

EXHIBIT D

To the Agreement dated _____, 2011, by and between by and between Perquimans County, a body politic and corporate of the State of North Carolina, as Lessor, and _____, a _____, as Lessee.

EQUIPMENT

One (1) antenna; DB-264 type VHF antenna with 7/8" coax cable; mounted on a 2ft side arm bracket.
Repeater to be mounted in enclosed 30" tall cabinet or mounted in an open rack inside shelter in existing County equipment building.

FREQUENCIES ASSIGNED TO TENANT BY THE FCC FOR USE ON THE PROPERTY

Transmit frequencies:

Receive frequencies:

VISION RETREAT

Since a couple of our Commissioners and our Interim County Manager have not attended a Vision Retreat, Chairman Hobbs contacted Charlie Lacefield to see if he was available to hold another Vision Retreat this January or February. Mr. Lacefield told Mr. Hobbs that he was available the last two weeks of January and all of February. The cost will be the same as last time – zero dollars. Commissioner Nixon requested that we only hold two sessions. Commissioner Weimar asked if Mr. Lacefield could bring some information that was discussed at the last meeting. After discussing the dates available, the Board would like to meet on January 28th from 8:00 a.m. to 12:00 noon and possibly on February 18th from 8:00 a.m. to 12:00 noon. Interim County Manager will send out an e-mail confirming these dates after Mr. Hobbs talks with Mr. Lacefield.

JOINT MEETING WITH SCHOOL BOARD REGARDING ENERGY EFFICIENCY CONTRACTS

Interim County Manager Heath said that the School Board would like to meet with the Commission in the Commissioners Room at 5:30 p.m. prior to their February 6th meeting for an Energy Efficiency Contract discussion. Commissioner Nixon asked if the Board could receive some of the information prior to the meeting so that they would have time to review it. Also, Commissioner Tammy Miller-White would like the names of other counties that have implemented this program. It was the consensus of the Board to meet with the Board of Education on February 6, 2012 at 5:30 p.m. in the Commissioners Room.

PUBLIC COMMENTS

There were no public comments or questions.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 7:50 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING
February 6, 2012
6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, February 6, 2012, at 6:45 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Benjamin Hobbs, Chairman Sue Weimar
Janice McKenzie Cole, Vice Chair Tammy Miller-White
Mack E. Nixon Edward R. Muzzulin

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, Interim County Manager Hackney High, County Attorney
Mary Hunnicutt, Clerk to the Board

After the Chairman called the meeting to order, Commissioner Weimar gave the invocation and the Chairman led the Pledge of Allegiance.

PUBLIC HEARING

Administrative Text Amendment No. TXT-11-07

Chairman Hobbs opened the Public Hearing stating that the purpose of the public hearing was to allow citizens to make comments on the consideration of Administrative Text Amendment No. TXT-11-07 to establish standards, conditions, procedures and definitions for Small Scale Solar Energy Facilities (as Accessory Use to Principal Residential and Non-Residential Uses), with changes to Articles VIII, IX, XI and XXIV of the Zoning Ordinance. There were fourteen (14) people present. The Planning Board approved this amendment at their January meeting. The Chairman recognized Donna Godfrey, Planner, who presented the following Administrative Text Amendment No. TXT-11-07:

-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-07
Perquimans County Zoning Ordinance, Articles VIII, IX, XI & XXIV
Establish Small Scale Accessory Use Solar Energy Facilities
(as ~~limited Accessory Use to Principal Residential Use~~)

Notes:

- (1) Proposed Text Amendments for Planning Board's review on 9-20-11 are shown in "single ~~strikethrough~~ and underline."
- (2) Changes made as a result of Planning Board review are shown in "single ~~strikethrough~~ and underline and italics."
- (3) Omission made on 10-3-11 by Planning Staff to Section 1107B during the BCC's discussion (Agenda Item IX.B.1) shown in "~~double strikethrough~~."
- (4) Changes made on 10-31-11 by special Study Group shown in "~~double strikethrough~~ and underline and italics."

ORDINANCE NO. 81

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLES VIII, ~~TABLE OF USES, ARTICLE IX, CONDITIONAL USES, AND ARTICLE XI, SECTION 1107 AND ARTICLE XXIV, IX, XI AND XXIV~~ TO ESTABLISH STANDARDS, CONDITIONS, PROCEDURES AND DEFINITIONS (FOR SMALL SCALE SOLAR ENERGY FACILITIES AS LIMITED ACCESSORY USE TO PRINCIPAL RESIDENTIAL AND NON-RESIDENTIAL USES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising Article VIII, ~~Table of Uses, Article IX, Conditional Uses, and Article XI, Section 1107, and Article XXIV, IX, XI and XXIV~~ to establish standards, conditions, procedures and definitions (for Small Scale Solar Energy Facilities as Limited Accessory Use to Principal Residential and Non-Residential Uses) thereof and by adding and substitution the following excerpts of Articles VIII and XI attached hereto as Exhibits ~~A, B and C~~ A, B, C and D and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 6th day of February, 2012.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: 2/6/2012

Exhibit "A"
Article VIII. Table of Uses (page 5 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Printing, Publishing, and Binding Establishments									P	P
Produce Stands	P					P	P	P	P	P
Produce Stands for sale of produce grown on premises only		P	P	P	P					
Public Facilities and Buildings, including outdoor storage, repair yards, or garages	C					C		P	P	P
Public Building, not including outdoor storage, repair yards, or garages			P			P	P	P		
Public Utility Substations, Transformer Stations and other Facilities	C	C	C	C	C	C	C	C	C	C
Radio and Television Studios								P	P	P
Recreation, Indoor (including, but not limited to bowling alleys and skating rinks)						P	P	P		
Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs, and community rodeos)	C					P	C	C		
Restaurants, without drive-thru	C	C				P	P	P	P	P
Restaurants, with drive-thru, and fast food						C	C	C		
Retail Sales and other Establishments not otherwise listed						P		P		
Schools, academic	C		C	C	C			C		
Schools, business or trade	C		C	C	C			C		
Sculpting, with outside storage						P				
Sculpting, without outside storage						P	C			
Secondary Temporary Dwelling (for hardship circumstances, usually family)	C		C	C	C					
Services (not elsewhere listed)								P		
Shooting Range, Indoor								C		
Solar Energy System, Large	C								P	P
<u>Small Scale, Accessory Use Solar Energy System</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small Scale Solar in Front Yd.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Small Scale Solar Production</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Exhibit "B"
ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes

It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the

specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by G.S. 153A-135 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan and be accompanied by a fee set according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the Planning Board and Board of County Commissioners shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Boards shall find:

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) 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 Perquimans County Land Use Plan.

In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. ***In order to validate the Conditional Use Permit, the owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners.***

(This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use: *A site plan for a conditional use must always be submitted with the application* based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.

Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.29 Small Scale Accessory Use Solar Energy Facilities (for Commercial Energy Production and/or Located in Front Yards)

- A. Zoning Districts: RA, HA, RA-43, RA-25, RA-15, CR, CN, CH, IL, IH
- B. Front Yard Location: A small scale, Accessory Use Solar Collector may be permitted in the front yard in any district as a Conditional Use as designated in the Table of Uses, subject to the following Site Considerations: All Small Scale Solar Energy Facilities shall comply with minimum design standards as outlined herein and in Article XI. Compliance with applicable standards shall be documented and shown on the Site Plan and submitted with the Application for Conditional Use Permit for review by the Planning Board and Board of County Commissioners.
 - (1) Glare: Solar Panels and related equipment shall be placed such that concentrated solar radiation or glare shall not be directed onto adjacent or nearby properties or roadways.
 - (2) Screening: Solar Panels and related equipment proposed for placement in the front yard shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agricultural, Historic Agriculture or Rural Agriculture Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803. Such screening shall be a minimum fifteen (15) foot wide vegetated strip along any property line adjacent to or within five hundred (500) feet of the public right-of-way. This vegetated strip shall consist of a naturally wooded area or planted with a mix of evergreens and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
- C. Commercial Energy Production: A small scale, Accessory Use Solar Collector may be permitted to generate electrical energy for the purpose of on-site consumption in any zoning district, in accordance with Article XI design standards. Commercial-level Solar Energy Production may be permitted in any zoning district as a Conditional Use as designated in the Table of Uses, subject to additional site considerations, as follows:
 - (1) Any Solar Collector and/or related equipment proposed for the purpose of selling and/or returning electric energy to an electric distributor shall be required to demonstrate to the County that said distributor has installed, inspected and certified the installation of said equipment equipment is installed to meet all local, state and federal requirements;
 - (2) All location criteria, site considerations and application requirements applicable to other Accessory Use Solar Collectors and related equipment which are permitted without a Conditional Use Permit shall be applied to the equipment proposed for commercial energy production including but not limited to those specified for ground-mounted and roof-mounted equipment.
- D. Application Requirements:
 - (1) Submit Site Plan prepared in accordance with current Site Plan Requirements of Section 509 and denoting the dimensions of the subject property, proposed solar panel location(s), including the arrangement of solar panels, distance from the proposed site improvements to all property lines.
 - (2) The Site Plan should also show the location of any required buffers as outlined in Article XVIII.
 - (3) Submit horizontal and vertical (elevation) to-scale drawings with dimensions.
 - (4) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (5) Compliance with Building Code: All active solar energy facilities shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.
 - (6) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.

Exhibit "C"

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI "Appeals and Variances."

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII "Dimensional Requirements," whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated. (*see also Section 703*)

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Section 1107. Solar Energy Facilities

A. Additional yard setbacks and other design standards shall apply to Solar Farms, or Large Scale Solar Energy Facilities, as provided at Article IX, Conditional Uses for application in the RA (Rural Agriculture), IL (Light Industrial) and IH (Heavy Industrial) Zoning Districts. ~~Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements.~~

B. ~~Small Scale Solar Energy Facilities shall be permitted as a limited an accessory use to existing structures or facilities in any zoning district principal residential uses in the RU, RA, Rural Agriculture, HA, Historic Agricultural, and RA-15, RA-25 and RA-43 (Residential Agricultural) Districts, provided they comply with minimum design standards outlined below and in Section 907. Compliance with applicable standards shall be documented and shown on the Site Plan and submitted with the Zoning Permit Application for review and approval by the Planning & Zoning Administrator and, where applicable, with the Application for Conditional Use Permit.~~

(1) ~~Solar Collector: An application for a proposed Small Scale Solar Collector/Energy System located at a residence or business must meet the following standards as a limited an accessory use:~~

- (a) ~~Any Small Scale Accessory Use Solar Collector proposing to sell residual energy to an electrical distributor must first obtain Conditional Use Permit review and approval from the Planning Board and Board of County Commissioners.~~
- (b) ~~Any Small Scale Accessory Use Solar Collector proposed in a front yard or on that section or sections of the roof which are within the routine view of a public right-of-way shall require a Conditional Use Permit.~~
- (c) ~~All Notwithstanding other location standards noted herein, all solar energy collectors, whether ground mounted or mounted on an existing structure, shall be limited to producing electricity strictly for on-site consumption and shall meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located.~~
- (d) ~~The height of the structure shall not be taller than the maximum height of a structure in the zoning district in which located.~~
- (d) ~~A ground-mounted solar collector shall meet the following location standards:~~

(1) ~~Freestanding Accessory Use solar collectors (structures) shall be located to the side or rear of the principal structure, or in the side or rear yards of all lots, except that, for corner lots, accessory structures shall only be permitted in the rear yard of corner lots. On parcels containing ten or more acres, the accessory solar structure may be placed in the front yard provided that it is located a minimum of 100 feet from any street right-of-way and minimum of 25 feet from any side property line. Accessory structures on property that borders Little River, Perquimans River, Yeopim River, Yeopim Creek and their tributaries a natural or manmade body of water shall be allowed in the front, side or rear yard.~~

(2) ~~Any free-standing solar collector proposed in a front yard shall require a Conditional Use Permit.~~

(3) ~~No Notwithstanding other minimum yard requirements, no Accessory Use Solar Collector (accessory structure or recreational structure) may extend within ten feet of a lot line, nor within 20 feet of a street right-of-way line;~~

(4) ~~No Ground-mounted Accessory Use Solar Collector (accessory building or structure) shall exceed 35 feet in height, nor shall any solar collector (accessory building) exceed the height of the principal structure as limited by the Maximum Height requirements of this Ordinance.~~

(e) ~~A roof-mounted solar collector shall meet the following location standards:~~

(1) ~~Roof-mounted Accessory Use Solar Collectors shall not extend above the ridge-cap;~~

(2) ~~The collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built; and~~

(3) ~~Roof-mounted Solar Collectors shall be located so as not to impede the ability of emergency personnel to access the roof for fire-fighting purposes. In any event, no more than fifty percent (50%) of any roof surface shall be covered by solar collector(s) as measured by accessibility to the interior spaces immediately under said roof.~~

(f) ~~A solar collector (accessory building) shall only be allowed on a lot upon which no primary dwelling exists in the RU, Rural and HA, Historic Agricultural districts. No electricity supplied by a utility company may be attached to the building nor available on the lot itself until a primary dwelling is established. In addition, all future solar collectors and other buildings and utilities shall be required to meet all county ordinances and regulations.~~

C. ~~Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or roadways.~~

~~For review only:~~

1) ~~This language ended up in the current Zoning Ordinance during the review and approval of the final draft for Large Scale Solar Facilities, possibly as an oversight since Small Scale Solar Facilities were postponed for separate review at this time: "Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements."~~

2) ~~This language was postponed during review of large scale systems: "A Small Scale Facility which is installed on the ground within the Residential Agricultural, Historic Agriculture and Rural Agriculture Zoning Districts will be subject to the minimum building setbacks applicable to an Accessory structure, provided said facility produces electricity strictly for on-site use."~~

Exhibit "D"

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (i) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ii) The word "shall" is mandatory and not discretionary.
- (iii) The word "may" is permissive.
- (iv) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (v) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
- (vi) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (vii) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Small Scale Accessory Use Solar Collector/Energy System: ~~A Solar Energy Panel or similar facility installed as an accessory use to a principal residence or in a zoning district which permits residential use of the property, an existing structure or facilities, with conditions and limitations as described elsewhere in this ordinance (see especially Article XI).~~

NOTE: If approved, this definition would be added to Article XXIV in alphabetical order with the other existing definitions.

-End of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-11-07
 Perquimans County Zoning Ordinance, Articles VIII, IX, XI & XXIV
 Establish Small Scale Accessory Use Solar Energy Facilities
 (~~as limited Accessory Use to Principal Residential Use~~)

Notes:

- (1) Proposed Text Amendments for Planning Board's review on 9-20-11 are shown in "single ~~strickthrough~~ and underline."
- (2) Changes made as a result of Planning Board review are shown in "single ~~strickthrough~~ and underline and italics."
- (3) Omission made on 10-3-11 by Planning Staff to Section 1107B during the BCC's discussion (Agenda Item IX.B.1) shown in "~~double strickthrough~~."
- (4) Changes made on 10-31-11 by special Study Group shown in "~~double strickthrough~~ and underline and italics."

The following questions were asked:

- > **Chairman Hobbs:** Mr. Hobbs asked if you put it on the roof it is permitted. Ms. Godfrey said generally this is true it all depends on whether or not you can see it from the road. If you put it on the roof, you still have to get a zoning permit, right? If it is too heavy for the roof, the zoning permit should address that issue, correct? Ms. Godfrey said that this is covered under Section 1107(d)(1-e). Commissioner Nixon said that this may also require an engineer to calculate the load with the additional weight on the roof. Ms. Godfrey said that this had never been discussed. Mr. Nixon said that this should be building inspector's call.
- > **Mr. Johnson:** Mr. Johnson brought in one of his solar panels for the Board to see. He discussed with the Board the fact that he would have to pay \$300 for him to put this solar panel in his front yard and he did not feel that was fair. The particular panel that he brought in was for 60-watts.
- > **Commissioner Nixon:** As far as the Fire Departments, he did not feel that it is an issue with him because if they are fighting the fire they will have an axe to take care of removing it.
- > **Commissioner Weimar:** Ms. Weimar wanted to clarify that it was going to cost Mr. Johnson \$300 to put it on his roof. Mr. Johnson said that it will cost him \$300 to put it in his front yard but anyone can put a junked car in their front yard and no one does anything about it..
- > **Commissioner Cole:** Ms. Cole asked Mr. Johnson where he wanted to put this solar panel. Mr. Johnson said that he actually wants to put it in the back.
- > **Commissioner Nixon:** Mr. Nixon asked why we are charging them \$300. Ms. Godfrey said that it the fee for the Conditional Use Permit. Mr. Nixon feels that we are somewhat penalizing an individual with this requirement.
- > **Commissioner Weimar:** Ms. Weimar asked if there could be a stipulation about the quantity of panels and the fee.
- > **Commissioner Nixon:** Mr. Nixon asked if Pasquotank County was as restrictive on their solar energy requirements. Ms. Godfrey said that Pasquotank and Camden do not have one and Chowan County is working on their large and small scale ordinance. He said that we are trying to conserve energy and it looks like we are hindering the process with this stipulation.
- > A member of the public asked why we want to penalize someone who is trying to save energy. Commissioner Weimar said that they would not be penalized if they put it on their roof. He further stated that a farmer may want to use it on his farm somewhere. Ms. Godfrey said that a bona fide farm would be exempt.
- > **Chairman Hobbs:** Mr. Hobbs asked about screening around the panels. Ms. Godfrey said that it was addressed in the zoning ordinance under GS 153A-144. Mr. Hobbs feels that if they are screened it should still be under a permitted use.
- > **Commissioner Cole:** Ms. Cole stated that she does not live in a subdivision and feels that she should be able to place whatever she wanted on her property. She referred to the large satellite dishes that people had in their yards before. The Board said that this was before zoning. Commissioner Muzzulin said that he felt that Mr. Johnson had been waiting long enough and feels that the Board could amend the ordinance and tweak it as we move along.
- > **Commissioner Nixon:** Mr. Nixon said that subdivisions were regulated with their restrictive covenants.

The Chairman asked if there were any more comments on this item. There being none, he closed the Public Hearing at 7:00 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Edward R. Muzzulin, seconded by Mack E. Nixon.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Sue Weimar, seconded by Janice McKenzie Cole.

- 1. **Approval of Minutes:** January 3, 2012 Regular Meeting
- 2. **Approval of Tax Refunds:**

PERQUIMANS COUNTY TAX RELEASES:

- > **Riverview Investments** \$261.36
 House destroyed by fire before January 1, 2011. Account Number: 356290.

TOWN OF HERTFORD RELEASES:

- > **Riverview Investments** \$207.90
 House destroyed by fire before January 1, 2011. Account Number: 356290.

- 3. **Budget Amendments:**

**BUDGET AMENDMENT NO. 16
 PHASE III / WATER FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
60-397-000	Transfer from Water Fund		227,972
60-500-740	Capital Outlay - Equipment		227,972
35-720-920	Transfer to Phase III		227,972
35-660-740	Capital Outlay - Equipment	227,972	
EXPLANATION: To purchase generator for Bethel WTP out of Water Fund instead of Phase III Fund.			

**BUDGET AMENDMENT NO. 17
 GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-399-000	Fund Balance Appropriated	5,000	
10-690-921	Juvenile Detention	5,000	
EXPLANATION: Additional funds needed for Juvenile Detention for FY 2011-12.			

4. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Bennett, Mary	Adult Care Home Advisory Committee	Appointment	3 yrs.	3/1/2012
Mansfield, Evelyn	Adult Care Home Advisory Committee	Appointment	3 yrs.	3/1/2012
Yates, Fred	Tourism Development Authority (Winfall appointee)	Appointment	2 yrs.	2/1/2012

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly and annual reports.

FRANK HEATH, TAX ADMINISTRATOR

Mr. Heath presented his monthly report.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Miller-White: Ms. Miller-White had two items to bring to the Board's attention: (1) She provided the Northeast Workforce Development Board report; and (2) Hertford fireworks were in danger of being cancelled because of lack of funds and lack of a group to oversee the festivities. The cost is usually around \$7,000 to \$8,000. Ms. Miller-White suggested that the Board consider matching the amount that the Tourism Development Authority pays each year (\$1,500) making a total donation of \$3,000. She understands about the policy of waiting 30 days before action on a non-budgeted request but she wanted to make sure that we began to think about it now. If someone decides to take over the project, she would like the Board to consider her recommendation. Commissioner Cole wanted to know who ran I before and where did the money come from. Commissioner Nixon said that the funds and leadership came from the Jaycees, Ruritan Clubs, Rotary Clubs, Chamber of Commerce, Civic Organizations, and personal contributions. The Board will wait to see what is going to happen and make a decision later.

UPDATES

Interim County Manager Heath updated the Board on the following projects:

Water System Projects: Interim County Manager Heath reported that the Bill Diehl has received the final findings on the Bethel RO Project. He is still sifting through the material and hopes to make a recommendation in March.

Jail Project: Commissioner Muzzulin highlighted several items from his report: (1) There are 60 Federal inmates at Albemarle District Jail; (2) They have agreed to house ten male and ten female short-time State prisoners; and (3) As a formality, they approved a motion concerning the Jail Settlement as approved by the Counties.

Sewer District: Interim County Manager Heath explained that the Board met with the Minzie Creek Sewer District Representatives on January 23rd. To date, Mr. Heath has not received a copy of their petition. County Attorney High said that he talked with a representative from the School of Government who specializes in these areas and he went through what the Board's concerns were about not getting too terribly involved in the early process and to avoid financial obligations in the future. They discussed General Statute Chapter #130A and how would it provide for the County's protection. They discussed three to four scenarios where the County would be liable for their financial obligations. They were as follows: (1) if the County felt that it was their moral obligation to take over the sewer system; (2) if the County co-signed anything with the sewer district; (3) if the County agreed to take it over; or (4) if the sewer district came to the County requesting us to dissolve the district and we gave them permission. Mr. High elaborated on each of the scenarios and said that he agreed with Mr. Heath that the next step would be to meet with the representatives and their attorney for the Sewer District and set up a timeline. Mr. High also said that any financial agreements that the sewer district would have would require approval from the Local Government Commission. In addition, Mr. High said that most of the financing for sewer districts is through USDA and they usually have certain requirements that they will be required to comply with them. Mr. High has also talked with Clif Smith, the attorney for Minzie Creek, and Ike McRee, attorney for Currituck County. They specifically discussed the concerns that the Board has had over the past couple of years regarding Walnut Island Sanitary Sewer District. The bottom line to this situation was that there was a philosophical change in the Board and they wanted be the sole provider of sanitary and water services in the County. This philosophical shift had a great deal to do with the County going in and taking over the Sewer District. He said that this was a conscience and voluntary decision based on a lot of factors with the primary factor being that the County wanted to be the sole provider of sanitary and water services. Commissioner Nixon asked, as a Board, could we control the density of the district. Mr. High said that we would not relinquish our control with regard to zoning. Chairman Hobbs asked how soon they are looking to move forward with their petition. Originally, Mr. Heath said that they were looking at March. Commissioner Nixon asked about verification of the signatures. Mr. Heath said that all they can do is to compare the names on the petition to the parcel owners in the Tax Department. They had no way of verifying the signatures because there is no notary seal required. Mr. Heath said that the important thing is to make sure that it isn't a lot here and a lot there but that they closely connected. The verification of the signatures will be a very time consuming task but we cannot start the process until we actually receive the petition.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

Interim County Manager Heath said that there was no new information on the Water Purchase Contract with Pasquotank County. Mr. Heath attended the February 1st meeting and they have pushed back water production to the first part of April. He also said that some of the members of the Pasquotank Water Committee did not realize that an Agreement had not been signed with Perquimans County. No action taken at this time.

SWIMMING AREA AT RECREATION CENTER

At the September 7, 2010 Commissioners' meeting, the Board received a request from Buck Bunch to provide a swimming area at the Recreation Center. They sent this request to the Recreation Advisory Committee for discussion and recommendation. It was the recommendation of the Recreation Advisory Committee that a swimming area should not be pursued at this time. It was the consensus of the Board to accept their recommendation.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Administrative Text Amendment #TXT-11-07 – Articles VIII, IX, XI and XXIV: A Public Hearing was held earlier in the meeting to consider the Administrative Text Amendment No. TXT-11-07 to establish standards, conditions, procedures and definitions for Small Scale Solar Energy Facilities (as Accessory Use to Principal Residential and Non-Residential Uses), with changes to Articles VIII, IX, XI and XXIV of the Zoning Ordinance. Commissioner Weimar asked if we needed to tweak it later could we do an amendment. The Chairman said that we could go on a approve it and Mr. Johnson can legally put it on his house/shed. Commissioner Nixon said that he felt that we needed to get it right the first time. Edward R. Muzzulin made a motion to approve Administrative Text Amendment No. TXT-11-07, to establish standards, conditions, procedures and definitions for Small Scale Solar Energy Facilities (as Accessory Use to Principal Residential and Non-Residential Uses), with changes to Articles VIII, IX, XI and XXIV of the Zoning Ordinance and based upon the following guidelines as contained in Sections 1302B (1) through (4):

- (1) The proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- (2) The proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- (3) The proposed text amendment corrects an error in the Ordinance; and
- (4) The proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

The motion was seconded by Sue Weimar. The Board approved Text Amendment #TXT-11-07, Ordinance No. 81 by a vote of five (5) to one (1) with Commissioner Nixon voting against the motion (**see Attachment No. A**). Chairman Hobbs said that he felt that the entire Board would like to have the small scale solar energy facilities to be a permitted use and not a

conditional use where they have to pay the \$300. Ms. Godfrey asked Mr. Hobbs how far the Board wanted to go with the small scale. She said that she could get some numbers together and bring it back to the Board. Mr. Hobbs said that would be good. He further stated that screening could also be an option too.

RESOLUTION: FSA OFFICE

Chowan County Board of Commissioners wants to close the Perquimans County FSA offices and house them in Chowan County FSA. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved the following Resolution opposing the consolidation of the Farm Services (FSA) Offices in the area in Chowan:

RESOLUTION OPPOSING THE CONSOLIDATION OF THE FARM SERVICE AGENCY (FSA) OFFICES IN THE AREA IN CHOWAN

WHEREAS, the U.S. Department of Agriculture plans to close the Farm Service Agency (FSA) office in Chowan County; and

WHEREAS, the Chowan County Board of Commissioners desires to consolidate the counties of Gates, Perquimans, Washington, and Bertie FSA Offices into one office and house it in Chowan County; and

WHEREAS, the Perquimans County Board of Commissioners feels that it is in the best interest of the farmers in Perquimans County to keep their FSA office open in Perquimans County; and

WHEREAS, Perquimans County has over 11,000 more acres of harvested cropland than Chowan County; and

WHEREAS, Perquimans County has cash receipts from those products that exceed Chowan County's by over \$30 million dollars; and

WHEREAS, the FSA farm count shows 476 for Chowan County and 912 for Perquimans County. Chowan County's total producer acreage is 46,876 and Perquimans County's total producer acreage is 88,344; and

WHEREAS, the attached radius map shows that all of the acreage in the two Counties is within a 15-mile radius of the Hertford FSA Office. A good portion of the northern part of Chowan County and most of the eastern part of Perquimans County lies outside the 15 mile radius of the Edenton office; and

WHEREAS, there are five USDA/FSA related jobs currently in the Hertford office, and only two in Chowan. There is adequate space in Perquimans and additional room for expansion should the agency ever need it.

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners opposes efforts of Chowan County Board of Commissioners to consolidate the FSA Offices in the counties of Gates, Perquimans, Washington, and Bertie into one office and house it in Chowan County.

Adopted on this the 6th day of February, 2012.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

Attested by:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

AUDIT CONTRACT

A copy of the Audit Contract with Douglas A. Hollowell, P.C. to prepare the audit for FY 2011-2012 was included in the Commissioners' Agenda Packet. Interim County Manager Heath, along with Sharon S. Ward, Finance Officer, recommends the award of this contract. The cost is \$19,000 for the audit and \$5,000 for the annual financial statements. On motion made by Edward R. Muzzulin, seconded by Janice McKenzie Cole, the Board unanimously approved the Audit Contract with Douglas A. Hollowell, P.C. for FY 2011-2012 Audit. Commissioner Muzzulin said that, since we receive it in electronic form, could we place it on the website. Ms. Ward said that we currently have FY 2009-10 and FY 2010-11 on the website.

SHERIFF'S JUNKED VEHICLE – RP'S BODY SHOP

Interim County Manager Heath explained that a deputy's vehicle was damaged in a collision with a deer. The insurance company did not total the vehicle but because it had over 160,000 miles it would be scheduled to be sold next fiscal year. Therefore it was not repaired. Mr. Heath said that Sheriff Tilley was present if they had any questions. They asked Mr. Tilley why it was stored so long. Because of a mix up in communication, Sheriff Eric Tilley thought that the insurance company was going to remove the vehicle and it actually slipped his mind. When RP's Auto Service contacted him about the vehicle, it had been in storage for 236 days at \$35.00 per day making a total bill of \$8,260.00. Sheriff Tilley said that RP's is willing to take the vehicle in exchange for this storage fee but the County would have to declare it a surplus vehicle. On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved to surplus the 2007 Ford Crown Victoria, VIN 2FAFP71W87X130532 and transfer the title to RP's Auto Service to clear up the storage fees. Finance Officer, Sharon S. Ward, asked why we were not billed for this. Mr. Tilley could not answer that question. Commissioner Miller-White asked would it cause any problem by us not receiving a bill. No one seemed to think that it would. Commissioner Nixon asked Sheriff Tilley if the deer guards are helping with damages as a result of hitting a deer. Mr. Tilley said that it helped with one but a cat messed up the Ford Fusion. Mr. Tilley also said that the Insurance Company gives a discount on insurance if they have the guards on the vehicles. Sheriff Tilley also explained the new legislation, Run and Done Law, which went into effect in December, 2011. This law would allow North Carolina to seize the vehicle of anyone convicted of felony speeding to elude law enforcement. That vehicle will be turned over to the Sheriff's Department for storage. To date, Mr. Tilley said that they have not had one and we have not had that many in the past. He did have one today but the chase began in Chowan County and he sent the vehicle back to Chowan County.

PERIAUGER REPAIRS / 20-20 BUILDING USE

Dr. John Ernst has contacted Interim County Manager Heath to see if they could use the back part of the 20/20 Building for about two to three months to do repairs to the Periauger. Mr. Heath said that, after talking with Leo Higgins regarding the noise level which he said was minimal, he is recommending that they be able to use the area for \$50 a month to cover the electricity used. Commissioner Muzzulin asked about the lacquer smell and if it would bother the other tenants. Mr. Heath did not ask that question but he would find that out. Finance Officer, Sharon S. Ward, and Commissioner Weimar asked if the County would be liable if anything would happen. County Attorney High recommends that Mr. Heath contact our insurance company about the extent of coverage in that building to determine our

liability should anything happen. Commissioner Nixon asked if they needed an enclosed space. Mr. Heath said that is what they prefer. The back of the EMC Building would also be a possibility if this does not work out. Commissioner Miller-White asked that, if our current policy does not include this service, could they upgrade it to cover a situation like this. Commissioner Nixon said that there could possibly be a rider added to the policy for a certain fee. On motion made by Tammy Miller-White, seconded by Sue Weimar, the Board unanimously approved for them to use the 20/20 Building to handle repairs to the Periauger at \$50 per month contingent on what the insurance company says.

PETITION: CEDARWOOD VILLAGE SUBDIVISION

Interim County Manager Heath explained that the Homeowners' Association is the process of taking over the roads in the Cedarwood Village Subdivision. They are asking that the County approve their petition to be added to the NCDOT State Road Maintenance System. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved to forward their petition to NCDOT.

LEPC HAZARDOUS MATERIALS GRANT & BUDGET AMENDMENT NO. 18

The Chowan/Perquimans Multi-County Local Emergency Planning Committee (LEPC) has applied for the Chowan/Perquimans Multi-County LEPC, HAZMAT Annex to the EOP and Related Exercise Project. Interim County Manager Heath informed the Board that they received the grant in the amount of \$19,962. Emergency Management Coordinator, Jarvis Winslow, was present if the Board had any questions. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the LEPC Hazardous Materials Grant funds of \$19,962 and the following Budget Amendment No. 18:

**BUDGET AMENDMENT NO. 18
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-011	Federal Grant - Hazardous Materials	19,962	
10-530-338	Hazardous Materials Grant	19,962	
EXPLANATION: To budget Hazardous Materials Emergency Planning Grant for FY 2011-12.			

DEFIBRILLATOR GRANT

Larry Chappell, Captain of EMS, informed Interim County Manager Heath that he had been awarded the Duke Endowment "Lead the Wave" Grant. This is an equipment grant. Mr. Chappell has already received two Zoll E Series Defibrillators with a cost value of \$26,200. Board acceptance is being requested. On motion made by Edward R. Muzzulin, seconded by Sue Weimar, the Board unanimously approved the acceptance of this equipment from the Duke Endowment "Lead the Wave" Grant.

BUDGET AMENDMENT NO. 19

After the Agenda Packets were mailed out, Susan Chaney, Director of Social Services, notified Interim County Manager Heath about additional funds received for Crisis Intervention and Low Income Energy Assistance (LIEAP). On motion made by Sue Weimar, seconded by Janice McKenzie Cole, the Board unanimously approved the following Budget Amendment No. 19:

**BUDGET AMENDMENT NO. 19
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-610-192	Crisis Intervention	34,086	
10-610-198	Low Income Energy (LIEAP)	8,322	
10-348-000	State Grants - DSS	42,408	
EXPLANATION: To budget additional State Funds for Crisis & LIEAP for FY 2011-12.			

PUBLIC COMMENTS

The following public comments were made:

- **Mr. Johnson:** He asked about the following items: (1) Trash and junked cars in people's yard – is the County going to do anything about it. The Board said that they are working on it; (2) Can they change the speed limit in front of his house to 45 mph. He will need to talk to NCDOT about that; and (3) Can we do anything about deer hunters who park on one side of the street and let their dogs off across the street waiting for deer to come out to shoot the deer. He will need to talk to Highway Patrol and N.C. Wildlife about that.
- **Donna Godfrey:** Ms. Godfrey wanted to update the Board on the building height requirements. She said that she is going to meet with the Fire Chiefs at their quarterly meeting in April to discuss the matter. Also, she invited the Board to attend the CRC Quarterly Meeting this week in Nags Head.
- **Emerson Cullins:** There have been articles in the Daily Advance recently about Elizabeth City, Pasquotank County, and Currituck County consolidating and becoming one entity. Has there ever been any discussion with Perquimans County doing this with the Towns of Hertford and Winfall? He would like to see some in depth discussion about this in Perquimans County. Chairman Hobbs said that they did discuss consolidating the police and sheriff's departments but that did not happen. We do share several services with the Towns like Inspections, Recreation, Telecommunications, etc. Commissioner Nixon said that we have more consolidated services than these other entities.

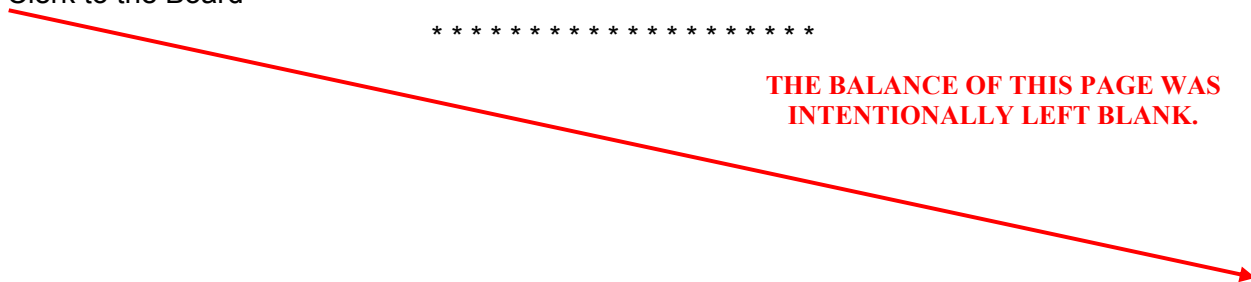
ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:00 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

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INTENTIONALLY LEFT BLANK.**



ATTACHMENT A

Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-07
Perquimans County Zoning Ordinance, Articles VIII, IX, XI & XXIV
Establish Small Scale Accessory Use Solar Energy Facilities
(~~as limited Accessory Use to Principal Residential Use~~)

Notes:

- (1) Proposed Text Amendments for Planning Board’s review on 9-20-11 are shown in “single ~~striketrough~~ and underline.”
- (2) Changes made as a result of Planning Board review are shown in “single ~~striketrough~~ and underline and italics.”
- (3) Omission made on 10-3-11 by Planning Staff to Section 1107B during the BCC’s discussion (Agenda Item IX.B.1) shown in “~~double striketrough~~.”
- (4) Changes made on 10-31-11 by special Study Group shown in “~~double striketrough~~ and underline and italics.”

ORDINANCE NO. 81

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLES VIII, ~~TABLE OF USES, ARTICLE IX, CONDITIONAL USES, AND ARTICLE XI, SECTION 1107 AND ARTICLE XXIV, IX, XI AND XXIV~~ TO ESTABLISH STANDARDS, CONDITIONS, PROCEDURES AND DEFINITIONS (FOR SMALL SCALE SOLAR ENERGY FACILITIES AS ~~LIMITED~~ ACCESSORY USE TO PRINCIPAL RESIDENTIAL AND NON-RESIDENTIAL USES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising Article VIII, ~~Table of Uses, Article IX, Conditional Uses, and Article XI, Section 1107, and Article XXIV, IX, XI and XXIV~~ to establish standards, conditions, procedures and definitions (for Small Scale Solar Energy Facilities as ~~Limited~~ Accessory Use to Principal Residential and Non-Residential Uses) thereof and by adding and substitution the following excerpts of Articles VIII and XI attached hereto as Exhibits ~~A, B and C~~ A, B, C and D and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 6th day of February, 2012.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: 2/6/2012

Exhibit "A"
Article VIII. Table of Uses (page 5 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Printing, Publishing, and Binding Establishments									P	P
Produce Stands	P					P	P	P	P	P
Produce Stands for sale of produce grown on premises only		P	P	P	P					
Public Facilities and Buildings, including outdoor storage, repair yards, or garages	C					C		P	P	P
Public Building, not including outdoor storage, repair yards, or garages			P			P	P	P		
Public Utility Substations. Transformer Stations and other Facilities	C	C	C	C	C	C	C	C	C	C
Radio and Television Studios								P	P	P
Recreation, Indoor (including, but not limited to bowling alleys and skating rinks)						P	P	P		
Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs, and community rodeos)	C					P	C	C		
Restaurants, without drive-thru	C	C				P	P	P	P	P
Restaurants, with drive-thru, and fast food						C	C	C		
Retail Sales and other Establishments not otherwise listed						P		P		
Schools, academic	C		C	C	C			C		
Schools, business or trade	C		C	C	C			C		
Sculpting, with outside storage						P				
Sculpting, without outside storage						P	C			
Secondary Temporary Dwelling (for hardship circumstances, usually family)	C		C	C	C					
Services (not elsewhere listed)								P		
Shooting Range, Indoor								C		
Solar Energy System, Large	C								P	P
<u>Small Scale, Accessory Use Solar Energy System</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small Scale Solar in Front Yd.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Small Scale Solar Production</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).

C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

Exhibit "B"
ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes

It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by G.S. 153A-135 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan and be accompanied by a fee set according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the Planning Board and Board of County Commissioners shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Boards shall find:

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) 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 Perquimans County Land Use Plan.

In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. *In order to validate the Conditional Use Permit, the owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners.*

(This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the

provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use: *A site plan for a conditional use must always be submitted with the application* based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.

Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.29 Small Scale Accessory Use Solar Energy Facilities (for Commercial Energy Production and/or located in Front Yards)

- A. Zoning Districts: RA, HA, RA-43, RA-25, RA-15, CR, CN, CH, IL, IH
- B. Front Yard Location: A small scale, Accessory Use Solar Collector may be permitted in the front yard in any district as a Conditional Use as designated in the Table of Uses, subject to the following Site Considerations: All Small Scale Solar Energy Facilities shall comply with minimum design standards as outlined herein and in Article XI. Compliance with applicable standards shall be documented and shown on the Site Plan and submitted with the Application for Conditional Use Permit for review by the Planning Board and Board of County Commissioners.
- (1) Glare: Solar Panels and related equipment shall be placed such that concentrated solar radiation or glare shall not be directed onto adjacent or nearby properties or roadways.
 - (2) Screening: Solar Panels and related equipment proposed for placement in the front yard shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agricultural, Historic Agriculture or Rural Agriculture Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803. Such screening shall be a minimum fifteen (15) foot wide vegetated strip along any property line adjacent to or within five hundred (500) feet of the public right-of-way. This vegetated strip shall consist of a naturally wooded area or planted with a mix of evergreens and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
- C. Commercial Energy Production: A small scale, Accessory Use Solar Collector may be permitted to generate electrical energy for the purpose of on-site consumption in any zoning district, in accordance with Article XI design standards. Commercial-level Solar Energy Production may be permitted in any zoning district as a Conditional Use as designated in the Table of Uses, subject to additional site considerations, as follows:
- (1) Any Solar Collector and/or related equipment proposed for the purpose of selling and/or returning electric energy to an electric distributor shall be required to demonstrate to the County that said distributor has installed, inspected and certified the installation of said equipment. equipment is installed to meet all local, state and federal requirements;
 - (2) All location criteria site considerations and application requirements applicable to other Accessory Use Solar Collectors and related equipment which are permitted without a Conditional Use Permit shall be applied to the equipment proposed for commercial energy production including but not limited to those specified for ground-mounted and roof-mounted equipment.
- D. Application Requirements:
- (1) Submit Site Plan prepared in accordance with current Site Plan Requirements of Section 509 and denoting the dimensions of the subject property, proposed solar panel location(s), including the arrangement of solar panels, distance from the proposed site improvements to all property lines.
 - (2) The Site Plan should also show the location of any required buffers as outlined in Article XVIII.
 - (3) Submit horizontal and vertical (elevation) to-scale drawings with dimensions.
 - (4) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (5) Compliance with Building Code: All active solar energy facilities shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.
 - (6) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.

Exhibit "C"

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI "Appeals and Variances."

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII "Dimensional Requirements," whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated. (*see also Section 703*)

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Section 1107. Solar Energy Facilities

- A. Additional yard setbacks and other design standards shall apply to Solar Farms, or Large Scale Solar Energy Facilities, as provided at Article IX, Conditional Uses for application in the RA (Rural Agriculture), IL (Light Industrial) and IH (Heavy Industrial) Zoning Districts. ~~Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements.~~
- B. Small Scale Solar Energy Facilities shall be permitted as a limited an accessory use to existing structures or facilities in any zoning district principal residential uses in the RU, RA, Rural Agriculture, HA, Historic Agricultural, and RA 15, RA 25 and RA 43 (Residential Agricultural) Districts, provided they comply with minimum design standards outlined below and in Section 907. Compliance with applicable standards shall be documented and shown on the Site Plan and submitted with the Zoning Permit Application for review and

approval by the Planning & Zoning Administrator and, where applicable, with the Application for Conditional Use Permit.

- (1) Solar Collector: An application for a proposed Small Scale Solar Collector/Energy System located at a residence or business must meet the following standards as a limited an accessory use:
 - (a) Any Small Scale Accessory Use Solar Collector proposing to sell residual energy to an electrical distributor must first obtain Conditional Use Permit review and approval from the Planning Board and Board of County Commissioners.
 - (b) Any Small Scale Accessory Use Solar Collector proposed in a front yard or on that section or sections of the roof which are within the routine view of a public right-of-way shall require a Conditional Use Permit.
 - (c) ~~##~~ Notwithstanding other location standards noted herein, all solar energy collectors, whether ground mounted or mounted on an existing structure, shall be limited to producing electricity strictly for on site consumption and shall meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located.
 - (d) ~~The height of the structure shall not be taller than the maximum height of a structure in the zoning district in which located.~~
 - (d) A ground-mounted solar collector shall meet the following location standards:
 - (1) Freestanding Accessory Use solar collectors (structures) shall be located to the side or rear of the principal structure, or in the side or rear yards of all lots, except that, for corner lots, accessory structures shall only be permitted in the rear yard of corner lots. On parcels containing ten or more acres, the accessory solar structure may be placed in the front yard provided that it is located a minimum of 100 feet from any street right off way and minimum of 25 feet from any side property line. Accessory structures on property that borders Little River, Perquimans River, Yeopim River, Yeopim Creek and their tributaries a natural or manmade body of water shall be allowed in the front, side or rear yard.
 - (2) Any free-standing solar collector proposed in a front yard shall require a Conditional Use Permit.
 - (3) ~~No~~ Notwithstanding other minimum yard requirements, no Accessory Use Solar Collector (accessory structure or recreational structure) may extend within ten feet of a lot line, nor within 20 feet of a street right-of-way line.
 - (4) No Ground-mounted Accessory Use Solar Collector (accessory building or structure) shall exceed 35 feet in height, nor shall any solar collector (accessory building) exceed the height of the principal structure as limited by the Maximum Height requirements of this Ordinance.
 - (e) A roof-mounted solar collector shall meet the following location standards:
 - (1) Roof-mounted Accessory Use Solar Collectors shall not extend above the ridge-cap.
 - (2) The collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built; and
 - (3) Roof-mounted Solar Collectors shall be located so as not to impede the ability of emergency personnel to access the roof for fire-fighting purposes. In any event, no more than fifty percent (50%) of any roof surface shall be covered by solar collector(s) as measured by accessibility to the interior spaces immediately under said roof.
 - (f) ~~A solar collector (accessory building) shall only be allowed on a lot upon which no primary dwelling exists in the RU, Rural and HA, Historic Agricultural districts. No electricity supplied by a utility company may be attached to the building nor available on the lot itself until a primary dwelling is established. In addition, all future solar collectors and other buildings and utilities shall be required to meet all county ordinances and regulations.~~

C. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or roadways.

For review only:

- 3) ~~This language ended up in the current Zoning Ordinance during the review and approval of the final draft for Large Scale Solar Facilities, possibly as an oversight since Small Scale Solar Facilities were postponed for separate review at this time: "Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements."~~
- 4) ~~This language was postponed during review of large scale systems: "A Small Scale Facility which is installed on the ground within the Residential Agricultural, Historic Agriculture and Rural Agriculture Zoning Districts will be subject to the minimum building setbacks applicable to an Accessory structure, provided said facility produces electricity strictly for on-site use."~~

Exhibit "D"

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (viii) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ix) The word "shall" is mandatory and not discretionary.
- (x) The word "may" is permissive.
- (xi) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (xii) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
- (xiii) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (xiv) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Small Scale Accessory Use Solar Collector/Energy System: A Solar Energy Panel or similar facility installed as an accessory use to a principal residence or in a zoning district which permits residential use of the property, an existing structure or facilities, with conditions and limitations as described elsewhere in this ordinance (see especially Article XI).

NOTE: If approved, this definition would be added to Article XXIV in alphabetical order with the other existing definitions.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-07
Perquimans County Zoning Ordinance, Articles VIII, IX, XI & XXIV
Establish Small Scale Accessory Use Solar Energy Facilities
~~(as limited Accessory Use to Principal Residential Use)~~

Notes:

- (1) Proposed Text Amendments for Planning Board's review on 9-20-11 are shown in "single ~~striketrough~~ and underline."
- (2) Changes made as a result of Planning Board review are shown in "single ~~striketrough~~ and underline and *italics*."
- (3) Omission made on 10-3-11 by Planning Staff to Section 1107B during the BCC's discussion (Agenda Item IX.B.1) shown in "~~double striketrough~~."
- (4) Changes made on 10-31-11 by special Study Group shown in "*double ~~striketrough~~ and underline and italics*."

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INTENTIONALLY LEFT BLANK.**

