CHOWAN (TOWN OF)

"DRAFT"

ZONING ORDINANCE

OF THE

COUNTY OF CHOWAN, NORTH CAROLINA

North Carolina Coastal Zone Management Program

JUNE, 1984

The preparation of this report was financially aided through a federal grant from the National Oceanic and Atmospheric Administration The grant was made through the North Carolina Department of Natural Resources and Community Development.

Talbert, Cox & Associates, Inc.
Engineers, Architects and Planners

ATLANTA, GA NASHVILLE, TN BLOUNTVILLE, TN RALEIGH, NC CHARLOTTE, NC WILMINGTON, NC COLUMBIA, SC

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DRAFT ZONING ORDINANCE

PREPARED FOR

CHOWAN COUNTY, NORTH CAROLINA

CHOWAN COUNTY BOARD OF COMMISSIONERS
Alton G. Elmore, Chairman
Joe Hollowell
Mrs. Clara Boswell
Mrs. Barbara Ward
C. A. Phillips

PREPARED BY
CHOWAN COUNTY PLANNING BOARD
Tony Webb, Chairman
T. D. Berryman
A. C. Hudson
Mrs. April Lane
Marvin Smith
W. Percy White
Mrs. Mary Nixon

PLANNING ASSISTANCE PROVIDED
BY

T. Dale Holland, AICP — Project Manager
Talbert, Cox & Associates, Inc.

Kenneth Weeden, APA — Project Planner
Talbert, Cox & Associates, Inc.

ZONING ORDINANCE
OF THE
COUNTY OF CHOWAN

TABLE OF CONTENTS

	Page
ARTICLE I. TITLE, ENACTMENT & PURPOSE	1
Section 1.01 - Title and Enactment	1
Section 1.02 - Short Title	1
Section 1.03 - Purpose	1
ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION OF ZONING MAP	1
Section 2.01 - Official Zoning Map	1
Section 2.02 - Zoning Map Changes	2
Section 2.03 - Replacement of Official Zoning Map	2
Section 2.04 - Responsibility for Maintenance of the Official Zoning Map	3
Section 2.05 - Rules for Interpretation of Zoning District Boundaries	3
ARTICLE III. EXEMPTIONS	4
Section 3.01 - Bona Fide Farm Operations Exempt	4
ARTICLE IV. DEFINITION OF TERMS	4
Section 4.01 - General Interpretation	4
Section 4.02 - Word and Term Definitions	4
ARTICLE V. ESTABLISHMENT OF ZONING DISTRICTS	12
Section 5.01 - Districts Established	12
Section 5.02 - R-15, Residential District	12
Section 5.03 - R-25, Residential District	12
Section 5.04 - R-MH25, Residential District	12
Section 5.05 - B-1, Commercial District	13
Section 5.06 - I-1, Industrial District	13
Section 5.07 - A-1, Agricultural District	13
ARTICLE VI. APPLICATION OF GENERAL REGULATIONS	13
Section 6.01 - Use	
Section 6.02 - Only One Main Building, One Main Use on Lot & Orientation of a Building	13
Section 6.03 - Minimum Yards	13
Section 6.04 - Lot Subdivision	14
Section 6.05 - Certificate of Occupancy	14
ARTICLE VII. DISTRICT REGULATIONS	14
Section 7.01 - Table of Permitted Uses	14
Section 7.02 - Notes to the Table of Permitted Uses	24

ARTICLE VIII. TABLE OF AREA, YARD AND HEIGHT 26
Section 8.01 - Notes to the Table of Area, Yard & Height Requirements 27

ARTICLE IV. SPECIAL USES 30
Section 9.01 - Objectives & Purpose 30
Section 9.02 - Procedure for Special Use Permits Approved by the Board of Adjustment . . 30

ARTICLE X. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS 39
Section 10.01 - General Regulations 39

ARTICLE XI. SIGN REGULATIONS 42
Section 11.01 - General Regulations 42
Section 11.02 - Projecting Signs & Devices 43
Section 11.03 - Area Computation 43
Section 11.04 - Sign Illumination 43
Section 11.05 - Conditional Setback 44
Section 11.06 - Permanent Subdivision Sign Regulations 44
Section 11.07 - Signs Not Requiring a Permit From the County Building Inspector 44
Section 11.08 - Outdoor Advertising Signs 45
Section 11.09 - Public Service Information Signs 46
Section 11.10 - Business Identification Signs 46
Section 11.11 - Table of Business Sign Requirements . . 47

ARTICLE XII. AIRPORT HEIGHT RESTRICTIVE AREAS 48
Section 12.01 - Airport Height Restrictive Areas Established as Supplementary 48
Section 12.02 - Intent 48
Section 12.03 - Definitions 48
Section 12.04 - Airport Zone Height Limitations 50
Section 12.05 - Use Restriction 51
Section 12.06 - Nonconforming Use 51
Section 12.07 - Permits 51

ARTICLE XIII. NONCONFORMING SITUATIONS 53
Section 13.01 - Definitions 54
Section 13.02 - Continuation of Non-Conforming Situations & Completion of Non-Conforming Projects 55
Section 13.03 - Nonconforming Lots 55
Section 13.04 - Extension or Enlargement of Nonconforming Situations 55
Section 13.05 - Change in Kind of Nonconforming Use . . 57

Section 13.06 - Abandonment or Discontinuance of Nonconforming Situations 58
Section 13.07 - Termination of Nonconforming Situations 59
Section 13.08 - Completion of Nonconforming Projects . . 59

ARTICLE XIV. CERTIFICATE ISSUANCE 61
Section 14.01 - Zoning Certificate 61
Section 14.02 - Certificate of Occupancy/Compliance . . 61
Section 14.03 - Compliance with State Guidelines for Areas of Environmental Concern 62
Section 14.04 - Penalties for Violations 62

ARTICLE XV. BOARD OF ADJUSTMENT 62
Section 15.01 - Composition of the Board of Adjustment Pursuant to N.C.G.S. Chapter 943, Session Laws of 1973 62
Section 15.02 - Jurisdiction of Board of Adjustment . . 62
Section 15.03 - Rules for Proceedings of the Board of Adjustment 62
Section 15.04 - Powers of Board 63
Section 15.05 - Appeal to the Board of Adjustment . . . 65
Section 15.06 - Appeal from Decision of the Board of Adjustment 65

ARTICLE XVI. AMENDMENT PROCEDURE
Section 16.01 - Amendment by Own Motion 65
Section 16.02 - Amendment by Petition 65
Section 16.03 - Protest to Amendment 66

ARTICLE XVII. LEGAL STATUS PROVISION 66
Section 17.01 - Validity 66
Section 17.02 - Effective Date 66

ZONING ORDINANCE
OF THE
COUNTY OF CHOWAN, NORTH CAROLINA

ARTICLE I. TITLE, ENACTMENT, AND PURPOSE

SECTION 1.01 - TITLE AND ENACTMENT

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES, ARTICLE 18, CHAPTER 153A-340, FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN THE COUNTY; TO REGULATE WITHIN THOSE DISTRICTS THE HEIGHT OF TREES AND THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF; AND TO SUPERSEDE ANY ORDINANCES IN CONFLICT HEREWITH.

NOW THEREFORE, the Board of Commissioners of the County of Chowan, North Carolina, does hereby ordain and enact into law the following Articles and Sections, this the __ day of _____, 1984.

SECTION 1.02 - SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance." The map herein referred to, which is identified by the title "Official Zoning Map of Chowan County, North Carolina," shall be known as the "Zoning Map."

SECTION 1.03 - PURPOSE

In accordance with the provisions of Chapter 153A, Article 18, and Chapter 63, Article 4, of the General Statutes of North Carolina, and for the purposes more fully set out in those chapters, the Board of Commissioners of the County of Chowan, North Carolina, adopts this ordinance to provide for the orderly growth and development of the County.

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR ZONING MAP

SECTION 2.01 - OFFICIAL ZONING MAP

For the purposes of this ordinance, the Chowan County zoning jurisdiction is hereby divided into zones or districts as shown on the "Official Zoning Map of Chowan County, N.C.," which, together with all explanatory matter thereon and the height limitation areas as specified on the Edenton Municipal Airport Noise Impact

and Land Use Control (ANILUC) Base Map, are hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the County Board of Commissioners and attested by the County Clerk and bear the seal of the County under the following words:

> "This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Ordinance of Chowan County, N.C.," together with the date of adoption of this ordinance.

The Offical Zoning Map, which shall be located in the Chowan County Courthouse and recorded in the Chowan County Register of Deeds Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning jurisdiction of Chowan County.

SECTION 2.02 - ZONING MAP CHANGES

If, in accordance with Article XVII of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made, together with an entry on the map, as follows:

> "On (date), by official action of the Chowan County Board of Commissioners, the following changes were made in the Official Zoning Map: (brief description of change)."

The entry shall be signed by the Chairman of the County Commissioners and attested by the County Clerk. No amendment to this ordinance which involves a matter portrayed on the map shall become effective until after such change and entry have been made on said map. The Board of Commissioners shall give official notice of the zoning change to the zoning administrator within twenty-four (24) hours after passage of said change.

SECTION 2.03 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the Board of Commissioners, may, by ordinance, adopt a new official zoning map which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the Chairman of the Board of Commissioners and the County Clerk and shall bear the seal of the County under the following words"

> "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of adoption of map replaced)"--together with the date of adoption of the new map."

SECTION 2.04 - RESPONSIBILITY FOR MAINTENANCE OF THE OFFICIAL ZONING MAP

The zoning administrator shall be responsible for the maintenance of and revision of the official zoning map. Upon notification by the Board of Commissioners that a zoning change has been made, the zoning administrator shall make the necessary changes on the official zoning map within twenty-four (24) hours following notification.

SECTION 2.05 - RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the "Official Zoning Map of Chowan County, North Carolina," the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or railroads shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies or water shall be construed to follow such centerlines;

4. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in circumstances not covered by Subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries;

6. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Commissioners may permit, as conditional use, the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot. In addition, the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE III. EXEMPTIONS

SECTION 3.01 - BONA FIDE FARM OPERATIONS EXEMPT

This ordinance shall in no way regulate, restrict,or prohibit bona fide farm and its related uses, but any use of such property for non-farm purposes shall be subject to such regulations.

ARTICLE IV - DEFINITIONS OF TERMS

SECTION 4.01 GENERAL INTERPRETATION

For the purpose of interpreting this ordinance, certain words and terms used are defined in this section. Except as defined in this section all other words used in this ordinance shall have their standard dictionary definition. For general interpretation the following shall apply in all uses and cases in this ordinance:

1. The present tense includes the future tense, and the future tense includes the present tense.

2. The singular number includes the plural number and the plural number includes the singular number.

3. The word "may" is permissive, and the word "shall" is mandatory.

4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

5. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

SECTION 4.02 - WORD AND TERM DEFINITIONS

Accessory Use of Structure: A use or a structure on the same lot with, but of a nature customarily incidental and subordinate to, the principal use or structure.

Airport: A tract of land or water with facilities for aircraft landing, take-off, shelter, supply and repair. Often used for receiving and discharging passengers and cargo.

Alley: A roadway easement which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alter: To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders or floor joints.

Apartment: A room or suite of one or more rooms, each of which have kitchen facilities, and are designed or intended to be used, as an independent unit, on a rental basis.

Areas of Environmental Concern: (AEC's) Areas specifically defined in subchapter 7-H of Chapter 15 of the North Carolina Administrative Code. These defined areas which are located within the jurisdiction of Chowan County include: Coastal Wetlands; Estuarine Waters; Estuarine Shorelines, and Public Tract Areas. If an AEC is involved in any permitted activity covered by this ordinance, then additional permits may be required by the State of North Carolina; the four major AECs are further briefly defined as follows: (See Article XIV, Section 14.03).

1. Coastal Wetlands: Any salt marsh or other marsh subject to regular or occasional flooding by tides.

2. Estuarine Waters: All waters of the Atlantic Ocean, and associated bays, sounds, rivers and tributaries, within the boundaries of North Carolina.

3. Estuarine Shorelines: Non-ocean shorelines especially vulnerable to erosion, flooding, or other adverse effects of wind or water, and which are connected to the estuary.

4. Public trust areas: All public navigable waters, and lands thereunder subject to measurable lunar tides.

Assembly: A joining together of completely fabricated parts to create a finished product.

Board of Adjustment: A semi-judicial body composed of representatives from the zoning jurisdiction area which are given certain powers under and relative to this ordinance.

Boarding House: A rooming house or a structure which contains four (4) or more rooms, each of which have no kitchen facilities, and are designed or intended to be used for residential occupancy on a rental basis.

Building: Any building, structure, edifice or improvements as commonly defined.

Building Commercial: Any building used for business purposes.

Building, Detached: A building having no party or common wall with another building except an accessory building.

Building, Height of: The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.

Building Line: A line located a minimum horizontal distance from the right-of-way line of a street or road parallel thereto, between which and the right-of-way line no building or parts of buildings may be erected, altered, or maintained except as otherwise provided herein.

Building, Main: A building in which the principle use of the lot on which the building is situated is conducted.

Certificate of Occupancy/Compliance: A statement signed by an administrative officer authorized by the Chowan County Board of Commissioners, setting forth that the building, structure, or use complies with the Zoning Ordinance, and that the same may be used for the purpose stated herein.

Club, Private: A non-profit social organization whose premises are generally limited to its members or guests; excepting those the chief activity of which is a service customarily carried on as a commercial activity. Fund-raising activities incidental or accessory to the overall purpose of the non-profit organization are not considered "commercial."

Contractor, General: One who is engaged in all or most aspects of building construction and/or land develoment through a legal agreement.

Contractor, Trades: One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade such as plumbing, heating, wiring, sheet metal, roofing work, etc.

Day Care Center: Inclusive of kindergarten, a facility for the care and/or education of preschool age children.

Drive-In (eating or drinking facility): An establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle.

Dwelling, Single Family: A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

Dwelling, Multiple: A building used for or designed as a residence for more than two families living independently of each other.

Dwelling Units: A residential structure or that portion of a residential structure used or designed as a residence for one family.

Erect: Build, construct, rebuild, reconstruct as the same are commonly defined.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber, or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

Family: One or more persons related by blood, adoption or marriage, or a group of not more than five persons not related by blood, adoption or marriage living together as a single housekeeping group in a dwelling unit.

Farm: A bona fide farm is defined as any tract of land containing at least three (3) acres which are used for the dairying or the raising of agricultural products, forest products, livestock or poultry, and including facilities for the sale of such products on the premises where they were produced.

Frontage: All property abutting on one side of a street measured along the street line.

Garage, Private: A building or space used as an accessory to or a part of the main building permitted in any residential district that provides storage space for motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Home Care Unit: A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five persons who are not critically ill and do not need professional medical attention, to include homes for the aged.

Home Occupation: Certain occupations customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly subordinate to the use of the dwelling for residential purposes-limitations are prescribed in this ordinance to insure against the growth of a home occupation into a commercial enterprise.

Improvements: The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

Junk: Pre-used or unusable metallic parts and other non-metallic manufactured products that are worn, deteriorated or obsolete making them unusable in their existing condition, but are subject to be dismantled and salvaged.

Junk Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, structural steel materials and equipment, but not including the purchase or storage of used furniture, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

Lot: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development and which is recorded as such in the Chowan County Registrar of Deeds office.

Lot, Area Of: The parcel of land enclosed within the boundaries formed by the property lines.

Lot, Corner: A lot abutting upon two streets or road (including platted but unopened streets or roads) thus having (2) front lines.

Lot Depth: The depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the sidelines of the lot from the mid-point of the front line to the mid-point of the opposite lot line.

Lot Line: Any boundary of a parcel of land.

Lot Line, Front: Any boundary line of a lot running along a street right-of-way line. If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines, the front lot line shall be determined by the Board of Adjustment.

Lot Line, Rear: The lot line opposite the front lot line.

Lot Line, Side: Any lot line which is not a front or rear lot line.

Lot of Record: A lot, a plat or a map which has been recorded in the Office of the Chowan County Registrar of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Chowan County Registrar of Deeds Office.

Lot Width: The distance between the side lot lines as measured along the front building line as specified by the applicable front yard setback in this ordinance.

Mobile Home: Any structure which consists of a single unit completely assembled at the factory and is designed so that the total structure (not including double wides or triple wides) can be transported on its own chasis; and is over 32 feet in length and 8 feet in width; and is designed to be used as a dwelling and provides complete, independent living facilities inclusive of permanent provisions for living, sleeping, eating, cooking and sanitation. Such units shall be considered a mobile home; regardless of the shape of the unit; whether or not the wheels have been removed, set on jacks, skirting, masonry blocks or other temporary or permanent facilities.

Nonconforming Use: A use of building or land that does not conform with the regulations of the district in which such building

or land is situated but was lawful before adoption of this ordinance.

Nursing Home: A convalescent facility having over five beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

Permitted Structural Use: A structure/use meeting all of the requirements of this ordinance for the zone district in which it is located.

Planned Building Group: A group of two or more buildings or two or more mobile homes located on a single parcel of land.

Processing: Any operation changing the nature of material or material's chemical composition or physical properties. Does not include operations described as fabrication.

Retail: Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

Salvage Operation: The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purpose of resale, processing, distribution or deposition.

Service Station: A building or lot where gasoline, oil, grease and automotive accessories are supplied and dispensed to the motor vehicle trade.

Setback Line: The line on the front, rear and sides of a lot which delineates the area upon which a structure may be built and maintained, according to the district regulations.

Sign: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks, by which anything is known such as the designation of an individual, firm, association, profession, business commodity or product which are visible from any public way and used to attract attention.

Sign, Area of: Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which encompass the entire sign including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one side of a double-face sign structure shall be considered.

Sign, Outdoor Advertising: Any sign which advertises an establishment, service commodity, good or entertainment sold or offered on premises other than that on which such sign is located.

Special Use: A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighbor-

hood, would promote the health, safety, morals, general welfare, order, comfort, conveniences, appearance, or prosperity. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exceptions is made in this zoning ordinance.

Storage: A depository for commodities or items for the purposes of future use or safekeeping.

Street: A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Chowan County Registrar of Deeds.

Structure: See Building.

Subdivision: A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

1. The combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance.

2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

3. The public acquisition by purchase of strips of land for the widening or opening of streets.

4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this ordinance.

Travel Trailer: Any structure which:

a. consists of a single unit completely assembled at the factory; and
b. is designed so that the total structure can be transported on its own chasis; and
c. is not over 32 feet in length and 8 feet in width; and
d. may be used as a dwelling unit.

Such structures shall be considered travel trailers regardless of other titles that may also be applicable such as camper, mini mobile home, etc.

Use: The purpose for which land or structures thereon are designed, arranged or intended to be occupied or used; or for which it is occupied, maintained, rented or leased.

Use, Accessory: A use incidental to and customarily associated with the Use By Right and located on the same lot with the Use By Right, and operated and maintained under the same ownership with the operation of the Use By Right.

Use By Right: A use which is listed as an unconditionally permitted activity in this ordinance.

Use Situation, Nonconforming: A use of building or land that does not conform with the regulation of the district in which the building or land is situated.

Use, Non-Farm: Any use of property which is not encompassed by the definition of a farm as so defined in this ordinance.

Use, Special: A use permitted in a zone only after specific findings by the Board of Adjustment or Chowan County Board of Commissioners.

Variance: A modification or alteration of any of the requirements of this ordinance.

Warehouse: A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

Wholesale: Sale of a commodity for resale to the public for direct consumption.

Yard: Any open space on the same lot with a building and unoccupied from the ground upward except by trees, shrubbery or fences.

Yard, Front: A yard across the full width of the lot, extending from the front line of the building to the front lot line.

Yard, Rear: A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

Yard, Side: A yard between the building and side lot line, extending from the front building line to the rear building line.

Zoning Certificate: A certificate by the Chowan County Board of Commissioners or its authorized agents that a course of action to use or occupy a tract of land or a building; or to erect, install

or alter a structure, building or sign situated in the jurisdictional area of the zoning ordinance fully meets the requirements of this ordinance.

ARTICLE V. ESTABLISHMENT OF ZONING DISTRICTS

SECTION 5.01, DISTRICTS ESTABLISHED

For the purpose of this ordinance, the areas included within the boundaries of the Chowan County Zoning jurisdiction (Section 2.01), are divided into the following classes of zones:

R-15	Residential District
R-25	Residential District
RMH-25	Residential District
B-1	Commercial Business District
I-1	Industrial District
A-1	Agricultural District

SECTION 5.02 - R-15, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 15,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Mobile homes are not permitted. (See Articles VII and VIII for permitted uses and additional area and yard requirements).

SECTION 5.03 - R-25, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 25,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Mobile homes are not permitted. (See Articles VII and VIII for permitted uses and additional area and yard requirements).

SECTION 5.04 - RMH-25, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is 25,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Mobile homes on individual lots are permitted. (See Articles VII and VIII for permitted uses and additional area and yard requirements).

SECTION 5.05 - B-1, COMMERCIAL DISTRICT

This district is defined as certain areas that are designed to serve both non-residents and residents using the major state and county roads that run through the areas zoned. This district is designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. (See Articles VII and VIII for permitted uses and area and yard requirements).

SECTION 5.06 - I-I, INDUSTRIAL DISTRICT

This district is defined as an area where manufacturing establishments may be developed. The purpose of this district is to permit the normal operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this district are those industries which deal primarily in hazardous products such as explosives. (See Articles VII and VIII for permitted uses and area and yard requirements).

SECTION 5.07 - A-1, AGRICULTURAL DISTRICT

This district is defined as large, open land areas. The regulations of this district are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number. (See Articles VII and VIII for permitted uses and area and yard requirements).

ARTICLE VI. APPLICATION OF GENERAL REGULATIONS

SECTION 6.01 - USE

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the uses and dimensional regulations of this ordinance, or amendments thereto, for the district in which it is located.

SECTION 6.02 - ONLY ONE MAIN BUILDING, ONE MAIN USE ON LOT AND ORIENTIATION OF A BUILDING

In all districts every main building hereafter erected or altered shall be located on a separate lot, as defined in this ordinance, and in no case shall there be more than one main building and permitted accessory buildings on the lot nor more than one main use (e.g. commercial, industrial or residential) per building and lot; provided that this requirement shall not apply to motels where permitted, nor to a bona fide farm use. This ordinance in no way regulates the orientation of a building.

SECTION 6.03 - MINIMUM YARDS

The minimum yards or other open spaces required by this ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally

altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

SECTION 6.04 - LOT SUBDIVISION

No lot shall hereafter be so reduced in area as to cause any open space required by this ordinance to be less in any dimension than is herein required by the minimum yard requirement of the zone in which the lot in question is situated.

SECTION 6.05 - CERTIFICATE OF OCCUPANCY

No final Certificate of Occupancy/Compliance will be issued until all required site improvements have been completed.

ARTICLE VII. DISTRICT REGULATIONS

SECTION 7.01 - TABLE OF PERMITTED USES

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

Districts in which particular uses are permitted as a Special Use upon approval of the Board of Adjustment indicated by "s". See Table of Special Uses, for details of each Special Use.

Districts in which particular uses are prohibited are indicated by a blank.

DISTRICTS

PERMITTED USES	Agricultural A-1	Residential R-15	Residential R-25	Commercial B-1	Residential RMH-25	Industrial I-1
ACCESSORY BUILDING	x	x	x	x	x	x
ACCESSORY USES Incidential to any permitted use (See Note 1)	x	x	x	x	x	x
ADDRESSING SERVICE				x		
AGRICULTURAL OR FARM USE	x					
AIRPORT						x
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALE				x		
AMBULANCE SERVICE				x		
ANIMAL MEDICAL CARE (including kennel operations (See Note 6)				x		
APPAREL & ACCESSORY SALES				x		
ASSEMBLIES (Assembly Hall, Armory Stadium, Coliseum)				x		
ART GALLERY				x		
AUCTION SALES (excluding livestock auctioning)				x		
AUTOMOBILE OFF-STREET PARKING, (commercial lots)				x		x
AUTOMOBILE PARTS & ACCESSORY SALES				x		

DISTRICTS

PERMITTED USES	A-1	R-15	R-25	B-1	RMH 25	I-1
AUTOMOBILE AND TRUCK RENTAL				x		x
AUTOMOBILE REPAIR AND/OR BODY WORK (excluding commercial wrecking, dismantling or storage of junked vehicles)				x		
AUTOMOBILE SALES, NEW AND USED				x		
AUTOMOBILE SERVICE STATION OPERATIONS				x		
AUTOMOBILE LAUNDRYING				x		
BAKERY PRODUCTION AND WHOLESALE SALES				x		x
BAKING, ON-PREMISES AND RETAIL ONLY				x		
BANK, SAVINGS & LOAN COMPANY & OTHER FINANCIAL ACTIVITIES				x		
BARBER OR BEAUTY COLLEGE INSTRUCTION				x		
BARBERING & HAIRDRESSING SERVICES				x		
BICYCLE SALES & REPAIR				x		
BLACKSMITH SERVICES	x					
BOATS AND ACCESSORIES, RETAIL SALES AND SERVICE				x		
BOOKS AND PRINTED MATTER, DISTRIBUTION				x		x
BOOK BINDING						x
BOTTLED GAS DISTRIBUTION BULK STORAGE (See Note 2)						
BOTTLING						x
BUILDING SUPPLY (no outside storage)				x		x

DISTRICTS

PERMITTED USES	A-1	R-15	R-25	B-1	RMH 25	I-1
BUILDING SUPPLY (with outside storage) (See Note 1)						x
BUS REPAIR AND STORAGE TERMINAL ACTIVITIES				x		x
BUS STATION ACTIVITIES				x		
CABINET MAKING						x
CANDY OR CONFECTIONARY MAKING ON PREMISES & RETAIL ONLY				x		
CARPET AND RUG CLEANING				x		
CATALOGUE SALES				x		
CEMETERY	s	s	s		s	
CHURCH	x	x	x	x	x	
CLINIC SERVICES, MEDICAL & DENTAL				x		
CLUB OR LODGE				x		
COAL SALES & STORAGE						x
CONTRACTOR, GENERAL (excluding outside storage of equipment or supplies)				x		x
CONTRACTOR, GENERAL (with outside storage of equipment or supplies) (See Note 1)						x
CONSTRUCTION STORAGE (See Note 1)						x
CONTRACTOR, TRADES (excluding outside storage of equipment or supplies)				x		x
CONTRACTOR, TRADES (with outside storage of equipment or supplies) (See Note 1)						x
CURIO AND SOUVENIR SALES				x		
DAIRY PRODUCTS SALES, ON PREMISES RETAIL SALES ONLY				x		

PERMITTED USES	A-1	R-15	R-25	B-1	RMH 25	I-1
DAIRY PRODUCTS, SALES & PROCESSING				x		x
DAY CARE CENTER (kindergarten)	s	s	s	s	s	
DELICATESSEN OPERATION (including catering)				x		
DRY CLEANING & LAUNDRY, COMMERCIAL (See Note 3)				x		
DRY CLEANING OR LAUNDRYING (customer self-service) (See Note 3)				x		
DWELLING, SINGLE-FAMILY	x	x	x		x	
DWELLING, TWO-FAMILY			x			
EATING OR DRINKING FACILITIES (drive-ins excluded)				x		
EATING OR DRINKING FACILITIES (drive-ins included)				x		
EMPLOYEES' SERVICE (not designed for or available to public customers)				x		x
EXTERMINATING SERVICE				x		
FAIRGROUND ACTIVITIES (including carnivals & circuses)	x					
FARM MACHINERY SALES AND SERVICING				x		x
FARM SUPPLIES MERCHANDISING (excluding farm machinery)				x		x
FIRE STATION OPERATIONS	x			x		x
FLOWER SHOP				x		
FOOD SALES				x		

DISTRICTS

PERMITTED USES	A-1	R-15	RMH 25	B-1	R-25	I-1
FOOD FREEZER OPERATIONS				x		x
FUNERAL HOME				x		
FUR SALES, INCLUDING COLD STORAGE				x		
GAME FARM	x					
HARDWARE, PAINT, & GARDEN SUPPLY SALES				x		
HATCHERY OPERATIONS	x					x
HOME CARE UNIT	s		s			
HOME FOR THE AGED	s		s			
HOME FURNISHING & APPLIANCE SALES				x		
HOME OCCUPATION (See Note 4)	x	x	x		x	
ICE MANUFACTURING						x
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE						x
INDUSTRIAL OPERATIONS NOT OTHERWISE LISTED HEREIN (except the uses listed in Note 5)						x
JANITORIAL SERVICE				x		
KENNEL OPERATIONS, CARE (See Note 6)				x		
LABORATORY OPERATIONS, MEDICAL OR DENTAL				x		
LABORATORY RESEARCH						x
LIBRARY				x		
LIVESTOCK SALES & AUCTIONING						x
LOCKSMITH, GUNSMITH				x		
MACHINE TOOL MANUFACTURING OR WELDING						x

DISTRICTS

PERMITTED USES	A-1	R-15	R-25	B-1	RMH-25	I-1
MOBILE HOME (Individual) for Office and Exhibition	s			s		s
MOBILE HOME SALES but excluding any residential occupancy				x		
MOTEL, HOTEL OR MOTOR COURT OPERATIONS				x		
MONUMENT SALES				x		
MONUMENT WORKS						x
NEWSPAPER PUBLISHING				x		
NEWSSTAND SALES				x		
NURSERY OPERATION (Plant)	x			x		x
NURSING HOME	x					
OFFICE USE of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession				x		
OFFICE USE with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted by means of written verbal or mechanically reproduced communications material				x		x
OFFICE SUPPLIES & EQUIPMENT SALES AND SERVICE				x		
OPTICIAN SERVICE				x		
PAWN SHOP				x		
PET SALES, excluding kennel activities or outside storage of animals				x		

PERMITTED USES	A-1	R-15	B-25	B-1	RMH 25	I-1
PHARMACEUTICAL SALES				x		
PHOTOGRAPHY, COMMERCIAL				x		
POST OFFICE				x		
PRIVATE RECREATION CLUB OR SWIMMING CLUB ACTIVITIES NOT OPERATED AS A BUSINESS FOR PROFIT	x	s	s		s	
PRINTING & REPRODUCTION				x		x
PUBLIC RECREATION (such as community center buildings, parks, museums, playground, and similar facilities operated on a nonprofit basis	x	x	x	x	x	x
PUBLIC UTILITY STATIONS OR SUBSTATIONS	s	s	s	s	s	s
PUBLIC UTILITY WORK, SHOPS OR STORAGE YARDS				x		
RECREATION OR AMUSEMENT ENTERPRISE conducted outside a building and for profit, and not otherwise listed herein				x		
RECREATION OR AMUSEMENT ENTERPRISES conducted inside a building and for profit, and not otherwise listed herein				x		
REDUCING SALON CARE				x		

DISTRICTS

PERMITTED USES	A-1	R-15	R-25	B-1	RMH-25	I-1
REPAIR, RENTAL AND/OR SERVICING Of any product the retail sale of which is a Use-By-Right in the same district and not otherwise listed herein				x		x
RETAILING OR SERVICING with operations conducted and merchandise stored inside and/or outside a building and not otherwise listed below (See Note 2)				x		
RETAILING OR SERVICING with operations conducted and merchandise stored entirely within a building and not otherwise listed herein				x		
RIDING ACADEMY ACTIVITY	x					
SECOND HAND AND SWAP SHOP SALES				x		
SCHOOL, BUSINESS & COMMERCIAL				x		x
SCHOOL, PRIVATE, ELEMENTARY OR SECONDARY		s	s		s	
SCHOOL, PUBLIC	x	x	x		x	
SCHOOL, TRADE OR VOCATIONAL				x		x
SHEET METAL FABRICATION						x
SIGN	See Article 11 for permitted areas & regulations					
SIGN, OUTDOOR ADVERTISING (See Article 11 Section 11.07)				x		x
SIGN, PUBLIC SERVICE INFORMATION				x		x
STORAGE, FLAMMABLES (See Note 2)						x

PERMITTED USES	A-1	R-15	R-25	B-1	RMH-25	I-1
STORAGE, OPEN (See Note 1)						x
STORAGE, WAREHOUSE				x		x
TAILORING, (DRESSMAKING)				x		
TAXICAB STAND OPERATIONS				x		
TEACHING OF ART, MUSIC, DANCE, DRAMATICS, OR OTHER FINE ARTS				x		
TELEPHONE EXCHANGE OPERATIONS	s	s	s	x	s	x
TEMPORARY CONSTRUCTION BUILDING	x	x	x	x	x	x
THEATER PRODUCTIONS, INDOOR				x		
THEATER PRODUCTIONS, OUTDOOR	s					
TIRE RECAPPING (See Note 1)				x		x
TOBACCO SALES WAREHOUSING				x		x
TOURIST HOME OPERATIONS				x		
TRAILER RENTALS				x		x
TRUCK TERMINAL ACTIVITIES REPAIR & HAULING AND/OR STORAGE						x
UPHOLSTERING OR FURNITURE REFINISHING				x		x
VARIETY GIFT & HOBBY SUPPLY SALES				x		
VENDING MACHINE RENTAL				x		
WHOLESALE SALES with operations conducted and merchandise stored entirely within a building and not otherwise listed herein				x		x

S = Special Use by Permit Only

SECTION 7.02 - NOTES TO THE TABLE OF PERMITTED USES

NOTE 1. ACCESSORY USES

In B-1 district there shall be no open storage as an accessory use. In the I-1 district open storage as an accessory use shall be permitted provided it is enclosed by a fence not less than six feet in height. No permanent residential occupancy shall be allowed as an accessory use in B-1 and I-1 districts. An accessory use in a R-15, R-25, RMH-25 or A-1 district, shall not include the residential occupancy of an accessory building except by domestic employees on the premises and the immediate families of such employees. Swimming pools as an accessory use in A-1, R-15, R-25 or RMH-25 districts shall be enclosed by protective fencing not less than five feet in height.

NOTE 2. STORAGE OF FLAMMABLES

The storage of flammables shall not be permitted or considered an Use-By-Right except when such authorization for said use is given by the Chowan County Fire Marshall relative to compliance of proposed storage facilities with State and Chowan County fire regulations.

NOTE 3. DRY CLEANING OR LAUNDERING

Dry cleaning and laundry establishments shall be permitted when only oil, gas or electricity is used for heat. Screening and filtering devices shall be used to prevent the emission of smoke, dust, fumes, odors, or steam into the atmosphere.

NOTE 4. HOME OCCUPATION

Home occupations are permitted only as an incidental use and are limited to the following:

a. The office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provided no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;

b. Workshops not conducted for profit;

c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;

d. Rooming and/or board of not more than three persons; for which a rent is charged;

e. Single operator beauty shop or barber shop; and

Provided furthermore the home occupations listed above shall be permitted subject to the following limitations:

-- No display of products;

-- No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or interference in radio and television reception.

-- No accessory buildings or outside storage shall be used in connection with the home occupation;

-- Not over 25% of the total floor area or 500 square feet of the principal residence, whichever is less, shall be used for a home occupation;

-- Only residents of the dwelling may be engaged in the home occupation except any physician or dentist licensed by the State of North Carolina shall be allowed to have one nurse or assistance who is not a resident of the dwelling.

NOTE 5. INDUSTRIES

The following industrial uses shall not be allowed:

a. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, junk or matches;

b. The manufacturing, processing, and/or fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal by-products, bleaching powder, cellulose, chlorine, cresote and cresote treatment, detergents, enamels, lacquers, "lime", linoleum, oil cloth, paints, paper pulp, pigments, lime plastic, rubber (except tire recappers), soaps, tannery products, turpentine, varnishes, whiting and/or wood fillers. The fabrication of plastics is exempt from this prohibition.

NOTE 6. KENNEL OPERATIONS

If the rear lot lines or side lot lines of a kennel operation, which is permitted in the B-1 commercial district directly abuts a residential district, then such operation shall be completely enclosed within a building. No outside storage of animals may be permitted.

ARTICLE VIII. TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

DISTRICT	MINIMUM LOT SIZE		MINIMUM YARD REGULATIONS (See Notes 2 and 3)			MAXIMUM HEIGHT OF STRUCTURE (See Note 6)
	Minimum Area in Square Feet	Frontage in Feet	Front Yard Setback in Feet	Side Yard Width in Feet	Rear Yard Depth in Feet	In Feet
A-1 Agricultural	As required by the Chowan County Sanitarian but no less than 15,000	100	50	15	40	35
R-15 Residential	15,000 or larger as required by Chowan County Sanitarian	75	30	12	30	35
R-25 Residential	25,000 or larger as required by Chowan County Sanitarian	100	50	15	40	35
RMH-25 Residential	25,000 or as required by Chowan County Sanitarian	100	50	15	40	35
B-1	15,000 or as required by Chowan County Sanitarian	75	25	10	10	35
I-1	25,000 or as required by Chowan County Sanitarian	100	25	10	10	56

SECTION 8.01 - NOTES TO THE TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

NOTE 1. SPECIAL USE REQUIREMENTS TAKE PRECEDENCE

Area, yard and height requirements as specified in the issuance of a Special Use Permit shall take precedence over area, yard and height requirements as set forth in the TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS.

NOTE 2. VARIANCE FOR PRIOR LOTS OF RECORD

Notwithstanding the other setback provisions of this ordinance a building or structure may be constructed and occupied by one-family on any lot recorded prior to adoption of this ordinance and meeting all of the requirements of the Chowan County Sanitarian and maintaining minimum side yards of 5 feet, a front yard of 25 feet and a rear yard of 5 feet.

NOTE 3.

a. CORNER LOTS

On a corner lot, in a residential area, a side yard setback consisting of a minimum distance of 15 feet shall be maintained between any building and the side street. On a corner lot in a commercial, agricultural, or industrial district, a side yard setback consisting of a minimum distance of 20 feet shall be maintained. This requirement shall not be applied so as to reduce the building width of a residentially zoned corner lot of record at the time of passage of this ordinance to less than 40 feet, nor to prohibit the erection of any accessory building where this requirement cannot reasonably be complied with as determined by the Board of Adjustment.

b. MISCELLANEOUS EXCEPTIONS

Steps, fire escapes, stairways, balconies and chimneys only project into a minimum yard not more than six feet and an unenclosed porch may project into the required front or rear yard not more than 15 feet.

Sills, cornices, buttresses, ornamental features and similar items may project into a required yard not more than thirty inches.

Carports open on three sides may encroach on a side yard to a distance of not less than five feet from a side lot line, except on the street side yard of a corner lot where the setback shall be one-half of the distance of the required front yard setback. Storage areas may be constructed across the rear of a carport open on three sides that encroaches on a side yard, provided such storage area shall not contain more than 18% of the area contained in the carport.

c. RETAINING WALLS

The setback and yard requirements of this ordinance shall not apply to a retaining wall not more than five feet high, as measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than five foot height where it finds that due to the topography of the lot such a wall is necessary.

d. FENCES AND WALLS

In residential zones, fences and walls not over 4' high may project into or may enclose any front yard; however, no fence may be constructed on or in a public street right-of-way. Side and rear yards may be enclosed by fences or walls up to 6' high. In the I-1 and B-2 zones a solid or open fence or wall may be erected to a maximum height of ten feet.

e. OPEN STORAGE

Any open storage not enclosed within the confines of a building, such as boxes, crates, trash-piles, machinery and merchandise with open display, that results from the commercial operation it is part of, shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or in a residential zone.

f. ACCESSORY BUILDINGS

Detached garages and accessory buildings to residential uses may be constructed in the rear yard provided they are located no closer than 5' to any adjoining lot line, except on the street side yard of a corner lot where the setback shall be one-half of the distance of the required front yard setback.

NOTE 6. HEIGHT RESTRICTIONS/MODIFICATIONS

In addition to the height limitations listed in the Table of Area, Yard and Height Requirements, any building in B-1, and I-1 districts may be increased in height provided that a ratio of floor area to lot area, excluding yard requirements, of 8 to 1 is adhered to. At no time shall the gross floor area of the building exceed by eight times the allowable building area of the lot.

NOTE 7. BUFFER REQUIREMENTS

Where the rear lot lines or side lot lines of industrial property abuts a residential district, a densely planted and maintained vegetative buffer shall be required. Such buffer shall

reach a minimum height of six (6) feet within three years. No such buffer shall, however, extend nearer a street right-of-way line than the established building line of the adjoining residential lot. No buffer strip shall be required upon any rear lot line or side lot line, which abuts a public street.

ARTICLE IX. SPECIAL USES

SECTION 9.01 - OBJECTIVES AND PURPOSE

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

The uses for which Special Use Permits are required are listed in this Article, along with a detailed descripton of the procedures which must be followed in the approval of each such permit. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit.

SECTION 9.02 - PROCEDURE FOR SPECIAL USE PERMITS APPROVED BY THE BOARD OF ADJUSTMENT

A Special Use Permit may be issued by the Chowan County Building Inspector after approval by the Board of Adjustment for the uses as designated in the Table of Regulations for Special Uses. The application for a Special Use Permit shall accompany the application for a Certificate of Occupancy/Compliance. The application for the Special Use Permit shall be filed seven (7) days prior to the date of review by the Board of Adjustment. With the exception of Special Use Permit requests for the occupancy of individual mobile homes under the Hardship, Agricultural Areas Exception, or Office and Exhibition provisions of this ordinance, the Board of Adjustment shall hold a public hearing prior to rendering a decision on the approval of a Special Use Permit. The Special Use Permit, if approved, shall include approval of such plans as may be required. In approving the permit, the Board of Adjustment shall find:

1. that the use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;

2. that the use meets all required conditions;

3. that the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

4. that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chowan County.

In approving the Special Use Permit the Board of Adjustment may designate such conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, recorded on the Special Use Permit and on the plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicant for the Special Use Permit, the heirs, successors and assigns. In order to insure that such conditions and requirements of each Special Use Permit will be fulfilled, the petitioner for the Special Use Permit may be required to enter into a contract with Chowan County providing for the installation of the physical improvements required as a basis for the issuance of the Special Use Permit. Performance of said contract shall be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by the Chowan County Board of Commissioners; provided, however, that said bond may be waived by the Chowan County Board of Commissioners within their discretion.

If the Board of Adjustment denies the Special Use Permit the reasons therefore shall be entered in the minutes of the meeting at which the permit is denied.

In addition to the specific conditions imposed by Article IX, Section 9.03, and whatever additional conditions the Board of Adjustment deems reasonable and appropriate, Special Uses shall comply with the height, yard, area and parking regulations of the zone in which they are located.

In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No Certificate of Occupancy/Compliance for the Special Use Permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the original plans may be made by the Board of Adjustment.

SECTION 9.03 - REGULATIONS FOR SPECIAL USES

Detailed regulations for each special use are set forth in this Section.

<u>Use - Cemetery</u>

Approved By - Board of Adjustment

Special Use Districts - A-1

Minimum Lot Area - Lot area shall conform to specifications established by the North Carolina Burial Commission

Parking and Loading - Adequate off-street parking facilities for funeral procession

Screening and Fencing - A screen of dense plant material not less than six feet high where cemetery abuts a residential lot

Plans are Required and Must Show:

Topography - Well drained site with adequate storm drainage facilities.

Structures - Location of signs, entrance and buildings must be shown on the plan.

Circulation - Proposed points of access and egress and pattern of internal circulation and funeral procession route, if possible.

Other Details - Proposed restrictions, if any.
Maximum size of sign shall be 36 square feet and a limit of one sign per street frontage.

<u>Use - Day Care Center</u> (including Kindergarten)

Approved By - Board of Adjustment

Special Use District - A-1, R-15, R-25 and RMH-25

Minimum Lot Area - Same as zoning district requirement

Parking and Loading - One space for each adult attendant and one space for every six children or fraction thereof.

Plans are Required and Must Show:

Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation - Proposed points of access and egress and pattern of internal circulation.

Parking and Loading - Layout of parking spaces

Other Details - Location and extent of open play area

-- Day Care Center shall provide 100 square feet of outdoor play space per pupil.

-- Outdoor play area shall be enclosed by a solid or open fence or wall at least 4 feet in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot(s), a solid fence or wall at least 6 feet high or the maximum applicable fence/wall height limitations, or an open fence at least 4 feet high and a screen planting designed to grow 3 feet thick and 6 feet high shall be erected. The Board of Adjustment may at its discretion require additional screening and/or fencing to be located adjacent to abutting non-residential land uses.

-- In an R-15, R-25, or RMH-25 residential district, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m.

Use - Mobile Home (Individual) For Office and/or Exhibition

Approved By - Board of Adjustment

Special Use District - B-1, I-1

Minimum Lot Area - None

Parking - One space for each person employed in the office at any given time during a 24 hour period.

OFFICE AND EXHIBITION EXCEPTION

A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices or for purposes of exhibition to be temporarily parked, maintained and/or occupied on a designated lot or land location, may be issued by the Chowan County Building Inspector where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the State or Chowan County health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve months, after which they may be renewed upon similar evidence of use of such mobile home.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Chowan County Building Inspector without approval of the Board of Adjustment if the mobile home:

1. and the structure under construction are located on the same property; and

2. is not moved to the site more than thirty (30) days prior to construction and is not removed later than thirty (30) days after construction has been completed; and

3. is not used for any other purpose other than that connected with on-site construction; and

4. is justified by the size and nature of the construction project; and

5. is for a period not to exceed eighteen months;

6. is utilized only incidental to on-site construction during daylight hours and not for residential living quarters.

7. sanitary facilities are approved by the Chowan County Sanitarian.

Use - Mobile Homes (Individual) for Residential Occupancy

Hardship Special Use and Agricultural Exception Special Use Approved by - Board of Adjustment

Special Use District - A-1, R-15 and R-25

Parking - Two spaces for each mobile home

INDIVIDUAL MOBILE HOMES

Mobile homes, as defined, when used for dwelling purposes may be located in A-1, R-15 and R-25 zones only when either a Hardship Exception or Agricultural Area Exception is approved by the Board of Adjustment as provided below:

HARDSHIP EXCEPTION

A temporary Certificate of Occupancy/Compliance for parking a mobile home for use for dwelling purposes to the rear or side of a dwelling and located on the same residential lot as said dwelling may be issued by the Chowan County Building Inspector in certain hardship cases where the Board of Adjustment finds each item below as a fact:

1. That the person or persons occupying the mobile home are physically dependent upon the person or person occupying all or a portion of the dwelling house, or that the person or persons occupying all or a portion of the dwelling house are physically dependent upon the person or persons occupying the mobile home; and

2. That the person or persons occupying the mobile home and/or dwelling house, cannot, becaue of financial or other conditions, move to avoid hardship, necessitating parking the mobile home adjacent to the dwelling house; and

3. That the parking of the mobile home adjacent to the dwelling house will not create unhealthy or unreasonable living standards; and

4. That the mobile home is parked in a location approved in advance by the Board of Adjustment

All such Certificates of Occupancy/Compliance shall be valid for a period of eighteen months, after which they shall be renewed only upon a similar finding of facts by the Board of Adjustment. If, during any time that a Certificate of Occupancy/Compliance is valid and outstanding any of the foregoing conditions cease to be complied with or the hardship is removed, the Certificate of Occupancy/Compliance shall automatically be revoked and the mobile home removed.

AGRICULTURAL AREA EXCEPTION

A temporary Certificate of Occupancy/Compliance for locating a mobile home in the A-1 Agricultural Zone District for use for dwelling purposes may be issued by the Chowan County Building Inspector where the Board of Adjustment finds each item below as a fact:

1. That applicable health and sanitary requirements of this and other ordinances and laws are fully met; and

2. That the mobile home is situated on a lot meeting the A-1 yard area requirements and fronting on a public road; and

3. That the applicant for such certificate has agreed to relocate his mobile home within 90 days after any action rezoning his lot from A-1 Agricultural District.

All such Certificates of Occupancy/Compliance shall be valid for a period of two years and no more, after which they shall be renewed only upon a similar finding of facts by the Board of Adjustment.

Other Requirements for Hardship and Agricultural Exceptions:

-- Mobile homes used as a dwelling unit have at least 200 square feet of gross floor area.

-- Mobile homes located through the issuance of a Special Use Permit must be anchored to protect against wind damage.

-- That the mobile home's sanitary facilities are connected with sewer system approved by the Chowan County Health Department.

<u>Use - Private Recreation Club or Swimming Club, not Operated as a Business for Profit</u>.

Approved By - Board of Adjustment

Special Use Districts - R-15, R-25 and RMH-25

Minimum Lot Area - Swimming Club - One acre for each 40 club members (or families). Private non-profit clubs having only a swimming pool with bathhouse facilities and open only during the swimming season are exempt from the minimum lot area requirement if all activities and facilities (other than parking) are located no closer than 50 feet to any property line.

Parking - One space for each five members (or families).

Screening and Fencing - The swimming pool area shall be enclosed by fencing not less than five feet in height.

Plans are Required and Must Show:

Structures - Location and approximate size of all existing and proposed structures and playfields on the site.

Parking - Layout parking spaces and traffic circulation.

Other Requirements - 1) No improvements, structures, sidewalks or play areas or equipment shall be closer than 50 feet to any adjoining property lines. 2) Adjacent to swimming pools there shall be provided paved patio area(s). 3) Lights shall be located and shielded so as not to adversely affect adjacent property.

<u>Use - Public or Private Electrical Utility Station or Substation</u>

Approved By - Board of Adjustment in all districts

Special Use Districts - A-1, R-15, R-25, RMH-25, B-1 and I-1

Minimum Lot Area - One-half acre for public utility station

Parking and Loading - One space for each regular employee employed primarily at the site at any given time

Screening and Fencing - A screen of not less than 6 feet in height of dense plant material shall be provided where lot abuts a residential lot. Electrical substations shall be enclosed by a fence not less than 8 feet in height with three strands of barbed wire turned out at the top.

Plans are Required and Must Show:

Structures - Location of all existing and proposed structures within the site and all buildings and structures with 100 feet.

Circulation - Proposed points of access and egress

Parking and Loading - Location and arrangement of all proposed off-street parking

Other Details - Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.

Use - School, Private, Elementary or Secondary

Approved By - Board of Adjustment

Special Use District - R-15, R-25 and RMH-25

Minimum Lot Area - Five acres

Parking and Loading - Two spaces for each regular employee

Plans are Required and Must Show:

Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation - Proposed points of access and egress and pattern of internal circulation

Parking and Loading - Layout of parking spaces

Other Details - Location and extent of open play area

Use - Telephone Exchange Operation

Approved By - Board of Adjustment

Special Use Districts - All Zoning Districts

Minimum Lot Area - One acre

Parking and Loading - One space for each two regular employees.

Screening and Fencing - A screen of not less than 6 feet in height of dense plant material shall be provided where the lot abuts a residential lot or a lot zoned exclusively for residential purposes.

Plans are Required and Must Show:

Structures - Location and approximate size of all existing and proposed structures within the site.

Circulation - Proposed points of access and egress.

Parking and Loading - Location and arrangement of all proposed off-street parking.

Other Details - Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.

ARTICLE X. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

SECTION 10.01 - GENERAL REGULATIONS

If structures or uses are enlarged, expanded or changed, there shall be provided off-street parking for the enlargement or expansion in accordance with the ratios contained herein. If existing land uses are converted to another type of land use or classified by the ordinance, then the off-street ratios as contained herein must be complied with.

Off-street parking space (either garage or properly graded open space) shall be provided in accordance with the requirements set forth below in all classes of districts. In cases where different parking and/or loading ratios are specified in Section 9.02 Table of Regulations for Special Uses), those ratios shall have precedence over the parking ratios specified in this section.

Each applicant for a Certificate of Occupancy/Compliance submitted to the Chowan County Building Inspector as provided for in Section 6.05 shall include information as to:

-- location and dimensions of off-street parking and loading space

-- distance between that parking/loading space and the street or alley

-- ingress and egress of the property

This information shall be in sufficient detail to enable the Planning Board or its authorized agents to determine whether or not the requirements of this ordinance are met.

The Certificate of Occupancy/Compliance for the use of any building, structure or land where off-street parking or loading space is required shall be withheld by the Chowan County Building Inspector until provisions of this section are fully met. If at any time such compliance ceases, any Certificate of Occupancy/Compliance which shall have been issued for the use of the property shall immediately become void and of no effect.

Where parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways or openings not exceeding 25 feet in width at the curb line of said street, except where the Planning Board or its authorized agent finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

No part of an off-street area required for any building or use for the purpose of complying with the provisions of off-street parking requirements in this ordinance shall be included as part of any off-street parking area similarly required for another

building or use unless the times of usage of such buildings or uses will not be simultaneous.

Off-street parking space shall be located on the same lot as the use for which provided or on a separate lot within 200 feet of any entrance to the building, provided that such parking space land is owned by the owner of the building or leases for the same period of time as the building.

The off-street parking requirements for two or more uses on the same lot may be combined and used jointly, provided that the parking space shall be adequate in area to provide the same total off-street parking requirements with all such uses.

In the B-1 and I-1 districts, no parking shall be provided that would necessitate the automobile backing onto any street right-of-way. Sufficient maneuvering space shall be provided on the lot to enable the motorist to enter all street rights-of-ways in a forward direction.

An off-street parking shall not be less than the site required below for the angle parking shown:

Angle (Degrees)	Stall Width (Feet)	Curb Length Per Car (Feet)	Stall Depth (Feet)
0°	8'	23'	8'
20°	8'	23'6"	14'
30°	8'	16'	16'6"
45°	8'	11'4"	19'2"
60°	8'	9'4"	20'6"
70°	8'	8'6"	20'10"
90°	8'	8'	19'

Section	Parking Ratios
Residence, single-family	2 spaces
Residence, duplex	4 spaces
Offices	1 space for every 250 square feet of gross floor area
Retail business	.5 of a space for every 100 square feet of gross floor area; 1 space minimum
Churches	1 space for every 8 seats in principal auditorium
Auditoriums, Stadiums and Theatres	1 space for every 5 seats

Motels, Tourist Homes and Boarding Houses	1 space for every rental room
Medical Clinics	4 spaces for each doctor plus one space for each employee

Section	Parking Ratios
Wholesale establishments, warehouses, and other businesses not catering to retail or package trade	1 space for every 3 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously
Industries	1 space for every 1.5 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously
Institutions and Clubs	1 space for every 5 seats in principal assembly room
Community or Private Swimming Clubs	1 space for every 5 memberships
Dwelling unit having home beauty or barber shop	2 additional spaces
Day Care Center	1 space for each adult attendant and 1 space for every 6 children or fraction thereof
Elementary School	3 spaces for each room used for administration offices, or class instruction, or 1 space for each six (6) seats in auditoriums and other places of assembly or facilities available for the public, whichever is greater
Restaurants or other eating places	1 space for each 4 seats

Special situations which are not covered by the above shall be handled by the Board of Adjustment. The Board of Adjustment shall make the final determination as to the number of spaces to be required, but shall in all cases give due consideration to the needs.

ARTICLE XI. SIGN REGULATIONS

SECTION 11.01 - GENERAL REGULATIONS

These regulations shall apply in all districts. With the exception of legal notices, identification, information, directional or regulatory signs erected or required by governmental bodies or otherwise specifically excepted herein, no exterior sign may be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any district, except in compliance with these regulations.

With the exception of those signs specifically authorized in the preceding paragraph or Section 11.07, no sign may be erected without a permit from the Chowan County Building Inspector. Application for permits shall be submitted on forms obtainable at the Office of the Chowan County Building Inspector. Each application shall include a statement by the applicant attesting to compliance with the requirements of this ordinance. If conditions warrant, the Building Inspector may require such additional information as will enable him to determine if such a sign is to be erected in conformance with this ordinance.

No sign shall be permitted on any pubic right-of-way except as specifically authorized herein. No sign shall be attached to or painted on any telephone pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object, except as specifically authorized herein.

Signs shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building, structure or lot. No sign shall:

1. be erected or continued that would tend by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle; or

2. use words such as "stop", "go", "slow", "danger", etc., which might be confused with traffic directional signs or signals; or

3. obstruct the line of sight of motorists at intersections or along a public right-of-way.

All signs of a temporary nature shall be removed within one week after their reason for being has ceased to exist; provided, however, that when a shortern period of time is specified for removal of signs elsewhere in this ordinance, the shorter time period shall be observed.

All signs shall be maintained in a state of good repair. No sign shall be continued which becomes structurally unsafe and endangers the safety of the public or property. The Planning Board or its authorized agent, upon discovering or having brought to his attention evidence of an unsafe sign, shall order that such sign be made safe or be removed. A period of five days following receipt of said notice by the person, firm, or corporation owning or using the sign shall be allowed for compliance.

SECTION 11.02 - PROJECTING SIGNS AND DEVICES

Projecting signs, outdoor advertising signs and similar overhanging devices, where they are permitted, shall be at least ten feet above the finished grade of any walkway. Signs attached to the underside of a canopy shall be at least nine feet above the finished grade of any walkway.

Signs affixed flat against the walls of buildings or vertical surfaces of canopies and not more than 12 inches in thickness shall not be deemed a projecting sign. Business identification signs mounted on the parapet or on the roof line and not projecting more than 12 inches beyond the building face shall not be deemed a projecting sign. The thickness of such non-projecting signs shall not be used in measuring setbacks. In no case shall the signs covered in this section extend closer than two feet to a vertical plan at any street curb line.

SECTION 11.03 - AREA COMPUTATION

For the purposes of this ordinance, the square footage area of any sign shall be computed by the smallest square, triangle, rectangle, circle or combination thereof, which encompass all words, numbers and symbols situated on the sign including lattice work and wall work, incidental to its decoration.

SECTION 11.04 - SIGN ILLUMINATION

Where illuminated signs are permitted, they shall conform to the following criteria:

Illuminated signs may have either interior or exterior source of illumination or a combination of both.

Interior illumination, where the source of illumination is from within the sign itself, it shall be such that the illumination emanating from the sign is diffused.

Exterior illumination, where the source of illumination is provided by such devices as, but not limited to, flood lights or spot lights, they shall be placed and shielded as to prevent the direct rays of illumination from being cast upon neighboring lots and/or vehicles approaching on a public right-of-way from any direction.

llumination signs are required to be non-flashing; the illumination for the sign shall not either totally or in part, flash on and off except for public service information signs as regulated by Section 11.09.

SECTION 11.05 - CONDITIONAL SETBACK

If the lot on which a sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned solely for residential use, the distance of at least twenty feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential zone. Provided further, that all outdoor advertising signs shall conform to Section 11.08 of this ordinance, which requires such signs to maintain a 150 foot setback from a lot zoned exclusively for residential purposes.

SECTION 11.06 - PERMANENT SUBDIVISION SIGN REGULATIONS

Permanent subdivision identification signs having a maximum sign area of 36 square feet may be erected. There shall be a limit of one double-face sign or two single-face signs (if two single-face signs are employed, maximum area per sign is 18 square feet) for each street entrance into the development identified by the sign. The sign shall be set back at least five feet from the street right-of-way. Applicable side yard setbacks for buildings shall also be adhered to.

SECTION 11.07 - SIGNS NOT REQUIRING A PERMIT FROM THE CHOWAN COUNTY BUILDING INSPECTOR

IDENTIFICATION SIGNS

Signs not exceeding two square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises or other identification of premises shall not require a permit.

TEMPORARY REAL ESTATE SIGN

One temporary real estate sign not exceeding four square feet of sign area per minimum area of the zone in which located, plus four square feet of sign area per additional 5,000 square feet of lot up to a maximum of 72 square feet of sign area, may be placed on a property that is for sale, lease, rent or barter. When the property on which said sign is placed fronts on more than one street, one sign shall be allowed on each street frontage. Such signs shall not be illuminated.

CONSTRUCTION SIGN

One temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and/or developer, contractor, subcontractor, architect, land planner, landscape architect, engineer and development. Such signs shall be removed within two days after the construction work has been completed. Maximum size of construction signs shall be as follows:

a. In residential zones, 24 square feet.
b. In all other zones, 72 square feet.

Construction signs in residential zones shall not be illuminated.

DIRECTIONAL OR INFORMATIONAL SIGN

No permit shall be required for directional or informational signs of a public or quasi-public nature and such signs shall not exceed eight square feet in area relative to items 1 and 2 listed above. Those signs may be illuminated in conformance with Section 11.04 of this ordinance or they may be of the beaded reflector type. Such signs shall be used only for the purpose of stating or calling attention to:

1. the name or location of a city, town, village, hospital, community center, public or private school, church or other place of worship;

2. the name or place of meeting of an official or civic body such as the Chamber of Commerce, Rotary, Lions or Kiwanis Club.

INCIDENTAL SIGNS

The following incidental signs as described are allowed:

1. One incidental professional announcement sign.

   a. In residential districts such signs shall not exceed one square foot in area, shall be flat-mounted against the building and shall not be illuminated.

2. Any sign not exceeding 1-1/3 square feet in area. There shall be a limit of three such signs per lot.

SECTION 11.08 - OUTDOOR ADVERTISING SIGNS

Outdoor advertising signs shall be permitted only in A-1, B-1 and I-1 districts. For the purposes of this ordinance the following shall be considered as one outdoor advertising sign:

-- Side-by-side signs if structurally tied together.

-- V-type and back-to-back signs if not located more than 15 feet apart at the nearest points of each sign.

Setback - Outdoor advertising signs shall observe all setback requirements of the districts in which they are located. In any case, no outdoor advertising structure shall be located closer than 150 feet to a lot zoned exclusively for residential purposes.

Size - Outdoor advertising signs shall not be larger than 800 square feet in area.

Location - Outdoor advertising signs on either side of a thoroughfare shall not be located nearer to another advertising sign on the same side of the street than 200 feet inside the County line and 300 feet outside the County line.

Requirements - Outdoor advertising signs attached to a building structure shall not be higher than the wall to which they are attached. Outdoor advertising signs shall not be mounted on the rooftop of any building.

SECTION 11.09 - PUBLIC SERVICE INFORMATION SIGNS

Public service information signs are those signs which display public service information such as time, date, temperature, weather or other similar information. These shall be allowed in the B-1 and I-1 zoning districts. Public service information signs shall be allowed to be flashing signs. Public information signs will conform to the size and height requirements for the zone in which they are located.

SECTION 11.10 - BUSINESS IDENTIFICATION SIGNS

Business identification signs shall be subject to the limitations in the Table of Business Sign Requirements. All business identification signs itemized in the table may be illuminated.

SECTION 11.11 - TABLE OF BUSINESS SIGN REQUIREMENTS

District	Number of Signs Permitted (See Note 2)	Total Area of Signs Permitted (See Notes 1 and 2)	Locational Requirements
B-1	One flush mounted or protecting sign per establishment	One square foot per linear foot of building frontage allotted to each establishment	
	AND		
	One free-standing sign per separate lot of record	One square foot per linear foot of storage	Maximum height of 35 feet at 2 feet from a property line relative to free-standing signs
I-1	One flush-mounted or projecting sign per establishment	One square foot per linear foot or building frontage allotted to each establishment	
	AND		
	One free-standing sign per separate lot of record and per establishment	One square foot per linear foot of lot frontage	Maximum height limitation of 35 feet and 5 feet from a property line relative to free-standing signs

NOTE 1. Marquees for indoor theaters in the B-1 zoning districts shall not be subject to the sign area limitations.

NOTE 2. Establishments developed on a corner lot may have one additional sign having one square foot of sign area per linear foot of the building's corner side in addition to the specified total number of area of signs permitted. Such signs shall be flush-mounted and be affixed to said corner side.

ARTICLE XII. AIRPORT HEIGHT RESTRICTIVE AREAS

SECTION 12.01 - AIRPORT HEIGHT RESTRICTIVE AREAS ESTABLISHED AS SUPPLEMENTARY

The (AP-)designation is not intended to be utilized as a district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended, or "overlaid." Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification.

SECTION 12.02 - INTENT

It is the intent of this ordinance to restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of the Edenton Municipal Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the (AP-) designation, when appended to a basic district classification, is intended to coordinate the purpose and intent of this Ordinance with other regulations duly established by Chowan County whose primary intent is to further the purposes set out above.

SECTION 12.03 - DEFINITIONS

1. Airport - Edenton Municipal Airport

2. Airport Elevation - The highest point of an airport's useable landing area measured in feet above mean sea level. (19.0').

3. Approach Surface - A surface longitudinally centered on the extended runway centerline of each runway, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 12.04 of this ordinance.

4. Approach Zone - The inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 500 feet widefor all runways. The approach zone expands outward uniformly to a width of 3500 feet at a horizontal distance of 10,000 feet from the primary surface for runway 19. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface for runway 1. For runway 5, the approach zone expands outward uni-

formly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface; and, the approach zone for runway 23 expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet. Its centerlines are the continuation of the centerlines of the respective runway.

5. Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.

6. Conical Zone - The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward therefrom for a distance of 4000 feet, and upward at a slope of 20:1.

7. Hazard to Navigation - An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

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

9. Horizontal Surface - A horizontal plane 150 feet above the estabished airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.

10. Horizontal Zone - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of the end of the primary surface of runways 1 and 19 and connecting the adjacent arcs by drawings lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

11. Obstruction - Any structures, growth, or other object, including a mobile object, which exceeds a limited height set forth in Section 12.04 of this ordinance.

12. Primary Surface - A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for all runways.

13. Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

14. Structure - An object, including a mobile object, constructed or installed by man, including but without limitation, building, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

15. Transitional Surfaces - These surfaces extend outward at right angles (90 degree angles) to the runway centerline and extend at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and/or conical surfaces.

16. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.

SECTION 12.04 - AIRPORT ZONE HEIGHT LIMITATIONS

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

1. Approach Zone, APA - a) For runway 19, the approach slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance 10,000 feet along the extended runway centerline. The inner dimension is 500 feet and its outer dimension is 3,500 feet; b) For runway 1, the approach zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner dimension is 500 feet and its outer dimension is 1,500 feet; c) For runway 5, the approach zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner dimension is 500 feet and its outer dimension is 2,000 feet; d) For runway 23 the approach zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner dimension is 500 feet and its outer dimension if 1,250 feet.

2. Transitional Zones, APT - Slopes 7 feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation or 169 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surfaces.

3. Horizontal Zone, APH - Established at 150 feet above the airport or at a elevation of 169 feet above the mean sea level.

4. Conical Zone , APC - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation 369 feet above mean sea level.

SECTION 12.05 - USE RESTRICTION

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

SECTION 12.06 - NONCONFORMING USE

1. Regulations not Retroactive - The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the consrtuction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effect date of this ordinance, and is diligently prosecuted.

2. Obstruction, Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Chowan County Board of Commissioners and the Edenton Municipal Airport to indicate to the operators of aircraft in the vicinity of the airport and the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Edenton Municipal Airport.

SECTION 12.07 - PERMITS

The Zoning Administrator shall not issue a zoning permit within an "APA", "APH", "APT", or "APC" area until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section 15.04.

   a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structures less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

   b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

   c. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than 75 feet above the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

   Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance.

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

3. Nonconforming Uses Abandoned or Destroyed - Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 75 percent torn down, physically deteriorated, or decayed,no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any strcuture, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations (See Section 15.04).

   The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of this application has been furnished to the Edenton Municipal Airport for advice as to the aeronautical effects of the variance. If the Edenton Municipal Airport does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit Edenton Municipal Airport at its own expense, to install, operate and maintain the necessary markings and lights.

ARTICLE XIII. NONCONFORMING SITUATIONS

SECTION 13.01 - DEFINITIONS

Unless the context clearly indicates otherwise, the terms defined below are used in this section in the following manner:

a. Nonconforming Situation. A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

b. Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be nonconforming use). The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use).

c. Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

d. Nonconforming Lot. A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

e. Ordinance. This ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

f. Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

g. Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make further expenditures, as well as any other substantial changes in position.

SECTION 13.02 - CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS

a. Nonconforming situations that were otherwise lawful on the effective date of this ordinance may be continued, subject to the restrictions and qualifications set forth in Sections 13.03 through 13.08 of this Article.

b. Nonconforming projects may be completed only in accordance with the provisions of Section 13.08 of this Article.

SECTION 13.03 - NONCONFORMING LOTS

a. When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a special-use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that (i) the proposed use is one permitted by the regulations applicable to the district in which the property is located, and (ii) the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety, or welfare. In issuing the permit authorized by this paragraph, the Board may allow deviations from applicable dimensional requirements (such as setback lines and yard size minimums) if it finds that no reasonable use of the property can be made without such deviations.

b. Whenever this ordinance creates a nonconforming lot and the owner of the nonconforming lot also owns land adjacent to it, and a portion of this other land can be combined with the nonconforming lot to create a conforming lot (without hereby creating other nonconformities), the owner of the nonconforming lot, or his successor in interest, may not take advantage of the provisions of paragraph (a) of this Section.

SECTION 13.04 - EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS

a. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

b. Subject to paragraph (d) of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Section 13.08 of this Article (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

c. Subject to Section 13.08 of this ordinance (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

d. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

e. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:

-- An increase in the total amount of space devoted to a nonconforming use;

-- Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or

-- The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75% of the perimeter of the area is marked by a permanently constructed wall or fence.

f. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation--i.e., work estimated to cost more than 10% of the appraised value of the structure to be renovated (and not required by the partial or total destruction of a structure [see paragraph (h)]--may be done pursuant to a special-use permit issued by the Board of Adjustment. The Board of Adjustment shall issue such a permit if it finds that the work will not result in a violation of any other paragraphs of this Section [particularly paragraph (c)"] or make the property more incompatible with the surrounding neighborhood.

g. Notwithstanding paragraph (e), any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. In particular, a mobile home may be replaced with a larger mobile home, and a "single-wide" mobile home may be replaced with a "double-wide." This paragraph is subject to the limitations stated in Section 13.06 on abandonment and discontinuance of nonconforming situations.

h. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions;

-- The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger mobile home intended for residential use may replace a smaller one;
-- The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if they can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;

-- The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75% or more of the perimeter of the area is marked by a permanently constructed wall or fence.

i. Except for single-family residential structures (including mobile homes), if the estimated cost of the reconstruction work exceeds 10% of the appraised value of the structure, the work may be done only after issuance of a special-use permit by the Board of Adjustment. The Board shall issue the permit if it finds that the work will be done in accordance with this paragraph and that the reconstructed building will not make the property more incompatible with the surrounding property than it was before the destruction occurred.

SECTION 13.05 - CHANGE IN KIND OF NONCONFORMING USE

a. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.

b. A nonconforming use may be changed to another nonconforming use only in accordance with a special-use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the application is made for the permit. If a nonconforming use is changed to any use other than a conforming use without obtaining a special-use permit pursuant to this paragraph, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 13.06 of this Article.

c. If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed substantially (except to a conforming use), only in accordance with a special-use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

SECTION 13.06 - ABANDONMENT OR DISCONTINUANCE OF NONCONFORMING SITUATIONS

a. When a nonconforming use is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in paragraph (b) of this Section. Present intention to reinstate the use shall not be considered if the abondoned property lacks maintenance or continuity of public services such as water, electricity and trash removal.

b. The Board of Adjustment may issue a special-use permit to allow a nonconforming use that has been discontinued for more than 180 consecutive days to be reinstated if it finds that (i) the nonconforming use has been discontinued for less than two years, and (ii) the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.

c. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the district in which the property is located, unless the Board of Adjustment issues a

special-use permit to allow the property to be used (for a conforming purpose) without correcting the nonconforming situation. The Board shall issue such a permit if it finds that (i) the nonconforming situation cannot be corrected without undue hardship or expense, and (ii) the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.

d. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

e. When a structure or operation made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180 day period for purposes of this Section begins to run at the effective date of the ordinance.

SECTION 13.07 - TERMINATION OF NONCONFORMING SITUATIONS

Subject to all other terms and conditions of Article XIII of this ordinance, nonconforming situations shall not be subject to specific time limitations for permanent discontinuation.

SECTION 13.08 - COMPLETION OF NONCONFORMING PROJECTS

a. All work on any nonconforming project shall cease on the effective date of this ordinance. Thereafter, work on nonconforming projects may begin, or may continue, only pursuant to a special-use permit issued by the Board of Adjustment (except as provided in paragraph (b) of this section). The board shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this ordinance and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Board shall be guided by the following:

-- To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made expenditure to acquire a potential development site if the property obtained is just as valuable under the new class-

ification as it was under the old, for the expenditure can be recovered by resale of the property.

-- An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (i) the total estimated cost of the proposed project, and (ii) the ordinary business practices of the developer.

-- A person shall be considered to have acted in good faith if actual knowledge of a proposed adoption of land-use law affecting the proposed development site could not be attributed to him.

-- Even though a person had actual knowledge of a proposed adoption of land-use law affecting a development site, the Board may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The Board may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that (i) at the time the expenditures were made, either there was considerable doubt about whether any oridnance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development; and (ii) the developer had legitimate business reasons for making expenditures.

b. The requirements of paragraph (a) of this Section shall not apply to a nonconforming project if the zoning enforcement officer certifies that actual construction of that project began at least 180 days before the effective date of this ordinance and that the work is at least 75% complete at the effective date of this ordinance.

c. The Board of Adjustment shall not consider any application for the special-use permit authorized by paragraph (a) of this section that is submitted more than 90 days after the effective date of this ordinance, unless it waives this requirement for good cause shown.

d. If the Board of Adjustment issues a special-use permit pursuant to paragraph (a) of this section, it may attach such reasonable conditions to the permit as it finds necessary to reduce the extent to which the nonconforming project is incompatible with the surrounding neighborhood. In particular, the Board may require that work on the nonconforming project be continuously maintained, if possible, and that the project be completed as expeditiously as possible.

e. When it appears from the developer's plans or otherwise that the nonconforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the Board of Adjustment shall not allow

the nonconforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that nonconforming project.

ARTICLE XIV. CERTIFICATE ISSUANCE

SECTION 14.01 - ZONING CERTIFICATE

No building or structure or any part thereof designed or intended to be used for other than farm or agricultural purposes shall be erected or repaired until a Zoning Certificate therefore has been issued by the Chowan County Building Inspector. A fee of $30.00 shall be charged for the issuance of each Zoning Certificate.

Each application for a Zoning Certificate shall be accompanied by a plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimension of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats, together with a record of the action taken thereon shall be kept in the Office of the Chowan County Building Inspector.

No permit for excavation for or erection of any building or part of a building, or for repairs to or alteration of a building, or the relocation of a building from the lot on which it is situated shall be issued until after a statement of its intended use has been filed by the applicant.

SECTION 14.02 - CERTIFICATE OF OCCUPANCY/COMPLIANCE

No land shall be used or occupied, except for farm purposes, and no building or structure erected, altered, used or changed in use for other than farm purposes until a Certificate of Occupancy/Compliance shall have been issued by the Chowan County Building Inspector stating that the building and/or the proposed use has been determined to be in compliance with the provisions of this ordinance. A like certificate shall be issued for the purpose of changing any existing use, as well as for maintaining, renewing, changing, or extending any nonconforming use. A Certificate of Occupancy/Compliance either for the whole or part of a building, shall be applied for prior to occupancy and shall be issued within five days after the erection of alterations of such building or part shall have been found in compliance with the provisions of this ordinance and other applicable codes and ordinances. A record of all such certificates shall be kept on file in the Office of the Chowan County Building Inspector and shall be furnished on request, to any person having a proprietary of tenancy interest in the building or land. A fee of $30.00 shall be

charged for the issuance of each Certificate of Occupancy/Compliance and $5.00 for a copy thereof.

SECTION 14.03 - COMPLIANCE WITH STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

Prior to the issuance of any initial zoning permit, zoning change permit, or conditional use permit, the zoning administrator and local AEC Permit Officer in consultation with the State AEC Field Consultant, shall determine whether the proposed use or structure is located within an Area of Environmental Concern. This determination shall result from an on-site investigation. If the proposed use or structure is located in an Area of Environmental Concern, the zoning administrator and local AEC Permit Officer shall certify that the proposed use or structure complies with development standards of the State Guidelines for Areas of Environmental Concern prior to issuing any zoning permit.

SECTION 14.04 - PENALTIES FOR VIOLATION

Any person, firm, or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor. Each day that violation continues to exist shall be considered a separate offense.

ARTICLE XV. BOARD OF ADJUSTMENT

SECTION 15.01 - COMPOSITION OF THE BOARD OF ADJUSTMENT PURSUANT TO N.C.G.S. CHAPTER 943, SESSION LAWS OF 1973

There is hereby established the composition of the Chowan County Board of Adjustment. The Board of Adjustment shall consist of five active members and two alternate members. An alternate member or members will be called upon to hear appeals in cases where the issue to be decided upon involves a personal conflict of interest with one or more regular Board of Adjustment members. The members shall be appointed by the Chowan County Board of Commissioners. All five members of the Board of Adjustment shall have the same and equal powers and duties.

SECTION 15.02 - JURISDICTION OF BOARD OF ADJUSTMENT

The Board of Adjustment shall have authority on any appeal relative to the provisions of this ordinance originating from within the area encompassed by the legal description of the jurisdiction of this ordinance as described in Section 2.01.

SECTION 15.03 - RULES FOR PROCEEDINGS OF THE BOARD OF ADJUSTMENT

The Board shall adopt rules governing its organization and for all proceedings before it. Such rules shall provide and require the following in addition to such other rules and regulations the Board shall adopt.

-- The Board shall elect a Chairman and Vice-Chairman on an annual basis.

-- The Chowan County Building Inspector or his designee shall serve as the Secretary of the Board. The Secretary shall keep minutes of the proceedings. The minutes shall contain relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting and attendance.

-- No appeal may be heard unless a quorum is present. A quorum shall consist of three/fifths of the membership of the Board.

-- Due notice shall be given to all parties having interest in an appeal.

-- Any interested party may appear in person, by agent or by Attorney to offer evidence and testimony relative to an appeal.

-- Fees for filing appeals to the Board of Adjustment shall be as follows:

Variance Request 30.00.
Special Use Permit Request 30.00.
Renewal of Special Use Permit Request 15.00.

SECTION 15.04 - POWERS OF BOARD

Review of Enforcement Officers Decision

Where it is alledged that there is any error in any order, decision, or requirements of the Enforcement Officers appointed by the Chowan County Board of Commissioners, the Board shall have the power to hear and decide any appeal taken from the order, decision or requirement of the Enforcement Officer and to grant a variance to the appellant to rectify any error of the Enforcement Officer. A concurring vote of four members of the Board shall be required to reverse any order, decision, or determination of the Enforcement Officer or to decide in favor of the applicant any matter which the Board is required to pass under the provisions of this ordinance, or to grant any variation in this ordinance.

Variances

A variance may be granted to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this ordinance will result in undue hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. In considering all proposed variances to this ordinance, the Board shall, before making any finding in a specified case, first determine tht the proposed variances will not constitute any change in

the district boundaries shown on the Zoning Map and will not impair any adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety, or adversely affect the use or physical attributes of property within the surrounding area, or in any other respect impair the public health, safety, and general welfare.

In granting a variance the Board may impose thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance.

Before a variance is granted it shall be shown that special circumstances attached to the property which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty of undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of the ordinance itself. A hardship peculiar to the applicant as distinguished from others affected by the general rule must be shown.

The Board may grant a variance in the dimensional yard requirements of this ordinance only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which was a lot of record as of the effective date of this ordinance, or where due to the topographical conditions of a piece of property the strict application of the said dimensional requirements of this ordinance would result in practical difficulties or undue hardship of such nature as described in the preceeding paragraph.

The fact that property may be utilized more profitably will not be considered as a justification for granting a variance by the Board.

The Board shall have the power to grant, in particular cases and subject to appropriate safeguards, permits for Special Uses as authorized by Article IX, Section 9.02.

Additional Power

In addition to the general powers conferred upon the Board in the foregoing, the Board shall have authority to make the following exception to the general provisions of this ordinance:

> Where a use district boundary line crosses a lot, the Board, after a public hearing in which it has determined that the spirit and intent of this ordinance has been carried out, may permit a use of either classification on the whole lot, but not to exceed a distance of 150 feet from the boundary line.

SECTION 15.05 - APPEAL TO THE BOARD OF ADJUSTMENT

An appeal may be taken to the Board of Adjustment by any person aggrieved by a decision of any officer, department or Board of the County relative to enforcement or interpretation of this ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the Board filing the appeal with the Office of the County Building Inspector. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

SECTION 15.06 - APPEAL FROM DECISION OF THE BOARD OF ADJUSTMENT

Any person or persons aggrieved by a decision of the Board of Adjustment may within 90 days, but not thereafter, present to Superior Court of Chowan County a petition for a write of certiorari, duly verified, setting forth that such a decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such a decision of the Board shall be subject to review as provided by law.

ARTICLE XVI. AMENDMENT PROCEDURE

SECTION 16.01 - AMENDMENT BY OWN MOTION

The Chowan County Board of Commissioners may from time-to-time amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently amended. This may be done on the Commissioners own motion or as a result of a recommendation after a public hearing as prescribed below.

SECTION 16.02 - AMENDMENT BY PETITION

The Chowan County Board of Commissioners may also desire to take such action as a result of a petition presented by a private citizen or citizens in accordance with the following procedures. Such petitions shall be presented to the Board at least fifteen working days prior to the meeting of the Planning Board meeting at which it is to be heard, not to include the day of the meeting. The petition shall contain such information, and shall be presented in such manner as specified by the Planning Board. The Planning Board, after studying the petition, shall prepare a recommendation to be considered by the Board of Commissioners at its next regular meeting. This recommendation will contain all reasons considered in the deliberations of the Planning Board. In cases of petitions requesting rezoning of property, a non-refundable fee of $30.00 shall be paid by the applicant prior to placement of the request on any agenda of the Planning Board.

Acceptance by the Chowan County Board of Commissioners of a recommendation of the Planning Board for an amendment of this

ordinance will be only in the form of an authorization for notice of a public hearing as prescribed by law. Notice for such public hearing shall be given once a week for two successive calendar weeks in a newspaper distributed in the County and the first such notice shall be published the first time not less than 15 days and not more than 25 days prior to the date fixed for the hearing.

SECTION 16.03 - PROTEST TO AMENDMENT

In cases of a protest against any proposed amendments, signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those in immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereof extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the Chowan County Board of Commissioners.

ARTICLE XVII. LEGAL STATUS PROVISIONS

SECTION 17.01 - VALIDITY

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Chowan County Board of Commissioners hereby declares that it would have passed this ordinance and each section, clause and phrase thereof, irrespective off the fact that any one or more sections, sentences or clauses be declared invalid.

SECTION 17.02 - EFFECTIVE DATE

This ordinance shall be in full force and effective henceforth from _____. This ordinance was duly adopted by the Chowan County Board of Commissioners on _____, with an effective date of_____.

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