

ROBESON COUNTY ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE I ADMINISTRATIVE PROVISIONS

	<u>Page</u>
Section 1.1 Purpose	5
Section 1.2 Title.....	5
Section 1.3 Authority	5
Section 1.4 Jurisdiction	5
Section 1.5 Staff Conflict of Interest	5
Section 1.6 Zoning Permit	6
Section 1.7 Certificate of Occupancy Required	6
Section 1.8 Severability.....	6
Section 1.9 Fees	6
Section 1.10 Ordinance Administrator.....	7
Section 1.11 Effective Date.....	7

ARTICLE II APPLICATION AND ENFORCEMENT

Section 2.1 Application.....	8
Section 2.2 Enforcement.....	8
Section 2.3 Complaints Regarding Violations.....	9
Section 2.4 Zoning Permit	9
Section 2.5 Site Plan Requirements	9
Section 2.6 Health Department Approval for Zoning Permit	10
Section 2.7 Annual Inspection	10

ARTICLE III OFFICIAL ZONING MAP AND ZONING DISTRICTS

Section 3.1 Establishment of Districts.....	11
Section 3.2 Zoning Districts Maps	11
Section 3.3 Interpretation of District Boundaries	11
Section 3.4 Interpretation of District Regulations	12
Section 3.5 Residential-Agricultural (R-A) District.....	13
Section 3.6 Area and Bulk Regulations (R-A) District	13
Section 3.7 Agricultural District (A-D)	14
Section 3.8 Area and Bulk Regulations (A-D) District	14
Section 3.9 Residential Single Family (R-1) District	14

	<u>Page</u>
Section 3.10 Area and Bulk Regulations (R-1) District.....	14
Section 3.11 Residential (R-2) District.....	15
Section 3.12 Area and Bulk Regulations (R-2) District.....	15
Section 3.13 Neighborhood Commercial (C-1) District.....	16
Section 3.14 Area and Bulk Regulations (C-1) District.....	16
Section 3.15 Highway (H-1) District	17
Section 3.16 Area and Bulk Regulations (H-1) District	17
Section 3.17 Heavy Industrial (I-2) District.....	18
Section 3.18 Area and Bulk Regulations (I-2) District.....	18
Section 3.19 Open Space (O-S) District.....	19
Section 3.20 Area and Bulk Regulations (O-S) District	19
Section 3.21 The I-95/I-74 Industrial Park Overlay District (I-2 OD)	19
Section 3.22 Residential District (R-2)/Office and institutional Overlay District (I-2 OD).....	25

**ARTICLE IV
PERMITTED & SPECIAL USES**

Section 4.1 General.....	30
Section 4.2 Uses by Right	30
Section 4.3 Use Matrix.....	30
(Note: Actual Matrix begins on page 27)	

**ARTICLE V
INDIVIDUAL USES**

Section 5.1 Purposes.....	41
Section 5.2 Automobile Body Shops & Used Car Dealerships	41
Section 5.3 Automobile Graveyards.....	42
Section 5.4 Family Care Homes and Hope Houses.....	42
Section 5.5 Installation of Telephone Exchange Equipment.....	43
Section 5.6 Mobile Home in Mobile Home Park Developments	43
Section 5.7 Motorcycles, Four Wheelers and Horse Race Tracks.....	44
Section 5.8 Video Gaming Machines/Internet Café.....	45
Section 5.9 Requirement for Manufactured Homes/Mobile Homes.....	46
Section 5.10 Removal of Transporting Devices and Skirting Requirements	46
Section 5.11 Temporary Mobile Home Permit.....	47
Section 5.12 Camper Trailers	47
Section 5.13 Buffers	48
Section 5.14 Chain Link Fence/Vegetative Buffers	48

**ARTICLE VI
NONCONFORMING USES**

	<u>Page</u>
Section 6.1 General.....	49
Section 6.2 Nonconforming Land.....	49
Section 6.3 Nonconforming Use	49
Section 6.4 Nonconforming Building	50
Section 6.5 Exceptions Permitted for owner-Occupied Residences.....	50
Section 6.6 Nonconforming Lots of Record	51

**ARTICLE VII
OFF-STREET PARKING AND LOADING REGULATIONS**

Section 7.1 General.....	52
Section 7.2 Certification of Minimum Parking Requirements	52
Section 7.3 Minimum Size of Off-Street Parking Space.....	52
Section 7.4 Number of Off-Street Parking Spaces Required.....	52
Section 7.5 Off-Street Loading for Industrial Uses	54

**ARTICLE VIII
SIGNS**

Section 8.1 Objective and Purposes.....	55
Section 8.2 Measurement of Sign Area	55
Section 8.3 Unsafe & Unlawful Signs	55
Section 8.4 Signs Prohibited	55
Section 8.5 Signs Permitted in Any Districts	56
Section 8.6 Signs Permitted by District.....	57
Section 8.7 Illumination of Sign.....	58
Section 8.8 Placement of On-Premises Business Signs	58
Section 8.9 Off-Premises Outdoor Advertising Signs (Billboards)	58

**ARTICLE IX
BOARD OF ZONING ADJUSTMENT**

Section 9.1 Establishment	60
Section 9.2 Proceedings of the Board of Zoning Adjustments	60
Section 9.3 Powers and Duties	62
Section 9.4 Appeals.....	63
Section 9.5 Variance.....	64

**ARTICLE X
CHANGES AND AMENDMENTS**

	<u>Page</u>
Section 10.1 Submission of Amendments and Changes	65
Section 10.2 Notice and Legislative Hearing	66
Section 10.3 Community Development Staff Recommendation	66
Section 10.4 Planning Board Hearing and Recommendations	67
Section 10.5 Board of Commissioners Hearing and Final Disposition	67
Section 10.6 Petitions for Amendments Limited: Reapplications Limited .	68

**ARTICLE XI
SPECIAL USE PERMIT**

Section 11.1 Objective and Purpose	69
Section 11.2 Procedures	69
Section 11.3 Considerations of Applications	70
Section 11.4 Final Dispositions.....	70
Section 11.5 Recordation.....	71
Section 11.6 Expiration	72
Section 11.7 Modifications to Plans	72
Section 11.8 Noncompliance.....	72
Section 11.9 Failure to Comply with Plans/Notification of Adjacent Property Owners.....	73
Section 11.10 Hearing	73
Section 11.11 Required Vote.....	73
Section 11.12 Reversal/Revocation of Decision	74
Section 11.13 Appeal of Final Decision	74

**ARTICLE XII
VESTED RIGHTS**

Section 12.1 Validity.....	75
Section 12.2 Vested Rights	75
Section 12.3 Runs with The Land	75
Section 12.4 Violations	76
Section 12.5 Penalties.....	77

**ARTICLE XIII
INTERPRETATIONS & DEFINITIONS**

Section 13.1 Interpretations of Common Terms and Words	78
Section 13.2 Definitions.....	78

ARTICLE I

ADMINISTRATIVE PROVISIONS

1.1 PURPOSE

An ordinance establishing zoning regulations for land within Robeson County, North Carolina, and providing for the administration, amendment and enforcement of this ordinance and defining the duties and powers of a Board of Adjustment in accordance with the provisions of the North Carolina General Statutes and amending all previous Robeson County Zoning Ordinances. This ordinance is to provide for the public health, safety, and general welfare, encourage orderly development, protect the quality of the environment and regulate the location and use of structures and land for commerce, industry, residences, parks, etc. in accordance with the Comprehensive Land Use Plan. **State Statute Reference:** N.C. Stat., Chapter 160D Local Planning and Development Regulation

1.2 TITLE

This ordinance shall be known and may be cited as the “Robeson County Zoning Ordinance”

1.3 AUTHORITY

The provisions of this Ordinance are adopted under authority granted by North Carolina General Statutes 160D-702

1.4 JURISDICTION

The provisions of this Ordinance shall apply within the areas designated as zoning districts on the official zoning map(s) by the Board of Commissioners of Robeson County. The official Zoning map(s) will be on file in the office of the Community Development Department.

1.5 STAFF CONFLICT-OF-INTEREST

No Robeson County Planning & Zoning staff member shall make a final decision on an administrative decision required by the Robeson County Zoning Ordinance and NC General Statute Chapter 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business or other associational relationship.

1.6 ZONING PERMIT

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to commence the moving, alteration or repair of any structure, or the use of any land or building, including accessory structures, until the Code Enforcement Officer has issued a zoning permit for such work or use other than bona fide farms. Such permit shall include a statement that the plans, specifications for, and intended use of such land or structure, in all respects, conform to the provisions of this ordinance and the County Subdivision Ordinance. Application for a zoning permit shall be made in writing to the Code Enforcement Officer on forms provided for that purpose. Zoning permits shall be void after **one (1) year** from date of issues unless substantial progress on the project has been made.

1.7 CERTIFICATE OF OCCUPANCY REQUIRED

No land or structure or part thereof hereafter erected, moved or altered in its use shall be used until the Community Development Administrator has issued a "Certificate of Occupancy" stating that such land, structure or part thereof conforms with the provisions of this ordinance and the County Subdivision. Within three days after notification that a structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Community Development Administrator to make a final inspection thereof, and to issue a "Certificate of Occupancy" if the building or premise or part thereof conforms with the provisions of this ordinance and the County Subdivision Ordinance; or if such certificate is refused, the state the reason for the refusal in writing.

1.8 SEVERABILITY

If for any reason any one or more sections, sentences, clauses or part of this Ordinance is for any reason held to be invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Ordinance held invalid and the invalidity of any section, sentence, clause or parts of the Ordinance in any one or more instances shall not affect or prejudice in any way the validity of this Ordinance in any other instance.

1.9 FEES

Each applicant for a Zoning Permit, Zoning Amendment, Appeal from Administrative Decisions, Variance or Special Use Permit shall pay a nonrefundable fee in accordance with a schedule adopted by the Board of Commissioners.

1.10 ORDINANCE ADMINISTRATOR

This ordinance shall be administered and enforced by the County's (Community Development) Administrator. This official or their representative shall have the right to enter upon the premises in any manner authorized by law as required to carry out the necessary duties for the fair and impartial enforcement of this ordinance. All questions arising in connection with enforcement and interpretation of this ordinance shall be presented first to the Code Enforcement Officer. The Code Enforcement Officer or Community Development Administrator shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination if different. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail to the last address listed for the owner of the affected property on the county tax records and to the address provided in the request for a determination if different from the owner. If the Code Enforcement Officer, after consultation with and the agreement of the Community Development Administrator, finds that they are not authorized to make a determination or judgment or that the question automatically falls within the jurisdiction of the Board of Adjustment, then the matter shall be referred to the board for review and decision in accordance with the provisions of Section 10.4.

1.11 EFFECTIVE DATE

This ordinance shall repeal and replace the July 1, 1988 Ordinance in its entirety.

Duly adopted by the Board of Commissioners of County of Robeson, North Carolina, this the 16th day of November, 2020.

Robeson County Board of Commissioners
Lance Herndon, Chairman

Tammy S. Freeman, Clerk

ARTICLE II APPLICATION AND ENFORCEMENT

2.1 APPLICATION

Each applicant for a zoning permit shall submit to the Community Development Administrator two copies of a dimensioned drawing showing the size and shape of the parcel of land on which the proposed building or use is to be erected or conducted, the nature of the proposed use of the building or land, the locations of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land, and any other information which the Community Development Administrator may deem necessary for an intelligent consideration of the application. If it appears that the proposed building or use is in conformity with the provisions of this Ordinance, a zoning permit shall be issued to the applicant by the Community Development Administrator and one copy of the drawing shall be returned to the applicant with said permit.

2.2 ENFORCEMENT

A. ZONING OFFICER

This Ordinance shall be administered and enforced by Community Development Administrator or Administrators who shall be designated by the Board of County Commissioners.

If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of such violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discountenance of any illegal work being done; or shall take any other action authorized by this Ordinance or the Board of Commissioners to insure compliance with or to prevent violations of its provisions.

B. CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMIT REQUIRED

No land shall be used or occupied and no building hereafter erected, structurally altered, moved, or its use changed until a Certificate of Zoning Compliance (Zoning Permit) shall be issued by the Community Development Staff, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.

1. A Zoning Permit is issued by the Community Development Staff for permitted uses and uses permitted with conditions.
2. A Special Use Permit is issued by the Board of Commissioners.

The Building Inspector cannot issue a Building Permit unless Zoning Compliance (Zoning Permit) is issued.

2.3 COMPLAINTS REGARDING VIOLATIONS

When a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Code Enforcement Officer. The Code Enforcement Officer shall record properly such complaint, investigate within ten (10) business days, and take action as provided in these regulations.

2.4 ZONING PERMIT

No building or use of land, other than bona fide farm and its customary appurtenances, in any residential, commercial or industrial district shall hereafter be erected, commenced, reconstructed, enlarged, or altered, unless and until a zoning permit is obtained from the Community Development Administrator.

- A. No zoning permit shall be issued until all Robeson County taxes that are due and payable, at the time of application, have been paid in full and certification from the Robeson County Tax Department has been submitted to the Robeson County Community Development.

2.5 SITE PLAN REQUIREMENTS

Two copies of a "surveyed" site plan drawn to scale not to exceed 1 inch = 50 feet including all of the following information;

- A. Dimensional Drawing of the entire parcel showing distances of all lot lines;
- B. Highway right-of-ways, private streets, and any deeded and/or recorded easements to and any adjoining parcels;
- C. Driveways proposed and existing;
- D. Existing structures;
- E. All new and existing buildings or structures and identify the use for each building or structure; including the dimensions for each and the distance from all property lines for each other adjacent building;
- F. Existing or proposed sewage disposal system along with the futures designated repair areas as approved by the Robeson County Department of Environmental Health (RCDEH); **Note: When RCDEH approves a new sewage disposal system, the approval shall be provided with the site plan.**
- G. All existing and proposed water service piping routes and meters location along with any exiting and/or proposed private wells;

- H. All required Flood Plain information or the statement that the entire parcel is not located in any FEMA Flood Hazard Area;
- I. E-911 address as provided by the Robeson County Tax Mapping Department; and
- J. Owners name and telephone number.
- K. Required Driveway Permits from Department of Transportations;

Exceptions to site plan requirements:

- A. Lots containing 2.5 acres or more with no more than one (1) dwelling; or
- B. Lots which are being divided among heirs to the property; or
- C. Applicant has had a survey of the property within the last 12 months; or
- D. Applicant is replacing an existing home and there is an existing sewage system; or
- E. Applicant is constructing a storage building.

*** Surveyed Site Plan is to be drawn by a surveyor licensed in the State of North Carolina. ***

2.6 HEALTH DEPARTMENT APPROVAL FOR ZONING PERMIT

A zoning permit issued by the Community Development Administrator shall be a prerequisite to obtaining any necessary approval from the Robeson County Department of Health.

2.7 ANNUAL INSPECTION

The Code Enforcement Officer will do an annual \$50.00 inspection to insure compliance with all conditions listed with the Special Use Permit.

ARTICLE III OFFICIAL ZONING MAP AND ZONING DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

For the purposes of this ordinance, all of the unincorporated territory of Robeson County, excluding the territory under the extraterritorial jurisdiction of municipalities as set forth on the accompanying official zoning maps are divided into seven districts.

3.2 ZONING DISTRICTS MAP

The boundaries and location of said districts are shown on a map in digital format, and are hereby established as designated on the Official Zoning Map or maps accompanying this Ordinance and made a part hereof, entitled "Official Robeson County Zoning Map, 1988." Said map or maps, together with all notations and designations thereon and amendments thereto, are hereby made fully a part of this Ordinance just as if the same were fully described herein. The zoning map is a public record and shall be kept on file with Robeson County Community Development Department, where it shall be available for inspection for the public.

Regardless of the existence of purported copies of the Zoning Map, which may from time to time be made or published, the zoning map on file with the Community Development Department and amendments thereto, as entered in the minutes of the Board of Commissioners, shall be the final authority as to the current zoning status of lands, buildings and other structures in the zoning districts.

3.3 INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to be along or parallel to property lines or lot lines and to the center line of street, highways, railroads, easements, other right-of-way, and creeks, streams, or other water channels.
- B. In the absence of specified distance on the map, dimensions or distances shall be determined by the scale of the zoning map.
- C. When the street or property layout existing on the ground is at variance with that shown on the zoning map, the Board of Adjustment shall interpret the district boundaries of this Ordinance.

3.4 INTERPRETATION OF DISTRICT REGULATIONS

Regulations for each district shall be enforced and interpreted according to the following rules:

- A. **Uses vs. Right and Special Uses:** All uses listed as permitted uses are permitted by right according to the terms of this Ordinance. Special use permits are permitted subject to compliance with standard for, special uses and with any additional conditions specified. If similar, but unlisted, uses are proposed as uses by right or as special uses, the Community Development Administrator shall decide if they are similar enough to be within the spirit of the Ordinance for the district under consideration.
- B. **Minimum Regulations:** Regulations set forth by this Ordinance shall be minimum regulations. If the requirement set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the more restrictive or higher standard shall govern.
- C. **Restrictive Covenants:** Unless restrictions established by covenants running with the land are prohibited by the provisions of this Ordinance, nothing contained herein shall be construed to render such covenants inoperative.
- D. **Bona Fide Farms:** This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm within the jurisdiction of this Ordinance, except that any use of such property for non-farm purposes shall be subject to these regulations. This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, or idle or other farmland. Nor does it exercise control over any farmhouse, barn poultry house, or other farm buildings, including tenant or other houses for person working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm uses or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

3.5 RESIDENTIAL-AGRICULTURAL (R-A) DISTRICT

This district is established as a district in which the principal use of the land is for low-density residential and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and/or dependent upon septic tanks for sewage disposal will occur at sufficiently low density to provide a healthful environment.

3.6 AREA AND BULK REGULATIONS (R-A) DISTRICT

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and special uses in this district:

- A. Twenty-thousand (20,000) square feet minimum required lot area per dwelling unit
- B. One hundred ten (110) feet minimum required lot width per dwelling unit.
- C. A front yard of seventy (70) feet from the center of highway. (State-maintained road); Forty (40) feet from the front property line. (Soil Road).
- D. Minimum required side yards for the principal building shall be fifteen (15) feet.
- E. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard need not exceed thirty (30) feet.
- F. Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed twenty percent (20%) of the total lot area.
- G. Height of buildings shall not exceed thirty three (33) feet, unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof of building height in excess of thirty-three (33) feet.
- H. Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street line. An accessory building or use shall be located not less than ten (10) feet from any property line.
- I. Off-street Parking spaces shall be provided as required in Section 7 of this Ordinance.
- J. On corner lots, the side yard, on that side of the lot abutting the side street shall not be less than twenty (20) feet. Accessory Buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yard of the lots fronting on such side street.

3.7 AGRICULTURAL DISTRICT (A-D)

This district is designed to accommodate agricultural activities and uses dedicated for that purpose, realizing that a majority of land is dedicated for this purpose and also realizing that agriculture is an important part of the economy of this County. Farm and agricultural related activities with farming and raising livestock.

3.8 AREA AND BULK REGULATIONS (A-D) DISTRICT

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and special uses in this district.

- A. All parcels in this district must be a minimum of 160 acres or more and not adjacent to a major interstate;
- B. Maximum number of three (3) dwellings per parcel; and
- C. Residence shall be a single-family dwelling as set-out in Section 4.3 Matrix

3.9 RESIDENTIAL SINGLE FAMILY (R-1) DISTRICT

This district is designed for medium density residential development and other compatible uses.

3.10 AREA AND BULK REGULATIONS (R-1) DISTRICT

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and special uses in this district.

- A. No structure shall be erected, reconstructed, or altered on any lot not meeting the requirements set forth below:
 - 1. All lots served with public or community water and sewer in this district shall have a minimum width at the building line of 85 feet a minimum lot depth of 150 feet, and a minimum lot of 15,000 square feet.
 - 2. All Lots not served by public sewer and water shall be at least 20,000 square feet in area, not less than 80 feet wide at the building line, nor less than 150 feet deep.
 - 3. All lots served by public water, but not public sewer, shall be at least 15,000 square feet in area, not less than 75 feet wide at the building line, nor less than 120 feet deep.
- B. A front yard of thirty (30) feet, measured from the right-of way of the street, shall be required and two side yards of 10 feet each shall be required.

- C. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than twenty (20) feet. Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street
- D. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard setback not exceed thirty (30) feet.
- E. On any corner lot, there shall be no planting, fence, structure, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.

3.11 RESIDENTIAL (R-2) DISTRICT

This district is designed to promote a pleasant rural residential neighborhood in area adjacent to municipalities, consisting primarily of single-family dwellings, those customary home occupations related to farm living, and those community uses providing the social and cultural needs of the area.

3.12 AREA AND BULK REGULATIONS (R-2) DISTRICT

The following regulations limiting the development and arrangement of building and/or land are required of all permitted and special uses in this district:

- A. No structure shall be erected, reconstructed, or altered on any lot not meeting the requirements set forth below:
 - 1. All lots served with public or community water and sewer in this district shall have a minimum width at the building line of 60 feet, a minimum lot depth of 100 feet and a minimum lot area of 7,000 square feet.
 - 2. All lots not served by public sewer and water shall be at least 20,000 square feet in area, not less than 88 feet wide at the building line or less than 150 feet deep.
 - 3. All lots served by public water, but not public sewer, shall be at least 15,000 square feet in area, or not less than seventy-five (75) feet wide at the building line, or less than 120 feet deep.
- B. A front yard of thirty (30) feet, measured from the right-of way of the street, shall be required and two side yards of 10 feet each shall be required.
- C. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than twenty (20) feet. Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street

- D. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard setback not exceed thirty (30) feet.
- E. On any corner lot, there shall be no planting, fence, structure, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.

3.13 NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT

The district is designed in which the principal use of land is for the provision of retail goods and services to the surrounding residential neighborhoods. It is the intent of this section to permit existing residences to continue until removed. No new residences shall be permitted.

3.14 AREA AND BULK REGULATIONS (C-1) DISTRICT

The following regulations limiting the development and arrangement of building and/or land are required of all permitted and special uses in this district:

- A. Minimum lot width shall be seventy-five (75) feet with a minimum lot depth of 120 feet.
- B. Minimum front yard depth shall be forty (40) feet from the right-of-way of the street. The first fifteen (15) feet from the property line shall be developed for sidewalk, grass and plants and shall not be used for any purposes except for the necessary drive and walks and shall not include off-street parking spaces.
- C. No side yard shall be required, except where a lot abuts a residential district, a fifteen (15) foot side yard shall be required. If provided, it shall be at least three (3) feet in width.
- D. Minimum required rear yard shall be fifteen (15) feet.
- E. No portion of any entrance driveway leading from a public street shall be closer than fifteen 15 feet to the Corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with curb or street line. No two (2) driveways leading from a public street shall be within twenty (20) feet of each other measured along the full height of the curb.
- F. On any corner lot there shall be no planting, structures, fence, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within twenty-five (25) feet of the intersection of any two (2) street lines
- G. The architectural and general appearance of all buildings and grounds shall be in keeping with the character of the neighborhood. Planting strips and sidewalks shall be provided along the street front to protect and enhance the general appearance of the community.
- H. Property must be on the corner of two state-maintained roads. (Corner Lot).

3.15 HIGHWAY (H-1) DISTRICT

The district is designed in which the principal uses of land are either: a) to provide goods and services to passing motorists, or b) use as light industrial and warehousing which normally seek large tracts of land where operations involved do not detract from potential development of nearby undeveloped properties.

3.16 AREA AND BULK REGULATIONS (H-1) DISTRICT

The following regulations limiting the development and arrangement of buildings and/or land are required for all permitted and special uses.

A. NON-MANUFACTURING/WAREHOUSING USES

1. Minimum lot width shall be seventy-five (75) feet with a minimum lot depth of 120 feet.
2. Minimum front yard depth shall be forty (40) feet from the right-of-way of the street. The first fifteen (15) feet from the property line shall be developed for sidewalks, grass, and plants, and shall not be used for any purpose except for the necessary drives and walks, and shall not include off-street parking spaces.
3. No side yard shall be required, except where a lot abuts a residential district, a fifteen (15) foot side yard shall be required. In other cases where a side yard, not required, is provided, it shall be at least three (3) feet in width.
4. Minimum required rear yard setback shall be fifteen (15) feet.
5. No portion of any entrance driveway leading from a public street shall be closer than twenty (20) feet to the corner of any intersection measured from the right-of-way line.
6. The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with curb or street line. No two driveways leading from a public street shall be within thirty (30) feet of each other measured along the full height of the curb.
7. On any corner lot, there shall be no planting, structure, fence, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within twenty-five (25) feet of the intersection of any two street lines.

B. MANUFACTURING/WAREHOUSING USES

Minimum lot area shall be one (1) acre.

1. Minimum lot width shall be 200 feet.
2. Minimum front yard shall be fifty (50) feet.
3. Minimum side yard on each side of every principal building shall be fifteen (15) feet.
4. Minimum required rear yard setback shall be twenty (20) feet.
5. The total ground area covered by the principal building and all accessory buildings shall not exceed forty percent (40%) of the total lot area.
6. No building shall exceed fifty (50) feet in height unless the depth of the front and total width of the side yard herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet.
7. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 7 of this Ordinance.

3.17 HEAVY INDUSTRIAL (I-2) DISTRICT

The district is designed to accommodate all but the most obnoxious industries; however, it is expected that industries permitted here by right as well as those permitted conditionally, will minimize their emission of smoke, dust, fumes, glares, noise and vibration.

3.18 AREA AND BULK REGULATIONS (I-2) DISTRICT

The following regulations limiting the development and arrangement of buildings and/or land uses are required for all permitted and special uses.

- A. Minimum lot area shall be one (1) acre.
- B. Minimum lot width shall be 200 feet.
- C. Minimum front yard shall be fifty (50) feet.
- D. Minimum side yard on each side of every principal building shall be fifteen (15) feet.
- E. Minimum required rear yard shall be twenty (20) feet.

The total ground area covered by the principal building and all accessory buildings shall not exceed forty percent (40%) of the total lot area.

No building shall exceed fifty (50) feet in height unless the depth of the front yard and total width of the side yards herein shall be increased by one foot for each two feet or fraction thereof, of building height in excess of fifty (50) feet.

3.19 OPEN SPACE (O-S) DISTRICT

The district is established as a district in which the primary use of land is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility site, airport approaches, natural or man-made bodies of water, forest, and other similar open space uses. In promoting the general purposes of this Ordinance, the specific intent of this district is:

1. To encourage the preservation and continued use of the land for conservation purposes.
2. To prohibit residential, commercial, industrial, or any other use which would substantially interfere with the preservation of this district.
3. To encourage the discontinuance of uses not permitted in this district.
4. "Public elementary and secondary schools, colleges, universities and private schools having curricula approximately the same as ordinarily given in public schools."

3.20 AREA AND BULK REGULATIONS (O-S) DISTRICT

1. There shall be no minimum lot areas, widths, or yards required due to the exceptional physical characteristics of this district.
2. Off-Street parking space shall be provided.

3.21 THE I-95/I-74 INDUSTRIAL PARK OVERLAY DISTRICT (I-2 OD)

1. DEFINITION OF AN OVERLAY PLAN

An overlay plan is generally a plan which is applied over a previously established area(s), establishing additional, stricter standards and criteria for a predetermined area(s). In this case, in order to accomplish the goals described below, some conditions applicable to this overlay district may simply be different (as opposed to necessarily more restrictive only) than those which would ordinarily apply with the underlying zoning.

These standards are in addition to any established ordinances, plans, federal and state regulations, unless otherwise stated.

2. BOUNDARIES OF THE PROJECT AREA

The boundaries of the proposed I-95 / I-74 Industrial Park Overlay Plan (Map #1), "Project Boundary Map" are described in Exhibit "A", attached.

3. OBJECTIVE

The Overlay District was created to insure the orderly development of a planned industrial park, strategically located at the critical intersection of Interstates 95 and 74, approximately 85 miles from the port of Wilmington and 25 miles from the inland port at Dillon, SC. The District was also designed (1) to discourage incompatible uses within the industrial park, (2) to provide general appearance guidelines for the construction of buildings within the park, (3) to create conditions which would facilitate and increase the likelihood of any economic incentives which may be available from the state of North Carolina, Robeson County and the City of Lumberton, and (4) to provide a basis for consistent decisions concerning the industrial park.

The objective is to establish a harmonious land use pattern, with adequate planned development of new commercial structures, as well as, create an environment conducive to the development and improvement of properties within the defined I-95 / I-74 Industrial Park. It is intended that these actions will be implemented over time and be coordinated with the needs of new businesses who locate within the industrial park.

A Technical Review Committee (TRC) will be established for this overlay district. The TRC shall consist of Community Development Staff, NCDOT, Fire Marshall, Public Works, Robeson County Economic Development, City of Lumberton, and any other agency that may be needed to determine required improvements for the proposed use. The TRC will hold a meeting with the applicant to provide comments on any conflicts with existing ordinances or the overlay district and advise of any requirements or improvements needed for a preliminary plat, site plan and building documentation.

4. OVERLAY DISTRICT MAP, PROVISIONS AND REQUIREMENTS

The provisions, restrictions, and requirements, within the district identified on the Project Boundary Map, are as follows:

- (a) The permitted uses and special uses shall remain the same as allowed under the I-2 (Heavy Industrial) zoning district with the exception of the following list of uses which shall be restricted within the overlay district boundary:
 - i. Body Shops, Auto Repair Shops, Automobile Graveyards, Junkyards, and Automobile Salvage yards.
 - ii. Coal and Wood Yards and Pole Treating Plants
 - iii. Concrete and Asphalt Product Plants

- iv. Contractors Offices and Storage Yards (except those temporarily associated with the construction of a primary facility otherwise allowed)
- v. Farm Machinery Sales and Repairs
- vi. Fertilizer Manufacturing and Sales
- vii. Foundries Producing Iron, Steel Copper, Brass, and Aluminum Products
- viii. Hospitals, Doctor Offices, Medical Clinics and other facilities associated with the medical treatment of patients
- ix. Livestock Sale Barns
- x. Meatpacking and Poultry Processing Plants
- xi. Mining or Quarrying Operations
- xi. Public Elementary and Secondary Schools, and their customary related uses
- xii. Sawmills, Planing Mills, and Pallet, and Basket Factories
- xiii. Slaughter Houses or Meat Processing Plants
- xiv. Off-Premises Advertising Displays and Billboards
- xvi. Outside storage of goods and equipment as a stand-alone use
- xvii. Equipment storage, vehicle storage, and/or mini-storage facilities when not associated with a primary use such as warehousing or distribution

(b) Setbacks

In the Overlay District building setbacks shall be a minimum of 50 feet from all property boundary lines for buildings with a maximum height equal to or less than 20 feet. An additional 1 foot of setback distance must be added for every 1 foot of building height above 20 feet. Maximum required building setback shall be 100 feet regardless of building height.

(c) Subdivisions- Lot Sizes

Subdivisions shall be allowed in the Overlay District subject to County ordinances. However, the minimum lot size in the Overlay District shall be 10 acres.

(d) Building Heights

Maximum allowable building height shall be 80 feet measured to the top of roof or parapet wall, whichever is higher. Except that a taller building height may be allowed with the issuance of a Special Use Permit.

(e) Signs – Freestanding and Building Mounted

(1) Developments shall be limited to one freestanding sign for each property boundary facing a public right-of-way.

- i. A single side of a freestanding sign shall not exceed five-tenths (0.5) square feet in surface area for every linear foot of street frontage along which the sign is primarily oriented and shall not exceed a maximum of 200 square feet.
- ii. Freestanding signs shall not exceed a maximum height of 50 feet.
- iii. Signs may not contain elements which move or are animated, or contain intermittent or flashing lights.

(2) Wall mounted or building signage shall be limited to one sign for each building face.

- i. The maximum building sign area shall not exceed five percent (5%) of the total surface area of the building wall on which the sign is located.
- ii. Building signs shall not be mounted to the roof of a building, nor shall they extend above the parapet, or be mounted in such a way that they extend over a traveled portion of any public area.

(3) One high-rise, interstate sign shall be allowed for properties within 200' of an Interstate right-of-way.

- i. The high-rise, interstate sign shall have a height no greater than one hundred feet (100') measured from the adjacent ground level and shall have a sign area no greater than six square feet (6 ft²) for every foot in vertical height of the sign.
- ii. For developments which utilize a high-rise, interstate sign; this sign shall not reduce the number of freestanding signs allowed under subsection (e)(1).

(f) Parking

Each development shall be required to provide employee and guest parking at a rate of 1.1 spaces for each employee on the maximum shift. Parking stalls shall be a minimum of 9 feet wide by 19 feet long measured from the face of curb to the end of the marked space. Required accessible spaces to meet Federal/State/Local codes shall be included in the stated calculation when determining the total parking count for the development. Driveways and drive aisles shall be a minimum of 24' wide for two-way traffic. All required parking areas and drive aisles shall be surfaced with asphalt, concrete or other approved hard-surface material that resists potholes and the creation and transfer of undesirable dirt, dust and mud to the public right-of-way.

(g) Storm Water Management

- (1) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - i. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
 - ii. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.
- (2) Without limiting the generality of subsection (a) any development covering 5,000 or more square feet of land with an impervious surface shall be required to install a system of storage and controlled release of storm water such that, after development of the site, the calculated peak rate of storm water runoff resulting from a ten-year frequency storm having a duration of one hour shall be no greater than that which would result from a ten-year frequency storm on the same site prior to development.
- (3) A reasonable effort must be made by each property developer to consolidate storm water management systems when possible and to allow for such "joint-use" when necessary to assure proper placement and management of said systems. Property developers may negotiate maintenance agreements with adjoining property owners, as well as the local unit(s) of government, to insure perpetual maintenance of the storm water systems for each site.

(h) Uniformity of structures within the overlay district.

- i. Materials for building facades are encouraged to be limited in number to three, one of which will be the predominant material. Preferred major exterior materials include brick or concrete masonry, natural stone masonry, and/or architectural precast panels. Preformed steel and aluminum panel systems shall be permitted but must be complimented by another “accent” material choice. All materials used will reflect a high degree of quality, durability and craftsmanship. Exterior stucco system may be used as trim and accent features in walls.
- ii. Liberal use of glass is encouraged. Glass used shall be tinted or reflective glass with an outdoor reflectance of no more than 20%.
- iii. Exterior building materials will not include painted or stained wood, aluminum or vinyl siding, simulated materials such as adhesive applied brick, etc.
- iv. Building coloration will consist predominantly of a neutral overall color that compliments the building’s surroundings. Accent colors are encouraged and must compliment the overall building color scheme.
- v. Roof and roof appurtenances: All fans, vents, cooling towers, skylights and any equipment located on the roof of any improvement shall be located in a manner to minimize their distraction from the architectural attractiveness of the building. It is suggested that sloping roofs will be screened by flat parapets and sloped to appropriate drains. Pitched roofs with a minimum slope of 6 in 12 will be permitted. Permissible materials for pitched roofs will be limited to standing seam or flat seam configuration metals. Non-weathering metals (i.e., galvanized steel) shall be appropriately painted. A reasonable effort must be made to screen roof appurtenances projecting above the roof, such as exhaust fans, heating and air conditioning units, condensers, electrical equipment, plumbing vents and stacks. Such screening may be achieved by extending exterior walls above the roof to form a parapet or through the use of other opaque walls to be constructed of materials compatible in texture, color and quality with exterior walls of the building.

5. GENERAL REGULATIONS AND CONTROLS

In addition to the regulations of the I-95 / I-74 Industrial Park Overlay District, development must follow the general regulations and controls of the Robeson County’s Code of Ordinances, Robeson County’s Land Use Plan, federal and state regulations. The overlay requirements shall prevail over other inconsistent provisions, to include the following requirements:

- (a)** All developments shall be appropriately landscaped and well maintained
- (b)** Outside storage shall be properly screened from public view by either an opaque wall, fence or planted vegetation

- (c) No on-street parking shall be allowed for truck staging and/or commercial and passenger vehicles
- (d) No temporary structures shall be allowed on site except during that time of construction
- (e) There shall be no unlawful, unpermitted, or unapproved discharges to air/water
- (f) Site lighting is to be adequate enough for support of normal business operations but shall be “non-polluting” to adjoining properties

6. EXCEPTIONS TO APPLICABILITY, CONFLICTS OF LAW

- (a) Nothing contained herein shall repeal, modify, or amend any federal or state law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; however, the adoption of this section shall and does amend any and all ordinances, resolutions, and regulations in effect in Robeson County at the time of the adoption of this section that may be construed to impair or reduce the effectiveness of this section or to conflict with any of its provisions.
- (b) It is not intended that these regulations interfere with any legally enforceable easement, covenants or other agreements. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

7. I-95 / I-74 Industrial Park Overlay District — PROJECT BOUNDARY DESCRIPTION

A written property description shall be completed once the ordinance is approved and a map shall be included here as well.

- 8. Any provision in this Code section (the overlay ordinance) which would legally be considered a ‘building design element’ under NCGS 160D-702 shall be considered a guideline, and not an outright legal requirement, and shall be discussed with County staff in an effort to ensure as much consistency with the intent of the overlay district as possible.

3.22 Residential District (R-2)/Office Institutional Overlay District (R-2 O-I)

1. OBJECTIVE PURPOSE

The purpose of the Residential District (R-2)/Office and Institutional District shall be to provide areas that are conducive to the establishment and operation of institutional, office, and limited commercial activities not involving the sale of merchandise, except as provided herein. Standards are designed so that this district, in some instances, may serve as transition between residential districts and other commercial districts. The principal means of ingress and egress for uses in the districts shall be along collector roads, minor arterials, and/or major arterials as designated on the County’s Comprehensive Land Use Plan.

2. OVERLAY DISTRICT MAP, PROVISIONS AND REQUIREMENTS

The provisions, restrictions, and requirements, within the district identified on the Project Boundary Map, are as follows:

- (a) Uses permitted by right. The following uses are permitted provided that they meet all requirements of this section and all other applicable requirements established in these regulations. Uses permitted by right. The following uses are permitted provided that they meet all requirements of this section and all other applicable requirements established in these regulations.
 - 1. Hospitals, except animal hospitals
 - 2. Medical supply stores, retail
 - 3. Offices, Medical
 - 4. Offices, professional
 - 5. Personal services
 - 6. Social Services, including employment offices or contractors
 - 7. Spas and health clubs
 - 8. Domestic violence shelter
 - 9. Group Homes (6 or less)
 - 10. Group Day facilities
 - 11. Family Care Homes and hope houses not used primarily for the treatment of contagious disease, alcoholics, drug addicts, or psychotics.

- (b) Uses permitted under prescribed conditions. The following uses are permitted provided that they meet all requirements of this section and all other applicable requirements established in these regulations.
 - 1. Group homes supportive, medium
 - 2. Group home supportive, large
 - 3. Rehab Facility
 - 4. Rest Homes, Convalescent Homes, and Rehabilitation Centers used primarily for the treatment of a contagious disease, alcoholics, drug addicts, and psychotics.

5. Reintegration Center

- (c) Permitted by special use permit. The following uses are permitted subject to the issuance of a special use permit and provided that they meet all requirements of this section, and all other applicable requirements established in this chapter.

1. Group Home, Large

3. AREA AND BULK REGULATIONS R-2/(O-I) DISTRICT

The following regulations limiting the development and arrangement of building and/or land are required of all permitted and special uses in this district:

- (a) No structure shall be erected, reconstructed, or altered on any lot not meeting the requirements set forth below:
1. All lots served with public or community water and sewer in the district shall have a minimum width at the building line of 60 feet, a minimum lot depth of 100 feet and a minimum lot area of 7,000 square feet.
 2. All lots not served by public sewer and water shall be at least 20,000 square feet in area, not less than 88 feet wide at the building line or less than 150 feet deep.
 3. All lots served by public water, but not public sewer, shall be at least 15,000 square feet in area, or not less than seventy-five (75) feet wide at the building line, or less than 120 feet deep.
- (b) A front yard of thirty (30) feet, measured from the right-of-way of the street, shall be required and two sides yards of 10 feet each shall be required.
- (c) On corner lots, the side yard on that side of the lot abutting the side street shall not be less than twenty (20) feet. Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street.
- (d) Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard setback not exceed thirty (30) feet.
- (e) On any corner lot, there shall be no planting, fencing, structure, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines,
- (f) Height of buildings shall not exceed thirty-five (35) feet, unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof building height in excess of thirty-five (35) feet.

4. PARKING

Each development shall be required to provide employee and guest parking at a rate of 1.1 spaces for each employee on the maximum shift. Parking stalls shall be a minimum of 8 feet wide by 20 feet long measured from the face of curb to the end of the marked space. Required accessible spaces to meet Federal/State/Local codes shall be included in the stated calculation when determining the total parking count for the development. Driveways and drive aisles shall be a minimum of 24' wide for two-way traffic. All required parking areas and drive aisles shall be surfaced with asphalt, concrete or other approved hard-surface material that resists potholes and the creation and transfer of undesirable dirt, dust and mud to the public right-of-way.

5. STORM WATER MANAGEMENT

- (a) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
1. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
 2. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.
- (b) Without limiting the generality of subsection (a) any development covering 5,000 or more square feet of land with an impervious surface shall be required to install a system of storage and controlled release of storm water such that, after development of the site, the calculated peak rate of storm water runoff resulting from a ten-year frequency storm having a duration of one hour shall be no greater than that which would result from a ten-year frequency storm on the same site prior to development.
- (c) A reasonable effort must be made by each property developer to consolidate storm water management systems when possible and to allow for such "joint-use" when necessary to assure proper placement and management of said systems. Property developers may negotiate maintenance agreements with adjoining property owners, as well as the local unit(s) of government, to insure perpetual maintenance of the storm water systems for each site.

6. GENERAL REGULATIONS AND CONTROLS

In addition to the regulations of the Residential District (R-2)/Office and Institutional Overlay District, development must follow the general regulations and controls of the Robeson County's Code of Ordinances, Robeson County's Land Use Plan, federal and state regulations. The overlay requirements shall prevail over other inconsistent provisions, to include the following requirements:

- (a) All developments shall be appropriately landscaped and well maintained;
- (b) Outside storage shall be properly screened from public view by either an opaque wall, fence or planted vegetation;
- (c) No on-street parking shall be allowed for truck staging and/or commercial and passenger vehicles;
- (d) No temporary structures shall be allowed on site except during that time of construction;
- (e) There shall be no unlawful, unpermitted, or unapproved discharges to air/water;
- (f) Site lighting is to be adequate enough for support of normal business operations but shall be "non-polluting" to adjoining properties;
- (g) Business must be a minimum of one (1) mile from any school, daycare, church, or other business engaged in the same use as applied for; and
- (h) Cannot be in Medium-density & High-density areas.

7. EXCEPTIONS TO APPLICABILITY, CONFLICTS OF LAW

- (a) Nothing contained herein shall repeal, modify, or amend any federal or state law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; however, the adoption of this section shall and does amend any and all ordinances, resolutions, and regulations in effect in Robeson County at the time of the adoption of this section that may be construed to impair or reduce the effectiveness of this section or to conflict with any of its provisions.
- (b) It is not intended that these regulations interfere with any legally enforceable easement, covenants or other agreements. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

ARTICLE IV PERMITTED & SPECIAL USES

4.1 GENERAL

Within the various zoning districts established in Article III and subject to the requirements of this ordinance, no land, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part for any use other than the uses allowed by the various districts established herein. The use regulations for the various districts are intended to be permissive in nature. Some land uses may be allowed by issuance of a Special Use Permit only upon finding that certain conditions exist or should be applied and is requested and agreed to by the property owner. The establishment of these uses shall be allowed only after review through appropriate measures and approval of plans.

Permitted uses in the various districts are indicated in the appropriate column of the following matrix. Special Uses, with Board of Commissioners approval and issuance of the Permit. All proposed non-residential uses, including changes in an existing use, in any district requires site plan review and approval and be in compliance with the standards of this ordinance.

4.2 USES BY RIGHT

All uses of property are allowed as a use by right except where this ordinance specifies otherwise or where this ordinance specifically prohibits the use. In the event, a use of property is proposed that is not addressed by the terms of this ordinance, the minimum ordinance standards for the use addressed by this ordinance that is most closely related to the land use impacts of the proposed use shall apply. In addition, the Ordinance Community Development Administrator may initiate a text amendment addressing such proposed use, provided that the drafting and adoption of said amendment will not cause delay in the permitting of the proposed use.

4.3 USE MATRIX

The matrix on the following pages indicates permitted and Special Uses allowed in all Zoning districts.

SECTION 4.3 USE MATRIX

Robeson County Zoning Ordinance									
LAND USES	ZONING CLASSIFICATIONS								
	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-I
Activity Centers	S		P	P					
Agricultural or Horticulture, including the sale of products at the retail stand on the property where produced	P								
Agricultural or Rural Farm Use	P								
Air Conditioning and Heating Equipment Manufacturing						P	P		
Aircraft and Missile Manufacturing							P		
Airports							P		
Alcohol and Alcoholic beverage manufacturing							P		
All Agricultural Activities	P	P							
Amusement places, including, open-air drive-in theater						P	P		
Amusement, Recreational, and Sporting Goods Manufacturing						P	P		
Animal Hospitals						P	P		
Apparel and clothing manufacturing, including hosiery						P	P		
Assembly halls, armories, coliseums, ballrooms, and similar structures						P	P		
Auction Sales, (except Livestock)						P	P		
Automobile parking lots and structures						P	P		
Automobile Parts and Accessories						P	P		
Automobile Parts and Accessories Manufacturing						P	P		
Automobile Repairs	S					P	P		
Backyard workshops for building tradesmen and small appliance repair shops, but excluding open storage	P								
Bakeries and other establishments manufacturing prepared food products for wholesale distribution						P	P		
Bank and Other Financial Institutions					P	P	P		
Barber Shop	S				P	P	P		
Beauty Shop	S				P	P	P		
Belting and Brake Linking Manufacturing						P	P		
Boat and Marine Sales						P	P		
Boat and Trailer Work and Sales						P	P		
Body Shops, Auto Repair Shops, Automobile Graveyards, Automobile Salvage Yards.	S					P	P		
Body Shops, Auto Repair Shops, Automobile Graveyards, Junkyards, and Automobile Salvage Yards.	S						P		

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-I
Bookbinding						P	P		
Bookstores					P	P	P		
Bottling Works						P	P		
Bowling Alleys and Skating Rinks						P	P		
Brick, Tile, and Pottery Yard							P		
Buffers								P	
Building Material and Specialties Manufacturing							P		
Building Materials Sales						P	P		
Building material storage and sales yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height						P	P		
Business Machines Manufacturing						P	P		
Cabinet, Casket, Woodworking and Upholstery Shop	S					P	P		
Cafeterias and snack bar in industrial plants							P		
Candy and Confectionery Manufacturing							P		
Carbon and Batter products Manufacturing							P		
Chemical Manufacturing, Either Household or Industrial Products							P		
Churches	P		P	P					
Churches and their customary related uses. (See Article 8). Expansion of existing cemeteries, provided that all buildings and graves shall be setback at least 20 feet from any property lines.	P								
Club Lodges	S								
Coal and Wood Yards and Pole Treating Plants							P		
Coffee, Tea, and Spices processing						P	P		
Commercial & Non-commercial greenhouses & truck gardens & raising of pets on a scale that would not be of nuisance because of noise or odor, (No greenhouse heating plants or private stables shall be located within 60 feet of any front property lines or within 30 feet or any other property line.	P								
Commons								P	
Community Centers	S		P	P					
Concrete and Asphalt Products Plants							P		
Contractors Offices and Storage Yards							P		
Contractors' Offices and Storage Yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.						P	P		

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-1
Convenient Stores & Grocery Stores, provided that Gasoline, Diesel Fuel, or other Fossil Fuels not be sold. To exclude Supermarkets & Hypermarkets (See Definitions)	P								
Country Clubs			P						
Crop Fields								P	
Customary Accessory <u>Uses</u> and <u>Structures</u> , including Open Storage							P		
Customary Accessory Uses and Structures, including Open Storage, provided the area, devoted to open storage is enclosed by a fence at least six (6) feet in height.						P	P		
Customary Accessory Uses and structures including private garages, swimming pools, and other accessory structures in the rear yard where they shall not cover more than 30% of said rear yard.	P								
Customary Home Occupations including dressmaking, cooking, baking, hairdressing, music instructions, the renting of (1) room and the practice of professions such as law, insurance, real estate, accounting, medicine, dentistry, chiropractic, and internet sales shall be permitted as accessory uses in a residence.	P								
Dairy Products processing and Distributing facilities						P	P		
Domestic Violence shelter									P
Dressmaking, Hairdressing, Laundering, and medical and Professional offices any be permitted as home occupations in a residence or an accessory building thereof provided. That such occupations shall be engaged in only by residents on the premises, that not more than the equivalent of the area of one floor of the residence shall be used for such occupations, that no display of products shall be visible from the street, and that no objectionable effects shall be produced or created.	S		S	S					
Drive-in Restaurants						P	P		
Drugs, Medicines, and Cosmetics Manufacturing						P	P		
Drug Stores					P	P	P		
Dry Cleaning and Laundry Plants						P	P		
Dry Good Stores					P	P	P		
Eating and Drinking establishment, (Excluding Drive-ins)					P	P	P		
Electrical appliances and electronic equipment manufacturing						P	P		
Electrical Supply Houses and Repair Shops						P	P		

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-1
Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established, unless it is found that the appearance and property values of the district will be protected and public safety will be impaired.			S	S					
Exterminators	S					P	P		
Family Campgrounds/RV Parks	S								
Family Care homes and hope houses not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics	P								P
Farm Machinery Assembly, Sales, and Repairs							P		
Felt and Sandpaper Manufacturing						P	P		
Fertilizer Manufacturing and Sales							P		
Fishing Lakes	P								
Florists					P	P	P		
Flour and Feed Mills						P	P		
Freezer Lockers and Ice Plant						P	P		
Foundries Producing Iron, Steel, Copper, Brass, and Aluminum Products							P		
Funeral Homes						P	P		
Furniture Manufacturing						P	P		
Glass, Ceramic and Tile Manufacturing							P		
Golf Course	P		P					P	
Golf courses provided they all be designed and landscaped in such a way as to blend with the surrounding area.	S								
Grain bins and other agricultural storage area and facilities provided they do not exceed 35 feet in height and all buildings and apparatus shall be setback at least 20 feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.	P								
Graveyards not contiguous to primary Church property.	S								
Greenhouses and Horticultural Nurseries	P					P	P		
Grocery Stores					P	P	P		
Hardware & House wares Manufacturing						P	P		
Hardware Stores					P	P	P		
Heating and Refrigeration Shops						P	P		
Heavy and Farm Equipment Sale and Service						P	P		
Highway Fruit Stands & Gift Shops (minimum frontage of 150ft and a minimum of 5 off-street parking spaces)	S				S				

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-I
Highways								P	
Horse Paths								P	
Horticulture Activity	P	P							
Hospitals (which may include a home for nurses)									P
Hospitals, Doctor Offices, Medical Clinics and other facilities associated with the medical treatment of patients					S	S	S		P
Industrial Supplies and Equipment, Sales and services, provided all open storage is fenced by a solid fence not less than six (6) feet in height						P	P		
Industrial Trade Schools and Research laboratories						P	P		
Ink Manufacturing							P		
Insulation Materials and Wallboard Manufacturing							P		
Kindergartens & Nurseries, with not less than 100 square feet of play area for each child & aggregated play space is surrounded by a sturdy fence at least 4 feet in height.	P								
Laboratories for researching and testing of products, the manufacturing or processing of which is permitted in this district						P	P		
Laundromats & Dry-Cleaning Pick-up Stations					P	P	P		
Leather Product, including Luggage and Shoes						P	P		
Libraries				P					
Light Machine Tool Manufacturing						P	P		
Live Bait Store	P				S				
Livestock Sale Barns	P						P		
Machine Tool Manufacturing							P		
Machine and Welding Shops	S					P	P		
Marinas and Minor Boat Repair Facilities					S				
Meat Packing and Poultry Processing Plants	S						P		
Medical Supply Store, Retail									P
Metal Fabricating Plants, including Boiler and Tanks Works							P		
Mining or quarrying operation, providing buffer strips are established which shall be at least 10 feet in width and consist of a compact, evergreen hedge or other types of evergreen foliage screening or shall be a screen-in fence or wall so construed as to provide at least equivalent screening from adjoining properties. Any buffer strip must be approved by the Community Development Administrator.	S						S		

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-1
Mining of Land, provided that the activity is greater than 300 feet from any property line and there are no residences within 300 feet of the mining activity.	S	P							
Mining of sand when the end result is to be a pond or lake that is less than 1.0 acres, or less in surface area, provided the pond or lake is set back more than 300 feet from any property lines and more than 600 feet from any residence not located on the pond property.	S								
Mining of sand when the end result is to be a pond or lake that is greater than 2.1 acres, more or less, surface area.	S								
Mobile Homes may be permitted when used as a caretaker residence in conjunction with a rest home or convalescent home ; provided that said rest or convalescent home existed prior to the time of the adoption of this Ordinance, and provided that said rest or convalescent home is required by State Law to have a caretaker residence adjacent to the said home. The mobile home should be placed in the rear yard unless specific circumstances indicate otherwise in the judgement of the Planning Board.			S						
Mobile Home manufacturing and on-site display and Sale						P	P		
Mobile Home and Trailer Sale	S					P	P		
Mobile Home in park development, subject to the provisions of (Robeson County Mobile Home Park Development Ordinance)			S	S		S			
Monument Works and Sales						P	P		
Motels						P	P		
Motorcycle, Lawnmowers, and Power Saw Sales and Service	S					P	P		
Multi-family residences				P					
Musical Instrument Manufacturing						P	P		
Nature Preserves								P	
Neighboring Retail Convenient Stores and Grocery Stores, provided that Gasoline, Diesel Fuel or Other Fossil Fuels Not be Sold. To exclude Supermarkets & Hypermarkets. (see Definitions)					P	P	P		
New & Used Car Sales	S					P	P		
Nursery and Garden Stores	S					P	P		
Offices, professional									P
Offices Pertaining to Any Permitted use						P	P		P
Oilcloth and Linoleum Manufacturing						P	P		
Open Space Lands								P	
Paper Products Manufacturing							P		
Parking								P	
Parks			P	P				P	
Pastures	P							P	

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-I
Personal Services									P
Pickle Processing						P	P		
Plastic Products Manufacturing							P		
Plating Works							P		
Playgrounds	P		P	P					
Plumbing and Heating Supply Houses, provided all Open Storage is Fenced by a Solid Fence not less than Six (6) feet in Height						P	P		
Pottery, Porcelain, or Vitreous China Manufacturing						P	P		
Precision Instruments and Jewelry Manufacturing						P	P		
Printing, Engraving, and Publishing Establishments						P	P		
Private Lodges	P			P					
Private Parks	P								
Public Buildings								P	
Public Elementary and Secondary Schools, and their Customary related uses, (See Article 8) College, Universities and Private Schools having Curricula approximately the same as ordinarily given in public schools.	P				P	P	P		
Public Park	P								
Public Safety Facilities Such as Fire and Police Stations and Rescue Squad Headquarters, provided that all vehicles and equipment shall be stored indoors; provided that all building shall be setback at least twenty (20) feet from all property lines and shall be designated and landscaped in such a way as to blend in with the surrounding area.	P					P	P		
Public utility substations or pumping stations may be permitted if such installations will be housed in buildings that harmonize with the character of the neighborhood and will have adequate side yard fences, and other safety devices to protect the public safety and welfare			S	S					
Public Works and Public facilities, including Service and Storage Yards							P		
Public Works and Public Utility facilities, including Service and Storage Yards, provided they are fenced by a solid fence not less than six (6) feet in height						P	P		
Public works and public utility facilities, such as transformer stations, water towers, and telephone exchanges, provided: 1) such facilities are essential to the sewers of the community and no vehicles or materials shall be stored on the premises; 2) all buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area	S								

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-1
Publicly or Privately maintained solid waste containers, aka green boxes so long as said containers, aka green boxes and the parcel they are situated on conform to all State and Local Laws and Ordinances. The land application of residential/poultry/agriculture residuals such as septic tank and sludge from sewage treatment facilities so long as the application complies with all state and federal regulations and is not applied within 500 feet of any residence.	P								
Radio and Television stations, Studios, and Towers	S					P	P		
Railroad Tracks								P	
Real Estate Offices					P	P	P		
Rehab Facility									P
Reintegration Center									P
Residences provided that it has a density ratio of 50 acres per residence.		P							
Rest homes, convalescent homes, and rehabilitation centers not used primarily for the treatment of contagious disease, alcoholics, drug addicts and psychotics.									P
Rest homes, convalescent homes, and rehabilitation centers primarily for the treatment of contagious disease, alcoholics, drug addicts and psychotics									P
Restaurants, including drive-ins						P	P		
Roads								P	
Rodenticide, Insecticide, and Pesticide Manufacturing						P	P		
Rubber Products Manufacturing							P		
Saddle Clubs, Horse Clubs	S	S							
Sawmills, Planning Mills, and Pallet, and Basket Factories	S						P		
Schools			P	P					
Service Stations, inclusive to those that sell gasoline, diesel fuel or other fossil fuels, which shall have a minimum lot area of 20,000 square feet with a frontage of not less than 100 feet. No portion of a service station building or equipment shall be nearer than 70 feet from the center of the highway.					S	S			
Service Stations, including Major Repair Work, provided that all Gasoline Pumps shall be at least twelve (12) feet behind the property line						P	P		
Sheet Metal, Roofing, and Plumbing							P		
Similar Recreational uses (to exclude ATV, Amusement, Water Parks, Splash Pads, Firing Ranges)	P								
Sign painting and fabricating shops						P	P		

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-I
Single-Family Dwellings of 3 with 20,000 square feet for each it has to be at least 5 acres or more. (With one being a Permanent Foundation)	S								
Single Family Residences	P		P	P					
Single and Two-family residences, rooming houses, and boarding houses									P
Slaughter houses or meat process plants, areas for the disposal or reduction of waste materials, commercial or industrial incinerators, or establishments emitting offensive smoke, dust, noise, or odor may be approved on finding that the public health is not impaired and that surrounding land use will not be adversely affected. Additional space for front, rear, and side yards, or additional lot area may be required to protect the public interest.	S						S		
Small scale manufacturing of products for use in the production of local agricultural crops. Provided all buildings and apparatus shall be setback at least 20 feet away from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.	S								
Social Services, including employment offices or contractors									P
Solar Farms	S								
Spas and health club									P
Streets								P	
Swimming Pool	P		P	P					
Tax Offices					P	P	P		
Temporary Sawmills provide they shall not be in operation for more than 1 year; provided further that all sawmill structures shall be leveled and the predives be leveled and the premises cleaned up within 6 months after discontinuance.	S								
Timber Management	P	P						P	
Tire Recapping Shops						P	P		
Trails								P	
Trailer Manufacturing						P	P		
Tree Farms	P							P	
Trucking Terminals						P	P		
Vinegar and Yeast Manufacturing						P	P		
Water Sheds								P	
Wholesale and Warehousing establishments, except for the storage of dangerous or offensive items, such as uncured hides and explosives						P	P		
Wholesale storage of gasoline and oil products, including bottled gas and oxygen						P	P		

LAND USES	R-A	A-D	R-1	R-2	C-1	H-1	I-2	OS	R-2/O-1
Window and door Manufacturing						P	P		
Veterinaries and Kennels	P					P	P		
Veterinaries, kennels, animal hospitals provided all buildings and apparatus shall be set back at least 60 feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounded area.	P								

ARTICLE V INDIVIDUAL USES

5.1 PURPOSES

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance.

5.2 AUTOMOBILE BODY SHOPS & USED CAR DEALERSHIPS

Automobile body shops and Used Car Dealerships shall be allowed as a Special Use in Residential Agricultural District provided the property, property owner, and applicant meets the following criteria:

- A. The property has a highway road frontage of one hundred ten (110) feet minimum;
- B. Minimum lot size shall be twenty thousand (20,000) square feet;
- C. All automobile repair and parts storage shall be performed inside the structure;
- D. The number of cars (for sale or to be sold and not otherwise used for personal transportation) allowed on the property at any given time is not to exceed six (6), however for every additional 20,000 square feet of land covered by the permit, the permit may authorize an additional six (6) cars provided further that when a residence(s) is (are) located on the premises covered by the permit, an area of 20,000 square feet per residence shall be reserved (and not used for calculation for the six (6) cars per 20,000 square feet formula herein for residential use);
- E. The body shop shall not be constructed within seventy (70) feet from the center of the highway;
- F. Side yard requirement shall be a minimum of fifteen (15) feet;
- G. Rear yard requirements shall be thirty (30) feet;
- H. Any fence (chain link as defined in Section 5.14) shall be entirely behind the building or have a vegetative buffer on the portion facing highway or neighboring houses. The permit shall state the maximum area allowed to be fenced in;
- I. No more than one business sign that is freestanding may be allowed and that sign may not be larger than thirty-two (32) square feet in area (4'x 8');

- J. No more than one business sign shall be placed on the building and that sign may not be larger than six (6) square feet in area (2'x 3');
- K. Any freestanding sign permitted shall be a minimum of seventy (70) feet from center of a State maintained road and fifteen (15) feet from any side yard line.

5.3 AUTOMOBILE GRAVEYARDS/SALVAGE YARD

All automobile graveyards in a Residential Agricultural District not in existence prior to January 16, 2001 shall be allowed as a special use permit provided:

- A. The automobile junkyard is setback a minimum of one hundred (100) feet from the center of any state-maintained highway;
- B. A 6' chain link fence is to be erected around the perimeter of the junkyard as defined in **Section 5.14**;
- C. A vegetative buffer is to be planted along the front of the junkyard that abuts any state-maintained highway; and
- D. A freestanding business sign not to exceed thirty-two (32) square feet in area (4'x8') to be erected a minimum of seventy (70) feet from the center of any state-maintained highway.

5.4 FAMILY CARE HOMES AND HOPE HOUSE

All Family Care Homes and Hope Houses in a Residential Agricultural District shall be allowed as a permitted use provided:

Not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

1. The proposed family care home is not located within one-half mile radius of an existing group home or approved existing residential habitation support facility, regardless of the jurisdiction of the approved or existing home or family.
2. A six (6) foot chain link fence is to be erected around the perimeter of the property to protect the residents from exposure to hazards.

5.5 INSTALLTION OF TELEPHONE EXCHANGE EQUIPMENT

The installation of telephone subscriber stations and telephone exchange equipment in Residential Agricultural District shall be allowed as a permitted use with the following criteria met:

1. The lot, where the telephone equipment is to be installed, is to be a maximum size of twenty thousand (20,000) square feet;
2. The concrete pad does not exceed a maximum size of (24'x24); and
3. The wattage used for the telephone services does not exceed 48 volts.

5.6 MOBILE HOME IN MOBILE HOME PARK DEVELOPMENTS

Provided that all parks shall be fenced in (see Section 5.13) on all sides not adjacent to a highway.

Application/Exception to fencing requirements:

1. For all newly created mobile home parks with one (1) to five (5) mobile home lots, this section shall not apply.
2. For all newly created mobile home parks with six (6) or more mobile home lots, this section shall apply and fencing shall be required as set forth above when the sixth mobile home lot is permitted.
3. For all mobile home parks in existence prior to August 31, 1995, if the existing mobile home park has six (6) mobile home lots or more, prior to the requested expansion, then the entire mobile home park must be fenced in as set forth above.
4. For all mobile home parks permitted after August 31, 1995 this section shall apply as set forth above when the sixth mobile home lot is permitted and the entire mobile home park shall be fenced in at that time.
5. However, when a mobile home park is buffered from adjacent property by the residence of the mobile home park owner, a fence shall not be required on the property line buffered by said residence.
6. The minimum height fence requirement and the maximum height fence requirement (**see in Section 5.14**), for mobile home parks shall be 4 feet and 6 feet respectively, as determined by the governing board.
7. If the proposed mobile home park consists entirely of state-maintained roads, it will be exempt from the fence requirement as set out in **Section 5.14** of the Robeson County Zoning Ordinance.

5.7 MOTORCYCLES, FOUR WHEELERS AND HORSE RACE TRACKS

All Motorcycles, dirt bikes, four wheelers, and horse race tracks shall be allowed to apply for a Special Use Permit in Residential Agricultural District provided:

- A. Hours of operation Monday through Thursday must cease no later than 9:30 p.m.;
- B. Hours of operation on Friday must cease no later than 11:00 p.m.;
- C. Hours of operation of Saturday must cease no later than 10:30 p.m.;
- D. Hours of operation on Sunday will be 1:00 p.m.- 9:30 p.m.
- E. Hours of operation on Holidays must cease no later than 11:00 p.m.
- F. Hours of operation must be posted at front of entrance of premises; and property must be clear within thirty (30) minutes of closing;
- G. Sign, not to exceed thirty-two (32) square feet may be erected seventy (70) feet from the center of the road with the name of the operation.
- H. E-911 address must be posted at the front of the road of the premises;
- I. Law enforcement officers will be required with one (1) officer per 1-100 people, and thereafter, one (1) officer per 100 people at every event held;
- J. Law enforcement officers will be required with one (1) officer per 1-100 people, and thereafter, one (1) officer per 100 people at every event held;
- K. Liability insurance must be maintained continuously;
- L. All buildings must meet the NC Building Codes;
- M. Owner, or agent of the property must be present at all events; and
- N. The Community Development Administrator or appointed agent must be notified of all events one (1) week prior to the event.

5.8 VIDEO GAMING MACHINES/INTERNET CAFÉ

Current businesses that in a Residential Agricultural District that are operating any of the following have 180 days to comply with the ordinance in obtaining a Special Use Permit and a \$5.00 fee will be assessed to each machine.

New businesses proposing to operate any one of the following will be required to obtain a Special Use Permit prior to beginning the operation.

A. Video lottery terminal gambling/Internet Sweepstakes

“A video gaming machine means a slot machine as defined in NC GEN STAT 14-306(A) and other forms of electrical, mechanical, or computer games such as by way of illustration and not exclusion:

1. A video poker game or any other kind of video playing card game
2. A video bingo game
3. A video craps game
4. A video keno game
5. A video lotto game
6. Eight liner
7. Pot-of-gold
8. A video game based on or involving the random or chance matching of different pictures, words numbers, or symbols not dependent on the skills or dexterity of the player.
9. Any other video games not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.

A video gaming machine is a video machine which requires deposit of any coin or token or use of any credit card, debit card, or any other method that requires payment to activate play or any of the games listed in this subsection. NC GEN STAT 14-306(A).

Excepted from this definition is a video device authorized by the lottery commission to permit the sale of tickets by retailers in a game authorized by the NC lottery Commission for the benefit of the NC Education Lottery.

Special Use Permits requirements:

- A. Hours of operation;
- B. Hours are to be posted on the premises;
- C. One parking space for each two hundred square feet of amusement and plus one parking square per employee; **(Section 7.3(a))**

- D. The maximum number of machines/terminals/computers for any electronic gaming business is twenty (20);
- E. Set back requirements shall be in accordance with **Section 3.6** of the Robeson County Zoning Ordinance;
- F. Building must comply with Section 303.3 A – Assembly Occupancy – (A-2) of the NC Building Code;
- G. Business must be a minimum of one thousand (1,000) feet from any school, church, or other business engaged in an electronic gaming operation business; and
- H. Signage.

5.9 REQUIREMENT FOR MANUFACTURED HOMES/MOBILE HOMES

Inspections: Prior to the issuance of a Zoning Permit to allow the placement, erection or establishment of a Manufactured Home in an R-A District and other Residential Districts the following must be sworn to and subscribed by anyone applying for a Zoning Permit:

- A. **Manufactured Date:** That the manufactured home must have been built before 1990, must have proof that its original construction, and in compliance with HUD standards;
- B. **Alteration:** Any Manufactured Home constructed prior to 1990 that has been altered must provided proof of permits and inspections.
- C. **Compliance with Minimum Housing Code:** That the manufactured home meets or exceeds the “Minimum Housing Code for Robeson County” (hereinafter referred to as the M.H.C.), specifically that the manufactured home is not a “dilapidated home” as defined in the M.H.C.
- D. **Pre-Inspection:** A manufactured home that is determined to have been manufactured 1990 may be permitted after a pre-inspection to determine habitability by one of the Robeson County Community Development Inspectors to make sure that the home meets the M.H.C.

5.10 REMOVAL OF TRANSPORTING DEVICES AND SKIRTING REQUIREMENTS

In order to be in compliance with this ordinance and any legal Zoning Permit issued all manufactured homes must meet the following conditions:

- A. **Removal of Transporting Devices:** The Manufactured Home must have the tongue, axles, removable towing apparatus and transporting lights removed after placement on permitted parcel and before occupancy may be allowed;

- B. **Skirting Required:** The Manufactured Home must have installed under its structure a continuous, non-flammable/non-combustible curtain wall, skirting, permanent masonry or other approved product curtain wall or foundation, which has not been pierced except for ventilation and access.
- C. **Exception:** A Manufactured Home which is otherwise permitted on land not owned by the owner of the manufactured home and otherwise meets the requirements of this ordinance shall be exempt from the requirements of paragraph (A) **Removal of Transporting Devices.**

5.11 TEMPORARY MOBILE HOME PERMIT

- A. Mobile homes may be allowed on a temporary basis in zoning districts where they are not permitted by right or condition in the following circumstances:
 - 1. Construction mobile home office;
 - 2. Business office mobile home to be utilized only when a permanent structure for the execution of that business is being constructed on the same lot;
 - 3. Residential mobile home to be used in the situation where permanent residential structure is damaged to the point that it is unfit for human habitation.

The above uses may be permitted provided that a non-renewable permit for no more than six (6) months occupancy is obtained from the County Building Inspector.

- B. In any R-A or R-1 District, not more than one (1) mobile home may be permitted in a rear yard as an accessory use on a temporary basis, provided that the Planning and Zoning Board of Robeson County shall make a finding that a personal hardship situation justifying a special exception exists. Temporary use permits may be issued in such cases for twelve (12) months, but may be renewed for successive twelve-month (12) periods for so long as the hardship exists.

Application for renewal of a temporary use permit shall be made thirty (30) days prior to the expiration date of said permit. All applications shall be made to the Community Development Administrator and in turn shall be reviewed by the Planning and Zoning Board to determine relative need. All such mobile homes must have access to water and sewer systems approved by the Robeson County Health Department and said mobile homes must be maintained in such a way as not to create nuisance conditions.

5.12 CAMPER TRAILERS

- A. Camper trailer is defined as a structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vocational quarters.

- B. Camper Trailers may only be set up in designated camp grounds and may not be set up on private property as residential quarters.
- C. Except when the property owner has obtained a building permit to construct a single family dwelling and a Certificate of Occupancy for said dwelling is issued six (6) months from the issuance of the building permits.

5.13 BUFFERS

In any instance, which proposes the re-zoning of property to allow a non-residential use to be adjacent to a residential district, the re-zoning must be accomplished through the granting of a special use permit, which includes provisions for the construction of a buffer. Within reason, the nature of the buffer shall be determined on the basis of adequacy to protect the adjacent residential district from any nuisances created by the non-residential activity. Should it appear that no buffer is needed at the time of the re-zoning requires because of vacant land, uninhabited dwelling units or similar circumstances, the County Commissioners shall reserve the right to require a buffer at a later date based upon changing conditions, the responsibility to provide and maintain a buffer shall be the responsibility of the property owner, or lessor who is creating the nuisance. The presence of streets, road, railroads, and bodies of water or other natural or man-made features which may coincide with the boundary between residential and non-residential districts may not preclude the requirement to provide a buffer. A performance bond may be required as one of the conditions of rezoning.

5.14 CHAIN LINK FENCE/VEGETATIVE BUFFERS

For purposes of this Ordinance, when a fence is required by Ordinance or as part of a Special Use permit, the governing Board may require a vegetative buffer as defined in **Section 5.13** of this Ordinance or a fence as defined herein. The fence shall be either a continuous translucent, perforate barrier extending from the surface of the ground to a uniform height of not less than four (4) feet and not more than six (6) feet from the ground at all points, constructed of 11.5 gauged wire, with two (2) inch mess and a one and five-eighths (1 5/8) top rail, two (2) inch line posts set at a minimum of ten (10) feet apart with two and one-half (2 ½) inch corner posts with caps on all corners, end and line posts. All line and corner posts are to be set thirty (30) inches deep in the ground in a hole eight (8) inches in diameter filled with cement. The fence shall have number seven (7) gauge tension wire attached to the fence with rings spaced approximately twenty-four (24) inches apart.

- A. Solid vinyl fencing with a minimum height of six (6) foot exclusive of church and family cemeteries; or
- B. Wrought iron fencing with a minimum height of six (6) foot exclusive of church and family cemeteries.

ARTICLE VI NONCONFORMING USES

6.1 GENERAL

Except as hereinafter provided for existing Nonconforming Uses, no Building, Structure or premises shall be used and no building or part thereof shall be erected, reconstructed, enlarged, or altered except in conformity with the regulations prescribed by this Ordinance, excepting that nothing in this Ordinance shall affect the height, setback building line, yards, or courts of any building as such exists at the time of the passage of this Ordinance.

6.2 NONCONFORMING LAND

When the owner of a lot (or his successor in title thereto at the time of adoption of this Ordinance or any amendment there to) does not own sufficient land to enable him to conform to the applicable lot requirements of this Ordinance as amended, the Board of Adjustment may approve, as a special use permit, such dimensions as shall conform as closely as possible to the required dimensions. If two or more adjoining and vacant lots of record are in single ownership at any time after the adoption of this Ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

6.3 NONCONFORMING USE

Where the use of land or any **building** is **nonconforming**, such use shall not hereafter be enlarged or extended in any way.

- A. A nonconforming use shall not be expanded to any lot or lots adjacent to the lot upon which it was located at the time of enactment of this Ordinance, even though such additional lots may be at that time or thereafter in the same ownership as the lot containing the nonconforming use.
- B. A nonconforming use shall not be changed to any other use, unless such use is listed as a permitted use for the district, in which the nonconforming use is located.
- C. If the nonconforming use is housed within a structure, the structure shall not be enlarged or expanded while such use is continued. If a nonconforming use is discontinued for any period for the purpose of enlarging or expanding a structure, every future uses of the premises shall be a conforming use. Normal maintenance and repair and any alterations necessary to meet the specifications of this or other ordinances of the County shall be permitted.

- D. If a building/housing that is a nonconforming use is damaged or destroyed by any means to the extent that the value of the remaining structure is less than forty percent (40%) of the cost of replacing the original structure at the time of such damage or destruction, the structure shall not be repaired or replaced, unless the nonconforming use is discontinued and all future uses of the premises shall be permitted uses.
- E. If a building/housing that is a nonconforming use is removed, it shall not be replaced, unless the use of the replacement building is a permitted use in the district in which the building is located.
- F. If a nonconforming use is discontinued for any reason for a continuous period of 180 days, every future use of the premises shall be a conforming use.

6.4 NONCONFORMING BUILDINGS

If a building is nonconforming, it may be enlarged in any way that will not increase the extent of nonconformity, provided that the use of the building is a permitted use for the district in which the building is located.

- A. If a nonconforming building is removed, it shall be replaced only with a building, which conforms in every way with the provisions of this Ordinance.
- B. If a nonconforming building is damaged or destroyed by any means to the extent that the value of the remaining structure is less than forty (40) percent of the cost of replacing the original structure at the time of such damage or destruction., the structure shall not be repaired, unless the next structure and use meet all the requirements of this ordinance.

6.5 EXCEPTIONS PERMITTED FOR OWNER-OCCUPIED RESIDENCES

Residences which are nonconforming uses but are occupied for such use-by the owner of the residence, may be rebuilt regardless of the extent of damage or destruction and may be enlarged or expanded provided that:

- A. They meet the minimum dimensional requirements for the district in which they are located;
- B. In the event of repairing damage, such rebuilding or repairs shall be made within 180 days of the date of such damage;
- C. The building contains only one residential unit; and
- D. All repairs and construction shall be in conformance with all other applicable ordinances or regulations.

6.6 NONCONFORMING LOTS OF RECORD

On existing small lot sites, the owner may construct a residence or place a mobile home if the following requirements are met:

- A. The lot is properly zoned for the proposed use.
- B. The lot meets the minimum health standards applicable.
- C. The lot meets all setback requirements; front and side yard requirements, and has a total square footage of 11,250 square feet or more.
- D. The lot is shown and described in metes and bounds on a plat, which was recorded in the Robeson County Register of Deeds Office prior to the effective date of this Ordinance.

Provided that if two or more adjoining and vacant lots of record are in single ownership, and if said lots could be combined to meet the minimum lot requirements as applicable to the particular zone as specified in this Ordinance prior to the adoption of this amendment, then this amendment shall not be applicable.

ARTICLE VII OFF-STREET PARKING AND LOADING REGULATIONS

7.1 GENERAL

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded open space.

7.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

Each application for a Zoning Permit submitted to the Community Development Administrator as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Community Development Administrator to determine whether or not the requirements of this section are met.

7.3 MINIMUM SIZE OF OFF-STREET PARKING SPACE

For the purpose of the Ordinance, the minimum dimension of a parking space shall be 8 feet by 20 feet.

7.4 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The following off-street parking spaces shall be required:

Land Uses	Required Parking
A. Amusement places	One (1) parking space for each two hundred square feet of amusement area plus one parking space per employee.
B. Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room.
C. Banks	One (1) parking space for each one hundred square feet of display area.
D. Car Sales Lots	One (1) parking space for each hundred square feet of display area.
E. Churches	One (1) parking space for each eight (8) seats.

F. Filling Station	Five (5) parking spaces for each grease rack and five spaces for each wash rack
G. Funeral Home	One (1) parking space for each one hundred square feet of gross floor area.
H. Hospitals	One (1) parking space for two (2) beds intended for patient use, exclusive for Bassinets, plus one (1) parking space for each employee on the largest shift.
I. Industrial Use	One (1) parking space for each two (2) employees on the largest shift.
J. Medical Clinics	Four (4) parking spaces for each doctor plus one (1) space for each employee.
K. Mobile Home Park	One and one-half (1 ½) parking spaces for each mobile home space.
L. Motels and Hotels	One (1) parking space for each room to be rented plus one additional parking space for each three employees.
M. Movie Theaters	One (1) parking space for every five (5) seats in the auditorium.
N. Nursing Home	One (1) parking space for each five (5) beds for patient use plus two (2) parking spaces for every three (3) employees.
O. Offices, General	One (1) parking space for each one hundred square feet of gross floor area.
P. Offices, Professional (other than Medical and Dental)	One (1) parking space for each employee plus three (3) spaces for professional on staff.
Q. Private Club or Lodge	One (1) space for each 200 square feet of gross floor area.
R. Public Buildings	One (1) parking space per employee
S. Residential Units	One and one-half (1 ½) parking spaces on the same lot for each residential unit.

T. Retail uses not otherwise indicated	One (1) parking space for each one hundred square feet of gross floor area
U. Schools, Elementary and Junior High or Middle School	One (1) parking space for each classroom and administrative office.
V. Schools, Senior High	One (1) parking space for each fifteen students for which the building was designed plus one parking space for each classroom and administrative office.
W. Schools, Colleges, Technical & Trade	One (1) parking space for each five (5) students for which the building was designed plus one (1) parking space for each classroom and administrative office.
X. Stadiums	One (1) parking space for each five (5) spectator seats.
Y. Wholesale Uses	One (1) parking space for each two (2) employees on the largest shift.

7.5 OFF-STREET LOADING FOR INDUSTRIAL USES

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate individual needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of twelve (12) feet by twenty-five (25) feet and fourteen (14) feet overhead clearance with adequate means for entrance and exists.

<u>Square Feet of Gross Area</u>	<u>Required Number of Berths</u>
0 – 25,000	1
25,000 – 40,000	2
40,000 – 100,000	3
100,000 – 160,000	4
160,000 – 240,000	5
240,000 – 320,000	6
320,000 – 400,000	7
Each 90,000 above 400,000	1 Additional Space

ARTICLE VIII SIGNS

8.1 OBJECTIVE AND PURPOSES

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature and to regulate the size and placement of signs, which are visible from any public way. These regulations shall apply to all districts. No exterior sign may be erected, painted, repainted, posted, placed, replaced or hung in any district, except in compliance with the regulations.

8.2 MEASUREMENT OF SIGN AREA

Sign area shall be computed by measuring the smallest shape to encompass each portion of the sign devoted to conveying a message, making anything known or attracting attention, excluding structural supports. Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced sign or "V" the sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any "V" type sign with a "V" angle of greater than forty-five (45) degrees shall be subject to measurement of sign area on both sides.

8.3 UNSAFE & UNLAWFUL SIGNS

If the Community Development Administrator shall find that any sign is unsafe or is a menace to the public or has been constructed, erected, or is being maintained in violation of this ordinance, he shall give written notice of such violation to the owner of the sign. If the owner of the sign fails to remove or alter the structure so as to comply with the required standard within thirty (30) days after such notice, such sign may be removed or altered to comply by the Community Development Administrator at the expense of the owner of the sign. The Community Development Administrator may cause any sign or other advertising structure, which is an immediate peril to persons or property to be promptly removed by the sign owner.

8.4 SIGNS PROHIBITED

Erection or maintenance of signs having any of the following characteristics is prohibited:

- A. **Signs Not to Constitute Traffic Hazards:** Non sign or advertising structure shall be erected or maintained at the intersection of any street or road so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal, or device; or that makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. In any case, signs shall be prohibited within twenty (20) feet of a street intersection measured to the intersection of the two nearest street lines.

- B. **Signs Erected on Public Streets:** No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.
- C. **Obstruction of Ingress or Egress of Building:** No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.
- D. **Obscene Matter Prohibited:** No sign shall be erected or maintained which bears or contains statements, words or pictures of an obscene character.
- E. **Signs on Private Property- Consent Required:** No sign may be erected by any person on the private property of another person without first obtaining the verbal or written consent of such owner.

8.5 SIGNS PERMITTED IN ANY DISTRICTS

The following types of signs are permitted in all zoning districts subject to any specific requirements as to time and purpose or prohibition provided herein for any particular zone:

- A Campaign Signs
- B. Campaign Season
- C. Real Estate Sale Signs
- D. Temporary Campaign Signs During Campaign Season
- E. Temporary Real Estate Sales Signs and Campaign Signs During Campaign Season

8.6 SIGNS PERMITTED BY DISTRICT

The following are permitted:

A. Residential Agricultural District (R-A)

1. One (1) professional sign or announcement per lot for customary Home Occupations, Kindergartens, or Rest Homes. Such signs shall not exceed six (6) square feet in area (2'x3'). No such sign shall be illuminated.
2. One (1) sign per lot pertaining to the lease, rent or sale of the property upon which displayed. Such sign shall not exceed six (6) square feet in area (2'x3'). No such sign shall be illuminated.
3. Signs/Marquees for churches and schools may be allowed provided they do not exceed thirty-two (32) square feet (4x8) in area, eight (8) feet in height and shall be a minimum of fifty (50) feet from the center of the highway. Such signs may be limited to one (1) per lot and may be of the type which is lighted from behind to silhouette letters and figures.

B. Residential District (R-1)

Community uses (Parks, Playgrounds, Community Centers, Schools, Churches, Country Clubs, Golf Courses) such as designated in **Section 4.3 (Matrix)** may erect only one non-flashing sign harmonizing with the character of the neighborhood and not exceeding twelve (12) square feet in area. All other permitted uses may erect only one (1) non-illuminated sign not to exceed six (6) square feet in area to advertise a home occupation or the premises for sale or lease.

C. Neighborhood Commercial District (C-1)

No establishment in this district shall have more than three (3) signs. In no case shall any of these signs be larger than twenty-five (25) square feet in area. In the case of highway fruit stands or gift shops, which are special uses in the C-1 district, only three (3) signs are allowed, none of which shall exceed fifty (50) square feet in area. Freestanding business signs shall not exceed twenty (20) feet in height.

D. Heavy Industrial District (I-2)

Business and billboards are allowed, provided such are not located within fifty (50) feet of any residential district, provided further that not more than one (1) billboard structure shall be allowed per one hundred (100) feet or less of lot frontage in single ownership with one (1) additional billboard structure allowed per additional one hundred (100) feet of frontage up to a maximum total of three (3) signs. Freestanding business signs shall not exceed fifty (50) square feet of sign area per side or thirty (30) feet in height.

Off-premise outdoor advertising signs (billboards) which met the requirements of **Section 8.7** below are allowed.

E. Highway District (H-1) and Open Space (OS) District

On-premises business signs shall meet the same requirements as in the I-2 Districts described in **Section 8.6 (D)** above, except that freestanding signs shall not exceed forty (40) square feet of sign area per side or twenty-five (25) feet in height.

Off-Premises outdoor advertising signs (billboards) which meet the requirements of **Section 8.7** are allowed, except the billboards shall not exceed two hundred forty (240) square feet in sign area or twenty-five (25) feet in height.

8.7 ILLUMINATION OF SIGN

All illuminated signs shall be placed so as to prevent the light rays of illumination therefrom being cast directly upon residential buildings.

8.8 PLACEMENT OF ON-PREMISES BUSINESS SIGNS

- A. Business Signs may be mounted on the wall of a building or may be freestanding
- B. Signs mounted on the roof and wall mounted signs extended above the eaves of the building are prohibited.
- C. No part of any sign shall project over a public right-of-way.
- D. Freestanding business signs shall meet the side and rear yard requirements for principal buildings in the zoning district.

8.9 OFF-PREMISES OUTDOOR ADVERTISING SIGNS (BILLBOARDS)

- A. Shall not be located within five hundred (500) feet of any Residential or Agricultural district.
- B. Shall not be less than one thousand (1,000) feet from the nearest other billboard along either side of the highways
- C. Shall not be closer than one hundred (100) feet from any property line not a highway right-of-way.
- D. Shall not be closer than thirty (30) feet to any highway right-of-way.
- E. Shall not be closer than five hundred (500) feet from any highway intersection.
- F. Maximum area of any outdoor adverting sign should not exceed thirty (30) feet in height or three hundred (300) square feet in sign area.

- G. Double-faced and V-shaped signs are allowed and considered as one sign.
- H. Sign area of double-faced and V-shaped signs shall be measured by computing the area of only one side of the sign.
- I. Both sides of a double-faced or V-shaped sign shall be of equal size and shape.

ARTICLE IX BOARD OF ZONING ADJUSTMENT

9.1 ESTABLISHMENT

The Board of Commissioners, pursuant to NC. Gen. Stat. 160D-302, does establish a Board of Zoning Adjustment is hereby created. The Board shall consist of at least five (5) members; each area zoned shall be represented on the Board. Not more than three (3) alternate members may be appointed to serve in the absence of regular members. All members and alternates shall be overlapping terms of three (3) years.

9.2 PROCEEDINGS OF THE BOARD OF ZONING ADJUSTMENTS

A. Interpretation and Enforcement

1. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Community Development Administrator, or his authorized representative, who shall issue written notice to the person making request and the property owners when a final and binding determination has been made.
2. Such questions shall be presented to the Board of Adjustments only on an appeal from the decision of the Community Development Administrator, or his authorized agent, and that recourse from the decision of the Board shall be to the courts as provided by law.
3. The Board has the authority to grant zoning variances and such other issues as authorized by law or the Board of Commissioners.
4. It is further intended that the duties of the County Commissioners shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement of this Ordinance, but the procedure for determining such questions shall be as herein set forth.

B. Officers

The Board shall elect a Chairperson and Vice-Chairperson from among its member. The Director shall assign a staff member to fill the Secretary and Clerk positions. Meetings of the board shall be held at the call of the Chairperson and at such other times the board may determine. The Chairperson or any member acting as Chair and the Clerk to the Board are authorized to administer oaths for all testimony. The Chairperson may compel the attendance of witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. The Vice-Chairperson or any member of the board while temporarily acting as Chairperson has and can exercise like authority. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each members upon every motion or question, or if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and official action.

The Secretary and Clerk to the Board shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the Board Members prior to the hearing if at the same time they are distributed to the Board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on objections shall be made by the board at the hearing.

C. Meetings

1. Meetings of the Board shall be held at the Call of the Chairman and at such other times as the Board may determined
2. All meetings of the Board shall be open to the public.

D. Minutes of the Meeting

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or if absent or failing to vote, indicating such fact, and also keep records of its examination and other official action.

E. Appeal to the Board of Zoning Adjustment

An appeal to the Board or request of a variance from the requirements of this Ordinance may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or agency affected by any decision of the Community Development Administrator, or his authorized agent, based in whole or in part upon the provision of this Ordinance. Such appeal shall be taken within thirty (30) days after the decision being appealed is made, by filing with the County Clerk and with the Board a notice of appeal, specifying the grounds thereof.

F. Duty of the Community Development Administrator Upon Notice of Appeal

The Community Development Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken or regarding the variance request, with copies also being given to appellant and land owner via certified mail.

G. Public Notice of Hearing

1. Notice of a variance Evidentiary hearing shall be posted on the property for which the variance is sought at least 10 days, but not more than 25 days, prior to the date of the hearing.
2. In addition, all person, or entities affected by hearing must be notified by mail of the hearing. These include the appellant, property owner, all landowners whose land “abutting” property even if separated by a street, railroad, or other transportation corridor in question, and any other person in question, and any other person who may have standing to receive notice. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but no more than 25 days, prior to the date of the hearing. Public Notice will be published at least once a week for two successive weeks prior to the hearing in a newspaper published in Robeson County.

9.3 POWERS AND DUTIES

The Board of Zoning Adjustment shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development:

- A. Hear and decide requests for variances, and appeals of decisions relating to the administrative review of any order, requirements, decision or determination made by the Community Development Administrator in the Enforcement of this Ordinance.
- B. Hear and rule on appeals from the County’s Minimum Housing and Nonresidential Code.
- C. Rule on matters concerning nonconforming uses as to their continuance or discontinuance, expansion, reconstruction, and in general compliance.
- D. Rule on matters related to the County Water Supply Watershed Management and Protection Ordinance regarding High Density developments, appeal of the Watershed review Officer’s decision, and hear request for variance for the County Water Supply Watershed Management and Protection Ordinance;
- E. Hear and rule on appeals and variance requests from the County’s Flood Damage Prevention Ordinance.

- F. The official who made the decision or the person currently occupying that position if the decision-maker is no longer employed by the County shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matter stated in a notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

9.4 APPEALS

The Board of Zoning Adjustment shall hear and decide from decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development pursuant to all of the following:

- A. Any person who has standing under NC GEN STAT 160D-1402 or the County may appeal a decision to the Board of Zoning Adjustment. The notice of appeal shall state grounds for the appeal.
- B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the subject property owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. In the absence of evidence to the contrary, notice given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- C. The owner or other party shall have thirty (30) days from the receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- D. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the Board of Zoning Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Zoning Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for development approvals to use such property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

- E. The official who made the decision or the person currently occupying that position if the decision-maker is no longer employed by the County shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

9.5 VARIANCE

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Zoning Adjustment shall vary and of the provisions of the Zoning Regulation upon a showing of all of the following:

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

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. No change in permitted uses may be authorized by a variance. If the board denies a variance request, the board shall enter the reason for its action is taken. In the event of a denial, the Board of Zoning Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

ARTICLE X CHANGES AND AMENDMENTS

10.1 SUBMISSION OF AMENDMENTS AND CHANGES

The Board of Commissioners may amend, supplement, change, modify, or repeal the provisions, or the ordinance, the including but not limited to: its regulation of or the number, area, boundaries and classifications of the zoning districts, upon petition, recommendation of the Planning Board, or on its own motion, after public notice and hearing as provided by law. No amendment shall become effective unless and until it is first submitted to, considered by and reported on from the Planning Board and thereafter approved by the Board of Commissioners. The following provisions shall govern submissions for amendment of this ordinance.

- A. **Submission of Petition:** Petitions for amendments to this ordinance shall be submitted in the form prescribed by the Community Development Administrator. Submissions by the Board of Commissioners or the Planning Board on its own initiative shall state the proposed amendment succinctly. When a petition for rezoning is made by a person other than the tax record property owner, local government entity, or authorized agent, the application must provide certification that the property owner has received actual notice of the petition and a notice of the legislative hearing. Third-party down-zoning are prohibited unless initiated by the governing board.
- B. **Schedule for Legislative Hearing:** All petitions for amendments may be set for legislative hearing to be considered for recommendation by the Planning Board, and then shall be heard at a legislative hearing and decided by the Board of Commissioners according to their adopted regular meeting schedule.
- C. **Revisions to Petitions:** Once the initial review of the petition for amendment has been reviewed by the Community Development Staff, and the petition is found to be inaccurate, incomplete, or requires revision, or if the applicant of his own accord desires to make a change in the application for the petition, the petition may be rescheduled to the next available scheduled hearing.

10.2 NOTICE AND LEGISLATIVE HEARING

No amendment shall be adopted by the County Commissioners until and after public notice and hearing. Notice of legislative hearing shall be published at least once a week for two successive weeks prior to the hearing in a newspaper published in Robeson County.

- A. When a zoning map amendment is proposed, the county shall prominently post a notice of the legislative hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested person.
- B. The notice, consisting of white placard, 18 ½" x 24", with red letters is to be posted on the affected property 10 days, but not more than 25 days prior to the legislative notice hearing to consider the zoning map amendment.

10.3 COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Upon submission of a complete petition of amendments of this ordinance, the Community Development Staff shall review the petition and the request and make a recommendation to the Planning Board. The Staff shall take into consideration, among other related issues, the following factors when considering criteria for their recommendations:

- A. The appropriateness of the request in relation to, and the request's consistency with the current Land Use Plan and adopted land use policies for the subject area;
- B. The availability of public services, to include utilities, schools, fire, police, recreation, etc.;
- C. The suitability of the request as related to the nature of the surrounding land area and any foreseeable effects on the surrounding area;
- D. The policies of the Planning Board and Board of Commissioners in similar cases;
- E. The effect of the request regarding environmental concerns;
- F. Any changed conditions or circumstances in the area of the proposed change since any previous zoning action
- G. Whether the proposed amendment would correct an inadvertent mistake; and
- H. The reasonableness of the proposed request for all small-scale rezoning.

10.4 PLANNING BOARD HEARING AND RECOMMENDATION

- A. The Planning Board, upon receipt of a proposed amendment, by petition or otherwise, and upon a recommendation from the Community Development Staff, shall consider each proposed amendment and may hold legislative hearing, public notice of which shall be given for such consideration. Minutes of each hearing shall be kept in writing. Upon petition or other proposal for an amendment of the ordinance for the purpose of changing the classification of an existing district or part thereof, the Planning Board may consider amending the ordinance to provide a classification or reclassification other than that specifically requested or recommended, provided that the notice to landowners and notice of legislative hearing state that classifications or reclassification other than that requested may be considered.
- B. Following consideration of proposed amendments, supplements, changes, modifications or repeal of provisions of this ordinance, the Planning Board shall report all proposals it has considered to the Board of Commissioners along with a statement addressing consistency of the request with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable and with its recommendation thereon. Failure of the Planning Board to make a report and recommendation within 30 days after hearing a petition for a specific amendment shall constitute a favorable report and recommendation for such amendment.
- C. A Planning Board member shall not vote on any zoning amendment recommendations if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

10.5 BOARD OF COMMISSIONERS' HEARING AND FINAL DISPOSITION

- A. Upon receipt of reports and recommendations from the Planning Board concerning proposed amendments, supplements, changes modifications or repeals provisions of this Ordinances, the Board of Commissioners shall schedule a legislative hearing, upon notice to landowners of proposed action and notice of the legislative hearing as required by law, and therefore shall approved or deny the proposed action. A failure to approve a proposed action shall constitute a denial of the proposal.
- B. The Board of Commissioners may approve an amendment of this ordinance to provide a classification or reclassification of a zoning district of a zoning district or part thereof, other than that specifically requested by a petitioner, provided that the notice to landowners and the notice of legislative hearing required by law states that classifications or reclassification other than that requested will be considered and further provided that the Planning Board has considered other such classification or reclassification and reported on them to the Board of Commissioners. If such notice or such consideration has not been accomplished, The Board of Commissioners shall refer its proposal to amend this ordinance in a way other than that proposed by the petitioner to the Planning Board for further action in accordance with this ordinance.

- C. To approve any amendment supplement, change, modification or repeal of any provisions of this ordinance, the Board of Commissioners shall address in a brief statement the consistency of the action with any officially adopted comprehensive plan; and make a finding and determination, entered in the minutes of the meeting, that such action is reasonable, neither arbitrary or unduly discriminatory and in the public interest.
- D. A governing board member (Board of Commissioner) shall not vote on any legislative decision regarding a development regulation pursuant to Chapter 160D where the outcome of the matter being considered is reasonably likely to have a direct substantial, and readily identifiable impact on the Commissioner. A Commissioner shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the Commissioner has a close familial, business, or other associational relations, If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

10.6 PETITIONS FOR AMENDMENTS LIMITED: REAPPLICATIONS LIMITED

After the initial zoning process in a zoning area, an initial petition to amend this ordinance so as to reclassify property in that area may be submitted at any time. After the first such petition has been submitted, regardless of the outcome thereof, no subsequent petition, by the same or other persons, to reclassify the same property or any portion thereof, whether in conjunction with other property or not, shall be considered earlier than one full calendar year after the date of the last legislative hearing before the Board of Commissioners on the most recent prior application to reclassify such property or portion thereof. A petition to amend this ordinance so as to reclassify property may be withdrawn without establishing a new one-year time limit only by a written instrument submitted to the Community Development Administrator prior to the first official notification to the public concerning the petition. If the instrument withdrawing a petition to reclassify property is received after such first notification of the public, the withdrawal shall be effective, but the subsequent petition to reclassify the same property or part thereof, as set forth above, shall not be considered earlier than one full calendar year after the date of the receipt of the withdrawal instrument. The foregoing time limits on petitions to reclassify property shall not apply to amendments of any nature initiated by the Planning Board or Board of Commissioners.

ARTICLE XI

SPECIAL USE PERMIT

11.1 OBJECTIVES AND PURPOSE

The development and execution of this Ordinance is based upon the division of the County into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, or the impact of those uses upon neighboring land and of the public need for the particular location. Such special uses fall into two categories:

- A. Uses publicly operated or traditionally affected with a public interest.
- B. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

11.2 PROCEDURES

Special Use Permits shall be granted by the Robeson County Board of Commissioners as permitted for only those uses enumerated in **Section 4.3, Use Matrix** as Special Uses. Uses specified as a Special Use in **Section 4.3** shall be permitted only upon the issuance of a Special Use Permit by the Board of Commissioners.

The owner or owners of all property include in the petition for a Special Use permit shall submit a complete application and a detail site plan (drawn in accordance with the specifications listed in **Section 2.5**) to the Community Development Staff. The Staff will schedule the application to be heard by the Planning Board then the Board of Commissioners.

Developers are encouraged to discuss their Special Use plans with the Community Development Staff before submission. The staff shall assist the developers upon request by reviewing Special Use plans to ensure that the technical requirements of this ordinance are met before submission to the Board.

All applications and site plans shall provide information indicating compliance with the developments for individual uses as listed in **Article V** of this ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provided to the contrary.

11.3 CONSIDERATION OF APPLICATION

- A. The Planning Board shall consider the application, site plan and other evidence presented in accordance with this article, and make no recommendations to grant or deny the Special Use Permit request for the Commissioners.
- B. The Board of Commissioners shall consider the applications, site plan, and other evidence presented in accordance with this article, and may grant or deny the Special Use Permit requested. In granting a Special Use Permit shall find that:
1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;
 2. The use meets all required conditions and specifications;
 3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
 4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Robeson County's most recent Land Use Plan, either comprehensive or a detailed area plan.

11.4 FINAL DISPOSITIONS

In granting approval of a Special Use permit, the Board of Commissioners shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare and public interest and as authorized under N.C. GEN STAT. 160D. The applicant/landowner must give written consent to all imposed conditions. In granting a Special Use Permit, The Board of Commissioners may give due consideration to one or all of the following:

1. The compatibility of the proposal in terms of both use and appearance, with the surrounding neighborhood;
2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and building in the surrounding area and neighborhood;
3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area;
4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels and weight-bearing limitations;
5. The added noise level created by activities associated with the proposed use;

6. The requirements for public services where the demands of the proposed use are in excess of the individual demands of the adjacent land uses, in terms of police and fire protection, and the presences of any potential or real fire hazards created by the proposed use;
7. Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel;
8. The impact of night lighting in terms of intensity, duration and frequency of use, as it impacts adjacent properties and in terms of presence in the neighborhood;
9. The impact of the landscaping of the proposed use, in terms of maintained landscaped areas, versus areas to remain in a natural state, as well as the openness of landscaped area, versus the uses of buffers, and screens;
10. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas, and service areas, in terms of noise transfer, water runoff, and heat generation;
11. The availability of public facilities and utilities;
12. The harmony in scale, bulk, coverage, function and density of the proposed development and compliance with the development standards of the individual uses; and
13. The reasonableness of the request as compared to the purpose and intent of the most recent Land Use Plan, this ordinance, and adopted policies, for the physical development of the district, and protection of the environment.

All such additional conditions imposed on the permit by the Board of Commissioners shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. The specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors, and assigns.

If the Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Commissioners shall not consider resubmission of the application for the same Special Use Permit on the same property without a substantial material change concerning the property and the application.

11.5 RECORDATION

Once a Special Use Permit is granted by the Robeson County Board of Commissioners, the applicant has thirty (30) days from the date of issuance to sign and return the document to the Robeson County Community Development Administrator for redecoration at the Robeson County Register of Deeds.

11.6 EXPIRATION

In any case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let or in absence of contracts that the main building is under construction to a substantial degree; or that per-requisite conditions involving substantial investment are contracted for, in substantial development; or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.

11.7 MODIFICATIONS TO PLANS.

The Board of Commissioners shall review any change, enlargement or alteration in site plans submitted as a part of a Special Use application, and new conditions may be imposed where finding required. The Community Development Staff may approve minor modifications of the approved plans, provided that the changes do not materially alter the original plan as approved, and the intent and objectives of the original approval are not deviated from.

11.8 NONCOMPLIANCE

If for any reason any condition imposed pursuant to this section is found to be illegal or invalid, the Special Use Permit shall be null and void and of no effect, and the Community Development Staff shall institute proceedings for the case to be reheard by the Board of Commissioners.

Compliance with all the conditions of a Special Use permit is an essential element of the Special Use Permit continued validity and effectiveness. If the Community Development Administrator shall determine that a permittee has failed to comply with a condition of an approved Special Use Permit, they shall so notify the permittee or the permittee's successor in interest and shall place the matter on the Board of Commissioners agenda for the Board's decision whether or not to revoke the Special Use Permit. Such hearing shall be on reasonable written notice to the permittee or the permittee's successor in interest and shall be a quasi-judicial proceeding according to quasi-judicial procedures. The decision of the Board of Commissioners shall be a final decision, and a decision to revoke the Special Use Permit may be appealed to the Superior Court of Robeson County within thirty (30) days after the permittee or the permittee's successor in interest has been served with written notice of the Board of Commissioners decision. Services by personal delivery, electronic mail or certified mail, return receipt requested, or a certified copy of the Board of Adjustment's approved minutes for its meeting at which such decision is made, may constitute written notice and service of the Board of Commissioners decision hereunder.

11.9 FAILURE TO COMPLY WITH PLANS/NOTIFICATION OF ADJACENT PROPERTY OWNERS

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

11.10 HEARING

- A.** The applicant, the local government and any person who would have standing to appeal the decision under G.S. 160D-1402(d) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal, the standing of a party, or the inclusion or exclusion of administrative material may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board.
- B.** The Board of Commissioners shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted written request for a copy, prior to the date the decision becomes effective. The clerk to the board shall certify that proper notice has been made and the certificate shall be deemed conclusive in the absence of fraud.

11.11 REQUIRED VOTE

- A.** The concurring vote of four-fifths of the Board of Commissioners shall be necessary to grant a Special use permit. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant position on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

B. A member of the board exercising quasi-judicial functions pursuant to this Chapter 160D shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation at or prior to the hearing or vote on the matter and that member does not recuse himself or herself, the remaining members shall majority vote rule on the objection

11.12 REVERSAL/REVOCAION OF DECISION

After a hearing has been held and approval granted, the Board of Commissioners may reverse or revoke any decision in the same manner as was required for the approval finding that:

- A. The approval was obtained by fraud;
- B. The use for which such approval was granted is not being executed;
- C. The use for which such approval was granted has ceased to exist or has been suspended for one calendar year or more;
- D. The permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval;
- E. The permit granted is in violation of an ordinance or statute; or
- F. The use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

11.13 APPEAL OF FINAL DECISION

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to N.C. GEN STAT 160D-1402. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision A of this sub-section. Where first-class mail is used to deliver notice, three days shall be added to the time to file the petition and the notice shall be presumed to be delivered to the recipient.

ARTICLE XII VESTED RIGHTS

12.1 VALIDITY

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

12.2 VESTED RIGHTS

For purposes of vesting development rights, this ordinance incorporates by reference the provisions set forth in NC GEN STAT. 160D-108; to include site-specific vesting plans.

If an application is submitted for a development approval and a development regulation changes between the time the application was submitted and a decision for approval was rendered, the applicant may choose which version of the development regulation will apply to the development approval. If the applicant shall not be required to await the outcome of the amendment to the development regulation(s) prior to acting on the development approval. If the application is delayed or placed on hold for six consecutive months, the permit choice rule is waived and the application must meet the development regulations in place at the time the consideration of the application is resumed.

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights or expectations in the continuation of any particular use, district, zoning classification, or other permissible activities herein; and the same are all hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

12.3 RUNS WITH THE LAND

A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right under this section, all successors to the original landowners shall be entitled to exercise such rights.

12.4 VIOLATIONS

- A. **Statutory Authority.** This ordinance may be enforced by any appropriate equitable action, including but not limited to, injunction and abatement, in addition to any other remedy authorized by N.C. GEN STAT. 153A-123.
- B. **Notice of Violation.** If a Code Enforcement Officer finds that any provision of this ordinance is being violated, the Code Enforcement Officer shall cause to be served upon the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval by personal delivery, electronic delivery, or first-class mail, a notice of violation. The notice of violation may be posted on the property. The person providing the notice of violation shall certify that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. The notice of violation shall indicate the nature of the violation and order the action necessary to correct it. The notice of violation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the Board of Adjustment within ten days from the date of service of the notice of violation.
- C. **Responsible Parties.** The owner, lessee, tenant or occupant of any building or land or part thereof any architect, builder, contractor, agent or any other person who participates in assists, directs, creates or maintains any violation of the provisions of this ordinance may be held responsible for the violation and be liable for the penalties and be subject to the remedies provided in **Section 12.5** below
- D. **Separate Offense.** Each day that any violation continues after notification by the Code Enforcement Officer that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified herein.
- E. **Appeal of Notice of Violation.** If the offender files notice of appeal to the Board of Zoning Adjustment within the ten-day time period, the appeal shall stay the collection of the penalty so imposed as well as the corrective action prescribed in the citation. Appeals to the Board of Zoning Adjustment shall be administered as provided in **Article X**; however, the time for perfecting the appeal shall be ten days as herein before stated. A violation of this ordinance may not be appealed to the Board of Zoning Adjustment if the offender did not perfect an appeal to the Board of Zoning Adjustment within the ten-day time period set forth herein.
- F. **Emergency Enforcement.** Notwithstanding the forgoing, in cases where delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Code Enforcement Officer may seek enforcement of this ordinance without prior written notice by invoking any of the penalties or remedies herein authorized.

12.5 PENALTIES

A person who violates any of the provisions of this ordinance, or who shall violate or fail to comply with any other made thereunder or who shall falsify plans or statements filed thereunder, or who shall continue to work upon any structure after having received written notice from the Community Development Administrator to cease work, shall be subject to revocations of any permits and shall be guilty of a misdemeanor and punishable by a fine not to exceed **one hundred fifty dollars (\$150.00)** each day such shall constitute a separate offense. Notice is sufficient if directed to such owner, the agent contractor, and left at his last known place of business.

ARTICLE XIII
INTERPRETATIONS & DEFINITIONS

13.1 INTERPRETATIONS OF COMMON TERMS AND WORDS

For the purpose of interpreting certain words or terms contained within the ordinance, the following shall apply:

- A. Words used in the present tense shall include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular.
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "person" includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual
- E. The word "lot" shall include the words "piece," "parcel," "tract," or "plot."
- F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

13.2 DEFINITIONS

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

Abutting: Having property or district lines in common, i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street alley, railroad right-of-way, or stream.

Access: A way of approaching or entering a property. Access also includes ingress, the right to leave.

Accessory Building or Use: A building or use, not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building or use, except as may be specifically provided elsewhere in the Ordinance;
- B. Clearly incidental to subordinate in area and purpose to, and serve the principal use; and,
- C. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Addition (to an existing building): means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Administrative Decision: Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective of objective standards set forth in local government development regulations.

Administrative Hearing: a proceeding to gather facts needed to make an administrative decision.

Billboard: See "Off-Premises Sign," under "Signs."

Board of Adjustment: A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the Community Development Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

Board of Commissioners: The governing body of Robeson County.

Bona Fide Farm: Any tract of land where the land is use for the production of and activities relating to or incidental to, the production of crops, fruits, vegetables, ornamental, and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Buffer, Screening: An opaque fence, wall, berm hedge or other natural planting, or a combination thereof, which will restrict the view from adjoining streets and/or abutting properties.

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

Building Accessory: A subordinated building, the use of which is customarily incidental to that of a principal building on the same plot.

Building Height of: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building.

Building Principal: A building in which is conducted the principal use of the ploy on which it is situated.

Campaign Season: Shall be a period of time beginning with the date of advertisement of a public election with regards to an issue or issues or with the first day of a filing period with regards to an individual filing public office and ending on the first day of the month following the election or any runoff that may be held.

Campaign Signs: Shall be a sign with writing, pictures or other form of communication on one or both side whereupon and individual candidate or group of candidates seeking election to public officer is advertised or whereupon support for or against an issue or group of issues is advertised.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A. Burial park for earth interment;
- B. A mausoleum; or
- C. A columbarium.

Close familial relationship: For purposes of conflict of interest, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term also includes the step, half, and in-law relationships.

Comprehensive Plan: Land-use plan, small area plans, neighborhood plans, transportation plans capital improvement plan, and any other plans regarding land use development that have been officially adopted by the governing board.

Convenience Store: A small retail business that stocks a range of everyday items such as coffee, groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers and magazines.

Decision-Making Board: A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions.

Density: The average number of families, person, housing units, or buildings per unit of land.

Density, Gross: The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, taking into account the entire area of the tract or parcel.

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

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

Development: The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site or demolition of any structure.

Development Approval: an administrative or quasi-judicial approval.

Development Regulation: A local act or charter that regulates land use or development.

Dwelling: A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Multiple Family: A residence designed for or occupied by two or more families consisting of two or more dwelling units.

Dwelling, Single Family: A detached residence designed for or occupied by one family only and consisting of one dwelling unit.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping eating, cooking and sanitation.

Easement: A right given or reserved by the owner of land for specific limited use of that land.

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

Governing Board: The Board of County Commissioners.

Gross Floor Area: Floor area calculated irrespective of interior walls or closets.

Grocery Stores: A store primarily engaged in retailing a general range of food products.

Group Homes: A home with support and supervisory personnel, some or all of whom are nonresident, that provides room and board, personal care and rehabilitation services in a residential environment for not more than six (6) resident handicapped persons 24 hours a day, seven days a week.”

High Density: Areas characterized by residential development which is other than single-family homes or duplex development.

Home Occupation: Any occupation customarily conducted for profit within a Dwelling Unit and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes.

Hypermarket: A big-box store combining a supermarket and a department store

Legislative Decision: The adoption, amendment or repeal of a regulation.

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

Lot: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory building(s) together with such yards, open spaces, lot width, and lot area as are required by this Ordinance and having not less than the minimum required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, Depth of: The average horizontal distance between front and rear lot lines.

Lot of Record: A lot which is part of a subdivision, a plat of which has been corded in the Office of the Register of Deeds of Robeson County, or a lot described by metes and bounds, the description of which has been recorded. The recording of the lot by either means shall have preceded the adoption of zoning district regulations.

Lot, Width of: The average horizontal between side lot lines measured at the front line of the building of proposed building.

Manufactured Home/Mobile Home: A manufactured building designed to be used as a single-family dwelling unit, which has been constructed and labeled indicating compliance with the HUD standards

Medium Density: A residential development containing three or more dwellings on one site as allowed by Robeson County.

Mobile Home Park: Mobile Home Park is a parcel or tract of land developed with facilities for locating three (3) or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sale lot in which automobiles or unoccupied mobile homes are parked for the purpose of inspection or sale.

Nonconforming Building: A building which is situated on a lot in such a manner that it does not meet the yard requirements of the Zoning District.

Nonconforming Land: A lot which does not meet the minimum area requirements of the Zoning District in which it is located.

Nonconforming Use: A legal use of a Building and/or land that antedates the adopting of these regulations and does not conform to the regulations for the zone in which it is located.

Nuisance: Anything that unreasonably interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Overlay Plan: A plan which is applied over a previously established area(s), establishing additional, stricter standards and criteria for a predetermined area(s).

Parking Space: The storage space for an automobile not less than 8 feet by 20 feet and the necessary access space of 15% of the total parking area.

Planning Board: The Robeson County Planning Board created by and with members appointed by the County Board of Commissioners for purposes of offering recommendations to the Commissioners on planning and land use matters specifically delegated to the board by the Commissioners.

Plat: A map usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this ordinance, the County Subdivision Ordinance, and other applicable ordinances.

Quasi-Judicial: A hearing where the decision is involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of this regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificate of appropriateness and appeals of administrative determinations.

Real Estate Sale Signs: Shall be a sign for a specific lot, building or premises for sale, lease or rent.

Setback: the required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right of way in the front and property lines on the remaining portions of the property.)

Sign: Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combinations thereof, by which anything is made known and which is designed to attract attention and/or convey a message.

Sign, Height: The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within the ordinance. In the case of a sign not adjoining a street or highway, the "height of a sign" is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

Sign, Double-Faced Outdoor Advertising Sign: Any outdoor advertising sign structure laced back to back with a distance between the backs of the signs of not greater than three (3) feet.

Sign, Mechanical/Digital Sign: Any sign with changeable copy and the message changes in increments of at least eight seconds shall be considered as a "sign" under this article.

Sign, On-Premise: Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, profession, commodity, attraction, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at location on the premises where the sign is located or to which it is affixed.

Sign, Off-Premises (Outdoor Advertising – Billboard): A sign which directs attention to a business, commodity, service, entertainment, or other message not conducted, sold, or offered on the premises where such sign is located.

Sign, V-Shaped Outdoor Advertising Sign: Any outdoor advertising sign constructed with surfaces upon which copy is placed facing two (2) directions forming a "V" with an angle no greater than forty-five (45) degrees and such surfaces separated by a distance no greater than five (5) feet.

Site Plan: A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, building, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height, and floor area, setbacks from lot lines, and street right-of-way, intensities, densities, utility lines, and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Site-Specific Vesting Plan: A plan used to determine development vested rights. This plan can include, but is not limited to, a subdivision plat, a site plan, a preliminary, or general development plan, a special use permit, a conditional zoning or any other development approval as recognized by the County.

Solar Farm: A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site.

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

Subdivision: all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, with certain modification.

Supermarket: a self-service shop offering a wide variety of food, beverages, and household products, organized into sections. (aisles for meat, fresh produce, dairy, and baked goods.)

Street: A public thoroughfare, which affords principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including advertising signs.

Temporary: Anything temporary is to exist less than six (6) months or less.

Temporary Campaign Signs During Campaign Season: For the purpose of advertising a candidate for public office or an issue which has an election date scheduled, signs promoting the candidate and/or issue any be permitted in all zoning districts provided any sign larger than eight (8) square feet requires a temporary sign permit and no sign not otherwise permitted by this zoning ordinance shall be allowed in excess of thirty-two (32) square feet in area.

Temporary Real Estate Sales Signs and Campaign Signs During Campaign Season: The advertising by use of temporary real estate signs or temporary campaign signs for candidates for public office and/or for or against the support of an issue scheduled for public election are permitted when said signs do not exceed eight (8) square feet in area and provided said sign shall be set back at least five (5) feet from any property line. Provided further that with regards to campaign signs, they shall be permitted only during a campaign season.

Use: Any continuous or continual occupation or activity taking place upon a parcel of land including, but not limited to, the location of tents or trailers or the storage of cars, machinery, or other materials, provided the use is not determined to be a nuisance.

Variance: A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

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

Yard, Front: An open space on the same lot with a building located between the front line of the building (exclusive of steps) and the front property line or street right-of-way line and extending across the full width of the lot.

Yard, Rear: An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot extending the full width of the lot and which may be used for accessory buildings.

Yard, Side: An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

Zoning Administrator: The Official charged with the Enforcement of the Zoning Ordinance. As known as Community Development Administrator.

Zoning Map Amendment or Rezoning: An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by a local government or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction.