

Contractor	Case #1 179 Dogwood Hertford, NC	Case #2 1626 Ocean Highway Edenton, NC	Case #3 430 Pender Road Hertford, NC
Eure & Sons Construction, Inc.	\$35,627	\$54,299	\$39,696
B&B Construction	\$39,250	\$53,480	\$35,595

Mr. Heath further explained that the lowest bids were as follows: Case #1 Eure & Sons = \$35,627; Case #2 B&B Construction = \$53,480; and Case #3 B&B Construction = \$35,595. The Wooten Company has made the following recommendation:

As detailed on the above Bid Tabulation Sheet, Eure & Sons Construction is only \$819.00 more than B & B Construction on case #2 (\$54,299.00). B & B Construction will not be in a position to start work for approximately two months and Eure & Sons Construction can begin work on two cases within the next three weeks. This schedule needs to be considered when awarding contracts. The County is not required to award contracts based strictly on dollar amount and should consider scheduling as well. Case #2 scope of work will be adjusted so that the rehabilitation cost is below the maximum allowable assistance for this project. All three contracts will be financed with available HOME Investment Partnership Program funds.

On motion made by Benjamin C. Hobbs, seconded by Edward R. Muzzulin, the Board unanimously awarded the contracts as follows:

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Commissioner Miller-White wanted to clarify some information and asked what the addresses were for these properties. She wanted to know if this was the grant project that we have had difficulty in finding homes to qualify. Mr. Heath said that it was. With regard to the addresses of these properties, Mr. Heath referred her to the tabulation sheet. The addresses were listed below each Case number.

ADJOURNMENT

There being no further business to discuss, the Special Called Meeting was adjourned by the Chair at 7:10 p.m. on motion made by Matthew Peeler, seconded by Tammy Miller-White and the Work Session began.

Janice McKenzie Cole, Chair

Clerk to the Board

REGULAR MEETING
May 6, 2013
6:35 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, May 6, 2013, at 6:35 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

- MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chair
Benjamin Hobbs Kyle Jones
Matthew Peeler Tammy Miller-White
- MEMBERS ABSENT: None
- OTHERS PRESENT: Frank Heath, County Manager Hackney High, County Attorney
Mary Hunnicutt, Clerk to the Board

After the Chair called the meeting to order, Commissioner Hobbs gave the invocation and the Chair led the Pledge of Allegiance. The Chair said that the first item of business was to hold a few Public Hearings.

PUBLIC HEARINGS

Conditional Use Permit No. CUP-13-01

Chair Cole opened the first Public Hearing stating that the purpose of the public hearing was to receive public comments on the review of expansion plans for that portion of the Electric Substation Facility located at 150 Two Mile Desert Road and zoned RA, Rural Agriculture within the Planning & Zoning jurisdiction of Perquimans County (remainder of facility located within and regulated by the Town of Winfall, NC). Subject property known as Tax Parcel No. 5-0032-0075-W. There were twenty (20) people present. The Chair recognized Donna Godfrey, County Planner, who presented the Project Review of the proposed Conditional Use Permit. She explained that there were certain procedural issues that she would explain when the Board takes action later in the meeting. At the Planning staff's invitation, Mayor Fred Yates attended the Technical Review Committee (TRC) meeting on February 25th and requested that the County's public notifications make the distinction between the Town and County's jurisdictions which she has tried to do. Several area residents attended the Planning Board's meeting on April 6th to ask questions about the potential negative impacts to adjacent property owners from the proposed expansion. Jonathon Schultis, Applicant for Dominion Power, stated his intention to have answers at the Commissioners' meeting in response to health-related questions posed during the discussion. Mr. Schultis is not present tonight but John Bailey is here to represent the applicant. During the Planning Board's meeting it was also explained that the Town of Winfall has planning and zoning jurisdiction over roughly 75 to 80 percent of the subject property. In his Statement of Justification Letter, Shaun Tweed, Applicant for Dominion Power, explains that the proposed expansion is needed to "increase electric reliability in northeast North Carolina and support growth in Dominion's as well as local electric cooperative's service territories. The expanded Substation will house the larger 230 kV equipment needed to complete the Line 11 64 conversion." The Applicant's Site Plan depicts existing facilities along with the proposed equipment needed to convert or double the Substation's existing capacity from 115 to 230 "kV" kilovolts. Chair Cole explained that this information was included in the Commissioners' Agenda Packets and has been read. Since they have only allotted 10 minutes for the Public Hearing, she requested that they move forward with questions/comments from the public. The following questions/comments were made:

- **John Bailey, Representative of VEPCO**, provided the two dates to complete the CUP-13-01. The first date on page 3 of 11 should be "2013" and the second date should be "May, 2014."
- **Commissioner Hobbs** asked if they were going to upgrade the lines that went down during Hurricane Isabel. Mr. Bailey said that they have been diligently replacing those lines. Mr. Hobbs also asked if they have signed an agreement with Iberdrola to purchase wind energy. Mr. Bailey said that they have not as of yet since they really do not know the status of this project.

- **Janice Owens**, representing her grandmother who lives on Two Mile Desert Road, stated that there are Electro Magnetic Field's (EMF's) that are emitted from these electrical lines which has been proven to cause cancer, miscarriages, birth defects, etc. When the substation was originally built, the area was sparsely populated. It now has built up considerably. She is asking VEPCO if they were going to regulate the EMF's and do testing to make sure that they are in compliance. Mr. Bailey said that VEPCO does monitor them but does not have the means to do so at the Winfall or Elizabeth City Substation. He further stated that they would be willing to come to their house and do tests to see if there are large amounts of EMF's present. Ms. Owens was asking the Board to require that VEPCO do testing at the substation and forward reports on a regular basis to the Board of Commissioners who would report those findings to the local residents surrounding the substation. Mr. Bailey said that they would be willing to do whatever they needed to do but he also explained that EMF's are emitted every time a switch is turned on and comes from things in your home like stoves, televisions, hair dryers, etc. The Health Department in Virginia has not found any connection to these EMT's to cancer and that is the position that VEPCO stands on.
- **Chair Cole** asked if the expansion would increase the EMF's. Mr. Bailey said that it would not.
- **Janice Owens** said that she realizes that people in her area are not aware of these problems and asked if VEPCO could provide readings to the Board. She is not trying to stop this. All she is asking is that these readings be provided to the Board for distribution to the public. Mr. Bailey said that they would.

There being no further comments or questions from the public or the Board, the Chair moved on to the next Public Hearing.

Administrative Text Amendment No. TXT-12-03

Chair Cole opened the second Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of Administrative Text Amendment No. TXT-12-03, to amend Accessory Use Solar regulations, with changes to Articles VIII, IX, XI and XXIV of the Zoning Ordinance. There were nineteen (19) people present. The Chair recognized Donna Godfrey, County Planner, who explained that on April 1st, the Board of County Commissioners held a Public Hearing to consider proposed text amendments to the County's existing Accessory Use Solar regulations (referred to in the Zoning Ordinance as "Small Scale Solar Energy Facilities Accessory to Principal Residential and Non-Residential Uses"). The Board tabled action in order to correct and clarify the Permitted Use and Conditional Use Permit categories in the Article VIII Table of Uses and thereby better reflect the substance of the text changes proposed in Articles IX, XI and XXIV. These additional changes to Article VIII are shown in the proposed Draft Ordinance. Planning staff also recommends reserving Section 907.29 as a "place marker" for the deleted text. An earlier version of the proposed text amendments was given to the Board in a Memo at its March 18th Work Session. With one other exception, the changes are identical to the March version, and that is new language added at Section 1107.C(3), which provides that "... *the area of the system shall not exceed the footprint of the principal structure*". At last month's Board meeting, concerns were expressed about why the Conditional Use Permit process should be retained for front-yard placement of solar equipment on lots containing less than two acres within the routine view of adjacent properties and road right-of-way. In its review of the Draft Ordinance, the Planning Board specified this criteria for the purpose of exploring and documenting the lack of alternative placements. The Planning Board was also concerned that neighbors be notified, and they recognized that a Conditional Use Permit may likely be issued. This approach was also partly based upon the State Law's limitations on a county's ability to regulate solar collectors (see North Carolina General Statute 153A-144). For background purposes, the Board may recall that the current regulations were approved last year with the directive to the Planning Board and staff to look into additional changes as follows: (1) Whether to remove the Conditional Use Permit (CUP) process for requests to locate equipment in the front yard and/or the roof, either of which is in the routine view of the public or road right-of-way; and/or (2) Whether to remove the CUP process for systems which will allow the purchase of electricity by the power company for commercial production beyond the on-site needs of the customer. Ms. Godfrey explained that in addition to the changes already given, she wanted to make a change to Section 1107 "C" by removing the section "*which generate energy in excess of the amount needed to meet on site consumption*". She presented the following proposed Text Amendment No. 12-03 (Ordinance No. 86) with this correction:

-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-03
Perquimans County Zoning Ordinance
Articles VIII, IX, XI & XXIV: Accessory Solar Rewrite

NOTE 1: The attached Draft Ordinance denotes changes in strikethrough and underline fashion, as recommended for approval by the Planning Board on 3-21-13, to include changes as summarized:

- 1) To require a Conditional Use Permit for a request to place ground-mounted solar panel(s) in front of a single-family residence on lots containing less than 2 acres within routine view of road right-of-way or adjacent property.
- 2) To establish design standards for staff-level review and remove the Conditional Use Permit process for the other scenarios.
- 3) To base approval of accessory-level commercial production on a 2-acre minimum yard size in residential districts or on the minimum setbacks for accessory structures in non-residential districts.
- 4) To add new Section 1107.C.(3) to provide that the area of the system shall not exceed the footprint of the principal structure, and accept "form over substance" changes made by Planning staff.

NOTE 2: Additional corrections made to Article VIII Table of Uses during BCC's 4-1-13 meeting are shown in ~~strikethrough and underline~~ with highlighted and italicized text.

NOTE 3: Deletion of a portion of the 2nd sentence in Section 1107C proposed by Planning staff on 5-3-13 to remove unintended waiver of Site Plan for proposed on-site consumption – ~~shown in double strikethrough~~ with highlighted and italicized text.

PROPOSED ORDINANCE NO. 86

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, IX, XI AND XXIV TO CLARIFY STANDARDS, CONDITIONS, PROCEDURES AND DEFINITIONS FOR SMALL SCALE SOLAR ENERGY FACILITIES AS ACCESSORY USE TO PRINCIPAL RESIDENTIAL AND NON-RESIDENTIAL USES; REMOVING SOME CONDITIONAL USE PERMIT REQUIREMENTS; AND ESTABLISHING MEASURABLE OBJECTIVES FOR ADMINISTRATIVE IMPLEMENTATION; 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 **Articles VIII, IX, XI and XXIV** to clarify standards, conditions, procedures and definitions for Small Scale Solar Energy Facilities as Accessory Use to Principal Residential and Non-Residential Uses; removing some Conditional Use Permit requirements; establishing measurable objectives for administrative implementation thereof and by adding and substitution the following excerpts of **Articles VIII, IX, XI and XXIV** attached hereto as **Exhibits 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 May, 2013.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

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
Small Scale, Accessory Use Solar Energy System, <i>with conditions</i>	P	P	P	P	P	P	P	P	P	P
<i>Small Scale Solar in Front Yd.</i>	€	€	€	€	€	€	€	€	€	€
<i>Small Scale Solar in front yard of single family residence on less than two acres within routine view of adjacent lots or road R/W</i>	C	C	C	C	C			C		
<i>Small Scale Solar Production</i>	€	€	€	€	€	€	€	€	€	€

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~~ Reserved for future use.

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 equipment is installed to meet all local, state and federal requirements;~~
- (2) ~~All location criteria, site considerations and application requirements applicable to 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.~~

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. Large Scale Solar Farms or Solar Energy Facilities: 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.

B. Small Scale Solar Energy Facilities Accessory to Principal Residential or Non-Residential Uses: shall be permitted as an accessory use to existing structures or facilities in any zoning district provided they comply with minimum design standards outlined below. 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) Small scale, Accessory Use Solar Collector(s) shall be permitted to generate electrical energy for the sole purpose of on-site consumption in any zoning district, in accordance with minimum building setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan and attached to a Zoning Permit Application for compliance review by the Planning & Zoning Administrator; However, ground-mounted collector(s) proposed in front of a single-family residence on property containing less than two (2) acres and located within the routine view of adjacent properties and/or the road right-of-way, may be approved subject to a Conditional Use Permit and compliance with the Application Requirements and design standards herein stated below;
- (2) Small scale solar energy collector(s) which generate(s) energy in excess of the amount needed to serve the single-family residential customer may be permitted as an Accessory Use in any residential zoning district as designated in the Table of Uses, subject to a minimum lot size of two (2) acres and subject to the Application Requirements and design standards herein stated below; and
- (3) Small scale solar energy collector(s) which generate(s) energy in excess of the amount needed to serve the non-single-family residential customer may be permitted as an Accessory Use in an applicable non-residential zoning district as designated in the Table of Uses, and subject to the Application Requirements and design standards herein stated below.

~~(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 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 meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located.~~
- ~~(d) A ground-mounted solar collector shall meet the following location standards:~~
 - ~~(1) Freestanding Accessory Use solar collectors shall be located to the side or rear of the principal structure, or in the side or rear yard, except that, for corner lots, accessory structures shall only be permitted in the rear yard;~~
 - ~~(2) Any free-standing solar collector proposed in a front yard shall require a Conditional Use Permit;~~
 - ~~(3) Notwithstanding other minimum yard requirements, no Accessory Use Solar Collector 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 shall 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~~

- (f) ~~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.~~
- C. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or roadways.
- C. Minimum Design Standards: Notwithstanding any other provision applicable to Small Scale Accessory Use Solar Energy Facilities, any system designed and installed to produce and sell energy to a third party user and/or distributor of electricity, must first obtain Conditional Use Permit review and approval from the Planning Board and Board of County Commissioners, pursuant to Article IX of the Zoning Ordinance. Otherwise, compliance with applicable design standards for all Small Scale Accessory Use Solar Energy Facilities which generate energy in excess of the amount needed to meet on-site consumption shall be documented and shown on the Site Plan and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator, as follows:
 - (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 Agriculture, Historic Agriculture or Highway Commercial Zoning Districts using the County's Buffers and Screening standards.
 - (3) In order to be classified as an accessory use, the area of the system shall not exceed the footprint of the principal structure.
 - (4) ~~(4)~~ Notwithstanding other standards noted herein, all solar energy collectors, whether ground mounted or mounted on an existing structure, shall meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located and shall be inspected by the Perquimans County Planning & Zoning Administrator.
 - (5) ~~(5)~~ Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (6) ~~(6)~~ 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.
 - (7) ~~(7)~~ Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition, as amended.
- D. Application Requirements: Any Small Scale 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 equipment is installed to meet all local, state and federal requirements through the following application process:
 - (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 and dimensions of solar panels and linear footage distance from the proposed site improvements to all property lines.
 - (2) The Site Plan shall also show the location of any required buffers.
 - (3) Submit horizontal and vertical (elevation) to-scale drawings with dimensions.

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."

NOTE: These definitions were recommended for approval by the Planning Board on 2-6-12 and 3-21-13 to be added to Article XXIV in alphabetical order with the other existing definitions:

Small Scale Accessory Use Solar Collector/Energy System: A Solar Energy Panel or similar facility installed as an accessory use to an existing structure or facilities, with conditions and limitations as described elsewhere in this ordinance (see especially Article XI).

Commercial solar energy production: A term used to describe a Solar Collector or an array of Solar Collectors which will produce energy in excess of that needed to meet the needs of the on-site customer. Such an arrangement requires compliance with minimum design standards which are not imposed upon a single-family residential customer whose production does not exceed onsite consumption after rounding up to the nearest solar collector needed to satisfy onsite consumption.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-03
Perquimans County Zoning Ordinance
Articles VIII, IX, XI & XXIV: Accessory Solar Rewrite

NOTE 1: The attached Draft Ordinance denotes changes in strikethrough and underline fashion, as recommended for approval by the Planning Board on 3-21-13, to include changes as summarized:

- 1) To require a Conditional Use Permit for a request to place ground-mounted solar panel(s) in front of a single-family residence on lots containing less than 2 acres within routine view of road right-of-way or adjacent property.
- 2) To establish design standards for staff-level review and remove the Conditional Use Permit process for the other scenarios.
- 3) To base approval of accessory-level commercial production on a 2-acre minimum yard size in residential districts or on the minimum setbacks for accessory structures in non-residential districts.
- 4) To add new Section 1107.C.(3) to provide that the area of the system shall not exceed the footprint of the principal structure, and accept "form over substance" changes made by Planning staff.

NOTE 2: Additional corrections made to Article VIII Table of Uses during BCC's 4-1-13 meeting are shown in ~~strikethrough and underline with highlighted and italicized text~~.

NOTE 3: Deletion of a portion of the 2nd sentence in Section 1107C proposed by Planning staff on 5-3-13 to remove unintended waiver of Site Plan for proposed on-site consumption – ~~shown in double strikethrough with highlighted and italicized text~~.

The Chair opened the public hearing for any comments or questions from the public. There being none, the Chair moved on to the next Public Hearing.

Administrative Text Amendment No. TXT-13-01 [12-04]

Chair Cole opened the third Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of Administrative Text Amendment No. TXT-13-01 to establish regulations for

Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes throughout the unincorporated County, with proposed changes to Articles VIII, IX, XIX and XXIV of the Zoning Ordinance. There were nineteen (19) people present. Commissioner Hobbs asked if Video Sweepstakes were legal. Ms. Godfrey said that, according to the State Law of North Carolina, they are prohibited. Ms. Godfrey elaborated on this. County Manager Heath stated that they are still figuring on ways to make these establishments legal by changing their software to make it legal. There are a couple operating in the Town of Hertford and we should be prepare for them to move into the County. Ms. Godfrey said that the County cannot tax the revenue from these establishments but the cities/municipalities can. Commissioner Peeler said that, he understood that it is up to the County to determine if it is gambling or not. It was his opinion that it is gambling and sees no value in supporting any kind of ordinance that encourages the breaking of the law which is what he feels this ordinance is doing. He does not understand why we would approve it. The proposed Text Amendment No. 13-02 (Ordinance No. 87) is as follows:

-Beginning of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-12-03
 Perquimans County Zoning Ordinance
 Articles III and IV
 Establish standards, conditions, procedures and definitions for
 Video Sweepstakes Operations/Electronic Gaming Operations/
 Internet Sweepstakes Cafes

ORDINANCE NO. 87

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, IX, XIX AND XXIV TO ESTABLISH STANDARDS, CONDITIONS AND PROCEDURES FOR VIDEO SWEEPSTAKES OPERATIONS/ ELECTRONIC GAMING OPERATIONS/ INTERNET SWEEPSTAKES CAFÉS; 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. 19 (Subdivision Regulations), as previously amended, is hereby amended by **revising standards, conditions and procedures this ordinance amends Articles VIII, IX, XI, XIX and XXIV to establish standards, conditions and procedures for Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafés;** by adding and/or substitution the following excerpts of **Articles VIII, IX, XIX and XXIV** attached hereto as **Exhibits A, B, C and D** respectively, 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 _____ day of _____, 20____.

**BOARD OF COUNTY COMMISSIONERS OF
 PERQUIMANS COUNTY, NORTH CAROLINA**

By: _____
 Janice McKenzie Cole, Chair

ATTEST:

 Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

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

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Temporary Construction Buildings (must be removed within 30 days of receipt of Certificate of Occupancy)	P	P	P	P	P	P	P	P		
Textile Products Manufacturing									P	P
Toxic Chemicals Processing or Disposal										C
Transportation and Freight Terminals						P		P	P	P
Truck Driving School									C	
Vehicle Service Stations (including Car Washes)						P	P	P	P	P
Veterinary Clinics			C			P		C		
Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe								C		
Warehousing, Storage, and Distribution Facilities									P	P
Welding						P			P	P
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards								C	P	
Wind Energy Facilities, Small	P		C	C	C	C	C	C	C	C
Wind Energy Facilities, Medium	C					C	C	C	C	C
Wind Energy Facilities, Large	C									
Wireless Communications Towers	C									
Woodworking						P				
Woodworking and Wood Products						C			C	C

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 through 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.

907.30 Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe**A. Zoning District: CH**

B. Objective and Purpose: It is recognized that there are some uses which, because of their nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas, or when the uses are proposed to be located in or near sensitive areas or land uses. It is recognized that special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. It shall be unlawful for any person to operate a Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafe without a Conditional Use Permit issued by the Perquimans County Board of Commissioners, pursuant to the special regulations itemized below:

- (1) Site Considerations: Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes may be permitted on parcels accessed by Ocean Highway (US Hwy 17 North and US Highway 17 South), either by direct access, frontage road or minor street, in the CH, Highway Commercial District, subject to requirements found elsewhere in the Zoning Ordinance and the following site considerations:
 - (a) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within thirteen-hundred twenty feet (1,320') of any building which is occupied by an existing sensitive use, including but not limited

to occupied residential dwelling unit(s); churches, synagogues, temples, or other religious uses; nursery schools or day care centers (child or adult); public or private schools or other educational facilities; health care facilities; libraries; and recreational facilities, as measured from the exterior walls of the building(s) containing such regulated use(s). Abandoned or vacated residential home sites located in the CH, Highway Commercial Zone which may otherwise qualify for a "Resumed Single Family Dwelling" shall not be included or protected under this subsection.

- (b) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within one thousand feet (1,000') of another Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe, as measured from the exterior walls of the building(s) containing such regulated use(s).
 - (c) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within five hundred feet (500') of an existing structure in which a restaurant is located, as measured from the exterior walls of the building(s) containing such regulated use(s).
 - (d) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within two hundred fifty feet (250') feet of any property zoned for residential use, which shall be measured from the exterior walls of the building(s) proposed for a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe to the boundaries of the residential zoning district. Areas zoned for residential use include any RA, Rural Agricultural; HA, Historic Agricultural; and RA-43, RA-25 and RA-15, Residential and Agricultural Districts.
 - (e) Yard Areas, Screening and other Minimum Design Standards: All buildings, structures, parking lot areas and other site improvements shall be designed and installed in compliance with standards specified elsewhere in this Ordinance, including Dimensional Requirements, Conditional Uses, Highway Corridor Overlay Districts, Buffers and Screening, Parking and Loading, and Signs (currently Articles VII, IX, XVII, XVIII, XIX and XX).
- (2) Required Plan: Application for a Conditional Use Permit shall be submitted to the Planning and Zoning Administrator with a site plan and other information as applicable to verify compliance with requirements listed elsewhere in this Ordinance and additional information, as follows:
- (a) The locations of existing buildings and structures on property within one thousand three hundred twenty feet (1,320') of exterior wall(s) of the proposed Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.
 - (b) The zoning of properties within two hundred fifty feet (250') of each building proposed for a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.
 - (c) A map certified by a registered land surveyor in the State of North Carolina indicating sufficient information to verify that the proposed location for the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe meets minimum setbacks or distances listed elsewhere in this Article.
 - (d) A site plan accurately drawn to a scale no larger than 1" = 100' for the proposed location of the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be submitted to verify location of the site as well as compliance with minimum building setbacks and parking requirements as defined elsewhere in this Ordinance.
 - (e) A scaled drawing of the sign that will be used for identifying the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.
 - (f) A statement defining the type of games to be offered at the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe for which the Conditional Use Permit is requested. The statement shall include a description of the games to be provided.
 - (g) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.

(3) Operational Considerations:

- (a) No person under the age of eighteen (18) years shall be permitted within a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.
- (b) There shall be no consumption of alcoholic beverages anywhere on the premises, including inside and outside of the building(s) nor anywhere within the boundaries of the property.
- (c) The maximum number of player terminals is ten (10). No poker or slot style machines shall be allowed.
- (d) The gaming operation shall be visible and open to the store front.
- (e) Hours of Operation: Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafes shall be permitted to operate only between the hours of 10:00 AM through 10:00 PM Monday through Saturday.
- (f) The Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be limited to one wall sign per premise, depicting the name of the business and business hours only. The sign shall not be internally lighted and no flashing or obtrusive lights are permitted. Maximum sign area shall be 20 square feet.
- (g) No gaming activities of any kind shall be allowed outside the building(s) of a proposed Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes cafe.
- (h) All parking areas and exterior points of ingress and egress shall be fully illuminated with night-lighting to deter criminal activities. Lighting shall be shielded so as not to interfere with adjoining property owners or traffic traveling the public highways.
- (i) Firearms shall be prohibited anywhere on the premises, including inside and outside of the building(s) and anywhere else within the boundaries of the property.

Exhibit "C"
ARTICLE XIX. PARKING AND LOADING

Section 1909. Minimum Parking Requirements

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 1904 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. For purposes of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

Land Uses	Required Parking
Airports, railroad passenger stations, and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Apartments/Multifamily Structures with three or more units	Two (2) parking spaces per dwelling unit.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Bars, Nightclubs, Taverns	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking place for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each three hundred (300) square feet of gross floor space for affiliated uses such as restaurants, bars, and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.
Clubs (Civic, Social, Fraternal)	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics, Medical Offices	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every five (5) students.

Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Single Family	Two (2) parking spaces per dwelling.
Fire Stations	One and a half (1½) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space per each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.
Greenhouses and Nursery Operations	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus one (1) parking space for each two (2) beds.
Hotels, Motels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each two (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial or Manufacturing Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Manufactured Homes	Two (2) parking spaces per mobile home plus one (1) space for each employee.
Nursing, Retirement, and Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices, Business and Professional	One (1) parking space for each two hundred (200) square feet of gross floor space.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) space for every four (4) spectator seats.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor areas.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary, and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large parking space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large parking space for each bus.
Schools, Colleges, Technical, and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	Six (6) parking spaces for each one thousand (1,000) square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for each employee on the longest shift.
Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes	One (1) parking space for every terminal plus one (1) parking space for each two (2) employees – or – Two (2) parking spaces for each terminal plus one (1) space for each three hundred (300) square feet of gross floor space.
Wholesale Uses	One (1) parking space for each employee on the longest shift.

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."

Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes: Any principal business enterprise, where persons utilize electronic machines including, but not limited to, computers and gaming terminals to conduct games of chance (including sweepstakes) and where cash, merchandise or other items of value are redeemed or otherwise distribute, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This definition includes, but is not limited to, internet sweepstakes, video sweepstakes, electronic gaming operations, internet cafes, and/or cybercafes. Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes shall only be allowed as a principal or primary use and shall not be permitted as an accessory use or combination use. Any lottery approved by the State of North Carolina is not included under this definition.

Note to Planning Board members: Due to the length of Article XXIV, this Draft Ordinance contains only the proposed definition for the current text amendment and, if approved, will be added in with the existing definitions in alphabetical order.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-03
Perquimans County Zoning Ordinance
Articles III and IV
Establish standards, conditions, procedures and definitions for
Video Sweepstakes Operations/Electronic Gaming Operations/
Internet Sweepstakes Cafes

The Chair asked for comments from the public. There being no further comments or questions, she closed the third Public Hearing and opened the fourth Public Hearing.

Recombination Request No. NZV-13-02 by Suzanne Gray

Chair Cole opened the fourth Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of Recombination Request No. NZV-13-02 by Suzanne Gray to recombine Tax Parcels 2-D082-K039 and -K040-HI into one lot which will not meet minimum lot requirements (subject properties located at 146 East Inlet Circle (SR 1431) and zoned RA-25, Residential & Agriculture District. There were twenty (20) people present. The Chair recognized Donna Godfrey, County Planner, who gave a brief explanation of Ms. Gray's request. The Chair opened up for questions/comments from the Public and then from the Board. The only question asked was by Commissioner Peeler who asked if this request had been approved by the Holiday Island Property Owners Association (HIPOA). Ms. Godfrey said that it had been approved by them and by the Planning Board at their April 9th meeting. There being none, the Chair closed the Public Hearings at 7:10 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Edward R. Muzzulin, seconded by Tammy Miller-White.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

1. **Approval of Minutes:** April 1, 2013 Regular Meeting and April 15, 2013 Special Called Meeting
2. **Personnel Matter:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Lee Cornelius	EMT-I Fill-In	Resignation			4/1/13
Joe Ann White	Social Worker III	Extended Leave		3 weeks	4/17/13

3. **Budget Amendment:**

**BUDGET AMENDMENT NO. 14
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-020	Federal - Drug Funds	2,500	
10-510-334	Federal Drug Funds	2,500	

EXPLANATION: Federal Drug Funds for Sheriff's Department.

3. **Board Appointments:** The following Board appointment was approved:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Chaney, Susan	Greater Albemarle Area Chapter of American Red Cross Board of Directors	Reappointment	2 yrs.	6/1/2013

4. **Record Retention Schedule:** The 2013 County Management Records Retention & Disposition Schedule was approved and the Chair was authorized to sign the following document:

**County Management
Records Retention and Disposition Schedule**

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, It Is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed, However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the Instructions of this schedule. *Public records, Including electronic records, not listed In this schedule are not authorized to be destroyed.*

This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value, These records series have been designated by retention periods which allow these records to be destroyed when "*administrative value ends,*" The local government agency hereby agrees that it will establish and enforce Internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "*destroy when administrative value ends.*" If a county does not establish internal policies and retention periods, the county is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "*destroy when administrative value ends.*"

The local government agency and the Department of Cultural Resources concur that the long-term and/or permanent preservation of electronic records require additional commitment and active management by the agency. The agency agrees to comply with all policies, standards, and best practices published by the Department of Cultural Resources regarding the creation and management of electronic records.

It Is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods, This schedule is to remain in effect from the date of approval until It Is reviewed and updated.

APPROVAL RECOMMENDED

Chief Administrative Officer/
County Manager

Sarah E. Koontz
Sarah E. Koontz, Director
Division of Archives and Records

APPROVED

Chairman, Bd. of County Commissioners

Susan W. Kluttz
Susan W. Kluttz, Secretary
Department of Cultural Resources

County: Perquimans

April 15, 2013

BILL JENNINGS, TAX ADMINISTRATOR

Bill Jennings presented his monthly report. Mr. Jennings also explained that House Bill No. 1779, Property Tax Paid with Vehicle Registration, has been pushed back a couple of months due to computer problems.

HATTIE SHARPE, RHEMA / LEO HIGGINS, JCPC AMENDMENT

Ms. Sharpe, along with three of her mentors, presented a PowerPoint presentation on RHEMA Academy and how it impacts Perquimans County. After her presentation and answering several questions from the Board, Leo Higgins presented the following JCPC Budget Amendment for the RHEMA Program:

ITEM #	INCREASE	DECREASE	EXPLANATION
190	\$1,500		Additional instructors
250		\$700	End of year adjustment
330		\$1,000	Less spent than budget
440	\$200		Additional cost of security
Total	\$1,700	\$1,700	Difference \$0

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the above JCPC Budget Amendment and authorized Chair and County Staff to sign the documents.

BERT BANKS, EXECUTIVE DIRECTOR, ALBEMARLE COMMISSION

Mr. Banks presented the annual report for Albemarle Commission. After his presentation, he presented a plaque to Commissioner Hobbs for his work on the Albemarle Commission Board. He asked if the Board had any questions. The following question was asked:

- **Tammy Miller-White:** Ms. Miller-White asked Mr. Banks what was the daily average of congregate meals. She further asked if the new facility will see an increase. Mr. Heath said that he thought that it would increase since he has seen an increase in the number of people going to the Senior Center since it opened.

HOMERIA JENNETTE, TELECOMMUNICATIONS

In addition to her monthly reports which were e-mailed to the Commissioners, Ms. Jennette presented a Resolution opposing the closing and consolidating the NC Highway Patrol Communications Centers. County Manager Heath explained that a revised Resolution was sent to them with changes that the Chair had requested. They both are recommending the adoption of the following Resolution (including changes):

OPPOSING THE CLOSING AND CONSOLIDATING OF NC HIGHWAY PATROL COMMUNICATIONS CENTERS

WHEREAS, Governor Pat McCrory proposes closing three of eight NC Highway Patrol communication centers and consolidating them with the Raleigh office; and

WHEREAS, in an effort to control costs, plans are to close the State Highway Patrol stations in Williamston, as well as stations in Asheville and Greensboro; and

WHEREAS, the State Highway Patrol has more than 1,600 troopers who cover 78,000 miles in North Carolina roadways, enforcing the state's traffic laws, guiding traffic during hurricane evacuations, rerouting traffic around hazardous chemical spills, and standing ready, should any act of terrorism occur; and

WHEREAS, the Williamston Highway Patrol Communication Center (Troop A), alone, processes 600 incoming calls daily (219,000 annually), serves 20 counties (Martin, Pitt, Beaufort, Washington, Tyrrell, Hyde, Dare, Currituck, Jones, Lenoir, Carteret, Craven, Pamlico, Hertford, Bertie, Gates, Chowan, Perquimans, Pasquotank, Camden) and dispatches to 180 troopers; and

WHEREAS, the Highway Patrol Communication Center has been remodeled and upgraded to house the latest equipment and technology; and

WHEREAS, the Highway Patrol Communication Center is a key employment center for our community; and

WHEREAS, there is the concern that public safety will be compromised due to delayed response time caused by operators in a communication center centralized in Raleigh becoming overloaded and being unfamiliar with the area.

NOW, THEREFORE BE IT RESOLVED, the Perquimans County Board of Commissioners strongly appeal to Governor McCrory to reconsider his recommendation to members of the General Assembly to close the NC Highway Patrol communications center in Williamston to balance the state budget.

ADOPTED, this the 6th day of May, 2013.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

Attest:

Mary P. Hunnicutt, Clerk to the Board

Ms. Jennette further explained how the system worked and feels that it would eventually affect her department and encourages the Board to adopt this Resolution. The following questions were asked:

- **Tammy Miller-White:** Ms. Miller-White asked if there was anything else that the Board needs to do, other than adopting this Resolution. She said that the Board members that are attending the County Assembly Day need to take some of these talking points with them and discuss it with the General Assembly membership.
- **Matthew Peeler:** Mr. Peeler asked that the collaborative that the Counties have now, especially with EMS, Emergency Management, and Fire Departments, with it moving in a response time is it currently being monitored by the State Patrol what our local Sheriff and Police Departments are doing on the radios? Ms. Jennette said that it will affect our collaborative efforts. Since this is a safety concern and not a monetary concern, he requested that recital #6 be removed and any other mention of money issues be removed. The Board discussed this but felt that they should leave those items in and change the wording in recital #6 to the following: “**WHEREAS**, the Highway Patrol Communication Center is a key employment center for our **region**; and”.
- **Sarah Owens:** Ms. Owens said that she was very concerned about public safety and feels that the all people should be concerned with this issue.

There being no further discussion, the Chair asked for a motion to adopt this Resolution with this change. Tammy Miller-White made a motion to adopt the Resolution as presented with the change to Recital #6. The motion was seconded by Edward R. Muzzulin and passed by the Board with a vote of five (5) to one (1) with Matthew Peeler voting against the motion because it is a safety issue and not a monetary issue.

DOROTHY HODGES, ALBEMARLE PLANTATION

Ms. Hodges explained that Albemarle Plantation is again planning a July 5th fireworks show at the Plantation and is coming before the Board for approval. She presented a copy of the Pyrotechnics Contract which is the company that is going to handle the fireworks. She said that the reason that they were having it on July 5th was because there is a considerable amount of monetary difference by having it on the 5th and to allow the resident’s families to arrive to see the fireworks show. On motion made by Benjamin C. Hobbs, seconded by Edward R. Muzzulin, the Board unanimously approved the fireworks display on July 5th at Albemarle Plantation.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Muzzulin asked Fred Yates, Mayor of Winfall, when the Winfall fireworks were going to be done. Mayor Yates said that the Fireworks Committee was again asking for the \$1,500 contribution that the County gave them last year. He further stated that the Town of Hertford is giving \$750; the Town of Winfall is giving \$750; and he hopes that the County will contribute \$1,500. With all

this said, Commissioner Muzzulin asked again when the fireworks were going to be held. Mr. Yates said it would be on July 5th because the same company that is doing Edenton's fireworks will be doing ours since we do not have the extra funds to bring someone in that is not already here to handle the fireworks. Commissioner Miller-White said that, since Mr. Yates has requested the \$1,500 this month, could the Board take action on his request when he brings it up again so that it would not be delayed. County Manager Heath explained that these funds would be from next fiscal year budget so that it would be approved during the Budget Process.

UPDATES

County Manager Heath updated the Board on the following projects:

Water System Projects: County Manager Heath stated that RO Project is still on schedule. He reported that the Pasquotank County Water Department voted to keep the bulk water rate at \$5.31 per 1,000 for this upcoming budget year.

Jail Project: Commissioner Muzzulin highlighted the following items on his Albemarle District Jail (ADJ) Report: (1) Federal inmate count for April was 37 (there were 39 in March); (2) They have entered into a contract with Northeast Workforce Development through Albemarle Commission to get help with filling the positions that they have open; and (3) They held a special meeting to complete the Job Descriptions. They still have not hired a Jail Administrator.

Senior Center Update: County Manager Heath explained that the facility has been opened as of April 16th and a grand opening is scheduled for May 30th from 5:00 – 7:00 p.m. There are still some minor issues but they should be worked out by then.

PLANNING BOARD ITEMS

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

Conditional Use Permit No. CUP-13-01 – Virginia Electric & Power Company, d/b/a Dominion North Carolina:

A Public Hearing was held earlier in the meeting on the review of expansion plans for that portion of the Electric Substation Facility located at 150 Two Mile Desert Road and zoned RA, Rural Agriculture within the Planning & Zoning jurisdiction of Perquimans County (remainder of facility located within and regulated by the Town of Winfall, NC). Subject property known as Tax Parcel No. 5-0032-0075-W. Benjamin C. Hobbs made a motion, which was read by Matthew Peeler, to approve Dominion North Carolina Power's proposed Conditional Use Permit No. CUP-13-01 to expand that portion of the Winfall Substation located at 150 Two Mile Desert Road (Tax Parcel No. 5-0032-0075-W) and zoned RA, Rural Agriculture within the Planning & Zoning Jurisdiction of Perquimans County, conditioned upon the conditions listed in said CUP document, Statement of Justification Letter and Site Plans *and with adding the following conditions:* (1) to provide MFP readings prior to expansion and six months after expansion with explanation of these readings; (2) to include load on substations; and (3) to add two dates, 2013 and May, 2014, in paragraph 13 of CUP and adopting the following Section 903 Findings to support the motion:

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

The motion was seconded by Tammy Miller-White and unanimously approved by the Board. The CUP-13-01, with changes, that will be recorded is as follows:

-Beginning of document to be recorded-
Draft Conditional Use Permit No. CUP-13-01
for Winfall Electric Substation
on Two Mile Desert Road

by V.E.P.C.O., d/b/a Dominion North Carolina Power

Revised 5-1-13 to remove "Strikethrough and Underline" notations and to insert meeting date and page numbers for all attachments.

Revised 5-6-13 by BCC to revise and add conditions as follows:

- 1) Fill in the dates in Condition No. 13 to acknowledge the Owner's intent to commence construction of the improvements in 2013 and, in the event construction is delayed beyond May, 2014, the Applicant shall formally request an extension...; and
- 2) "Before and after readings" of EMFs (electric and magnetic fields) at the site and an explanation of what the readings mean. "Before readings" to take place in the immediate future, prior to construction; and "after readings" to take place within six months of issuance of the Certificate of Zoning Compliance. Included is the power load that is on the substation.

Do NOT record this page

CONDITIONAL USE PERMIT No. CUP-13-01
Page 1 of 12

On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Authorized Applicant:	Jonathon Schultis and/or John Bailey of Burns & McDonnell 6802 Paragon Place, Suite 410 Richmond VA 23230
Owner:	Virginia Electric & Power Company d/b/a Dominion North Carolina Power 701 E. Cary Street, Richmond VA 23222 (per application) (P. O. Box 26532, Richmond VA., 23261-6532 (per Tax records)
Site Location/Address:	That portion of the Electric Substation Facility located at 150 Two Mile Desert Road within the Planning & Zoning Jurisdiction of Perquimans County (remainder of the 4.0-acre site located within and regulated by the Town of Winfall, NC).
Tax Parcel No.:	5-0032-0075-W (portion of)
Zoning District:	RA, Rural Agriculture (that portion within County jurisdiction); remainder of site regulated by Town of Winfall, NC.
Proposed Use:	Expansion of an existing electric substation facility
Meeting & Hearing Dates:	Planning Board on <u>April 9, 2013</u> and Board of Commissioners on <u>May 6, 2013</u> .

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "Public Utility Substations, Transformer Stations, and Other Facilities" and subject to the following conditions:

- (1) The Applicant shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "Any significant change in land use, and change in the project boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans." However, it is understood that the additional improvements proposed to the Electrical Distribution Substation as shown on the PRELIMINARY SITE LAYOUT (Sheet 2 of 3), may require adjustments in the exact location of the equipment within the existing chain link fence. Minimum setbacks and buffering must comply with Section 907.25 of the Perquimans County Zoning Ordinance. Otherwise, minor changes to the location of proposed equipment within the overall site may be made to accommodate the conversion from 115 to 230 kV kilovolts without the need to go back through the CUP process, subject to the review and approval of the Town and County Zoning and Building staff. Also See Condition No. 10).
- (2) The Electrical Distribution Substation and all related equipment and structures shall maintain standard setbacks if applicable in the zoning district from street rights-of-way and double (2 times) the standard setbacks from any other property line. To the extent that the County's jurisdiction has no direct frontage on Two Mile Desert Road, the front yard setbacks will be regulated by the Town of Winfall. The northern property line will include LANDSCAPE BUFFERING between the fence line and property line and as shown on the PRELIMINARY SITE LAYOUT and ELEVATIONS drawings (Sheets 2 and 3 of 3).
- (3) Any equipment producing noise or sound discernible at the northern property line shall be set back until it is no longer discernible or one hundred (100) feet, whichever comes first.
- (4) The completed improvements shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with either a minimum three (3) foot wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material expected to grow to at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. The vegetated buffer shall be located adjacent to the northern property line and between the property line and fence as shown on the attached PRELIMINARY SITE LAYOUT AND ELEVATIONS drawings (Sheets 2 and 3 of 3). The condition of the plant material will be reviewed from time to time by the Planning & Zoning Administrator and the Owner is responsible for its upkeep and replacement as needed to maintain an effective Landscape Buffer. Transmission line rights-of-way shall be exempt from buffer requirements.
- (5) Pursuant to the attached PRELIMINARY SITE PLAN, the Owner does not anticipate the need for outside storage on the subject property. Any future outdoor storage within that portion located within the County's Planning & Zoning jurisdiction shall be located as follows:
 - (a) In the rear yard;
 - (b) Inside the security fence;
 - (c) Screened from view from adjoining properties to the north of the site;
 - (d) Set back from the northern property line at least twenty (20) feet; and
 - (e) Screened with vegetation as described in the County's Zoning Ordinance (currently Article XVIII) and referenced in Condition No. 4, above.

CONDITIONAL USE PERMIT No. CUP-13-01
Page 3 of 12

- (6) Within 12 months of completing the improvements, the Applicant shall provide certified "as built" drawings to the County showing the actual locations of all related improvements located within that portion of the property located within the County's Planning & Zoning jurisdiction (including but not limited to electrical distribution system components such as transmission lines, equipment, driveways, ditches, vegetative buffers, control house, etc., as applicable).
- (7) For a period of up to 12 months after the Applicant submits the certified "as built" drawings, County staff may confirm compliance with the specifications determined to be within compliance according to the Perquimans County Zoning Ordinance (currently Article IX).
- (8) Any impervious surfaces may require the Applicant to provide the County with proper permitting to ensure that storm water does not cause problems on the site or on adjacent properties. The Owner shall coordinate with and obtain approval from Perquimans County Soil & Water Conservation District on all drainage improvements.
- (9) The Conditional Use Permit is approved and recorded with the PRELIMINARY SITE LAYOUT and ELEVATIONS drawings (Sheets 2 and 3 of 3), in accordance with this Conditional Use Permit and the Perquimans County Zoning Ordinance.
- (10) Application Requirements: The Applicant's approved Site Plans are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operation Considerations and Application Requirements. Also See Condition No. 1, above.
- (11) The Applicant shall obtain all required permits from other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations. Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
- (12) Prior to construction of any building within the Planning & Zoning Jurisdiction of the County, the Owner must provide detailed plans pursuant to the Perquimans County Zoning Ordinance (currently Article V). Where applicable the Applicant must comply with Parking and Loading requirements.
- (13) The Planning Board and the Board of County Commissioners hereby acknowledge the Owner's intent to commence construction of the improvements in 2013. During construction, the Owner shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond May, 2014, the Applicant shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within 12 months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- (14) "Before and after readings" of EMFs (electric and magnetic fields) at the site and an explanation of what the readings mean. "Before readings" to take place in the immediate future, prior to construction; and "after readings" to take place within six months of issuance of the Certificate of Zoning Compliance. Included is the power load that is on the substation.

CONDITIONAL USE PERMIT No. CUP-13-01
Page 4 of 12

If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Janice McKenzie Cole, Chair, Board of County Commissioners Date

Attest: _____ (Seal)
Mary P. Hunnicutt, Clerk to the Board Date

I, _____, authorized Applicant, of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Virginia Electric & Power Company d/b/a Dominion North Carolina Power Date

By: _____, its _____

The State of _____
_____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20_____.

Notary Public

My Commission expires:

(Not valid until fully executed and recorded)

CONDITIONAL USE PERMIT No. CUP-13-01
Page 5 of 12

Insert here:

Page 1 of Statement of Justification Letter
CONDITIONAL USE PERMIT No. CUP-13-01
Page 6 of 12

Insert here:

Page 2 of Statement of Justification Letter

CONDITIONAL USE PERMIT No. CUP-13-01
Page 7 of 12

Insert here:

Page 3 of Statement of Justification Letter
CONDITIONAL USE PERMIT No. CUP-13-01
Page 8 of 12

Insert here:

Page 4 of Statement of Justification Letter
CONDITIONAL USE PERMIT No. CUP-13-01
Page 9 of 12

Insert here:

reduced copy of EXISTING SITE LAYOUT
(Sheet 1 of 3)

CONDITIONAL USE PERMIT No. CUP-13-01
Page 10 of 12

Insert here:

reduced copy of PRELIMINARY SITE LAYOUT
(Sheet 2 of 3)

CONDITIONAL USE PERMIT No. CUP-13-01
Page 11 of 12

Insert here:

reduced copy of PRELIMINARY ELEVATIONS drawing
Sheet 3 of 3)

CONDITIONAL USE PERMIT No. CUP-13-01
Page 12 of 12

Insert here:

Owner's Authorization for Agent
-End of document to be recorded-

Draft Conditional Use Permit No. CUP-13-01
for Winfall Electric Substation
on Two Mile Desert Road

by V.E.P.C.O., d/b/a Dominion North Carolina Power

Revised 5-1-13 to remove "Strikethrough and Underline" notations and to insert meeting date and page numbers for all attachments.

Revised 5-6-13 by BCC to revise and add conditions as follows:

- 1) Fill in the dates in Condition No. 13 to acknowledge the Owner's intent to commence construction of the improvements in 2013 and, In the event construction is delayed beyond May, 2014, the Applicant shall formally request an extension...; and
- 2) "Before and after readings" of EMFs (electric and magnetic fields) at the site and an explanation of what the readings mean. "Before readings" to take place in the immediate future, prior to construction; and "after readings" to take place within six months of issuance of the Certificate of Zoning Compliance. Included is the power load that is on the substation.

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Word Document/Conditional Use Permits/2013/Dominion NC Power/5-6-13 Final CUP for Winfall Substation.docx and Word Document/Planning Board Agendas & Minutes/2013 Agendas/4-9-13/ 5-1-13 Draft 1c CUP for Winfall Substation (Dominion NC Power)

Recombination Request No. NZV-13-02 by Suzanne Gray: Donna Godfrey stated that Ms. Gray had a representative present to answer any questions the Board may have regarding this recombination and asked permission from the Board to move this item up so that he could leave. A Public Hearing was held earlier in the meeting for consideration of Suzanne Gray's request to recombine Tax Parcels 2-D082-K039 and -K040-HI into one lot which will not meet minimum lot requirements (subject properties located at 146 East Inlet Circle (SR 1431) and zoned RA-25, Residential & Agriculture District. Considering the following Section 206 Findings and Section 701(a) exemption criteria, Edward R. Muzzulin made a motion to approve Case No. NZV-13-02 to recombine Tax Parcel Nos. 2-D082-K039- and -K040-HI into one 40,933.7-square foot lot located at 146 East Inlet Circle (SR 1431), with conditions if any, noted herein).

Section 206 of the Subdivision Regulations lists the findings required to approve the request, as follows: "The County Board of Commissioners may, on recommendation from the Planning Board, authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the County Board of Commissioners finds (see following Table of Findings):

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance, and

- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

Section 701(a): The combination or re-combination of portions of 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.

The motion was seconded by Benjamin C. Hobbs and unanimously approved by the Board.

Administrative Text Amendment TXT-12-03: A Public Hearing was held earlier in the meeting for the consideration of proposed Text Amendment TXT-12-03, to amend Accessory Use Solar regulations, with changes to Articles VIII, IX, XI and XXIV of the Zoning Ordinance. Matthew Peeler said that, based upon the following guidelines as contained in Sections 1302B (1) through (4), he made a motion to approve Administrative Text Amendment No. TXT-12-03 to amend standards, conditions, procedures and definitions for Small Scale Solar Energy Facilities as Accessory use to Principal Residential and Non-Residential Uses, to remove most of the Conditional Use Permit requirements and establish measurable objectives for the placement of equipment and/or purchase of electricity by a power company, with changes to Articles VIII, IX, XI, and XXIV of the Zoning Ordinance:

"Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires... (The) Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Planning Board.

"B. In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) *The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;*
- 2) *The extent to which 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) *Whether or not the proposed text amendment corrects an error in the Ordinance; and*
- 4) *Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.*

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance."

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. A copy of Ordinance No. 86 is attached to these Minutes as **Attachment A**.

Administrative Text Amendment TXT-13-01 or 12-04: A Public Hearing was held earlier in the meeting for the consideration of Administrative Text Amendment TXT-13-01 or TXT-12-04 to establish regulations for Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes throughout the unincorporated County, with proposed changes to Articles VIII, IX, XIX and XXIV of the Zoning Ordinance. Commissioner Miller-White asked if the Board could take no action on this. The Chair said that the Board could table the matter. Donna Godfrey said that the reason that it was strongly recommended that the County do this is because other local governments have been having trouble with establishments going in without the provisions in place. These local governments are in court now trying to fight these establishments citing that they are in violation of operating without approval from the local government. Because this causes a financial burden on these local governments, we felt that we needed some type of provisions to save Perquimans County from this financial burden. Commissioner Hobbs stated that, since the Towns can tax these establishments, the County should be able to force them to operate within the town limits. County Manager Heath and Donna Godfrey stated that this is what this Text Amendment is trying to do. Mr. Heath said that the County could limit their location to Highway 17. He further stated that he understands that we have a Supreme Court ruling but we are seeing these businesses popping up everywhere and it has been a constant battle getting a handle on these because they change so frequently how they operate. They change their software all the time. We are trying to get ahead of the game so that, if there is ever a challenge in the future, then we have something in place already to counteract them. Commissioner Muzzulin stated that they have closed down a couple of businesses operating out in the county. Commissioner Peeler said that, the easiest way to achieve the goal is to recognize it and then on the Table of Uses not to put anything on that line which would indicate that the County would not allow you to put it anywhere under any circumstance. He said that he felt that it would take care of it and support his concern that we are not encouraging breaking of the law. If we put a clause or condition in our Zoning Ordinance that says let's go against the State Statutes of North Carolina then we are in a sense condoning the breaking of the law which constitutionally we have all sworn that we cannot do. So he said to recognize them but don't allow them anywhere in the County. He asked County Attorney High if this would stop them from opening up in Perquimans County? County Attorney High said that you have a Supreme Court ruling that bans video sweepstakes. The sweepstakes industry is always one step in front of the State Court System and they quickly change their software so that it is in compliance with the latest Supreme Court ruling, whatever it may be. So that is one issue - the legal issue in the court system. From a zoning issue, he thinks what Donna Godfrey is trying to accomplish is that it is not up to the Board to decide whether they are legal or not, that is up to law enforcement or district attorney's office. They are the ones that are going to have to go into these establishments and decide whether or not it is legal. If that happens, we will need to have a commitment from the district attorney's office stating that they agree with their assessment and they are going to proceed to prosecute them. These issues are interrelated yet separate. If they are going to out there trying to set up, it would be advantageous for the County to have rules and regulations on them through the planning process in place to try to, at least, control it. If they set up and they are illegal, then is it up to law enforcement and district attorney's office to investigate it and make that determination. All the experts in criminal law and land use law have recommended very strongly that they don't want County Boards being the ones to determine if they are legal or not and they emphasize that this is the function of law enforcement and local district attorney's offices. He thinks, from the land use side of it, we should have something in place to regulate these establishments. County Attorney High and Chair Cole tried to explain further about when a sweepstakes business is legal or illegal. Commissioner Hobbs said that, philosophically, when the State enacted the Statewide Lottery, they were encouraging gambling. Mr. Hobbs further stated that, by passing this Text Amendment, we are not encouraging gambling but we are saying that you will only operate these facilities in certain places and in certain conditions. The Chair called for the motion. Edward R. Muzzulin said that, based upon the following guidelines as contained in Sections 1302B (1) through (4), he made a motion to approve Administrative Text Amendment No. TXT-13-01 or TXT-12-04 to amend standards, conditions, procedures and definitions for Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes in the unincorporated County, with proposed changes to Articles VIII, IX, XIX & XXIV of the Zoning Ordinance:

"Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires... (The) Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Planning Board.

"B. In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) *The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;*
- 2) *The extent to which 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) *Whether or not the proposed text amendment corrects an error in the Ordinance; and*

4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance."

Commissioner Miller-White asked Ms. Godfrey what the impact would be if we removed any allowable permits on the Table of Uses for the establishments. Ms. Godfrey said that she has not had anyone come to her office to request one but, if they did, they would have to proceed according to the Conditional Use Permit process. The motion was seconded by Benjamin C. Hobbs and approved by the Board by a vote of five (5) to one (1) with Matthew Peeler voting against the motion. A copy of Ordinance No. 87 is attached to these Minutes as **Attachment B**.

CDBG GRANT DOCUMENTATION

County Manager Heath presented the documentation for the CDBG Grant and informed the Board that we have added a Resolution that was not included in their Agenda Packet. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the following documentation:

- Funding Approval
- Grant Agreement
- Signatory Form & Certification Cards
- Miscellaneous Forms
- Budget Amendment No. 15 (as follows)

**BUDGET AMENDMENT NO. 15
COMMUNITY BLOCK GRANT FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
58-348-000	State Grants	225,000	
58-500-040	Administration/Planning	22,500	
58-500-730	Clearance	19,300	
58-500-740	Rehab Reconstruction	163,200	
58-500-741	Rehabilitation	20,000	
EXPLANATION: To budget Community Development Block Grant Funds.			

- Capital Projects Ordinance (as follows)

**PERQUIMANS COUNTY
CAPITAL PROJECTS ORDINANCE
FOR
COMMUNITY DEVELOPMENT BLOCK GRANT
NORTH CAROLINA DEPARTMENT OF COMMERCE
"SCATTERED SITES IMPROVEMENT PROGRAM"**

Section 1: **APPROPRIATIONS** - The following amounts are hereby appropriated in this Capital Projects Ordinance beginning May 6, 2013, and ending June 30, 2013.

Administration/Planning	\$ 22,500
Clearance	19,300
Rehab Reconstruction	163,200
Rehabilitation	20,000
TOTAL CAPITAL RESERVE	\$ 225,000

Section 2: **REVENUES** - It is estimated that the following revenues will be available for appropriation in the Capital Projects Ordinance beginning May 6, 2013 and ending June 30, 2013.

State Grants	\$ 225,000
TOTAL CAPITAL PROJECTS FUND	\$ 225,000

Janice McKenzie Cole, Chair
Perquimans Co. Board of Commissioners

- Resolution (as follows)

**RESOLUTION
NORTH CAROLINA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM NO. 12-C-2426**

Upon motion made by Tammy Miller-White seconded by Edward R. Muzzulin and unanimously passed, the Board of Commissioners of Perquimans County adopted the following resolution at their Regular Meeting held on May 6, 2013 at 6:35 p.m. Commissioners' Room located in the Perquimans County Courthouse Annex.

BE IT RESOLVED by the Perquimans County Board of Commissioners that the following individuals are authorized to sign Requisitions for Funds to be drawn down under the North Carolina Department of Commerce – Community Development Block Grant Program #12-C-2426:

Sharon S. Ward
County Finance Officer

Frank Heath
County Manager

**NORTH CAROLINA
PERQUIMANS COUNTY**

I, Mary P. Hunnicutt, Clerk to the Board of Commissioners of the aforesaid State and County, hereby certify that the foregoing is a true and correct copy of the **RESOLUTION** adopted by the Board of Commissioners of Perquimans County at a Regular Meeting held on May 6, 2013 as the same appears on record in the Board Minute Book of the said Commission and filed in the Perquimans County Registry.

Witness my hand and official seal this 6th day of May, 2013.

Mary P. Hunnicutt
Clerk to the Board

Commissioner Muzzulin asked who will be administering this program. Mr. Heath said that Carolyn Morris will be. He further stated that, we did have a contract in place, but because we handled this a little too early, we had to revoke it. Once we get the funds, we can move forward with awarding the contract.

RESOLUTIONS:

The following Resolutions were presented for Board consideration:

Opposing School Property Transfer from Local School Boards to County Commissioners: County Manager Heath explained that this Resolution was requested by our Board of Education but the N. C. Association of County Commissioners supports this transfer of property. Chair Cole stated that we still have not received information regarding the Energy Program and how this would affect that. Mr. Heath said that he was still waiting on this information and that the Local Government Commission is looking into that matter also. Benjamin C. Hobbs made a motion, which was seconded by Tammy Miller-White, to approve the following Resolution:

RESOLUTION IN OPPOSITION TO SCHOOL PROPERTY TRANSFER FROM LOCAL SCHOOL BOARDS TO COUNTY COMMISSIONERS

WHEREAS, North Carolina General Statutes prescribe that the powers of general control and supervision of school systems are to be vested in local boards of education, not county commissioners; and

WHEREAS, Public school placement, design, and maintenance are integral components of the control and supervision authority that local boards of education have been statutorily assigned; and

WHEREAS, to maximize efficiency and maintain supervisory powers, local boards of education must continue to control basic powers of school property ownership; and

WHEREAS, as duly elected officers, local school boards members must continue to discharge their duties and responsibilities for the citizens of North Carolina.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

The Perquimans County Board of Education, for the reasons herein noted, opposes any proposed legislation that would authorize counties to assume control of school property and respectfully requests that the North Carolina General Assembly oppose any such legislation during its 2013 session.

This the 6th day of May, 2013.

Janice McKenzie Cole, Chairman
Perquimans County Board of Commissioners

Attest:

Mary P. Hunnicutt, Clerk to the Board

Commissioner Hobbs said that, when the County borrows money for the school system, the title is transferred to the County in order for us to get the funds for that time period. Mr. Heath said that it would be a nightmare for the County to handle the maintenance of their buildings because it would be more costs involved and our Maintenance Department is much smaller than the School System's Maintenance Department. Commissioner Peeler said that we currently have an amiable relationship with the School Board and this has never been an issue with this matter. He does not really see a need for this and feels that this may affect other larger school systems and counties. Commissioner Hobbs feels that passing this Resolution does not change anything that we do right now. Chair Cole called for the vote. The motion failed by a vote of three (3) for (Commissioners Benjamin C. Hobbs, Tammy Miller-White, and Edward Muzzulin) and three (3) against (Kyle Jones, Matthew Peeler, and Janice Cole).

Support Funding for Parks & Recreation Trust Fund (PARTF): County Manager Heath said that he had received these next two Resolutions from Wayne Howell, Albemarle RC&D. On motion made by Edward R. Muzzulin, seconded by Kyle Jones, the Board unanimously approved the following Resolution:

A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)

WHEREAS, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

WHEREAS, the Parks and Recreation Trust Fund (PARTF) was established with bipartisan support on July 16, 1994, to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, since its inception the Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

WHEREAS, North Carolina's population has grown to make it the 10th most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

WHEREAS, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

WHEREAS, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

WHEREAS, the Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, the Parks & Recreation Trust Fund has funded capital improvement projects in the state parts such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study; and

WHEREAS, a portion of the Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

WHEREAS, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

WHEREAS, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people, and

WHEREAS, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

WHEREAS, the success of the Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability;

NOW, THEREFORE, BE IT RESOLVED, that the Perquimans County Board of Commissioners does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for the Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of Perquimans County and the North Carolina Recreation and Park Association.

ADOPTED this 6th day of May, 2013.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

Attest:

Mary P. Hunnicutt, Clerk to the Board

Support Funding for Clean Water Management Trust Fund (CWMTF): On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the following Resolution:

**Resolution to Support the 2013-2015 Funding for
Clean Water Management Trust Fund**

Whereas the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

Whereas the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

Whereas the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina communities balance infrastructure needs with environmental protection and to help struggling communities become self reliant with future infrastructure needs; and

Whereas infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at \$16.6 billion between 2005 and 2030; and

Whereas the Clean Water Management Trust Fund has leveraged more than \$1 billion of private, local and federal funds to support projects; and

Whereas the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and

Whereas limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and

Whereas our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

Whereas surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

Whereas, Clean Water Management Trust Fund has provided grant(s) to various cities and towns to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians; and

NOW, THEREFORE, BE IT RESOLVED BY THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS, AT ITS MEETING ON MAY 6, 2013, THAT WE SUPPORT CLEAN WATER MANAGEMENT TRUST FUND AND THAT THE FUND RECEIVE AN INCREASE IN RECURRING FUNDING FROM THE GOVERNOR AND THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE 2013-2015 BIENNIAL BUDGET.

ADOPTED this 6th day of May, 2013.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

Attest:

Mary P. Hunnicutt, Clerk to the Board

PUBLIC SERVICE INTERNSHIP PROGRAM

County Manager Heath explained that State Employees Credit Union through The Rural Center has a program where about 35 different people throughout the State have the potential to participate in a Public Service Internship Program. The Rural Center sent out an e-mail to all the counties to see if we would be interested. Mr. Heath replied that he would be interested but we were not sure if we could get anyone from Perquimans County to apply. We did receive an applicant and she was approved by The Rural Center to participate. Mr. Heath and Ms. Hunnicutt have interviewed the individual and feel that it would be good to have her work with the County Manager's Office. Her name is Conley Winslow from Belvidere. Basically this entails, \$2,500 to her and \$2,500 to the County. We will probably have more documents to follow but he wanted to bring this before the Board for approval. Chair Cole said that she read that someone will have to go to Raleigh for a couple of days. Mr. Heath said that Ms. Hunnicutt would be going for possibly one day. On motion made by Matthew Peeler, seconded by Tammy Miller-White, the Board unanimously approved the Public Service Internship Program as presented by County Manager Heath.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chair at 8:40 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board

ATTACHMENTS A & B FOLLOW ON THE NEXT PAGE

ATTACHMENT A

**-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-03
Perquimans County Zoning Ordinance
Articles VIII, IX, XI & XXIV: Accessory Solar Rewrite**

NOTE 1: The attached Draft Ordinance denotes changes in strikethrough and underline fashion, as recommended for approval by the Planning Board on 3-21-13, to include changes as summarized:

- 1) To require a Conditional Use Permit for a request to place ground-mounted solar panel(s) in front of a single-family residence on lots containing less than 2 acres within routine view of road right-of-way or adjacent property.
- 2) To establish design standards for staff-level review and remove the Conditional Use Permit process for the other scenarios.
- 3) To base approval of accessory-level commercial production on a 2-acre minimum yard size in residential districts or on the minimum setbacks for accessory structures in non-residential districts.
- 4) To add new Section 1107.C.(3) to provide that the area of the system shall not exceed the footprint of the principal structure, and accept "form over substance" changes made by Planning staff.

NOTE 2: Additional corrections made to Article VIII Table of Uses during BCC's 4-1-13 meeting are shown in strikethrough and underline with highlighted and italicized text.

NOTE 3: Deletion of a portion of the 2nd sentence in Section 1107C proposed by Planning staff on 5-3-13 to remove unintended waiver of Site Plan for proposed on-site consumption – shown in double strikethrough with highlighted and italicized text.

ORDINANCE NO. 86

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, IX, XI AND XXIV TO CLARIFY STANDARDS, CONDITIONS, PROCEDURES AND DEFINITIONS FOR SMALL SCALE SOLAR ENERGY FACILITIES AS ACCESSORY USE TO PRINCIPAL RESIDENTIAL AND NON-RESIDENTIAL USES; REMOVING SOME CONDITIONAL USE PERMIT REQUIREMENTS; AND ESTABLISHING MEASURABLE OBJECTIVES FOR ADMINISTRATIVE IMPLEMENTATION; 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 **Articles VIII, IX, XI and XXIV** to clarify standards, conditions, procedures and definitions for Small Scale Solar Energy Facilities as Accessory Use to Principal Residential and Non-Residential Uses; removing some Conditional Use Permit requirements; establishing measurable objectives for administrative implementation thereof and by adding and substitution the following excerpts of **Articles VIII, IX, XI and XXIV** attached hereto as **Exhibits 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 _____ day of _____, 2013.

**BOARD OF COUNTY COMMISSIONERS OF
PERQUIMANS COUNTY, NORTH CAROLINA**

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: May 6, 2013

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		

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
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
Small Scale, Accessory Use Solar Energy System, <i>with conditions</i>	P	P	P	P	P	P	P	P	P	P
<i>Small Scale Solar in Front Yd.</i>	C	C	C	C	C	C	C	C	C	C
<i>Small Scale Solar in front yard of single family residence on less than two acres within routine view of adjacent lots or road R/W</i>	C	C	C	C	C			C		
<i>Small Scale Solar Production</i>	C	C	C	C	C	C	C	C	C	C

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~~ **Reserved for future use.**

~~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 **equipment is installed to meet all local, state and federal requirements;**~~
 - ~~(2) All location criteria, site considerations and application requirements applicable to 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. Large Scale Solar Farms or Solar Energy Facilities: 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.
- B. Small Scale Solar Energy Facilities Accessory to Principal Residential or Non-Residential Uses: ~~shall be permitted as an accessory use to existing structures or facilities in any zoning district provided they comply with minimum design standards outlined below. 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) Small scale, Accessory Use Solar Collector(s) shall be permitted to generate electrical energy for the sole purpose of on-site consumption in any zoning district, in accordance with minimum building setbacks as required for all other accessory buildings and structures within said district, as evidenced on a standard site plan and attached to a Zoning Permit Application for compliance review by the Planning & Zoning Administrator; However, ground-mounted collector(s) proposed in front of a single-family residence on property containing less than two (2) acres and located within the routine view of adjacent properties and/or the road right-of-way, may be approved subject to a Conditional Use Permit and compliance with the Application Requirements and design standards herein stated below;
 - (2) Small scale solar energy collector(s) which generate(s) energy in excess of the amount needed to serve the single-family residential customer may be permitted as an Accessory Use in any residential zoning district as designated in the Table of Uses, subject to a minimum lot size of two (2) acres and subject to the Application Requirements and design standards herein stated below; and
 - (3) Small scale solar energy collector(s) which generate(s) energy in excess of the amount needed to serve the non-single-family residential customer may be permitted as an Accessory Use in an applicable non-residential zoning district as designated in the Table of Uses, and subject to the Application Requirements and design standards herein stated below.
- ~~(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 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 meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located.~~
 - ~~(d) A ground mounted solar collector shall meet the following location standards:~~
 - ~~(1) Freestanding Accessory Use solar collectors shall be located to the side or rear of the principal structure, or in the side or rear yard, except that, for corner lots, accessory structures shall only be permitted in the rear yard.~~
 - ~~(2) Any free standing solar collector proposed in a front yard shall require a Conditional Use Permit;~~
 - ~~(3) Notwithstanding other minimum yard requirements, no Accessory Use Solar Collector 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 shall 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~~
 - ~~(f) 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.~~
- C. ~~Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or roadways.~~
- C. Minimum Design Standards: Notwithstanding any other provision applicable to Small Scale Accessory Use Solar Energy Facilities, any system designed and installed to produce and sell energy to a third party user and/or distributor of electricity, must first obtain Conditional Use Permit review and approval from the Planning Board and Board of County Commissioners, pursuant to Article IX of the Zoning Ordinance. Otherwise, compliance with applicable design standards for all Small Scale Accessory Use Solar Energy

Facilities ~~which generate energy in excess of the amount needed to meet on-site consumption~~ shall be documented and shown on the Site Plan and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator, as follows:

- (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 Agriculture, Historic Agriculture or Highway Commercial Zoning Districts using the County's Buffers and Screening standards.
- (3) In order to be classified as an accessory use, the area of the system shall not exceed the footprint of the principal structure.
- ~~(4)~~ (4) Notwithstanding other standards noted herein, all solar energy collectors, whether ground mounted or mounted on an existing structure, shall meet or exceed the minimum accessory structure zoning setbacks for the zoning districts in which located and shall be inspected by the Perquimans County Planning & Zoning Administrator.
- ~~(4)~~ (5) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- ~~(5)~~ (6) 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)~~ (7) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition, as amended.

D. Application Requirements: Any Small Scale 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 equipment is installed to meet all local, state and federal requirements through the following application process:

- (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 and dimensions of solar panels and linear footage distance from the proposed site improvements to all property lines.
- (2) The Site Plan shall also show the location of any required buffers.
- (3) Submit horizontal and vertical (elevation) to-scale drawings with dimensions.

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."

NOTE: *These definitions were recommended for approval by the Planning Board on 2-6-12 and 3-21-13 to be added to Article XXIV in alphabetical order with the other existing definitions:*

Small Scale Accessory Use Solar Collector/Energy System: A Solar Energy Panel or similar facility installed as an accessory use to an existing structure or facilities, with conditions and limitations as described elsewhere in this ordinance (see especially Article XI).

Commercial solar energy production: A term used to describe a Solar Collector or an array of Solar Collectors which will produce energy in excess of that needed to meet the needs of the on-site customer. Such an arrangement requires compliance with minimum design standards which are not imposed upon a single-family residential customer whose production does not exceed onsite consumption after rounding up to the nearest solar collector needed to satisfy onsite consumption.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-03
Perquimans County Zoning Ordinance
Articles VIII, IX, XI & XXIV: Accessory Solar Rewrite

NOTE 1: The attached Draft Ordinance denotes changes in strikethrough and underline fashion, as recommended for approval by the Planning Board on 3-21-13, to include changes as summarized:

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Vehicle Service Stations (including Car Washes)						P	P	P	P	P
Veterinary Clinics			C			P		C		
Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe								C		
Warehousing, Storage, and Distribution Facilities									P	P
Welding						P			P	P
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards								C	P	
Wind Energy Facilities, Small	P		C	C	C	C	C	C	C	C
Wind Energy Facilities, Medium	C					C	C	C	C	C
Wind Energy Facilities, Large	C									
Wireless Communications Towers	C									
Woodworking						P				
Woodworking and Wood Products						C			C	C

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.

907.30 Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe

A. Zoning District: CH

B. Objective and Purpose: It is recognized that there are some uses which, because of their nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas, or when the uses are proposed to be located in or near sensitive areas or land uses. It is recognized that special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. It shall be unlawful for any person to operate a Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Café without a Conditional Use Permit issued by the Perquimans County Board of Commissioners, pursuant to the special regulations itemized below:

(1) Site Considerations: Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes may be permitted on parcels accessed by Ocean Highway (US Hwy 17 North and US Highway 17 South), either by direct access, frontage road or minor street, in the CH, Highway Commercial District, subject to requirements found elsewhere in the Zoning Ordinance and the following site considerations:

- (a) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within thirteen-hundred twenty feet (1,320') of any building which is occupied by an existing sensitive use, including but not limited to occupied residential dwelling unit(s); churches, synagogues, temples, or other religious uses; nursery schools or day care centers (child or adult); public or private schools or other educational facilities; health care facilities; libraries; and recreational facilities, as measured from the exterior walls of the building(s) containing such regulated use(s). Abandoned or vacated residential home sites located in the CH, Highway Commercial Zone which may otherwise qualify for a "Resumed Single Family Dwelling" shall not be included or protected under this subsection.**
- (b) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within one thousand feet (1,000') of another Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café, as measured from the exterior walls of the building(s) containing such regulated use(s).**
- (c) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within five hundred feet (500') of an existing structure in which a restaurant is located, as measured from the exterior walls of the building(s) containing such regulated use(s).**
- (d) No new Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be located within two hundred fifty feet (250') feet of any property zoned for residential use, which shall be measured from the exterior walls of the building(s) proposed for a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe to the boundaries of the residential zoning district. Areas zoned for residential use include any RA, Rural Agricultural; HA, Historic Agricultural; and RA-43, RA-25 and RA-15, Residential and Agricultural Districts.**

- (e) Yard Areas, Screening and other Minimum Design Standards: All buildings, structures, parking lot areas and other site improvements shall be designed and installed in compliance with standards specified elsewhere in this Ordinance, including Dimensional Requirements, Conditional Uses, Highway Corridor Overlay Districts, Buffers and Screening, Parking and Loading, and Signs (currently Articles VII, IX, XVII, XVIII, XIX and XX).
- (2) Required Plan: Application for a Conditional Use Permit shall be submitted to the Planning and Zoning Administrator with a site plan and other information as applicable to verify compliance with requirements listed elsewhere in this Ordinance and additional information, as follows:
- (a) The locations of existing buildings and structures on property within one thousand three hundred twenty feet (1,320') of exterior wall(s) of the proposed Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.
 - (b) The zoning of properties within two hundred fifty feet (250') of each building proposed for a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe.
 - (c) A map certified by a registered land surveyor in the State of North Carolina indicating sufficient information to verify that the proposed location for the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe meets minimum setbacks or distances listed elsewhere in this Article.
 - (d) A site plan accurately drawn to a scale no larger than 1" = 100' for the proposed location of the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe shall be submitted to verify location of the site as well as compliance with minimum building setbacks and parking requirements as defined elsewhere in this Ordinance.
 - (e) A scaled drawing of the sign that will be used for identifying the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café.
 - (f) A statement defining the type of games to be offered at the Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafe for which the Conditional Use Permit is requested. The statement shall include a description of the games to be provided.
 - (g) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.
- (3) Operational Considerations:
- (a) No person under the age of eighteen (18) years shall be permitted within a Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café.
 - (b) There shall be no consumption of alcoholic beverages anywhere on the premises, including inside and outside of the building(s) nor anywhere within the boundaries of the property.
 - (c) The maximum number of player terminals is ten (10). No poker or slot style machines shall be allowed.
 - (d) The gaming operation shall be visible and open to the store front.
 - (e) Hours of Operation: Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Cafés shall be permitted to operated only between the hours of 10:00 AM through 10:00 PM Monday through Saturday.
 - (f) The Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes Café shall be limited to one wall sign per premise, depicting the name of the business and business hours only. The sign shall not be internally lighted and no flashing or obtrusive lights are permitted. Maximum sign area shall be 20 square feet.
 - (g) No gaming activities of any kind shall be allowed outside the building(s) of a proposed Video Sweepstakes Operation/Electronic Gaming Operation/Internet Sweepstakes cafe.
 - (h) All parking areas and exterior points of ingress and egress shall be fully illuminated with night-lighting to deter criminal activities. Lighting shall be shielded so as not to interfere with adjoining property owners or traffic traveling the public highways.
 - (i) Firearms shall be prohibited anywhere on the premises, including inside and outside of the building(s) and anywhere else within the boundaries of the property.

Exhibit "C"
ARTICLE XIX. PARKING AND LOADING

Section 1909. Minimum Parking Requirements

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 1904 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. For purposed of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

Land Uses	Required Parking
Airports, railroad passenger stations, and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Apartments/Multifamily Structures with three or more units	Two (2) parking spaces per dwelling unit.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Bars, Nightclubs, Taverns	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking place for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each three hundred (300) square feet of gross floor space for affiliated uses such as restaurants, bars, and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.

Land Uses	Required Parking
Clubs (Civic, Social, Fraternal)	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics, Medical Offices	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every five (5) students.
Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Single Family	Two (2) parking spaces per dwelling.
Fire Stations	One and a half (1½) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space per each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.
Greenhouses and Nursery Operations	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus one (1) parking space for each two (2) beds.
Hotels, Motels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each two (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial or Manufacturing Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Manufactured Homes	Two (2) parking spaces per mobile home plus one (1) space for each employee.
Nursing, Retirement, and Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices, Business and Professional	One (1) parking space for each two hundred (200) square feet of gross floor space.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) space for every four (4) spectator seats.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor areas.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary, and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large parking space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large parking space for each bus.
Schools, Colleges, Technical, and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Land Uses	Required Parking
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	Six (6) parking spaces for each one thousand (1,000) square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for each employee on the longest shift.
Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes	One (1) parking space for every terminal plus one (1) parking space for each two (2) employees –or- Two (2) parking spaces for each terminal plus one (1) space for each three hundred (300) square feet of gross floor space.
Wholesale Uses	One (1) parking space for each employee on the longest shift.

**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.”

Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes: Any principal business enterprise, where persons utilize electronic machines including, but not limited to, computers and gaming terminals to conduct games of chance (including sweepstakes) and where cash, merchandise or other items of value are redeemed or otherwise distribute, whether or not the value of such distribution is

determined by electronic games played or by predetermined odds. This definition includes, but is not limited to, internet sweepstakes, video sweepstakes, electronic gaming operations, internet cafes, and/or cybercafés. Video Sweepstakes Operations/Electronic Gaming Operations/Internet Sweepstakes Cafes shall only be allowed as a principal or primary use and shall not be permitted as an accessory use or combination use. Any lottery approved by the State of North Carolina is not included under this definition.

Note to Planning Board members: Due to the length of Article XXIV, this Draft Ordinance contains only the proposed definition for the current text amendment and, if approved, will be added in with the existing definitions in alphabetical order.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-03
Perquimans County Zoning Ordinance
Articles III and IV
Establish standards, conditions, procedures and definitions for
Video Sweepstakes Operations/Electronic Gaming Operations/
Internet Sweepstakes Cafes

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