

ARTICLE XII. PLANNED UNIT DEVELOPMENT

Section 27-123. Purpose and intent; definition.

- (a) Pursuant to Article 19, Part 3 of Chapter 160A of the General Statutes of North Carolina, the City Council of the City of Washington establishes the Planning Unit Development District (PUD) as a special use zoning district designed to provide an alternative to traditional development standards which is intended to:
 - (1) reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
 - (2) preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features and existing vegetation, while providing recreational and open areas;
 - (3) promote economical and efficient land use which can result in smaller networks of public facilities, utilities, and streets;
 - (4) provide an appropriate and harmonious variety of housing and creative site design alternatives;
 - (5) promote energy conservation by optimizing the orientation, layout, and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
 - (6) encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design, and layout of buildings; and
 - (7) provide a procedure which can relate the type, design, and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within established residential areas.
- (b) For purposes of this section a planned unit development district shall be defined as a project/district which meets all of the following:
 - (1) land under common ownership, to be planned and developed as an integral unit;
 - (2) a single development or a programmed series of development, including all lands, uses, and facilities;
 - (3) constructed according to comprehensive and detailed plans that include streets, drives, utilities, lots, and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the building shall also be included; and
 - (4) providing a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for perpetual common use by the occupants of the planned unit development.

Section 27-124. Area; Regulation of uses; Density; Open space; Recreation; Parking; Landscape; Density bonus requirements.

- (a) Minimum area requirements.
 - (1) Planned unit developments shall contain not less than twenty (20) gross acres.
 - (2) Planned unit developments comprising less than one hundred (100) gross acres shall contain residential uses only as set forth in subsection (b)(1) of this section.
 - (3) Planned unit developments comprising one hundred (100) gross acres or more may contain all of the uses permitted by subsections (b)(1) and (b)(2) of this section provided that all nonresidential uses set forth in subsection (b)(2) meet the following design requirements:
 - a. are designed and located with the primary intention of serving the immediate needs and convenience of the residents of the planned unit development;

- b. are located on "minor streets" as defined in Section 27-131;
 - c. are not located on any public street that borders the planned unit development;
 - d. are not located within five hundred (500) feet of the peripheral boundary of the planned unit development; and
 - e. are not platted for development until a minimum of fifty (50) percent of the residential units have been constructed.
- (b) Regulations of uses. Subject to subsection (a) of this section, a planned unit development may contain the following permitted residential and non-residential uses:
 - (1) Residential uses include:
 - a. detached single-family dwelling;
 - b. two-family attached dwelling (duplex);
 - c. attached single-family dwelling or townhouse development group;
 - d. condominium development group;
 - e. multi-family development group;
 - f. family care home, subject to Article 6;
 - g. accessory building or use;
 - h. public recreation or park facility; and
 - i. private recreation facility.
 - (2) Nonresidential uses include:
 - a. church;
 - b. elementary and secondary schools subject to the development standards established under Article 6;
 - c. kindergarten, day care facilities;
 - d. general business, professional or medical offices;
 - e. neighborhood convenience food store;
 - f. drugstore;
 - g. grocery store;
 - h. accessory gasoline sales; and
 - i. barber and beauty shops.
- (c) Maximum density requirements.
 - (1) Residential density shall not exceed six (6) units per gross acre, except as further provided under the density bonus option contained in subsection (l) below.
 - (2) Nonresidential uses shall not exceed five (5) percent of the gross planned unit development acreage.
- (d) Open space requirements.
 - (1) Planned Unit Developments shall reserve not less than twenty-five (25) percent of the gross acreage as common open space.
 - (2) If developed in sections, the common open space requirements set forth herein shall be coordinated with the construction of dwelling units and other facilities to insure that each development section shall receive benefit of the total common open space.
 - (3) Streets, private drives, off-street parking areas and structures or buildings shall not be utilized in calculating or counting towards the minimum common open space requirement; however, lands occupied by recreational building and/or structures, bike paths and similar common facilities may be counted as required open space provided such impervious surfaces constitute no more than five (5) percent of the total required common open space.
 - (4) In the designation of common open space, consideration shall be given to the suitability of location, shape, character and accessibility of such space.
- (e) Recreation space requirement.
 - (1) A minimum of twenty-five (25) percent of the required gross common open space in a planned unit development shall be developed for recreational purposes. For

purposes of this section, "recreation" shall include, but not be limited to, tennis courts, swimming pools, ball fields, fitness courses, and the like.

- (f) Dedication of open space, park lands and greenways:
 - (1) Where land is dedicated to and accepted by the City for open space, park and recreation purposes, and greenways, such land may be included as part of the gross acreage, open space and/or recreation space requirement of this section.
- (g) Off-street parking requirement.
 - (1) Number of spaces.
 - a. Residential parking. Planned unit developments shall provide a minimum of 2.5 off-street parking spaces, so designed not to allow parked vehicles to encroach within any public right-of-way or private street easement, for each dwelling unit. Provided however, residential developments to be used exclusively by elderly occupants shall require parking in accordance with Article XVII.
 - b. Non-residential parking. Vehicular parking in areas designated as non-residential shall be subject to the requirements of Article XVII.
 - c. One (1) parking space shall be required per fifty (50) square feet of floor area in each social or recreation building.
 - d. Accessory parking. One (1) accessory parking space shall be provided for every ten (10) residential units, rounded off to the next highest whole number. For purposes of this section, "residential units" shall be construed to mean those uses listed under Section 27-124 (b)(lc,ld,le).
 - (2) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article XVII.
 - (3) All parking areas shall be landscaped and meet the general parking requirements of Article XVII, unless otherwise provided in this subsection.
- (h) Bufferyard requirements.

Bufferyard requirements shall be in accordance with Article VII. Bufferyard vegetation improvements may be phased to coincide with the construction of buildings, provided such phasing is set forth on the approved bufferyard plan.
- (i) Residential density bonus provisions and standards.

A density bonus rounded to the nearest whole number and not exceeding a total of twenty-five (25) percent over the allowable base density as set forth in Section 27-124(c) may be approved by the Planning Board in accordance with the standards for allowing density bonuses as listed below. The applicable requirements of Section 27-129(c) "Preliminary Plat - Site Plan Requirements" shall be shown on the land use plan in sufficient detail to enable the Planning Board to evaluate such proposal.

 - (1) Common open space. Increasing the common open space area by ten (10) percent above the required common open space provisions may allow a bonus of five (5) percent above the allowable density of a planned unit development.
 - (2) Bike paths/greenway systems. The provision of a system of bike paths/pedestrian greenways that form a logical, safe and convenient system of access to all dwelling units, project facilities, or principal off-site pedestrian destinations may qualify for a density bonus upon approval of the Planning Board. Such facilities shall be appropriately located, designed, and constructed with existing topography, land form, vegetation and other amenities associated with the planned unit development. The maximum bonus allowed under this provision may be five (5) percent above the allowable density in the planned unit development.
 - (3) Solar access. Where the design of a planned unit development provides sixty (60) percent of dwelling units proper solar access in order that those dwelling units maximize solar energy systems for heating and cooling purposes, a bonus of fifteen (15) percent above the allowable density in a planned unit development

may be approved provided the design of the planned unit development meets the following:

- a. The planned unit development shall be designed so that the buildings shall receive sunlight sufficient for using solar energy systems for water heating and/or space heating and cooling. Building and vegetation shall be sited with respect to each other and the topography of the site so that the maximum unobstructed sunlight reaches the south wall or roof top of the designated units employing the solar heating/cooling systems including active and/or passive systems; and
- b. The following criteria in addition to other design elements shall be evaluated in determining proper site design for the active and/or passive solar system utilized:
 1. Site selection;
 2. Street pattern;
 3. Lot orientation;
 4. Building orientation;
 5. Building design;
 6. Existing and proposed vegetation; and
 7. Shadow patterns.

Section 27-125. Planned unit development; residential uses dimensional standards.

- (a) Lot area. The lot area for each detached single family dwelling shall be no less than six thousand (6,000) square feet.
- (b) Lot width. Lot width for each detached single family dwelling shall be no less than fifty (50) feet. Lot width for each attached dwelling unit shall be no less than sixteen (16) feet. For purposes of this section "lot width" shall include condominium unit width.
- (c) Street setback. No principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement or as further provided herein.
- (d) Minimum side yard. The side yard area required for detached single-family and two-family attached dwellings may be subject to Section 27-127 (zero lot line) or not less than twelve (12) feet, provided, however, that no detached single-family or two-family attached structure shall be located on more than one (1) exterior side lot line. Detached single-family and two-family attached dwellings which do not utilize the provisions of Section 27-127 (zero lot line) and are not located adjacent to a structure or lot subject to Section 27-127 (zero lot line) shall maintain a minimum side setback of not less than six (6) feet. The side yard area required for attached units shall be subject to the applicable provisions of Section 27-127 (zero lot line) provided the end unit of an attached building group containing three (3) or more units is not less than sixteen (16) feet from an adjacent property line or building.
- (e) Minimum rear yard. The rear yard required for detached or attached dwelling units shall be subject to Section 27-127 (zero lot line) or not less than twenty (20) feet.
- (f) Building separation within group developments containing two (2) or more principal structures on one (1) lot of record. No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees. No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees. No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point. Architectural extensions including but not limited to; bay windows, chimneys, open porches, and decks, roof overhangs and balconies shall not be considered in

calculating building separation provided such encroachments are not more than three (3) feet.

- (g) Height. No structures or building having a zero (0) side and/or rear setback in accordance with Section 27-127 (zero lot line) shall exceed thirty-five (35) feet in height above the property grade. No structure shall exceed thirty-five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty-five (35) feet.
- (h) Periphery boundary setback. No portion of a planned unit development including accessory structures, parking areas, or required yards shall be located less than thirty (30) feet from the peripheral boundaries of the planned unit development.
- (i) Additional attached dwelling transition setback. The scale below shall be utilized in the calculation of the minimum building setback, in addition to the periphery boundary setback as specified above, between proposed attached dwelling units including their accessory structures and existing single-family zoning districts or other predominantly single-family areas as defined herein that border the planned unit development. For purposes of this subsection, "other predominately single-family areas" shall be that area within one hundred (100) feet of the external boundary of the Planned Unit Development District in which fifty (50) percent or more of the confirming land uses are single-family residential.

Number of Units Additional Setback

<u>Per Building</u>	<u>(feet)</u>
2	20
3-5	40
6-10	60
11 or over	80

- (j) Recreation area setback. No portion of an active lighted recreation area shall be located within one hundred (100) feet of the external boundary of the planned unit development.
- (k) Transition area setback. Where a planned unit development adjoins or borders an existing single-family zoning district or single-family development sharing common frontage on the same side of a public or private street the minimum public street setback requirement of the abutting single-family zone or development shall be utilized for a minimum of two hundred (200) feet from such common border along such street.
- (l) Building length. No continuous unit or series of attached units shall exceed a combined length of two hundred and sixty (260) feet.
- (m) Storage area required. Every dwelling unit shall provide private storage in the amount of ten (10) percent of the gross habitable floor area. The living area, including closets and attics, shall not count toward the required private storage area. Such storage area shall be provided in the form of attached utility rooms, detached accessory structures, private yard area(s) available for such future use or otherwise as approved by the Planning Board.
- (n) Detached accessory structure requirements:
 - (1) shall not be located within any front yard setback;
 - (2) shall not be located within five (5) feet of any other structure;
 - (3) shall not cover more than twenty (20) percent of any side or rear yard; and
 - (4) the side or rear yard requirement for detached accessory structures shall be subject to the provisions of Section 27-127 (zero lot line) or not less than five (5) feet.
- (o) Trash/Garbage container requirements.
 - (1) No container pad shall be located closer than twenty (20) feet to any dwelling structure;

- (2) Each container pad required to service the development shall be located within two hundred (200) feet of the dwelling units such container is intended to serve; and
- (3) Shall be in accordance with other requirements of the City of Washington.
- (p) Satellite dish antennae and swimming pools shall comply with the applicable provisions of Article VI.

Section 27-126. Planned unit development non-residential use dimensional standards.

- (a) Lot Area. No minimum.
- (b) Lot Width. No minimum.
- (c) Public or private street setback. No principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement.
- (d) Minimum side yard. Fifteen (15) feet.
- (e) Minimum rear yard. Twenty (20) feet.
- (f) Height. No structure or building shall exceed thirty-five (35) feet in height above the property grade.
- (g) Building separation. No structure or building shall be located within twenty (20) feet of any other structure or building.
- (h) Non-residential Condominium or Townhouse Type Development. Shall be subject to the applicable provisions of Section 27-127 (zero lot line), provided the overall structure meets the side, rear and public or private street setbacks as provided by this subsection.

Section 27-127. Zero side or rear yard setbacks for detached and attached buildings or structures.

- (a) A zero side or rear yard setback where the side or rear building line is on the side or rear lot line as permitted herein, may be permitted, subject to the following provisions:
- (1) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the provisions of Section 27-125 and/or Section 27-126. Roof eaves may encroach two (2) feet into the adjoining lot;
- (2) A five (5) foot maintenance and access easement with the maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
- (3) No two (2) units or structures shall be considered attached unless such units or structures share a five (5) foot common party wall; and
- (4) Common party walls of attached units shall be constructed in accordance with the North Carolina State Building Code, G.S. Chapter 47C (North Carolina Condominium Act) and other applicable requirements.

Section 27-128. Planned Unit Development district (PUD) zoning map amendments.

- (a) Application. A petition for a zoning map amendment to establish a planned unit development district (PUD) shall be submitted to the Planning Board and City Council and administered in accordance with the provisions of the Zoning Ordinance for amendments.
- (1) Criteria. In addition to other considerations, the following may be utilized by the Planning Board and City Council in evaluation of a rezoning petition to establish a planned unit development zoning district:

- a. that the total development can create a needed residential environment;
 - b. that existing or proposed utility and other public services are adequate for the anticipated population densities; and
 - c. that the planned unit development is in general conformity with the City's comprehensive land use plan.
- (2) Zoning map designation. Following City Council approval of a rezoning petition to establish a planned unit development district (PUD), the property for which approval was granted by ordinance shall be labeled "PUD" on the Official Zoning Map of the City of Washington. No permits for development shall be issued within any area designated as "PUD" unless the provisions as set forth herein are complied with. If a land use plan special use permit application is not filed with the Planning Board pursuant to Section 27-129 within twelve (12) months of such amendment, the City Council shall reserve the right to rezone the property to the original zoning classification.

Section 27-129. Special use permit; application, land use plat, preliminary plat-site plan, and detailed final plat requirements.

- (a) Application. An application for a special use permit to develop a specific planned unit development shall only be considered when the property is zoned PUD. In addition to other considerations, the following may be utilized by the Planning Board in evaluation of a special use permit pursuant to G.S. 160A-388(a):
 - (1) That the proposed population densities, land uses and other special characteristics of development can exist in harmony with adjacent areas;
 - (2) That the adjacent areas can be developed in compatibility with the proposed planned unit development; and
 - (3) That the proposed planned unit development will not adversely affect traffic patterns and flow in adjacent areas.
- (b) Land use plat. All applications for approval of a planned unit development special use permit shall be accompanied by a land use plan prepared by a registered professional engineer or registered land surveyor, submitted in accordance with the Subdivision Ordinance and Article XVIII, Site Plan Review, for preliminary plats and which shall include but not be limited to the following:
 - (1) The numbers and types of residential dwelling units including density and density bonus options utilized within each section and the delineation of nonresidential areas;
 - (2) Planned primary and secondary traffic circulation patterns showing proposed and existing rights-of-ways and easements;
 - (3) Common open space and recreation areas to be developed or preserved in accordance with this section. Peripheral boundary setback shall be indicated;
 - (4) Plans for water, sanitary sewer, storm sewer, natural gas and underground electric utilities to be installed per City of Washington standards;
 - (5) The delineation of areas to be constructed in sections, showing acreage;
 - (6) Soil maps prepared according to the United States cooperative soil survey standards as published in the Beaufort County Soil Survey;
 - (7) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use and lot lines of all contiguous property;
 - (8) Existing vegetation, indicating all trees having a diameter of twenty-four (24) inches or more;
 - (9) Flood hazard areas including base flood elevation;
 - (10) Topographic contours at a maximum of two (2) foot intervals showing existing grades;

- (11) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer and person or firm preparing the plan;
- (12) Any other information as may be required by the Planning Board;
- (13) Copies of or statements addressing the following:
 - a. Drafts of or statements addressing any declarations of covenants of conditions or restrictions which create a homeowner's association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, private streets, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the Planning Board in order to assess the feasibility of such private maintenance;
 - b. Drafts of or statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
 - c. Drafts of or statements addressing proposed encroachments and maintenance easements concerning zero (0) lot line building walls;
 - d. The names and current mailing address of all property owners who own property within one hundred (100) feet of the proposed development including tax map designation and parcel numbers as listed upon the tax records of Beaufort County at the time of submission of the special use permit application;
 - e. The deed book and page number(s) showing fee simple title of all property within the planned unit development as listed in the Beaufort County Register of Deeds; and
 - f. Statements addressing the "Required Findings" as set forth in Section 27-129(e).
- (c) Preliminary Plat - Site Plan Requirements.
 After approval of the land use plat special use permit as set forth herein, the developer shall submit the following according to the approved schedule of development:
 - (1) All information required by and in accordance with the Subdivision Ordinance and Article XVIII, Site Plan Review of the Washington City Code for submission of preliminary plats;
 - (2) Where zero (0) lot line options as provided under Section 27-127 are proposed, the building area for such lots shall be indicated on the plat; and
 - (3) The following additional information shall be required when the uses as listed under Section 27-125(b)(2). are proposed:
 - a. Contents. Shall be as necessary to determine and insure compliance with the standards, conditions and restrictions of this Article.
- (d) Final plat requirements.
 After approval of the preliminary plat as set forth herein, the developer shall submit the following according to the approved schedule of development. This final plat must be prepared by a registered professional engineer or registered land surveyor.
 - (1) All information required and in accordance with the Subdivision Ordinance and Article XVIII, Site Plan Review, of the Washington City Code for submission of the final plats;
 - (2) Where zero (0) lot line setbacks are proposed, the building area for each lot shall be indicated; and
 - (3) The following additional information shall be required:
 - a. Maintenance agreements concerning all common areas, private streets, and utilities; and
 - b. All information as required and in accordance with G.S. Chapter 47C, North Carolina Condominium Act.

(e) Procedure; required reviews.

(1) Land Use Plat Review.

The applicant (s) for a special use permit to develop a specific planned unit development shall submit all information as required herein to the Department of Planning and Development no later than 5:00 P.M. on the fifteenth of the month before the month the applicant wishes to have the special use permit considered by the Planning Board and the Board of Adjustment.

- a. Contents. All information as required by Section 27-129(b) "Land Use Plat."
- b. The Planning Board shall hold a public hearing to review the special use permit application. The Planning Board may in its discretion attach reasonable conditions to the plat to insure that the purposes of the Planned Unit Development District can be met. The Planning Board shall forward its recommendation to the Board of Adjustment for final approval of the special use permit. The Board of Adjustment shall conduct a public hearing in accordance with the requirements of Article V and Article XIX.
- c. The Planning Board and the Board of Adjustment may, in their discretion, attach conditions to the plat that exceed the minimum standards as set forth herein when it is found that such conditions are necessary to insure that the proposed planned unit development will be compatible with adjacent areas.
- d. Required findings. Prior to approval of a special use permit, the Board of Adjustment shall make appropriate findings to insure that the following requirements are met:
 1. The total development, as well as each individual section of development, can exist as an independent unit capable of creating an environment of sustained desirability and stability;
 2. The use has existing or proposed utility services which are adequate for the population densities as proposed;
 3. The use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the Director of Public Works on streets in adjacent areas outside the planned unit development;
 4. The use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved;
 5. The use meets all required conditions and specifications;
 6. The use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity; and
 7. The location and character of the use if developed according to the plat submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Land Use Plan of the City of Washington and its extraterritorial jurisdiction.
- e. Notice; Public hearing. Shall be given in the same manner as for amendments to the Zoning Ordinance.
- f. Notice; Adjoining Property Owners. Notice of the Planning Board and Board of Adjustment public hearing shall be delivered to all owners of property within one hundred (100) feet of the external property boundaries of the proposed development. Such notice shall be postmarked not less than seven (7) days prior to the date of the Planning Board public hearing. Failure to notify all owners shall not affect the validity of the action, provided due diligence has been exercised in the attempts to provide notice.
- g. Action by Board of Adjustment. The Board of Adjustment shall act on the special use permit application by taking one of the following actions:

1. Approve the application as submitted;
 2. Approve the application, subject to reasonable conditions or requirements;
 3. Table or continue the application; and
 4. Deny the application.
- h. If approved, the special use permit shall be binding upon the applicant, successor and/or assigns.
 - i. Voting. A four-fifths (4/5) vote in favor of any special use permit application shall be required for approval.
 - j. Appeals from Board of Adjustment Action.
Decisions of the Board of Adjustment on action taken concerning any special use permit to establish a planned unit development shall be subject to review as provided by law.
- (2) Preliminary Plat - Site Plan Review.
- After approval of the Land Use Plan as provided herein or in conjunction therewith, the developer shall submit all information as required below to the Department of Planning and Development no later than 5:00 P.M. on the fifteenth of the month before the month the applicant wants the preliminary plat to be reviewed by the Planning Board and City Council.
- a. The Preliminary Plat - Site Plan shall be reviewed and administered pursuant to the provisions of the Subdivision Ordinance and Article 18, Site Plan Review, of the Washington City Code for preliminary plats;
 - b. Contents. All information as required by Section 27-129(c), "Preliminary Plat - Site Plan Requirements;"
 - c. The Planning Board shall review and approve the submitted Preliminary Plat - Site Plan provided such is in conformance with the approved land use plan and the provisions of this Article and forward their recommendations to the City Council for approval; and
 - d. No building permit shall be issued for any construction within any planned unit development until a Preliminary and Final Plat - Site Plan has been approved in accordance with the provisions of this Article. Building permits may be issued in accordance with the applicable provisions of this Article, Article 18, Site Plan Review, and the Subdivision Ordinance of the Washington City Code.
- (3) Final Plat Review.
- After approval of the Preliminary Plat - Site Plan as provided herein, the developer shall submit all information as required below to the Department of Planning and Development no later than 5:00 P.M. on the fifteenth of the month before the month the applicant wants the final plat to be reviewed by the Planning Board.
- a. The Final Plat shall be reviewed and administered pursuant to the provisions of this Article, Article XVIII, Site Plan Review, and the Subdivision Ordinance of the Washington City Code for final plats;
 - b. Contents. All information as required by Section 27-129(d), "Final Plat Requirements;"
 - c. The Planning Board shall review and approve the submitted Final Plat - Site Plan provided such is in conformance with the approved land use plan and the provisions of this Article and forward their recommendations to the City Council for approval; and
 - d. No building permit shall be issued for any construction within any planned unit development until a Final Plat - Site Plan has been approved in accordance with the provisions of this Article. Building permits may be issued in accordance with the applicable provisions of this Article, Article XVIII, Site Plan Review, and the Subdivision Ordinance of the Washington City Code.

e. No certificate of compliance, as defined in N.C.G.S. 160A-423, shall be issued within any planned unit development until a final plat and all covenants, restrictions, easements, agreements or otherwise for such development or section thereof has been recorded in the Beaufort County Register of Deeds office.

Section 27-130. Design criteria; general.

- (a) Site planning; external relationship.
Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design and arrangement in the evaluation of the development and its relationship with the surrounding areas.
- (b) Site planning; internal relationship.
 - (1) Service and emergency access. Access and circulation shall be adequately provided for fire-fighting equipment, service deliveries and refuse collection.
 - (2) Underground utilities. Planned unit developments shall be required to have underground utilities. Such proposed utilities shall be adequate to serve the proposed development and such utilities or streets shall be extended to adjacent property if it is determined to be in the interest of the City of Washington.
 - (3) Pedestrian circulation. A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.
 - (4) Where an existing or proposed public thoroughfare as indicated on the approved thoroughfare plan of the City of Washington is adjacent to or within the proposed Planned Unit Development, plans for the project will reflect said thoroughfares in a manner conducive to good transportation planning. Existing thoroughfares shall be provided for in accordance with current policies for the protection of right-of-ways and construction of thoroughfares within the City of Washington.

Section 27-131. Street design criteria.

- (a) For the purposes of the planned unit development district, three (3) types of streets shall be utilized to provide internal access to the development. The three (3) types of streets are defined as:
 - (1) Minor street: Distributors within the planned unit development which provided linkage with major streets outside the planned unit development district;
 - (2) Marginal access street: Those streets which connect with minor streets to provide access to individual buildings within the planned unit development district; and
 - (3) Private street: Those streets that provide access to individual buildings within the planned unit development district pursuant to Section 27-131(c).
- (b) The street design of all planned unit developments shall be in conformance with the Subdivision Ordinance of the Washington City Code and the Manual of Standard Design and Details.

(c) Upon approval of the Planning Board, interior roads may be allowed to be constructed as private streets, subject to the requirements of the Subdivision Ordinance of the Washington City Code. Where such private streets are allowed, the homeowners' association shall perpetually maintain such private streets in suitable conditions and state of repair for the City of Washington to provide normal delivery of services, including but not limited to, garbage pickup, police and fire protection. If at any time such private streets are not maintained by the homeowner's association and travel upon them becomes or will be hazardous or inaccessible to the City of Washington's service or emergency vehicles, the City of Washington may cause such repairs after a reasonable period of notification to the property owner and/or homeowners' association. In order to remove safety hazards and ensure the safety and protection for the development, the City may assess the cost of such repairs to the property owner and/or homeowners' association. The City of Washington shall have no obligation or responsibility for maintenance or repair on such private streets as a result of the normal delivery of services or otherwise by the City of Washington or others using such streets. No private street(s) shall be allowed unless a homeowners' association is established for the purpose of providing for and perpetually maintaining such streets. All private streets shall be dedicated to the City as utility easements.

Section 27-132. Utility services.

- (a) Where utility services are provided on private property, the following standards shall apply:
- (1) All such utility services, such as water lines, sanitary sewer lines, gas lines, storm sewer lines, and electric lines shall be installed and maintained according to the standards and policies of the City of Washington.
 - (2) The City of Washington shall receive a general easement to allow servicing and use by the City or their representative of valves, meters, transformers, poles, fire hydrants or other approved utility service apparatus;
 - (3) The City of Washington shall furnish and maintain utility meters at approved locations; and
 - (4) Where such utility lines, valves, fire hydrants or other utility apparatus are installed by the property owner or developer and required to be maintained by the homeowners' association or property owner, the City of Washington may cause such apparatus to be repaired or replaced upon its continued disrepair and after a reasonable period of notification to the property owner. In order to remove safety hazards and ensure the safety and protection for the development, the City of Washington may access the cost of such repairs or replacement to the property owner or homeowners' association.

Section 27-133. Homeowners' Association.

- (a) No final plat shall be approved until all required legal instruments have been reviewed and approved by the City Attorney as to legal form and effect.
- (b) If common open space is deeded to a homeowners' association, the owner or developer shall file a declaration of covenants, conditions and restriction that will govern such association. The provisions of such declaration of covenants, conditions, restrictions shall include, but not be limited to, the following:
- (1) The homeowner's association must be set up before any property is sold in the development;
 - (2) Membership must be mandatory and automatic when property is purchased in the development;
 - (3) The open space restrictions must be permanent, not just for a period of years;

- (4) The association must be responsible for liability insurance, local taxes, and maintenance of recreational and other common facilities including private streets;
- (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property;
- (6) The association must be able to adjust the assessment to meet changed needs;
- (7) Covenants for maintenance assessments shall run with the land;
- (8) Provision insuring that control of such association will gradually be vested in the homeowners' association; and
- (9) All lands so conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common facilities.

Section 27-134. Amendment to Land Use Plat Special Use Permit.

- (a) Minor changes. Amendments to the approved land use plat that, in the opinion of the Director of Planning and Development, do not substantially change the concept of the Planned Unit Development as approved may be allowed. Such minor changes may include but not be limited to small site alterations, such as realignment of streets and relocation of utility lines due to engineering necessity. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the land use plat shall be so amended prior to submission of any preliminary platsite plan application involving or affecting such amendment. Appeal from the decision of the Director of Planning and Development may be taken to the Board of Adjustment.
- (b) Major changes. Amendments to the approved land use plat that in the opinion of the Director of Planning and Development do in fact involve substantial changes and deviations from the concept of the Planned Unit Development as approved shall require review pursuant to Section 27-129(e). Such major changes shall include but not be limited to increased density, land use, location of use, open space, recreation space, condition(s) of Planning Board approval and street pattern. Appeal from the decision of the Director of Planning and Development may be taken to the Board of Adjustment.
- (c) Authority. Minor changes may be approved administratively by the Department of Planning and Development. Major changes shall require Planning Board approval.
- (d) Variances. The City of Washington Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this section or condition as approved by the Planning Board.

ARTICLE XIII. LAND USE INTENSITY (LUI) DEVELOPMENT

Sections 27-135.--27-146. Reserved.

ARTICLE XIV. TELECOMMUNICATION TOWERS AND ANTENNAS

Section 27-147. Purpose and intent.

- (a) The regulations and requirements of this Ordinance are intended to:
 - (1) Provide for the appropriate location and development of commercial wireless telecommunication towers and antennas to serve the residents and businesses of the City of Washington while protecting the public health, safety, and general welfare of the community.

- (2) Minimize adverse visual effects of towers through careful design, siting, and vegetative screening.
- (3) Avoid potential drainage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (4) Maximize use of any new or existing communication tower to reduce the number of towers needed.
- (b) This Ordinance is not intended to regulate structures erected solely for non-commercial, individual use such as residential television antennas, residential satellite dishes, and ham radio antennas.
- (c) In addition to the regulations contained in this section, all commercial wireless telecommunication service providers shall provide written documentation that they are/will be in compliance with the FCC Federal Radio Frequency Emission Standards and that the output power from the tower shall not exceed federally approved levels for exposure to electronic magnetic force (EMF).

Section 27-148. Definitions.

- (a) Antenna. Any structure or device used to collect or radiate electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips (but not including satellite earth stations.)
- (b) Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- (c) Colocation. Locating wireless communications equipment from more than one provider on a single site.
- (d) Concealed or Camouflaged Tower. Communication towers and associated equipment which are totally concealed within an architectural feature of a building or within a structure, or camouflaged so it is architecturally indiscernible. Examples of concealing structures are: Church steeples, flag poles, light fixtures, and signs. Examples of camouflaging are: towers disguised as trees, clock and/or bell towers, and public art.
- (e) Guyed Tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
- (f) Lattice Tower. A guyed or self-supporting, open, steel frame structure, with three or more sides, that is used to support telecommunications equipment.
- (g) Monopole Tower. A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- (h) Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication services shall not be considered public utility uses, and are defined separately.
- (i) Telecommunication Tower or Tower. A monopole, guyed, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure, or equipment, that contains one or more antennas intended to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. This definition shall not include any structures erected solely for a non-commercial individual use such as residential television antennas, residential satellite dishes, and ham radio antennas.

Section 27-149. General Requirements,

- (a) A building and electrical permit is required for all towers and/or antennas, whether constructed at ground level or installed on buildings or other structures. All towers shall be constructed and operated in compliance with North Carolina State Building Codes.
- (b) A set of plans bearing an engineer's seal and a site plan demonstrating compliance with these regulations must be submitted to, reviewed and approved by the Technical Review Committee of the City of Washington.
- (c) All tower owners shall carry liability insurance against failure of the tower in an amount of, at minimum, one million dollars (\$ 1,000,000).
- (d) All new towers and those antennas colocated on city-owned facilities or property shall require special use permits, which necessitate approval by the Planning Board and Board of Adjustment after a public hearing. Colocation of telecommunication antennas on existing non-City owned towers where an increase in height is not required may be approved at staff level.
 - (1) A special use permit for a telecommunication tower shall expire 5 years after the effective date of the permit approval by the Board of Adjustment.
 - a. A permittee wishing to continue the use of a specific tower must apply for a renewal of the special use permit at least six months prior to the expiration of the permit.
 - b. In considering the request for the renewal of the special use permit, the Board of Adjustment shall consider the impact that any changes in technology since the original permit approval may have had on the need for the tower or the tower's design.
 - c. The tower shall be required to meet the standards of the Zoning Ordinance that are in effect at the time of reapplication.
 - (2) Administrative reviews and administrative appeals must occur before an applicant can go to court, in compliance with the normal regulations of the City of Washington Zoning Ordinance.
- (e) All telecommunications towers existing on the effective date of this ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on Such existing towers. New construction other than routine maintenance on an existing tower shall comply with the requirements of this section.
- (f) An applicant must receive approval from the Washington Airport Commission before requesting a special use permit from the Board of Adjustment.
- (g) An applicant shall ensure in a signed and notarized document that the tower and/or equipment will not cause radio, television, and similar reception at adjoining properties to be disturbed or diminished. If disturbance of reception continues for 60 days after the date of the first written notification of the complaint to the tower owner, the tower's permit shall be revoked by the Planning Administrator.
- (h) If the tower or the equipment on the site is of a type that will emit a continuous or frequent noise, the applicant shall ensure in a signed and notarized document that sufficient action will be taken to prevent such noise from being audible to surrounding residents and businesses. In such cases, tower facilities and equipment shall be operated so that noise levels are less than 45db as measured from the property line nearest the tower facilities.
- (i) The telecommunication service provider shall provide the City with any and all additional information the City may request as an aid in evaluating detailed technical claims the service provider or applicant may make.
- (j) Colocation is encouraged by the City of Washington.
 - (1) If the tower is between sixty (60) and one hundred (100) feet in height, the tower shall be engineered and constructed to accommodate a minimum of one additional telecommunication user with equipment at least comparable to the applicant's. If the tower exceeds a height of one hundred (100) feet, the tower shall be engineered and constructed to accommodate a minimum of two

additional telecommunications users with equipment at least comparable to the applicant's.

- (a) The applicant or property owner shall provide documentation from a registered engineer that the tower has sufficient structural integrity to accommodate the required number of additional users as stated above.
 - (b) Additionally, a statement shall be submitted by the tower's owner regarding the intent of the owner to allow shared use of the tower under reasonable terms and the number and types of additional antennas that can be accommodated on the tower. A tower's permit shall be immediately revoked if the owner fails to honor the colocation statement.
- (2) All new service providers shall provide the Planning Office with evidence that there are no existing towers that can provide space and/or that no existing tower will technically satisfy the applicant's needs before applying for a permit to construct a new tower.

Section 27-150. Location. In addition to the requirements of Section 27-43, the following additional locational standards shall be observed.

- (a) If the tower is one hundred (100) feet or more in height, it shall be located no closer than "two thousand five hundred (2,500) feet" from another tower greater than one hundred (100) feet in height which was constructed after the effective date of this regulation.
- (b) No tower may be located within five hundred (500) feet of the RHD residential historic district or the BIH business historic district.
- (c) In residential zones, towers may be located only on property used for government buildings, schools or churches, and must be concealed or camouflaged.
- (d) Only monopole towers are permitted in the O&I and B4 zones.
- (e) No tower may be located on property containing a hospital, nursing home, or day care center.

Section 27-151. Dimensional Requirements.

- (a) Height. Height shall be measured from the natural undisturbed ground surface below the center of the tower base to the top of the tower, including the highest antenna or piece of equipment attached thereto.
 - (1) Under no circumstances shall a building permit be issued for a tower that is taller than two hundred fifty (250) feet.
 - (2) Towers located on buildings or other structures shall not exceed thirty per cent (30%) of the building's height. Roof-mounted antennas extending over five (5) feet above the principal building shall be located behind a facade that blends with the principal building.
 - (3) Maximum tower height, including antennas, permitted in respective zoning districts shall be determined according to the following schedule.

Zone	All Residential	O&I	B2/B3 /B4	I-1/I-2
Maximum Height	20 feet	25 feet	25 feet	250 feet

- (b) Setbacks. Minimum yard setbacks for a tower shall be measured from the outside dimensions of the tower.
 - (1) The minimum setback from all property lines shall be equal to the tower's height. However, the setback distance may be reduced by the Board of Adjustment where a North Carolina Registered Engineer has certified that the tower has been designed so that the fall zone will be within a reduced setback area.
 - (2) Property located within a tower's fall area shall not be subdivided so long as the tower is standing.
 - (3) No tower or accessory building shall be located in any yard setback area of the zoning district in which it is located. In addition, no non-concealed or non-camouflaged tower shall be located in a front or side yard of another principal.
 - (4) No tower shall be located closer than fifty (50) feet to any structure on the property (except its own storage/ accessory buildings.)
 - (5) Guy wire anchors shall be located no closer than twenty (20) feet from the property line and must be contained within the property, but not within any easement.
 - (6) Any associated storage/accessory building shall meet the minimum building (not accessory building) setbacks for the underlying zone.
 - (7) A tower shall be set back from other on-site and off-site towers and supporting structures such that the failure of one tower will not strike another tower or its support structure.
- (c) Security fences. Except for concealed or camouflaged towers, the base of the tower and each guy anchor must be enclosed by a fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted on the top of a building or other structure over eight (8) feet in height. Barbed wire, razor ribbon, concertina wire and other similar security measures shall be prohibited adjacent to residentially zoned property. The Technical Review Committee shall make a determination on the fencing requirement for concealed or camouflaged towers on a case by case basis.

Section 27-152. Landscaping. Existing trees shall be preserved as much as possible. Minimum landscaping requirements are as follows.

- (a) Where any tower abuts a public street, evergreen street trees shall be planted on the tower owner's property at a distance from one another as to provide an opaque screen along the street right-of-way within 5 years of planting. Where such planting requirements cannot be met, a reasonable alternative shall be met as determined by the Planning Administrator.
- (b) Except for fence entrances, the outside perimeters of all chain link fences enclosing the base of the tower and those enclosing guy wires shall be screened with plant material so as to provide a complete visual screen 8 feet high within 5 years of planting. All other types of fences and walls shall be landscaped with 2 small trees and 6 evergreen shrubs per every 20 feet.
- (c) Landscaping may be required around any or all accessory structures if the appearance of the structure(s) is determined to be objectionable by the Board of Adjustment or the Planning Administrator.
- (d) Bufferyards.
 - (1) Bufferyards along all property lines equal to the bufferyard "D" requirements of Article VII shall be provided where non-concealed towers are located adjacent to residentially zoned or developed property. Concealed towers shall be exempt from the bufferyard landscaping requirement, however the bufferyard setback requirement shall be met.

(2) The normal bufferyard requirements of Article VII shall be provided for non-concealed towers in all other locations.

- (e) All landscaping shall be maintained in good condition by the tower owner or the property owner for the life of the tower.

Section 27-153. Visual aspects.

- (a) Towers mounted on the sides of existing structures shall be painted to match the existing structure. Towers mounted on the tops of structures and towers installed at ground level shall either be galvanized or be painted a light gray color or other color to match the background against which they are most commonly seen, as approved by the Planning Administrator, unless other coloring is required by the FAA.
- (b) Any associated accessory/storage structure shall blend with the surrounding building(s) in architectural character and color.
- (c) No tower shall have constructed thereon or attached thereto in any way any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
- (d) Where an antenna or antennas are located on a structure such as a light standard, telephone pole, fence pole, etc., the height of the structure supporting the antenna(s) shall not exceed the average height of similar structures in the vicinity by more than ten (10) percent.
- (e) Before any concealed or camouflaged tower can be approved, tile applicant shall submit photographs of a similar facility and use photo imagery to superimpose the facility onto the existing site as seen from affected residential property and public thoroughfares at varying distances.
- (f) Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of a telecommunication tower, unless inspection, repairs or additions to the tower and/or accessory structures are being made.

Section 27-154. Signs.

- (a) Signs on any portion of a tower and/or related accessory building, fence or wall shall be prohibited, with the following exceptions:
 - (1) A one-square-foot sign identifying the owner(s) and operator(s) of the tower and an emergency telephone number shall be placed in a clearly visible location on the premises of the tower.
 - (2) Warning signs may be placed on the premises. Equipment information signs may be placed at appropriate locations as determined by the Planning Administrator.
 - (3) A freestanding sign may be permitted only if the lot also contains the main business office of the telecommunications server.
- (b) A sign permit is required wherever a sign is allowed.

Section 27-155. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower, or is required for security or safety reasons.

- (a) Any additional lighting beyond minimum FAA requirements must be approved by the Technical Review Committee. Such lighting, if approved, shall not exceed a height of fifteen (15) feet, and shall be shielded and oriented so as not to project directly onto adjacent property, and so as to minimize glare on adjacent property and streets.
- (b) The tower owner shall provide signed and notarized documentation that any lighting requested is the minimum lighting required by the FAA or is necessary for security or safety measures.

(c) When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas must be attached to the tower.

Section 27-156. Maintenance. All towers and their associated accessory buildings and equipment shall be maintained in safe, functional, and attractive condition by the tower owner.

- (a) An inspection of the tower shall be conducted at least once a year by an expert who is regularly involved in the maintenance, inspection, and/or erection of telecommunication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the EIA Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A report of the findings and any repairs made shall be furnished to the Planning Administrator. The cost of such inspection and report shall be assumed by the tower owner.
- (b) If the Planning Administrator determines that a tower fails to comply with the State building codes or the EIA standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the 30 days, the Planning Administrator may order the removal of the tower at the owner's expense.

Section 27-157. Abandonment. Any tower or part of a tower that ceases to be used for communications broadcasting and/or broadcast receiving shall removed by the tower owner at the owner's expense, along with any and all associated structures. The removal shall occur within 180 days after the use is discontinued. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. In the event that a tower is not removed in the specified time, the tower and associated structures may be removed by the City and the costs of removal assessed against the property.

Section 27-158. Statutory Severability. If any section, Subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Washington hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.
(Ord. No. 99-4, 6-14-99)

Sections 27-159.--27-161. Reserved.

ARTICLE XV. SPECIAL DISTRICTS

Section 27-162. Historic District and Commission.

- (a) Intent. The purpose of this district is to promote and provide for land use activities which will reflect the heritage of the district through the cultural, educational, architectural and economic elements of the district.
- (b) Commission designated. The State of North Carolina authorizes cities to safeguard the heritage of the City by preserving any historic site therein that embody important elements of its cultural, social, economic, political, archaeological or architectural history and to promote the use and conservation of such site for the education, pleasure and enrichment of the residents of the City, County, and State as a whole. Pursuant to North Carolina General Statutes Chapter 160A, Article 19, Part 3C, and

the provisions of this chapter, the City Council of Washington designates a commission to be known as the Washington Historic Preservation Commission.

- (c) Qualification of members; terms, appointments, and general duties.
 - (1) Effective July 1, 1996, the commission shall consist of seven (7) members appointed by the city council. All members shall reside within the city limits. In addition, all members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. The commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.
 - (2) Commission members shall serve overlapping terms of three (3) years. The terms of office for all initial reappointments after the adoption of this section shall be configured as follows:
 - a. Three (3) commissioners, with terms to expire on June 30, 2000.
 - b. Two (2) commissioners, with terms to expire on June 30, 1999.
 - c. Two (2) commissioners, with terms to expire on June 30, 1998.Thereafter, all appointments shall be for three (3) year terms.
 - (3) The commission shall select from among its members a Chairperson and Vice-Chairperson who shall be elected annually by the commissioners.
 - (4) Upon its first formal meeting, and prior to performing any duties under this ordinance or under Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, the commission shall adopt rules of procedure governing the commission's actions which are not governed by this ordinance or the general statutes. The commission shall also adopt principles and guidelines for new construction, alterations, additions, moving and demolition of designated historic landmarks and properties in historic districts. The guidelines may be amended by the Historic Preservation Commission. All guidelines and amendments shall be subject to approval by the City Council.
- (d) Attendance at meetings. Any member of the commission who misses more than three (3) consecutive regular meetings or more than four (4) meetings in a calendar year shall lose his or her status as a member and shall be replaced or reappointed by the City Council. The Council shall act within sixty (60) days to fill vacancies on the commission. Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the commission, except that in the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.
- (e) Meetings. The commission shall establish a meeting time and shall meet at least quarterly and more often as it shall determine and require.
- (f) Minutes. The commission shall keep permanent minutes of all its meetings, which shall be a public record. The minutes shall record attendance of commission members and the commission's resolutions, findings, recommendations and actions.
- (g) Receipt of gifts and authority to acquire historic properties. The City Council shall have the right to accept gifts and donations in the name of the City for historic preservation purposes. It is authorized to make appropriations to the commission in any amount necessary for the expenses of the operation of the commission, and acquisition, restoration, preservation, operation, and management of historic buildings, structures, sites, areas, or objects designated as historic landmarks or within designated historic districts, or of land on which such buildings or structures are located, or to which they may be removed.
- (h) Role of Council. The designation of a historic landmark or district shall be effective through the adoption of an ordinance by the City Council. No landmark or district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural or cultural importance, and to possess integrity of design, setting, workmanship, materials,

feeling and/or association. The landmark or district must lie within the planning and zoning jurisdiction of the City of Washington.

- (i) Overlay district established; boundaries; permitted uses. An overlay district is hereby established to overlap with other zoning districts established by this Code. The boundaries of the historic district are established as indicated on the official zoning map of the city, which is on file for public inspection in the office of the Department of Planning and Development. All uses permitted within zoning districts established by the city, whether by permitted use or by special use, shall be permitted within this overlay district according to procedures established by this section. No historic district or districts shall be designated until:

- (1) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and
- (2) The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the City Council within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the municipality of any responsibility for awaiting such analysis, and said Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

The City Council may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendation prior to taking action to amend the zoning ordinance. With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (1) of this section shall be prepared by the commission and shall be referred to the local planning agency for its review and comment according to procedures set forth in the zoning ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of subsection (2) of this section. Upon receipt of these reports and recommendations the City may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions.

- (j) Designation of landmarks. Upon complying with the landmark designation procedures as set forth in this ordinance, the City Council may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks.

- (1) No property shall be recommended for designation as a landmark unless it is deemed and found by the preservation commission to be of special significance in terms of its historical, prehistorical, architectural or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

- (2) The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land areas of the property so designated and any other information the City Council deems necessary. For each building, structure, site, area or object so designated as a historic landmark, the ordinance shall require that the waiting period set forth in Part 3C of the General Statutes be observed prior to its demolition. For each designated landmark, the ordinance may also provide for a suitable sign on the property indicating that the property has been so designated.

If the owner consents, the sign shall be placed upon the property. If an owner objects, the sign shall be placed on a nearby public right-of-way.

(k) Required landmark designation procedures. As a guide for the identification and evaluation of landmarks, the commission shall undertake at the earliest possible time and consistent with the resources available to it an inventory of properties of historical, architectural, prehistorical and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History. No ordinance designating a historic building, structure, site, area or object as a landmark nor any amendment thereto may be adopted, nor may any property be accepted or acquired by the commission or the City Council until all of the following procedural steps have been taken:

- (1) The Historic Preservation Commission shall prepare and adopt rules of procedure, and prepare and adopt principles and guidelines, not inconsistent with this Part, for altering, restoring, moving, or demolishing properties designated as landmarks.
- (2) The commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such investigation or report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
- (3) The Department of Cultural Resources, acting through the State Historic Preservation Officer shall either upon request of the department or at the initiative of the Historic Preservation Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within thirty (30) days following its receipt of the investigation and report of the commission, the commission and the City Council shall be relieved of any responsibility to consider such comments.
- (4) The Historic Preservation Commission and the City Council shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. All meetings of the commission shall, be open to the public, in accordance with the North Carolina Open Meetings Law.
- (5) Following the joint public hearing or separate public hearings, the City Council may adopt the ordinance as proposed, adopt the Ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- (6) Upon adoption of the ordinance, the owners and occupants of each designated landmark shall be given written notification of such ordinance and all amendments thereto shall be filed by the commission in the office of the register of deeds of the County in which the landmark or landmarks are located, and the copy shall be made available for public inspection at any reasonable time. Each designated landmark shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the register of deeds office, and the commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be given the city building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the City for such period as the designation remains in effect.
- (7) Upon the adoption of the landmarks ordinance or any amendment thereto, it shall be the duty of the commission to give notice thereof to the tax supervisor of the county in which the property is located. The designation and any recorded

restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor appraising it for tax purposes.

- (l) Powers of the commission. The commission shall be authorized within the planning and zoning jurisdiction of the City of Washington to:
 - (1) Undertake an inventory of properties of historical, prehistorical, architectural and/or cultural significance;
 - (2) Recommend to the City Council structures, buildings, sites, areas or objects to be designated by ordinance as "historic landmarks" and areas to be designated by ordinance as "historic districts;"
 - (3) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
 - (4) Restore, preserve and operate historic properties;
 - (5) Recommend to the City Council that designation of any area as a historic district or part thereof, of any building, structure, site, area or object as a historic landmark be revoked or removed;
 - (6) Conduct an educational program with respect to historic landmarks and district within its jurisdiction;
 - (7) Cooperate with the state, federal and local government in pursuance of the purpose of this ordinance; to offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest. The City Council, or the commission when authorized by the Council, may contract with the State or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law;
 - (8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without express consent of the owner or occupant thereof;
 - (9) Prepare and recommend the official adoption of a preservation element as part of the City's comprehensive plan;
 - (10) Review and act upon proposal for alterations, demolition, or new construction within historic districts, or for the alteration or demolition of designated landmarks pursuant to this section;
 - (11) Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation when such action is reasonable, necessary or appropriate; and
 - (12) Approve all design plans and sketches so insure that they meet the guidelines of the Downtown Washington Facade Improvement Grant Program as established by the Washington City Council.
- (m) Certificate of appropriateness required. From and after August 14, 1978, no exterior architectural features of any building or structure shall be altered, restored, erected or moved within the district until a certificate of appropriateness is issued by the Historic Preservation Commission, or under special circumstances, its staff person. For the purposes of this ordinance, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs. Such "exterior features" may, at the discretion of the City Council, include

historic signs, color and significance landscape, archaeological, and natural features of the area.

- (1) Except as provided in subsection (m)(2) below, the commission shall have no jurisdiction over interior arrangement and shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, or outdoor advertising signs or other significant features in the district or of the landmark which would be incongruous with the special character of the landmark or district.
 - (2) Notwithstanding subsection (m)(1) above, the jurisdiction of the commission over interior space shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of any owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds of the County and indexed according to the name of the owner and the specific nature of the Commission's jurisdiction over the interior.
All of the provisions of this ordinance are applicable to the construction, alteration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies and instrumentalities, provided however that they shall not apply to interiors of buildings or structures owned by the State of North Carolina. The State and its agencies shall have a right of appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under G.S. 121-12(a) from any decision of the local commission. The decision of the North Carolina Historical Commission shall be binding upon both the State and the Historic Preservation Commission.
 - (3) The City and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating work in a historic district for any changes in the character of street paving sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the City or public utility companies.
- (n) Requirements for issuance of certificate of appropriateness. An application for a certificate of appropriateness shall be obtained from and when completed, filed with the responsible staff person.
 - (o) Contents of application for certificate of appropriateness.
The application shall, in accordance with the commission's Rules of Procedure, contain data that is reasonably necessary to determine the nature of the application. An application for a certificate of appropriateness shall not be considered complete until all required data has been submitted. Applications shall be considered by the commission at its next regular meeting, provided the applications have been filed, complete in form and content, at least fifteen calendar days before the regularly scheduled meeting of the commission. Otherwise, they shall be deferred until the next meeting or considered at a special called meeting of the commission. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
 - (p) Notification of commission and affected property owners.
Upon receipt of an application the responsible staff person shall notify the commission at least seven (7) days before the regularly scheduled meeting. Prior to any action taken on a certificate of appropriateness application, the owners of any property likely to be materially affected by the application shall be notified in writing, and the applicant and such owners shall be given an opportunity to be heard.
 - (q) Public hearing. When an application is presented to the commission a public hearing may be held when deemed necessary. All meetings of the commission shall be open to the public, in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C of the General Statutes.

- (r) Action on an application. The action on an application shall be approval, approval with amendments, or denial.
- (1) Prior to any final action on an application the review criteria in subsection (m) shall be used to make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district or landmark.
 - (2) All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time as defined by the rules of procedure, and not exceeding ~~sixty (60)~~ **ninety (90)** days from the date the application is filed. As part of its review procedure the commission may view the premises and seek the advice of the Department of Cultural Resources or other such experts as it may deem necessary under the circumstances.
- (s) Appeals. An appeal may be taken to the Board of Adjustment from the commission's action in granting or denying any certificate, which appeal (1) may be taken by any aggrieved party, (2) shall be taken within times prescribed by the commission in the Rules of Procedure, and (3) shall be in the nature of certiorari. Any appeal from the Board of Adjustment's decision in any such case shall be heard by the superior court of Beaufort County.
- (t) Submission of new applications. If a certificate of appropriateness is denied, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.
- (u) Review criteria for certificates of appropriateness. To provide reasonable standards to assist in the review of the application for a certificate of appropriateness, the commission shall take into account the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:
- (1) The height and width of the building in relation to the height and width of adjacent, opposite and surrounding buildings.
 - (2) The setbacks and placement of the building in relation to the setback of adjacent, opposite and surrounding buildings.
 - (3) Exterior construction materials, including textures, but not to include color.
 - (4) Architectural detailing such as lintels, cornices brick bond and foundation materials.
 - (5) Roof shapes, forms and materials.
 - (6) Proportions, shapes, positions and locations, patterns and sizes of any elements of fenestration.
 - (7) General form and proportions of buildings and structures.
 - (8) Appurtenant fixtures and other features such as lighting and fencing.
- It is the intention of these regulations to insure, so far as possible, that buildings or structure shall be in harmony with other buildings or structures located herein. It is not the intent of these regulations to require the reconstruction or restoration of individual or original buildings.
- (v) Minor works. A certificate of appropriateness application, when determined to involve a minor work, may be reviewed and approved by the responsible staff person in the Department of Planning and Development according to specific review criteria and guidelines. Minor works are defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or the district as a whole. Such minor works shall be limited to those listed in the commission's Rules of Procedure. No application involving a minor work may be denied without the formal action of the commission.
- (w) Certain Changes not Prohibited. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or in a historic district which does not involve a change in design, materials, or outer appearance thereof, nor to prevent the construction,

reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent (1) the maintenance or (2) in the event of an emergency, the immediate restoration of any exiting above-ground utility structure without the approval by the commission.

(x) Conflict with Other Laws. Whenever any ordinance adopted for the designation of landmarks or districts requires a longer waiting period or imposes higher standards with respect to a designated landmark or district than are established under any other statute, charter provision, or regulation, this ordinance shall govern. Whenever the provisions of any other statute, charter provision or regulation require a longer waiting period or impose higher standards than are established under this ordinance, such other statute, charter provision, ordinance, or regulation shall govern.

(y) Enforcement and Remedies. Compliance with the terms of the certificate of appropriateness shall be enforced by the responsible staff person. Failure to comply with the certificate of appropriateness shall be a violation of the zoning ordinance and is punishable according to established procedures and penalties for such violations.

(1) A certificate of appropriateness shall expire one (1) year after the date of issuance if the work authorized by the certificate has not commenced.

(2) If after commencement, the work is discontinued for a period of six (6) months the permit shall immediately expire.

(3) No work authorized by any certificate which has expired shall thereafter be performed until a new certificate has been secured. .

In case any building, structure, site area or object designated as a historic landmark or located within a historic district established pursuant to this ordinance is about to be demolished whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the ordinance, the City, the commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such a building, structure, site, area or object. Such remedies shall be in addition to any others authorized for violation of a municipal ordinance.

(z) Delay in Demolition of Landmarks and Buildings.

(1) An application for a certificate of appropriateness authorizing the demolition or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in subsection (3) below. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use **of** or return from such property by virtue of the delay. During such period the commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or **site**. **If** the commission finds that a building or site within the historic district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

If the commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the City Council, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the propose

district may be delayed by the commission for a period of up to 365 days or until the City Council takes final action on the designation, whichever occurs first.

- (2) The City Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
- (3) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance, as defined in the criteria of the National Register of Historic Places, may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

ARTICLE XVI. SIGNS

Section 27-163. Purpose.

The purpose of this Article shall be to allow certain signs of a residential and commercial nature in areas designated for such uses in a manner which will best provide and insure:

- (a) The health, safety, and general welfare of the public.
- (b) The adequate supply of light and air to adjacent properties.
- (c) Adequate and proportionate advertisement displays which promote and protect the economic vitality of the community.
- (d) That signage displayed adjacent to and visible from a public right-of-way will not distract or confuse the motoring public, thereby causing a public hazard.
- (e) That the aesthetic quality of the City of Washington is maintained for the benefit of all the citizens of the City of Washington, Beaufort County, and the State of North Carolina as a whole.

Section 27-164. Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Article.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper.

Building Facade. The face or faces of a building oriented in the same direction, or within a forty-five (45) degree angle of the same direction, including roof and wall.

Flags. Devices generally made of flexible materials such as cloth, paper or plastic, and displayed on a flagpole.

Freestanding Sign. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is considered a freestanding sign, but is also considered a portable sign, as defined below.

Internally Illuminated Sign. A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Nonconforming Sign. Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

Off-Premises Signs. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. Such signs are not permitted except those specifically exempt in accordance with Section 27-166.

Outdoor Advertising Sign. A poster panel or painted bulletin off premise sign, commonly referred to as a billboard.

Portable Sign. A sign that is designed to be moved from place to place and which is not permanently installed or permanently anchored to either the ground or a wall.

Projecting Signs. A sign which is attached to and projects more than twelve (12) inches from a building facade or wall.

Sign. Any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish the objective of directing attention to a business, commodity, service, entertainment or other activity sold or offered exclusively on the premises where the sign is located, or of communicating information to them.

Temporary Sign. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Wall Sign. Any sign attached to, painted on, or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of said wall and which does not extend more than twelve (12) inches from the wall. Wall signs also include any sign erected against, installed on or painted on a penthouse above the roof of a building as long as the wall of the penthouse is on a plane parallel to the wall of the building. Wall signs also include a sign attached to, painted on, or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

Window Sign. A window sign is a sign attached directly onto the outside of the window of a building.

Section 27-165. Permit Required.

- (a) Except as otherwise provided in Section 27-166 and Section 27-167, no sign may be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of the sign shall not, in and of itself, be considered a substantial alteration, unless a change of use or occupancy occurs. If a change of use or occupancy occurs, or of a sign is replaced, then a sign permit shall be required.
- (b) Sign permit approval is a separate process from building permit approval. Although detailed sign plans may be included in site plans for a building permit, a separate sign permit must be obtained before any sign can be constructed.
- (c) Signs may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the City of Washington. Violations of this provision shall be handled in accordance with Article XXI, Administration, Enforcement, Penalties.

Section 27-166. Signs Excluded From Regulation.

The following signs are exempt from regulation under this Chapter except for those restrictions stated in Section

- (a) Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper

tubes, and signs posted on private property relating to private parking or warning the public against trespassing, danger from animals, or other dangers.

- (b) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- (c) Official signs of a noncommercial nature erected by public utilities.
- (d) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (e) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (f) Signs directing and guiding traffic, such as entrance and exit signs, on private property that do not exceed four (4) square feet each.
- (g) Church bulletin boards and church identification signs that do not exceed thirty-six (36) square feet in area.
- (h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles and trailers that are not primarily used as signs.
- (i) Sign proclaiming religious, political, or other non-commercial messages that do not exceed one (1) per lot per abutting street and sixteen (16) square feet in area.
- (j) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures that are not intended to be seen from the exterior of said building or structure.
- (k) Memorial and historical plaques or markers.
 - (1) Sign painted to or attached to vending machines, or similar devices which indicate the contents of the machine, the price, or operating instructions.

Section 27-167. Temporary Signs, Permit Exemptions and Additional Regulations.

- (a) The following temporary signs are permitted without a sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Article except those contained in Section 27-170, Total Allowable Sign Surface Area, and Section 27-173, Number of Freestanding and Wall Signs:
 - (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed four (4) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five (5) acres, a single sign on each street frontage may be erected. For lots of five (5) acres or more in area and having a street frontage of more than four hundred (400) feet, a single sign not exceeding thirty-two (32) square feet in area may be erected on each street frontage.
 - (2) Construction site/opening soon identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding source, and may contain related information. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final certificate of occupancy. One (1) "opening soon" sign may be permitted per building site provided such sign does not exceed thirty-two (32) square feet in area and is erected for a period not to exceed sixty (60) days.
 - (3) Signs attached temporarily to the interior of a building window or glass door. Such sign, individually or collectively, may not cover more than seventy-five (75) percent of the surface area of the transparent portion of the window or door to which they are attached. In the B1H and RHD districts, signs placed in windows, from the interior, shall occupy no more than twenty (20) percent of the area of the

displaying window. Such signs shall be removed within thirty (30) days after placement.

(4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.

- (b) Other temporary signs not listed in subsection (a) above shall be regarded and treated in all respects as permanent signs.

Section 27-168. Determining the Number of Signs.

- (a) For the purpose of determining the number of signs, a sign shall be considered to be single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- (b) Without limiting the generality of subsection (a) above, a multi-sided sign shall be regarded as one (1) sign.

Section 27-169. Computation of Sign Area.

- (a) For the purpose of this ordinance, the area, in square feet, of any sign shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign. In computing the sign area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used.
- (b) Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than one and a half (1.5) feet from one another. The area of the sign shall be taken as the area of the larger face if the (2) faces are of unequal area; if the areas of the two faces are equal, then the area of one of the faces shall be taken as the area of the sign.

Section 27-170. Total Allowable Sign Surface Area.

- (a) Unless otherwise provided in this Article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.
- (b) Unless otherwise provided in this Article, the maximum sign surface area permitted on any lot in any residential district or the AP district is four (4) square feet. In the R-HD district, the maximum sign surface area permitted on any lot is two (2) square feet. The maximum sign surface area allowed for approved home occupations is set out in Section 27-175(e).
- (c) Subject to the other provisions of this ordinance, the maximum sign surface area permitted on any lot in a B-1H district shall be five (5) percent of the area of the building facade plus twenty (20) percent of the area of the front display window. However, in no case may the total sign surface area exceed one hundred (100) square feet.
- (d) Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in an O&I or B-4 district shall be determined by multiplying the number of linear feet of street frontage by 0.75 feet. However, in no case may the total sign surface area exceed two hundred (200) square feet.
- (e) Subject to the other provisions of this ordinance, the maximum sign surface area permitted on any lot in a B2, B3, I1, or I2 district shall be determined by multiplying the number of linear feet of street frontage of the lot by 1.5 feet. However, in no case may the total sign surface area exceed four hundred (400) square feet.

- (f) Within a Planned Unit Development (PUD), the maximum sign surface area permitted for each use shall be determined by multiplying the number of linear feet of street frontage of the development by 1.5 feet. However, in no case may the total sign surface area for each use exceed four hundred (400) square feet.
- (g) If a lot has frontage on more than one (1) street, then the total surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.
- (h) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one (1) street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one (1) street used in the calculation.
- (i) The total sign area delineated in this section may be allocated among the various types of permissible signs at the discretion of the sign permit applicant. However, the maximum sign area allocated to any one (1) particular type of sign is outlined in Sections 27-171 and 27-172. Therefore, the total sign area determined by this section may not be attained in some cases because of the sign area cap for individual freestanding or wall signs. For example, a use in the B1H district with one hundred (100) feet of lot frontage, five hundred (500) square feet of building facade, and a front display window area of fifty (50) square feet would be allowed a total sign area of thirty-five (35) square feet ~~since freestanding signs are not permitted in the B-1H district,~~ a maximum wall sign of twenty-five (25) square feet (500 feet building facade surface area X 5% = 25 square feet) would be allowed, and a maximum window sign of ten (10) square feet (50 feet display window area X 20% = 10 square feet). Consequently, the limited amount of building facade area ~~and the fact freestanding signs are not allowed in the district~~ in this case would prevent the total sign surface area from being attained. The amount of total permissible sign area not utilized for freestanding and wall signs could, however, be applied to other types of allowable signs.

Section 27-171. Freestanding Sign Surface Area.

- (a) For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 27-169. For example, wall signs typically have one (1) side. Freestanding signs typically have two (2) sides (back-to-back), although four-sided and other multi-sided signs are also common.
- (b) Subject to subsection (c) below, a single side of a freestanding sign may not 0.5 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed two hundred (200) square feet.
- (c) ~~Freestanding signs are not permitted in the B1H district.~~ ***Freestanding, on-premises signs are permitted in the B1H District, provided the single side of the sign shall not exceed twenty (20) square feet in area.***
- (d) With respect to freestanding signs that have no discernible "sides," such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum surface area allowed under subsection (b) above for a single side of a freestanding sign.

Section 27-172. Wall Sign Surface Area.

- (a) The sign surface area on any sign located on a wall of a structure may not exceed thirty (30) percent of the total surface area of the wall on which the sign is located.
- (b) The sign surface area of any sign located on a wall of a structure on any lot within the B1H zoning district may not exceed five (5) percent of the total surface area of the wall on which the sign is located. The sign surface of any wall sign mounted on a residential building, including those put to commercial use, shall be small, less than one (1) square foot, identification panels at the primary entrance.
- (c) Wall surface area is calculated by multiplying the vertical distance of the building wall (measured at the average finished grade) times the horizontal distance of the building wall.

Section 27-173. Number of Freestanding and Wall Signs.

- (a) Except as authorized by this section, no lot may have more than one (1) freestanding sign. ~~Freestanding signs are not permitted in the B1H zoning district.~~
- (b) If a lot is located on a lot that has frontage on two (2) or more public streets, then the lot may have not more than one (1) freestanding sign along each side of the lot bordered by such streets.
- (c) No more than one (1) wall sign per establishment per street frontage is allowed.

Section 27-174. Location and Height Requirements.

- (a) No portion of any freestanding sign shall extend closer than two (2) feet to a street right-of-way line or property line.
- (b) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof structures constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of structures.
- (c) No wall sign attached flat to a building may project more than twelve (12) inches from the building wall. Projecting signs may, however, exceed the twelve (12) inch requirement, as long as there is only one (1) projecting sign per separate business establishment, the projecting sign does not project more than five (5) feet from the building wall, the projecting sign does not exceed six (6) square feet in area, and the bottom edge of the projecting sign is located at least eight (8) feet above the sidewalk. In the B1H and RHD zoning districts, projecting signs may be located only underneath an awning, may be no larger than three (3) square feet in area and must have a clearance of eight (8) feet from the sidewalk.
- (d) No sign or supporting structure may be located on or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the City.
- (e) No part of a freestanding sign, as measured from ground level, may exceed a height as set out in the following table:

<u>District</u>	<u>Height</u>
RHD	8'
All other residential districts	
AP	10'
O&I	15'
B1H	Not Allowed 8'
B2, B3, B4, I1, I2	25'

Section 27-175. Special Provisions for Certain Signs.

- (a) Subdivision entrance, subdivision directory, and multi-family development entrance signs. At any entrance to a subdivision or multifamily development, there may be not more than one (1) sign identifying such subdivision or development. A single side of any such sign may not exceed thirty-two (32) square feet. In cases where such signs are mounted on decorative functional or nonfunctional walls, the wall area shall not be utilized to calculate total sign surface area. No subdivision directory sign shall be located on any major or minor thoroughfare as shown on the City of Washington Thoroughfare Plan. Such signage shall be allowed in addition to the maximum sign allowance for the lot on which such signage is located.
- (b) Grand opening/Going out of business signs. No such sign shall be displayed for more than ten (10) days. No maximum sign surface area requirement shall be established for such signs. Such signs shall be exempt from the provisions of Section 27-177.
- (c) Directory signs. Such signs may be allowed provided they do not exceed twenty (20) square feet in display area, six (6) feet in height, and are located no closer than ten (10) feet from the property line. There shall be no more than two (2) directory signs on any lot. Such signs shall contain no commercial advertisement. Such signage shall be allowed in addition to the maximum sign allowance for the lot on which such signage is located.
- (d) Restaurant menu reader boards not to exceed twenty (20) square feet in area or six (6) feet in height. Such displays shall be set back not less than twenty (20) feet from any property line. One (1) menu reader board shall be allowed per each drive-through facility, and such display shall contain no commercial advertisement that can be viewed from any adjacent street right-of-way or property line. Such signage shall not be included in the calculation of or count toward the total allowable sign surface area.
- (e) Signs displayed in connection with an approved home occupation shall not exceed two (2) square feet in total sign surface area.
- (f) ***Portable, on-premise signs are allowed in the B1H District and may be placed in front of each business entrance so as not to obstruct any sidewalk area or public right of way. A single side of a portable, on-premise sign shall not exceed eight (8) square feet in area, and shall be removed at the close of the working day.***

Section 27-176. Sign Illumination.

- (a) Unless otherwise prohibited by this Chapter, signs may be illuminated if such illumination is in accordance with this section.
- (b) No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 12:00 A.M. and 6:00 A.M., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- (c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- (d) Subject to subsection (f) below, illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
- (e) Subject to subsection (f) below, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.
- (f) Subsection (d) and (e) above do not apply to temporary signs erected in connection with the observance of holidays.

Section 27-177. Miscellaneous Restrictions and Prohibitions.

- (a) No temporary nor permanent sign shall be attached to a tree or to a City utility pole, except that political signs may be posted in accordance with Section 16-10 of the Washington City Code. No temporary nor permanent sign shall be placed on any public street right-of-way, except that political signs may be posted in the right-of-way in accordance with Section 16-10 of the Washington City Code and signs attached to a structural element of a building may be erected in the right-of-way in accordance with Section 27174(d) above.
- (b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- (c) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the preceding, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that move only occasionally because of wind are allowed if their movement is not a primary design feature of the sign and is not intended to attract attention to the sign. The restrictions of this subsection shall not apply to signs specified in Section 27-166(d) or to signs indicating the time, date, and weather conditions.
- (d) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by units of government.
- (e) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injuries to persons or property, in conformity with the North Carolina State Building Code.
- (f) Canopy signs are permitted when suspended or attached to the underside of a canopy provided such signs do not exceed six (6) square feet in area and are located at least eight (8) feet above the sidewalk.
- (g) The sign area of a sign permanently painted, affixed, or placed in a building window which is visible from a street right-of way shall be restricted to no more than forty (40) percent of the total window area. In the B1H and RHD districts, signs painted on storefront windows shall take up no more than ten (10) percent of the window and signs placed in windows, from the interior, shall occupy no more than twenty (20) percent of the area of the displaying window. The sign area of such signs shall not be included in the total sign surface area established in accordance with the provisions of Section 27-170.
- (h) Off premises signs are not permitted except for those signs specifically exempt from regulation in accordance with Section 27166.
- (i) ~~All temporary or portable signs, as defined in Section 27-164, except for those specifically exempted in Section 27-166 and Section 27-167, are not permitted.~~ **All temporary or portable signs, as defined in Section 27-164, except for those specifically exempted in Section 27-166 and Section 27-167 or those specifically allowed in Section 27-175(f) are not permitted.**
- (j) Any sign made up of or containing strobe lights, ziplights, flashing lights or rotating beacons, flags, streamers, banners, pennants, or strings of lights, or permanently installed or situated merchandise, except for those specifically exempted in Section 27-166 and section 27-167, are not permitted.
- (k) Off-premise outdoor advertising signs, commonly known as billboards, are not permitted.
- (l) No sign shall contain statements, words or pictures which describe or display "Specified Anatomical Areas" or "Specified Sexual Activities," or which contain words

which are classified as "vulgar" or "vulgar slang" in The New College Edition of the American Heritage Dictionary of the English Language, 1981 Edition, the word "goddamn" is also specifically prohibited for use in signs.

Section 27-178. Nonconforming Signs.

- (a) Signs in existence on the effective date of this ordinance which do not conform to the provisions of this Chapter, but which were constructed, erected, affixed, or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of this section to encourage the continued use of nonconforming signs, nonconforming signs, except those specifically listed in Section 27-183, shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:
 - (1) No nonconforming sign shall be changed to another nonconforming sign. "Changing" includes replacing a sign panel within an existing frame with another panel of identical size or shape.
 - (2) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
 - (3) No nonconforming sign shall be structurally altered so as to change the shape, size, type, or design.
 - (4) No nonconforming sign shall be re-established after the activity, business, or use to which it relates has been discontinued or changed to another use. Such signs shall be removed in accordance with Section 27-182.
 - (5) No nonconforming sign shall be re-established and all remains of the sign must be removed in accordance with Section 27-182 if the sign is damaged or destroyed, such that the estimated expense of repairs exceeds fifty (50) percent of the estimated total value of the sign at the time of damage or destruction. If damaged by less than fifty (50) percent of the estimated total value, but repairs are not made within three (3) months of the time such damage occurs, the nonconforming sign shall not be allowed to continue and must be removed in accordance with Section 27-182.
 - (6) No nonconforming sign shall be relocated.
 - (7) Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, type, or design of the sign is not altered.
- (b) Signs located on premises which come into the extraterritorial planning and zoning jurisdiction of the City of Washington after the effective date of this ordinance, which signs do not comply with the provisions of this Article, shall be subject to the requirements listed in subsection (a) above.
- (c) Any nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all the provisions of this Article, and be subject to Section 27-182, Sign Removal and Discontinued Signs.

Section 27-179. Shopping Center Signs.

- (a) Shopping center developments, regardless of the zoning district in which located, shall conform to the sign regulations contained in this section.
- (b) Wall signs for individual businesses in shopping center developments shall be calculated as provided in subsection (c) below. The intent of these provisions is to allow each separate business establishment to have a reasonable means of identification. Because shopping centers include many individual businesses, the cumulative total wall sign area permitted by subsections (c) and (d) below may exceed the total sign area authorized in Section 27-170.

- (c) One (1) wall sign per separate business establishment per street frontage is permitted. Allowable wall sign area is determined as follows:
 - (1) The sign surface area on any sign located on a wall of a structure may not exceed thirty (30) percent of the total surface area of the wall on which the sign is located or 0.5 square feet of sign area for each linear foot of building frontage, whichever is less. In no case may any wall sign exceed two hundred (200) square feet in area.
 - (2) For shopping centers located in the B1H district, the sign surface area on any sign located on a wall of a structure may not exceed five (5) percent of the total surface area of the wall on which the sign is located.
- (d) One freestanding sign per street frontage in shopping centers shall be permitted in accordance with Section 27-171(b).

Section 27-180. Reserved.

Section 27-181. Sign Maintenance.

Should any sign become in danger of falling or is deemed otherwise unsafe in the opinion of the Director of Planning and Development, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Director of Planning and Development, immediately in the case of imminent danger and in any case within ten (10) days, secure said sign in a manner to be approved by the Director of Planning and Development in conformity with the provision of the State Building Code, or remove such sign. If such sign is not removed by the owner, the Director of Planning and Development or his designated agent may initiate legal procedures to obtain the necessary court orders to remove such signs at the expense of the owner or lessee thereof.

Section 27-182. Sign Removal and Discontinued Signs.

- (a) The Director of Planning and Development shall order the removal of any sign maintained in violation of the provisions of this Article for which removal procedures are herein prescribed, accordingly: the Director of Planning and Development shall give ninety (90) days written notice to the owner or lessee to remove the sign or to bring it into compliance with this Article. If the owner or lessee fails to remove the sign within ninety (90) days after the ninety (90) day written notice has been given, the Director of Planning and Development or his duly authorized representative may institute removal proceedings according to the procedures specified in G.S. 160A-175.
- (b) Any temporary *or portable* sign erected in violation of the provisions of Section 27-167 may be removed immediately, at the direction of the Department of Planning and Development. Any sign so removed shall be retained at a designated municipal facility until recovered by the sign owner following payment to the City of Washington of a \$5.00 fee per sign. Any sign not recovered within ten (10) days shall be destroyed.
- (c) Upon the discontinuance of a business or occupancy of an establishment for a consecutive period of one hundred eighty (180) days, the Department of Planning and Development shall require the removal of the on-premises sign(s) advertising or identifying the establishment. The Department of Planning and Development shall give thirty (30) days notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty (30) day period shall constitute a violation of this Chapter and shall be remedied in accordance with Article XXI, Administration, Enforcement, Penalties.

Section 27-183. Amortization of Certain Signs.

- (a) The following signs shall become nonconforming in all districts, unless otherwise specified, as of the date of adoption of this Ordinance and shall be removed within six (6) months after the date of adoption:
 - (1) All temporary or portable signs, as defined in Section 27-164, except for those specifically exempted in Section 27-166 and Section 27-167. Portable signs shall not be permanently anchored to make them conforming, unless the lot or business on which they are located does not have a freestanding sign, in which case one portable sign per street frontage lot may be permanently anchored and thus serve as the allowed freestanding sign(s) for that lot or business.
 - (2) Any sign made up of or containing strobe lights, ziplights, flashing lights or rotating beacons, flags, streamers, banners, pennants, or strings of lights, or permanently installed or situated merchandise, except for those specifically exempted in Section 27-166 and Section 27-167.
- (b) The following signs shall become nonconforming in all districts, unless otherwise specified, as of the date of adoption of this Ordinance and shall be removed within five (5) years after the date of adoption:
 - (1) Off-premise outdoor advertising signs, commonly known as billboards, in all districts except the I-1 industrial district.