sexual activities.
- (b) No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or patron, shall appear bottomless or in a state of full nudity while on the premises of a sexually oriented business.
- (c) No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or patron, shall perform any specified sexual activities as defined in this article, wear or use any device or covering exposed to view which stimulates or simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities, as defined in this article, or participate in any act of prostitution while on the premises of a sexually oriented business.
- (d) No owner, operator, manager, employee, entertainer or contract personnel, nor any customer or patron, shall knowingly touch, fondle or caress any specified anatomical area

of another person, knowingly permit another person to touch, fondle or caress any specified anatomical area of his or hers, whether such specified anatomical areas are clothed, unclothed, covered or exposed, or sit on or in or otherwise occupy the lap of anyone while on the premises of a sexually oriented business.

- (e) No owner, operator, manager, employee, entertainer or contract personnel shall knowingly or intentionally appear in a semi-nude condition unless the person, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage that is at least two (2) feet from the floor.
- (f) No employee shall solicit any pay or gratuity from any patron or customer while said employee is in a state of semi-nudity while on the premises of a sexually oriented business.
- (g) No private dance, viewing, projection or meeting areas shall be allowed within a sexually oriented business.

**Regulations pertaining to the exterior portions of sexually oriented businesses.**

It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from any point outside the establishment.

**Severability.**

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

## **SECTION 3500. PLANNING BOARD CREATION.**

A planning Board for the Town of Peletier is hereby created under the authority of Chapter 160D of the North Carolina General Statutes.

### **Section 3501. Membership; Terms, Vacancies.**

The Town Planning board shall consist of five (5) permanent residents of the Town appointed by the Town Board of Commissioners. Initial members of the Planning Board shall serve staggered terms, with two of the initial appointments serving a term of three (3) years, two serving a term of two years, and the remaining one serving a term of one (1) year. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of unexpired term. A member of the Planning Board may be removed by a majority vote of the Board of Commissioners for excessive, unexcused absences, conflicts of interest, dereliction of duty, and similar actions.

The planning board shall include members from the town limits and the extraterritorial jurisdiction in a proportion to the populations of the town and the extraterritorial jurisdiction as estimated by the latest decennial census. The planning board shall include at least one member from the Town's extraterritorial jurisdiction.

Per G.S. 160D-309, all members appointed to the planning board under this section shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A- 61.

### **Section 3502. Powers and Duties.**

Per G.S. 160D-103, the Planning Board shall carry out the following powers and duties:

1. Prepare, review, maintain, monitor, and periodically update and recommend to the town board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
2. Facilitate and coordinate citizen engagement and participation in the planning process.
3. Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
4. Advise the town board of commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
5. Exercise any functions in the administration and enforcement of various means for carrying out plans that the town board of commissioners may direct;
6. Provide a quasi-judicial decisions for preliminary subdivision plats and subdivision variances;

7. Perform any other related duties that the town board of commissioners may direct.

**Section 3503. Organizational Rules, Meetings and Records.**

The Planning Board shall meet and elect a Chairman, Vice-Chairman and Secretary, who shall all serve for a term of one year. The Planning Board shall further adopt rules for the transaction of business and shall keep a record of its members' attendance and all resolutions, discussions, findings and recommendations, which records shall be a public record. The Planning Board shall following Robert's Rules of Order in the conduct of its business, and three Planning Board members present at a meeting shall constitute a quorum. The Planning Board shall hold a minimum of one regular meeting monthly which shall be on a designated day of each month, and such other regular meetings of the Planning board as shall be called by the Chairman or upon written request of any two or more members. The Chairman and Secretary shall be responsible for providing the Board Members with a written agenda of all items to be discussed, and all meetings of the Planning Board shall be open to the public. All requests and notification for meetings shall describe and designate the business to be discussed. All minutes of the Planning Board shall show the vote of each member upon every question, or his absence or failure to vote, indicating such vote. Unless excused by the Chairman, the Zoning Enforcement Officer shall be required to attend all meetings of the Planning Board.

**Section 3504. Meanings and Intent of Terms and Phases.**

The intent of this Ordinance is to make the terms and provisions of the Carteret County Zoning Ordinance adopted June 15, 1990, together with the Amendments thereto, applicable to the Town of Peletier and its planning and development regulation jurisdiction is hereafter extended. Accordingly, the terms "Carteret County", "Carteret County Board of Commissioners", "Carteret County Planning Commission", and "Carteret County Planning Department" or "Carteret County Planning Director" are intended to be or refer to as the context may require "The Town of Peletier", "The Peletier Board of Commissioners", "The Peletier Planning Board", and the "Zoning Administrator".