

# ZONING ORDINANCE

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SAMPSON COUNTY, NORTH CAROLINA

*Prepared by:*



Adopted by Sampson County Board of Commissioners  
October 4, 2004

Effective Date  
October 4, 2004

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## **SECTION 1. LEGAL PROVISIONS**

### **1.1 PURPOSE**

In order to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to promote the public health, safety, and welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the efficient and adequate provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of buildings; to protect the public water supply, and encourage the most appropriate use of land throughout the planning and zoning jurisdiction in accordance with a comprehensive land use plan of Sampson County, there is hereby adopted and established an official Zoning Ordinance of Sampson County, North Carolina. *(ZA-1-06-1)*

### **1.2 AUTHORITY AND ENACTMENT**

This Zoning Ordinance is hereby adopted and enacted pursuant to the authority vested in Sampson County by Chapter 153A, Article 18, Part 3. Zoning of the General Statutes of North Carolina.

### **1.3 TITLE**

This Ordinance shall be known as the “Zoning Ordinance, Sampson County, North Carolina.”

### **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 Sampson County. The official zoning map(s) will be on file in the office of the Planning Department.

### **1.5 BONA FIDE FARMS EXEMPT**

The provisions of this Ordinance shall not apply to bona fide farms (defined in Sec. 12 of this ordinance). This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons 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 use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

### **1.6 MINIMUM REQUIREMENTS**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open space than is imposed or required by other ordinance, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

### **1.7 SEVARABILITY**

If any Article, Section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of County Commissioners hereby declares that it has passed this Ordinance and each Article, Section, clause, and phrase thereof, irrespective of the fact that any one (1) or more Articles, Sections, sentences, or phrases be declared invalid by the courts.

### **1.8 COMPREHENSIVE LAND USE PLAN**

The comprehensive land use plan adopted by the Board of Commissioners of Sampson County indicates desired development patterns for the County. The land use plan should be used as a guide for the application of this ordinance to land within the areas covered, any ordinance amendments, as well as for the provision of public services.

**1.9 VESTED RIGHTS**

A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the Planning Board. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan or the phased development plan including any amendments thereto. The Board may approve a site specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. The Planning Board shall not require a landowner to waive his vested rights as a condition of developmental approval. A site-specific development plan or a phased development plan shall be deemed approved upon the effective date of the Board's action. A right, which has been vested, shall remain vested for a period of two years.

A vested right, once established, precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan or an approved phased development plan except:

- A. With written consent of the affected landowner.
- B. Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if not corrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan or the phased development plan.
- C. To the extent that the affected landowner receives compensation for all costs, expenses, and losses incurred.
- D. Upon findings that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations, which made a difference in the approval by the town of the site specific development plan or the phased development plan; or
- E. Upon the enactment of a State or Federal law or regulation which precludes development as contemplated in the site specific development plan or the phased development plan.

**1.10 EFFECTIVE DATE**

This Ordinance and its provisions governing the use of land, buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from the passage date and the determined effective date.

Approved and adopted by the Board of Commissioners this 4<sup>th</sup> day of October and shall become effective on and from.

  
 Chairman, Board of Commissioners

ATTEST: \_\_\_\_\_  
Clerk

## **SECTION 2. APPLICATION AND ENFORCEMENT**

### **2.1 APPLICATION**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Ordinance.

### **2.2 ENFORCEMENT**

#### **A. ZONING OFFICER**

The Board of Commissioners or County Manager shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer will keep records of all variances and amendments to this ordinance. The assistance of such other persons may be provided as the Board of Commissioners or County Manager may direct.

If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of such violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance 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 Zoning Officer, 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 Zoning officer for permitted uses and uses permitted with conditions.
- 2) A special use permit is issued by the Planning Board.

*The Building Inspector cannot issue a Building Permit unless zoning compliance is certified.*

A record of all certificates shall be kept on file in the office of the Zoning Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

#### **C. SITE PLAN REQUIREMENTS**

Permitted Uses with Conditions and Special Uses require a Site Plan Review by the Sampson County Planning Department prior to the issuance of a Zoning Permit, Watershed Permit or Building Permit. Permitted Uses may require a site plan review upon the request of the Zoning Officer. The Site Plan shall consist of two (2) sets of plans drawn to an engineering scale, one (1) of which shall be returned to the applicant upon approval. The Site Plan shall contain the following:

- 1) The shape and dimensions of the lot on which the proposed building is to be erected;
- 2) The location of said lot with respect to adjacent rights-of-way;
- 3) The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
- 4) The nature of the proposed use of the building or land, including the extent and location of the use;

- 5) The location and dimensions of off-street parking and loading space and means of ingress and egress;
- 6) The location of all required buffers;
- 7) Required Driveway Permits from the Department of Transportation;
- 8) A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources.
- 9) Any other information, which the Zoning Officer may deem necessary for consideration in enforcing all provisions of this Ordinance.
- 10) Prior to approval of the Site Plan, the Zoning Officer may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

No permanent power will be authorized and no Certificate of Occupancy will be issued until all the above items are provided and the Zoning Officer deems the Site Plan complete, and an "as built plan" is submitted.

#### **D. TEMPORARY CERTIFICATE**

The Zoning Officer may issue a temporary Certificate of Zoning Compliance for rallies, carnivals, religious revivals, and similar temporary uses. Such certificates shall be issued for a fixed period of time, but not to exceed fifteen (15) days, shall be subject to such limitations as the Zoning Officer may impose to protect the character of the district affected, and may be considered for reapplication. A fee set by the Board of Commissioners shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Planning Department and the office of the Zoning Officer and his/her designee.

#### **E. RIGHT OF APPEAL**

If the Certificate of Zoning Compliance is denied, the applicant may appeal the action of the Zoning Officer to the Board of Adjustment; and that from the decision of the Board of Adjustment, recourse shall be the Sampson County Superior Court as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of Board of Commissioners in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment, or repeal of the Ordinance as provided by law.

#### **F. PENALTY**

The Zoning Officer will notify any person, firm, or corporation of a suspected violation of this ordinance in person or in writing. Any person, firm, or corporation who violates the provisions of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding five hundred (\$500) dollars and/or imprisoned not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

#### **G. REMEDIES**

In any case where a building is created, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this Ordinance, the Zoning Officer, or any other appropriate County authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

#### **H. 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 Zoning Officer. The Zoning Officer shall record properly such complaint, investigate within ten (10) days, and take action as provided in these regulations.

## **I. CANCELLATION OF PERMITS**

The Zoning Officer through the Sampson County Inspections department shall cancel a building or occupancy permit when the method of construction or use violates any provisions contained in these regulations.

## **J. VIOLATIONS MUST BE RESOLVED PRIOR TO PERMIT ISSUANCE**

*No building permit, zoning permit, subdivision plat, rezoning request, special use request or variance request may be processed and/or issued when there is evidence that there is a violation of any of the above referenced codes on or in use upon the land and any portion thereof that is subject to the requested permit/approval. The permit/approval may be issued in cases where the issuance of the permit and/or approval would resolve the violation. If the permit/approval will not resolve the violation, the permit/approval shall not be issued until all violations are resolved and any fines levied are paid. In instances where evidence of a violation is noted after the acceptance, processing, and/or issuance of the permit/approval, all activity with regards to the processing of the application and/or inspections will cease until the property is brought into compliance and all fines levied are paid. No zoning permit will be issued except in conformity with the provisions of this ordinance, unless the department receives a written order from the Board of Adjustment in the form of an administrative appeal or variance as provided by this ordinance.*

## **SECTION 3. OFFICIAL ZONING MAP AND ZONING DISTRICTS**

### **3.1 ZONING MAP**

For the purposes of this Ordinance, Sampson County is hereby divided into zoning districts whose locations and boundaries are shown on the Official Zoning Map for Sampson County, which is hereby adopted by reference and declared to be a part of this Ordinance.

This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the County Planning Department and is available for inspection by the public.

The Zoning Officer or his representative shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Zoning Officer shall make the necessary changes on the Official Zoning Map within seven (7) calendar days of notification.

### **3.2 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility easements, or stream beds, or such lines extended, then such lines shall be construed to be such district boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where a district boundary line divides a lot in single ownership, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- D. Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- E. The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

### 3.3 ZONING DISTRICTS, DIMENSIONS AND REGULATIONS

In order that the purpose of this Ordinance may be accomplished, the planning and zoning limits of Sampson County, as set forth on the accompanying zoning map, is hereby divided into the following districts:

RA	Residential and Agricultural District	CON	Conservation District
R	Residential District	AO	Airport Overlay District
MRD	Mixed Residential District	FPO	Flood Plain Overlay District
I	Industrial District	C	Commercial District
HCO	Highway Corridor Overlay District		

#### 3.3.1 RA - RESIDENTIAL AGRICULTURAL DISTRICT

##### A. Intent:

The RA district provides an environment for residential use at densities that correspond with the available services and general farming operations as defined herein. It is intended to protect the agricultural sections of the community from an increase of urban density development that would make the land less suitable for farms and to protect residential development that is primarily dependent on private wells and septic tanks to insure a safe and healthy living environment. In addition, some uses that are necessary in a rural environment, which are nonresidential in nature may be allowed with conditions or by special use.

##### B. Permitted Principal Uses and Structures:

Accessory uses and structures (see general provisions)  
Agriculture (Bona fide farms)  
Airplane Hangers (as an accessory to an airport)  
Churches and their customary uses including childcare on premises, fellowship halls, playgrounds  
Dwelling, Single Family (including modular homes)  
Manufactured home, Class A, on individual lot  
Manufactured home, Class B, on individual lot  
Public utility distribution lines & easements (exempt from yard requirements)

##### C. Permitted Uses with Conditions (See Section 6. for additional development requirements):

Animal shelters and kennels  
Arenas, assembly and exhibition halls  
Athletic fields, recreation buildings, playgrounds (no commercial gain)  
Auction House  
Automobile Service (including, but not limited to, body shops, engine repair, garages, wrecker service, etc. Use does not include junk vehicle storage)  
Beauty and Barber Shops  
Bed and Breakfast Operations  
Cemeteries (*Amended 5/2008*)  
Clubs, lodges and community centers (Private, non-profit)  
Contractor/Construction Business (including but not limited to, general contractors, subcontractors, grading, landscaping, tree service, pool installation, and other similar trades)  
Day care homes (as home occupation)  
Day care facilities  
Dwellings, Duplexes  
Dwellings, Multifamily  
Family Care Facilities  
Feed Processing  
Funeral Homes  
Golf Course, Par 3  
Golf Courses, excluding miniature golf  
Greenhouse, nurseries and turf farms  
Home Occupations  
Manufactured Home Parks  
Mini-Warehouse/Storage Facility

Nursing and convalescent homes  
 Off-premises advertising signs (Billboards)  
 Outdoor Storage  
 Post Offices  
 Private Utilities (water and sewer)  
 Produce stands (for sale of produce grown on premises only in RA)  
 Public utility substations  
 Recreation, outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)  
 Restaurants (**ZA-2-06-1**)  
 Temporary construction buildings or mobile office (removed within 30 days of receiving certificate of occupancy)  
 Veterinary Clinics

**D. Special Uses (See Section 7. for additional development requirements):**

Airstrips, Private (generally including only one plane for airstrip owner - must meet AO requirements)  
 Automobile and other junk, wrecking or salvage yards  
 Automobile Sales  
 Automobile Service that will include Junk Vehicle Storage  
 Automobile, Wholesale (**ZA-12-12-1**)  
 Bulk Fuel Storage Facility  
 Camp or Care Centers  
 Campground, Public and Private  
 Farm Equipment Sales (**ZA-3-09-1**)  
 Firing Ranges  
 Go Cart and Motor Cross Tracks  
 Group Care Facility (**ZA-12-05-2**)  
 Horse Racing (**ZA-4-11-1**)  
 Landfill, demolition  
 Landfill, sanitary  
 Manufactured Home Storage and or repair yard  
 Mining (Quarrying or other Extraction Operations) (**ZA-9-09-1**)  
 Open Air Markets (**ZA-8-06-1**)  
 Private Schools (**ZA-6-08-7**)  
 Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers, Ambulance services, fire stations, hospitals and other similar uses  
 Radio and Television Studios  
 Recreation, Indoor (**ZA-5-08-1**)  
 Solar Farms (**ZA-8-12-4**)  
 Winery (**ZA-12-09-2**)  
 Wireless communications towers

**E. Dimensional Requirements (See Sections 6 & 7 for uses with conditions and special uses):**

Requirements	Public Water And Sewer	Public Water, No Public Sewer	No Public Water No Public Sewer
Minimum Lot Area in Square Feet	10,000 Sq. Ft.	25,000 Sq. Ft.	30,000 Sq. Ft.
Minimum Lot Width in Feet	110 ft.	110 ft.	110 ft.
Minimum Lot Depth in Feet	100 ft.	150 ft.	150 ft.
Minimum Setback Lines In Feet Front	35 ft.	35 ft.	35 ft.
Side	10 ft.	10 ft.	10 ft.
Side abutting Street	20 ft.	20 ft.	20 ft.

Rear	25 ft.	25 ft.	25 ft.
Maximum Building Height	40 ft.	40 ft.	40 ft.

**F. Parking and Loading: (Refer to Section 8)**

**G. Signs: (Refer to Section 9)**

**H. General Provisions: (Refer to Section 4)**

### 3.3.2 R - RESIDENTIAL DISTRICT

**A. Intent:**

The R district provides an environment for residential use at densities that correspond with the available services while protecting residential use from non-residential use that may create a public health, safety, or general welfare issue or nuisance. The district also protects residential development that is primarily dependent on private wells and septic tanks to insure a safe and healthy living environment.

**B. Permitted Principal Uses and Structures:**

- Accessory uses and structures (see general provisions)
- Agriculture (Bona fide farms)
- Churches and their customary uses including childcare on premises, fellowship halls, playgrounds
- Dwelling, Single Family (including modular homes)
- Public utility distribution lines & easements (exempt from yard requirements)

**C. Permitted uses with conditions (See Section 6. for additional development requirements):**

- Athletic fields, recreation buildings, playgrounds (no commercial gain)
- Cemeteries (*Amended 5/2008*)
- Clubs, lodges and community centers (Private, non-profit)
- Day care homes (as home occupation)
- Dwellings, Duplexes
- Dwellings, Multifamily
- Family Care Home
- Home Occupations
- Private Utilities (water and sewer)
- Public utility substations
- Temporary construction buildings or mobile office (removed within 30 days of receiving certificate of occupancy)

**D. Special Uses (See Section 7. for additional development requirements):**

- Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers, ambulance services, fire stations, hospitals and other similar uses
- Recreation, outdoor (including, but not limited to ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)

**E. Dimensional Requirements (See Sections 6 & 7 for uses with conditions and special uses):**

Requirements	Public Water And Sewer	Public Water, No Public Sewer	No Public Water No Public Sewer
Minimum Lot Area in Sq. Ft.	10,000 Sq. Ft.	25,000 Sq. Ft.	30,000 Sq. Ft.
Minimum Lot Width in Feet	110 ft.	110 ft.	110 ft.
Minimum Lot Depth in Feet	100 ft.	100 ft.	200 ft.

Minimum Setback Lines In Feet Front	35 ft.	35 ft.	35 ft.
Side	10 ft.	10 ft.	10 ft.
Side abutting Street	20 ft.	20 ft.	20 ft.
Rear	25 ft.	25 ft.	25 ft.
Maximum Building Height	40 ft.	40 ft.	40 ft.

**F. Parking and Loading: (Refer to Section 8)**

**G. Signs: (Refer to Section 9)**

**H. General Provisions: (Refer to Section 4)**

### 3.3.3 MRD – MIXED RESIDENTIAL DISTRICT

**A. Intent:**

The MRD district provides an environment for residential use at densities that correspond with the available services while protecting residential use from non-residential use that may create a public health, safety, or general welfare issue or nuisance. The district also protects residential development that is primarily dependent on private wells and septic tanks to insure a safe and healthy living environment.

**B. Permitted Principal Uses and Structures:**

Accessory uses and structures (see general provisions)  
 Agriculture (Bona fide farms)  
 Dwelling, Single Family (including modular homes)  
 Class A Manufactured Homes  
 Class B Manufacture Homes (*ZA-8-14-3*)  
 Churches and their customary uses including childcare on premises, fellowship halls, playgrounds  
 Public utility distribution lines & easements (exempt from yard requirements)

**C. Permitted uses with conditions (See Section 6. for additional development requirements):**

Athletic fields, recreation buildings, playgrounds (no commercial gain)  
 Cemeteries (*Amended 5/2008*)  
 Clubs, lodges and community centers (Private, non profit)  
 Day care homes (as home occupation)  
 Dwellings, Duplexes  
 Dwellings, Multifamily  
 Family Care Home  
 Home Occupations  
 Private Utilities (water and sewer)  
 Public utility substations  
 Temporary construction buildings or mobile office (removed within 30 days of receiving certificate of occupancy)

**D. Special Uses (See Section 7. for additional development requirements):**

Group Care Facility  
 Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers, ambulance services, fire stations, hospitals and other similar uses  
 Recreation, outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)

**E. Dimensional Requirements (See Sections 6 & 7 for uses with conditions and special uses):**

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
Minimum Lot Area in Sq. Ft.	10,000 Sq. Ft.	25,000 Sq. Ft.	30,000 Sq. Ft.
Minimum Lot Width in Feet	110 ft.	110 ft.	110 ft.
Minimum Lot Depth in Feet	100 ft.	100 ft.	200 ft.
Minimum Setback Lines In Feet Front	35 ft.	35 ft.	35 ft.
Side	10 ft.	10 ft.	10 ft.
Side abutting Street	20 ft.	20 ft.	20 ft.
Rear	25 ft.	25 ft.	25 ft.
Maximum Building Height	40 ft.	40 ft.	40 ft.

**F. Parking and Loading: (Refer to Section 8)**

**G. Signs: (Refer to Section 9)**

**H. General Provisions: (Refer to Section 4)**

### **3.3.4 C - COMMERCIAL DISTRICT**

**A. Intent:**

The Commercial District accommodates many commercial uses that are essential services that a community needs. It is important that each commercial district be located with appropriate traffic access and proper infrastructure to conduct the business. Each new request will be reviewed so that the business and its location will not be detrimental to the public health safety or general welfare.

**B. Permitted Principal Uses and Structures:**

Accessory uses and structures (see general provisions)  
 Agriculture (Bona Fide Farm)  
 Animal Shelters and Kennels  
 Arenas, Assembly and Exhibition Halls  
 Athletic Fields, recreation buildings, playgrounds (no commercial gain)  
 Auction House  
 Automobile Parts Sales  
 Automobile Rental or Leasing  
 Automobile Sales and Service  
 Automobile Service (including, but not limited to, body shops, engine repair, garages, wrecker service, etc. Use does not include junk vehicle storage)  
 Bakery  
 Bank  
 Beauty and Barber Shops  
 Bed and Breakfast Operations  
 Boat Sales and Service (outdoor storage in rear yard only & screened)  
 Car or Truck Wash  
 Cemeteries (*Amended 5/2008*)  
 Churches (*Amended/5/2012*)  
 Clubs, lodges and community centers (Private Non Profit)  
 Clubs and places of entertainment (commercial)

Contractor/Construction Business (including, but not limited to, general contractors, subcontractors, grading, landscaping, tree service, pool installation, and other similar trades)  
 Convenience Stores, including self-service gas pumps, coin operated car wash  
 Day Care Facilities  
 Driving Range  
 Drug Stores and Gift Shops  
 Dry Cleaning Establishments and Laundries  
 Farm Equipment Sales and Services  
 Feed and Seed Sales  
 Feed and Seed Sales (no outdoor storage)  
 Feed Processing  
 Funeral Homes  
 Golf Courses, Par 3  
 Golf Courses, excluding miniature golf  
 Golf Courses, miniature golf  
 Greenhouse and Nurseries and Turf farms  
 Hotels and Motels  
 Manufactured or Modular Home Sales Lots  
 Marina (fuel supplies)  
 Mini-Warehouse / Storage Facilities  
 Mixed commercial and residential use where commercial use is primary and both occupy the same structure or lot  
 Movie Theaters, not including outdoor “drive-ins”  
 Moving Companies  
 Nursing & Convalescent Homes  
 Offices - Business, Professional and Medical  
 Other Vehicle and Equipment Sales and Services, including farm equipment, trucks, motorcycles, motor homes and campers, and boats  
 Post Offices  
 Printing, Publishing and Binding Establishments  
 Private Utilities (water and sewer)  
 Produce Stands  
 Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers, ambulance services, fire stations, hospitals and other similar uses  
 Public Utility Distribution Lines & Easements (exempt from dimensional requirements.)  
 Radio and Television Studios  
 Recreation, Indoor (bowling alleys, skating rinks etc.)  
 Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)  
 Restaurants, including Drive-Ins and Fast Food  
 Retail Sales and other Establishments (not elsewhere listed)  
 Temporary Construction Buildings (must be removed within 30 days of receiving Certificate of Occupancy)  
 Vehicle Service Stations (including Car Washes)  
 Veterinary Clinics  
 Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards.

**C. Permitted uses with conditions (See Section 6. for additional development requirements):**

Camp or Care Centers  
 Campground, Public and Private  
 Dwellings, Duplex  
 Dwellings, Multi-Family including structures with three or more units (Apartments, condominiums -- See Requirements)  
 Dwellings, Single Family  
 Fuels Bulk Storage  
 Home Occupations  
 Outdoor Display  
 Outdoor Storage

Public Utility Substations

**D. Special Uses (See Section 7. for additional development requirements):**

- Adult Entertainment Establishment
- Airstrips, Private (generally including only one plane for airstrip owner -- Must meet AO requirements)
- Automobile and other Junk, Wrecking or Salvage Yards
- Automobile Service that will include Junk Vehicle Storage
- Electronic Gaming (*ZA-8-12-1*)
- Firing Range
- Manufactured Home Storage and or repair yard
- Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers,
- Ambulance services, fire stations, hospitals and other similar uses
- Solar Farms (*ZA-8-12-4*)
- Wireless Communications Towers

**E. Dimensional Requirements (See Sections 6 & 7 for uses with conditions and special uses:**

Requirements	Public Water And Sewer	Public Water, No Public Sewer	No Public Water No Public Sewer
Minimum Lot Area in Square Feet	40,000 Sq. Ft.	40,000 Sq. Ft.	40,000 Sq. Ft.
Minimum Lot Width in Feet	110 ft.	110 ft.	110 ft.
Minimum Lot Depth in Feet	200 ft.	200 ft.	200 ft.
Minimum Setback Lines In Feet Front	50 ft.	50 ft.	50 ft.
Side	15 ft.	15 ft.	15 ft.
Side abutting Residential Lot	30 ft.	30 ft.	30 ft.
Side abutting Commercial building and lot where the same building wall is shared with another commercial building and lot	0 ft.	0 ft.	0 ft.
Side abutting Street	30 ft.	30 ft.	30 ft.
Rear	25 ft.	25 ft.	25 ft.
Maximum Building Height	45 ft.	45 ft.	45 ft.

**F. Parking and Loading: (Refer to Section 8)**

**G. Signs: (Refer to Section 9)**

**H. General Provisions: (Refer to Section 4)**

**3.3.5 I - INDUSTRIAL DISTRICT**

**A. Intent:**

The purpose of the Industrial District is to promote and protect both existing and potential industrial sites which are considered suitable for industrial use and to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district, and to promote the operation of well planned and maintained industrial facilities.

**B. Permitted Principal Uses and Structures:**

Accessory uses and structures (see general provisions Section 4)  
Agriculture (Bona Fide Farm)  
Bottling Plants  
Clubs, lodges and community centers (Private Non-Profit)  
Contractor/Construction Business (including, but not limited to, general contractors, subcontractors, grading, landscaping, tree service, pool installation, and other similar trades)  
Feed and Seed Sales  
Feed Processing  
Food Processing and Packaging  
Industrial Uses (SEE DEFINITIONS)  
Lumber Yards  
Manufacturing (not listed elsewhere)  
Manufacturing, processing, storage, or commercial uses determined by the Planning Board not to be noxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, or toxic or noxious matter, glare or heat.  
Mini-Warehouse / Storage Facilities  
Moving Companies  
Offices - Business, Professional and Medical  
Private Utilities (water and sewer)  
Produce Stands  
Public Utility Distribution Lines & Easements (exempt from dimensional requirements.)  
Radio and Television Studios  
Temporary Construction Buildings (must be removed within 30 days of receiving Certificate of Occupancy)  
Textile Products Manufacturing  
Transportation and Freight Terminals  
Vehicle Service Stations (including Car Washes)  
Warehousing, Storage, and Distribution Facilities  
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards.

**C. Permitted uses with conditions (See Section 6. for additional development requirements):**

Dwellings, Single Family  
Fuels Bulk Storage  
Outdoor Display  
Outdoor Storage  
Public Utility Substations  
Renewable Energy Facility (*ZA-6-08-2*)  
Toxic Chemicals Processing or Disposal

**D. Special Uses (See Section 7. for additional development requirements):**

Airfields, General Aviation (Must meet AO District Requirements)  
Airstrips, Private (generally including only one plane for airstrip owner) (Must meet AO District Requirements)  
Extraction Operations  
Landfill, Demolition  
Landfill, Sanitary  
Mining (or Quarrying)  
Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers, Ambulance services, fire stations, hospitals and other similar uses  
Wireless Communications Towers

**3.3.5 I - INDUSTRIAL DISTRICT**

**E. Dimensional Requirements (See Sections 6 & 7 for uses with conditions and special uses): (*ZA-9-15-1*)**

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Water No Public Sewer</b>
Minimum Lot Area in Square Feet	108,750 Sq. Ft. (± 2.5 acres)	108,750 Sq. Ft. (± 2.5 acres)	108,750 Sq. Ft. (± 2.5 acres)
Minimum Lot Width in Feet	150 ft.	150 ft.	150 ft.
Minimum Lot Depth in Feet	250 ft.	250 ft.	250 ft.
Minimum Setback Lines In Feet Front	60 ft.	60 ft.	60ft.
Front (Inside an industrial park)	50 ft.	50 ft.	50 ft.
Side	40 ft.	40 ft.	40 ft.
** Side abutting RA or R Lot	60 ft.	60 ft.	60 ft.
Side abutting Street	75 ft.	75 ft.	75 ft.
Rear	60 ft.	60 ft.	60 ft.
** Rear abutting RA or R Lot	60 ft.	60 ft.	60 ft.
*Maximum Building Height when abutting I – Industrial or C – Commercial	90 ft.	90 ft.	90 ft.
Maximum Building Height when abutting RA, R, MRD or CON districts	50 ft.	50 ft.	50 ft.

\* In the I – Industrial District, building height may be up to 175 ft., when property to be developed is abutting only I – Industrial District zoned lots. **(ZA-6-08-3 - ZA-6-08-4)**

\*\* A 6 foot tall and 15 foot wide (at the time of planting) evergreen buffer must be planted and maintained along any adjoining property line which is within 250 feet of an existing occupiable residential structure. The buffer must extend the entire length of the industrial use developed area.

**F. Parking and Loading: (Refer to Section 8)**

**G. Signs: (Refer to Section 9)**

**H. General Provisions: (Refer to Section 4)**

### **3.3.6 CON - CONSERVATION DISTRICT**

**A. Intent:**

The purpose of the conservation district is to encourage preservation of and continued use of the land held in public or private conservation trusts or preserves for conservation purposes, to protect undisturbed open space, and to prohibit building and urban land use in the land areas subject to flooding that are not listed within the Flood Plain Overlay District.

**B. Permitted Principal Uses and Structures:**

Accessory uses and structures

Agricultural (bona fide farm)  
 Produce stands for sale of produce grown on premises only  
 Public utility distribution lines and easement

**C. Permitted uses with conditions (See Section 6. for additional development requirements):**

Athletic Fields, recreation buildings, playgrounds (no commercial gain)  
 Dwelling, Single Family  
 Golf Courses, Par 3  
 Golf Courses, excluding miniature golf  
 Greenhouse and Nurseries and Turf farms  
 Private Utilities (water and sewer)  
 Public Utility Distribution Lines & Easements (exempt from dimensional requirements.)  
 Public utility Substations  
 Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)  
 Temporary Construction Buildings or mobile office (must be removed within 30 days of receiving Certificate of Occupancy)

**D. Special Uses (See Section 7. for additional development requirements):**

Campground, Public or Private  
 Wireless Communications Towers

**E. Dimensional Requirements (See Sections 6 & 7 for uses with conditions and special uses):**

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
Minimum Lot Area in Square Feet	80,000 Sq. Ft.	80,000 Sq. Ft.	80,000 Sq. Ft.
Minimum Lot Width in Feet	110 ft.	110 ft.	110 ft.
Minimum Lot Depth in Feet	200 ft.	200 ft.	200 ft.
Minimum Setback Lines In Feet			
Front	50 ft.	50 ft.	50 ft.
Side	15 ft.	15 ft.	15 ft.
Side abutting Street	20 ft.	20 ft.	20 ft.
Rear	25 ft.	25 ft.	25 ft.
Maximum Building Height	35 ft.	35 ft.	35 ft.

**E. Parking and Loading: (Refer to Section 8)**

**F. Signs: (Refer to Section 9)**

**G. General Provisions: (Refer to Section 4)**

**3.3.7 AO - AIRPORT OVERLAY DISTRICT**

See Clinton-Sampson Airport Height Restriction Ordinance

**3.3.8 FPO – FLOODPLAIN OVERLAY DISTRICT**

See Sampson County Floodplain Prevention Ordinance

### 3.3.9 HCO – HIGHWAY CORRIDOR OVERLAY DISTRICT

#### 3.3.10 I-1 – LIGHT INDUSTRIAL DISTRICT (ZA-3-10-1)

**A. Intent:**

The purpose of the Light Industrial District is to promote and protect both existing and potential industrial sites which are considered suitable for light industrial use and to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district. Light Industrial uses involve uses engaged in the manufacturing, production, processing, fabrication, assembly, warehousing, wholesaling and distribution of products.

**B. Permitted Principal Uses and Structures:**

- Accessory uses & structures incidental to any permitted principle use
- Automobile off-street parking, commercial lots
- Books & printed matter, distribution facility
- Builders supply
- Building materials sales & storage yards
- Cabinet shops
- Convenience store
- Eating or drinking facility, including drive-ins
- Electronic data processing
- Fire, police & emergency services station
- Garage, for commercial vehicles, repair or storage
- Greenhouse & nurseries, commercial
- Grounds and facilities for public recreation facility, such as community center buildings, parks, gymnasiums, playgrounds and similar facilities operated on a non-profit basis
- Laboratories & research offices
- Laundry, commercial
- Manufacturing, such as textile, clothing, scientific instruments & small machine assembly
- Motor freight terminals
- Off-street automobile parking
- Office supplies and equipment sales
- Public utility workshops or storage yards
- Public utility stations or substations
- Publishing or printing establishments
- Repair, rental and/or servicing of any product the retail sale of which is a permitted use in the same district
- Restaurants
- Sewage treatment plants
- Trade contractor
- Commercial & Communication transmitting stations & towers
- Warehouses
- Wholesale merchants

**C. Dimensional Requirements: (ZA-9-15-2)**

Requirements	Public Water And Sewer	Public Water, No Public Sewer	No Public Water No Public Sewer
Minimum Lot Area in Square Feet	108,750 Sq. Ft. (± 2.5 acres)	108,750 Sq. Ft. (± 2.5 acres)	108,750 Sq. Ft. (± 2.5 acres)

Minimum Lot Width in Feet	150 ft.	150 ft.	150 ft.
Minimum Lot Depth in Feet	250 ft.	250 ft.	250 ft.
Minimum Setback Lines In Feet Front	50 ft.	50 ft.	50 ft.
Front (Inside an industrial park)	40 ft.	40 ft.	40 ft.
Side	40 ft.	40 ft.	40 ft.
** Side abutting RA or R Lot	50 ft.	50 ft.	50 ft.
Side abutting Street	40 ft.	40 ft.	40 ft.
Rear	40 ft.	40 ft.	40 ft.
**Rear abutting RA or R Lot	50 ft.	50 ft.	50 ft.
‡*Maximum Building Height when abutting I – Industrial, I-1 – Light Industrial or C – Commercial	90 ft.	90 ft.	90 ft.
Maximum Building Height when abutting RA, R, MRD or CON districts	50 ft.	50 ft.	50 ft.

\* In the I-1 Light Industrial District, building height may be up to 175 ft., when property to be developed is abutting only I-1 Light Industrial District or I Industrial District zoned lots.

\*\* A 6 foot tall and 15 foot wide (at the time of planting) evergreen buffer must be planted and maintained along any adjoining property line which is within 250 feet of an existing occupiable residential structure. The buffer must extend the entire length of the industrial use developed area.

**D. Parking and Loading: (Refer to Section 8)**

**E. Signs: (Refer to Section 9)**

**F. General Provisions (Refer to Section 4)**

### **3.4 - Conditional Zoning Districts (ZA-9-13-1)**

#### **Purpose**

- A. Conditional Zoning districts are created to correspond to six of the base zoning districts created in Section 3.3. Conditional Zoning (CZ) Districts allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project.
- B. The purpose is to provide a voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in the base district. However, there are instances where a base zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted under this district and subject to development requirements would be consistent with the spirit and intent of this

Ordinance. Conditional Zoning districts, herein established, are intended to accommodate such situations. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

C. The six Conditional Zoning Districts are as follows.

- CZ RA Conditional Zoning Residential/Agricultural District
- CZ R Conditional Zoning Residential District
- CZ MRD Conditional Zoning Mixed Residential District
- CZ I Conditional Zoning Industrial District
- CZ CON Conditional Zoning Conservation District
- CZ C Conditional Zoning Commercial District

### **Applicability**

- A. Property may be placed in a Conditional Zoning District only in response to a petition by the owners of all the property to be included.
- B. Specific conditions applicable to these districts may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the requirements of the district. Conditions and site-specific standards imposed in a Conditional Zoning District shall be limited to those that address the conformance of the development and use of the site to the County's ordinances and to any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.
- C. Conditional Zoning Districts allow specific standards for a particular use after review and comment from the public. A petition to rezone a property to a Conditional Zoning District shall be accompanied by a site specific plan.
- D. Within a CZ district, only those uses authorized as either permitted or conditional uses in the base zoning district with which the CZ district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards.
- E. In approving a CZ district, the County Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.
- F. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such CZ district shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.
- G. Conditional Zoning districts shall be approved through the map amendment approval process outlined in Section 11.

## **Section 4. GENERAL PROVISIONS**

The general provisions apply to all land development and all permitted and conditional uses within each zoning district

### **4.1 APPLICABILITY TO EXTRATERRITORIAL AREAS**

The provisions of the Ordinance may be applicable in newly incorporated areas until the Board of Commissioners transfers zoning jurisdiction to the proper municipal authority.

#### **4.2 STREET ACCESS**

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space which has access to a street used in common with other lots.

#### **4.3 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING**

The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

#### **4.4 RELATIONSHIP OF BUILDING TO LOT**

Where there is already a primary structure on a lot, an additional structure may be added provided that the lot is large enough to accommodate the minimum lot size of the zoning district for each principal building and all required setbacks can be met. The two (2) dwellings must be at least 50 feet apart. For example: If the property is located in a RA district with public water provided the minimum square feet is 25,000 (0.57 acre) for one principal building, then the lot must be at least 50,000 square feet (1.14 acres) to have two principal buildings. If the minimum lot size is 30,000 square feet (0.69 acre) where there is no public water, then the lot must be at least 60,000 square feet (1.38 acres). There shall be no more than two primary dwellings per lot. For any additional primary structures the lot must be subdivided (surveyed out). *(ZA-3-13-3)*

#### **4.5 REDUCTION OF LOT AND YARD AREAS PROHIBITED**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

#### **4.6 SUBSTANDARD LOT OF RECORD**

Where the owner of a lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site in the district in which it is located; provided, that proposed building site will meet all Sampson County Environmental Health development requirements and the proposed building will meet all minimum setback requirements in the zoning district. *(ZA-3-13-1)*

#### **4.7 ADJOINING AND VACANT LOTS OF RECORD**

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which such a single lot or several lots are located, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

#### **4.8 ADDITIONAL ENVIRONMENTAL PROVISIONS**

In addition to the requirements of this Ordinance, all effluents and emissions into the air or surface or groundwater from new development permitted by this Ordinance including any land-disturbing activity must be in conformity with all applicable Federal, State, and County Health and Environmental Quality regulations. Land development must also comply with all other applicable regulations, which also include flood plain, and water shed regulations. All applicable Health Department regulations shall apply.

#### **4.9 CURB CUTS GIVING ACCESS TO PUBLIC RIGHTS-OF-WAY**

Construction of curb cuts for purposes of ingress or egress to property abutting a public right-of-way shall be approved by the public authority in the town which has jurisdiction over the maintenance of public streets and the North Carolina Department of Transportation where said curbs affect access to State Highways. Provision for all access work done on highway right-of-way is subject to approval by the Department of Transportation.

#### **4.10 PROJECTION INTO PUBLIC RIGHT-OF-WAYS**

No private sign, structure, or other items shall project beyond an imaginary line drawn ten (10) feet from and parallel to the outer edge of the public right-of-way. Any projection into a public right-of-way, new or existing, shall be removed.

#### **4.11 HEIGHT LIMIT EXCEPTIONS**

The height limitations contained in the schedule of district regulations do not apply to spire, belfries, cupolas, antennas, water tanks, ventilators, chimneys, mechanical equipment penthouses, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### **4.12 CORNER VISIBILITY**

There shall be no planting, structure, fence, or other obstruction to visibility on any corner lot between two (2) feet or ten (10) feet above the level of the center line of the street in a triangular area bounded by the street right-of-way line on such corner lots and a base line joining points along right-of-way lines twenty-five (25) feet from the intersection right -of-way corner

#### **4.13 ACCESSORY STRUCTURES/BUILDINGS**

Only one accessory structure/building shall be permitted on lots less than twenty thousand (20,000) sq. ft. Larger lots are allowed an extra accessory building/structure for each additional thirty thousand (30,000) sq. ft. provided that such accessory buildings/structures are a minimum of ten (10) feet apart from any other principal or secondary building/structures.

\*Minimum side setback: 10ft

\*Minimum rear setback: 10ft

\*Minimum setback from principal structure: 10ft

\*Maximum building height shall not exceed 20ft from mean roof height

Accessory buildings not exceeding 50 sq. ft. and used exclusively to house well and pump equipment may be permitted in front, side or rear yards, provided such accessory buildings are at least five (5) feet from any property lines and do not encroach into any required easements or other site angles.

An accessory building may be located on another contiguous lot from the principal use with which it is associated, only to the extent that the principal use itself would also be permitted on such lot.

Residential use of an accessory structure is only permitted for one accessory structure per principal structure and is only allowed in the RA district.

Accessory structures shall not be used for commercial purposes unless properly permitted.

In no case shall a manufactured home be used as an accessory building for storage or any other use other than a dwelling unit. *(ZA-3-13-4)*

#### **4.14 ACCESSORY USES**

##### **A. POOLS**

All pools, whether above-ground or in-ground, shall be built in rear or side yards. The definition of a pool shall include all structures, and walks or patio areas of cement, stone, or wood *at or above grade*, built for, and used in conjunction with the pool.

Pools, as defined above, shall be setback a minimum of 10 ft. from all side and rear property lines. Patio area *at grade* has no setback requirements from rear and side lot lines.

In-ground pools shall be enclosed by a fence with a minimum height of (4) feet and a maximum height of eight (8) feet. An above ground pool wall, itself, may be used as the barrier in lieu of a fence if the pool structure is on grade and the wall and structure are at least (4) feet in height. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on the structure, the ladder or steps shall be surrounded by a barrier so the pool may not be accessed, or to prevent access the ladder shall be removed from the pool when the pool is not in use. *(ZA-8-07-2)*

Pools located in rear yards on corner lots which are greater than 22,000 sq. ft. shall be located in the rear yard opposite the abutting street, unless the rear yard is screened by a wall or privacy fence.

## **B. SATELLITE DISHES**

Satellite dishes less than 20 inches in diameter may be located anywhere on a lot. All other satellite dishes shall adhere to the following standards:

1. Satellite dishes shall be no larger than eight (8) feet in diameter.
2. The maximum height shall be fifteen (15) feet unless the applicant can prove:
  - a) a less intrusive location is not possible and,
  - b) a higher location will improve reception.
3. The dish must be installed and grounded properly.
4. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
5. Satellite dishes shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
6. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
7. Satellite dishes shall not be located on a roof.

## **4.15 MANUFACTURED HOMES AS TEMPORARY USES**

Manufactured homes may be allowed as temporary quarters in any district at the discretion of the Zoning Officer. Examples of permitted temporary quarters are construction offices and temporary disaster relief quarters for any type of use. Permits for 60-day periods of use must be obtained from the Zoning officer, who can renew the permits for additional 60-day periods at his discretion. Appeal of the Zoning officer's decision is to the Board of Adjustment.

## **4.16 OUTDOOR DISPLAY**

Outdoor display of merchandise, which is normally required in conducting the commercial or industrial operation is permitted in the C and I zoning districts as a use with conditions as provided in Section 6. Permitted Uses with Conditions. Must meet Section 4.10 requirements.

All non-conforming outdoor display existing on the effective date of this Ordinance, which does not conform to the requirements of this article, shall be removed and/or brought into compliance within twelve (12) months from the effective date of this Ordinance.

## **4.17 OUTDOOR STORAGE**

Outdoor storage of goods, equipment and material, such as junk vehicles, junk appliances and other such items, trash, and other debris shall be prohibited in the R, MRD, and CON zoning districts. Outdoor storage may only occur within the RA, C and I zoning districts as a use with conditions as provided in Section 6. Permitted Uses with Conditions.

All non-conforming outdoor storage existing on the effective date of this Ordinance, which does not conform to the requirements of this article, shall be removed and/or brought into compliance within twelve (12) months from the effective date of this Ordinance.

## **4.18 SCREENING AND BUFFERING**

- A.** A minimum of thirty-five (35) foot vegetative buffer is required for development activities along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- B.** No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

- C. **New or expanding** uses and other uses that are subject to this provision must provide a vegetative buffer along the property boundary that separates the proposed or expanding nonresidential use and the existing residential use as a means to lessen the impact of nonresidential use on the residential use.

The buffer shall be compact evergreen hedge or other type of evergreen foliage screening at least 15 feet wide, which shall reach the height of at least eight (8) feet within three years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter.

The fence shall be at least 6', but no greater than 8', must be opaque, and made of materials that are normally accepted in the fencing industry.

Earth-berms, other topographical features and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view.

#### **4.19 LIGHTING**

All lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the individual owner's site only.

### **SECTION 5. NONCONFORMING USES**

After the effective date of this Ordinance, pre-existing lots or structures, or uses of lots or structures, which are prohibited under the regulations for the district in which located, shall be considered as nonconforming. Nonconforming lots, structures or uses may be continued, provided they conform to the provisions of this section.

#### **5.1 CONTINUANCE OF NONCONFORMING BUILDINGS**

- A. The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, and such use may be extended throughout the building provided no structural alterations except those required by law, ordinance or ordered by the zoning officer to secure the safety of the building are made therein, but no such use shall be extended to occupy land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of more than one hundred and eighty (180) days, every future use of such premises shall be in conformity with the provisions of this Ordinance.
- B. Notwithstanding Section (5.1.A), any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged, so long as the enlargement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback. *(ZA-8-14-1)*

#### **5.2 CONTINUANCE OF NONCONFORMING USE OF LAND**

- A. The lawful use of "land" existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance provided, however, that no such nonconforming use shall be extended to occupy a greater area of land than occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than one hundred and eighty (180) days, every future use of said land shall be in conformity with the provision of this Ordinance.
- B. Notwithstanding Section (5.2.A), any structure not in compliance with this ordinance and intended to be used for single-family residential purposes, which use has been discontinued for a continuous period of more than one hundred eighty (180) days, complies with the Sampson County Building Inspections residential requirements, and the structure has not deteriorated by more than (60 percent of its accessed value, may have its use reinstated for residential purposes by the permit writing authority. *(ZA-8-14-2)*

#### **5.3 CHANGE OF USE**

A nonconforming use shall only be changed to a use listed as permitted, permitted with conditions or special use for the district in which such a nonconforming use is located. Uses not designated as permitted or conditional shall be prohibited by this Ordinance in the areas delineated by the Official Zoning Map of the County.

#### **5.4 RECONSTRUCTION OF NONCONFORMING BUILDINGS**

Nothing in this Ordinance shall be construed to prevent the restoration of a building destroyed to the extent of not more than sixty (60) percent of its assessed value at the time of destruction by fire, explosion, or other casualty, if such construction is begun within one hundred and eighty (180) days of the date of such damage. Owner occupied residences, which are nonconforming uses may be rebuilt regardless of the extent of the destruction provided the yard area requirements in Section 4.6 of the ordinance are adhered to.

#### **5.5 NORMAL MAINTENANCE AND REPAIR OF A BUILDING CONTAINING A NONCONFORMING USE**

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not increase the bulk of the structure nor extend the nonconforming use.

### **SECTION 6. USES PERMITTED WITH CONDITIONS**

#### **6.1 INTENT**

Some uses that may normally not be acceptable in certain zoning districts may be acceptable if they meet conditions of development that are in addition to the normal development standards. Those uses permitted with prescribed conditions are listed below with the additional development requirements that must be met in addition to the zoning district requirements where the proposed use is located.

#### **6.2 APPLICATION**

All applicants for a use permitted with prescribed conditions must be filed with the Zoning Officer. The Zoning Officer shall review, and approve or deny all applications.

#### **6.3 SITE PLAN REQUIRED FOR USES PERMITTED WITH CONDITIONS**

**Specific Requirements By Use: A site plan must always be submitted with the application showing at least the following drawn to an engineering scale:**

1. The shape and dimensions of the lot on which the proposed building(s) is to be erected;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
4. The nature of the proposed use of the building or land, including the extent and location of the use;
5. The location and dimensions of off-street parking and loading space and means of ingress and egress;
6. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
7. The location and type of all required buffers;
8. Required Driveway Permits from the Department of Transportation;
9. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources; and,
10. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

*Also, the site plan shall indicate* the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways. Prior to approval of the site plan, the Zoning Officer may consult with other qualified personnel for

assistance to determine if the application meets the requirements of this Ordinance. *Individual applications may require more information*, as given in this Section or elsewhere in this Ordinance. *In addition, the Zoning Officer may require* other information, as he/she deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

## **6.4 DEVELOPMENT REQUIREMENTS**

The permitted uses with conditions listed below for each zoning district have minimum conditions that shall be met before a certificate of zoning compliance is issued. A site plan shall be submitted displaying all of the information required by this section.

### **A. Requirements for RA, R, MRD, and CON Districts**

#### **RA - Rural and Agricultural District Permitted Uses With Conditions**

Animal shelters, kennels, and veterinary clinics  
Arenas, Assembly and Exhibition Halls  
Athletic fields, recreation buildings, playgrounds (no commercial gain)  
Auction House  
Automobile Service (including, but not limited to, bodyshops, engine repair, garages, wrecker service, etc. Use does not include junk vehicle storage)  
Beauty and Barber Shops  
Bed and Breakfast Operations  
Cemeteries (*Amended 5/2008*)  
Clubs and Lodges and Community Centers (Private Non Profit)  
Contractor/Construction Business (including but not limited to, general contractors, subcontractors, grading, landscaping, tree service, pool installation, and other such trades)  
Day care homes (as home occupation)  
Day Care Facilities  
Dwellings, Duplexes  
Dwellings, Multi-Family including structures with three or more units (Apartments, condominiums)  
Family Care Home  
Feed Processing  
Funeral Homes  
Golf Course, Par 3  
Golf Courses, not including miniature golf  
Greenhouse, nurseries and turf farms  
Home Occupation  
Manufactured Home Parks  
Mini-Warehouse/Storage Facility  
Nursing and convalescent homes  
Off-premises advertising signs (Billboards see Section 8. Signs))  
Outdoor Storage (See general provisions Section 4)  
Post Offices  
Private utilities (water and sewer)  
Produce Stands (for sale of produce grown on premises only)  
Public utility substations  
Recreation, outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)  
Restaurants  
Temporary Construction Buildings or mobile office (must be removed within 30 days of receiving Certificate of Occupancy)

#### **R - Residential District Permitted Uses With Conditions**

Athletic fields, recreation buildings, playgrounds (no commercial gain)  
Clubs and Lodges and Community Centers (Private Non Profit)  
Day Care Homes (as home occupation)  
Dwellings, Duplexes  
Dwellings, Multi-Family including structures with three or more units (Apartments, condominiums)  
Home Occupations

Private utilities (water and sewer)  
 Public utility substations  
 Temporary Construction Buildings or mobile office (must be removed within 30 days of receiving Certificate of Occupancy)

**MRD – Mixed Residential District Permitted Uses With Conditions**

Athletic fields, recreation buildings, playgrounds (no commercial gain)  
 Cemeteries (*Amended 5/2008*)  
 Clubs, lodges and community centers (Private, non profit)  
 Day care homes (as home occupation)  
 Dwellings, Duplexes  
 Dwellings, Multifamily  
 Family Care Home  
 Home Occupations  
 Private Utilities (water and sewer)  
 Public utility substations  
 Temporary construction buildings or mobile office (removed within 30 days of receiving Certificate of Occupancy)

**CON - Conservation District Permitted Uses With Conditions**

Athletic fields, recreation buildings, playgrounds (no commercial gain)  
 Dwelling, Single Family (must be owner occupied or employee housing)  
 Golf Course, Par 3  
 Golf Courses, not including miniature golf  
 Greenhouse, nurseries and turf farms  
 Home Occupation  
 Private utilities (water and sewer)  
 Produce Stands (for sale of produce grown on premises only)  
 Public utility substations  
 Recreation, outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos)  
 Temporary Construction Buildings or mobile office (must be removed within 30 days of receiving Certificate of Occupancy)

**The requirements below apply to the uses permitted with conditions for RA, R, MRD and CON Districts**

1. Dimensional Requirements for all structures associated with the use with conditions, including all accessory structures are the following:

<b>Requirements</b>	<b>Public Water And Sewer</b>	<b>Public Water, No Public Sewer</b>	<b>No Public Water No Public Sewer</b>
*Minimum Lot Area in Square Feet	30,000 Sq. Ft.	30,000 Sq. Ft.	30,000 Sq. Ft.
Minimum Lot Width in Feet	110 ft.	110 ft.	110 ft.
Minimum Lot Depth in Feet	200 ft.	200 ft.	200 ft.
Minimum Setback Lines In Feet (From R-O-W) Front	50 ft.	50 ft.	50 ft.
Side	30 ft.	30 ft.	30 ft.
Side abutting Street	30 ft.	30 ft.	30 ft.
Rear	30 ft.	30 ft.	30 ft.

Maximum Building Height	40 ft.	40 ft.	40 ft.
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**\*Minimum lot size for conservation is 80,000 square feet.**

2. Screening and Buffering

If the applicant chooses to locate any structure allowed as a use with prescribed conditions within 30' to 100' of the adjacent property line of an existing residential occupied property, he/she must provide screening and buffering in accordance with Section 4.18 C.

3. Lighting

Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only (Section 4.19).

4. Outdoor Storage

Outdoor storage must meet the requirements of Section 4.17.

5. Access

Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street.

6. Hours of Operation

Hours of operation are limited to 7:00 am - 10:00 pm with the exception of any use that may require overnight stay, such as a bed and breakfast or campground.

7. Commercial Building Code

If applicant desires to construct a business on his/her property or convert part of their dwelling to a business, the commercial building code for rehabilitation will apply.

8. Family owned and operated

If applicant desires to construct a business on his/her property and live on the site, or convert part of their dwelling to a business it shall be family owned and operated.

In addition, Home Occupations may not occupy more than 25% of the home and shall not change the character of the dwelling or its surroundings.

9. Parking and Loading

All rules and regulations listed in Section 8 shall apply.

10. Signage

See section 9. Signs, for requirements.

11. Dwellings, Duplexes and Multi-family, Nursing and Convalescent Home

Side and rear yard minimum setbacks shall be increased to one and a half (1.5) times the minimum for the applicable zoning district.

One or more parking lots shall be constructed to accommodate all required parking.

Individual parking spaces shall not have direct access to the street. Automobile parking space and drives shall not be located closer than twenty (20) feet to the front or twenty (20) feet to the rear of any dwelling or ten (10) feet to any side.

Any playground equipment must be located in the rear yard at least twenty (20) feet from any property line.

The following space requirements between building walls having window or door opening shall be maintained within a multi-family housing development.

- (i) A building wall having both window and door openings shall not be located any closer than 50 feet to another building.
- (ii) A building wall having only window or door openings shall not be located any closer than 25 feet to another building.
- (iii) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open and for access by emergency vehicles

12. Family Care Home
  - a. Each separate use must be located one-half (1/2) mile from any other such use. For example, a day care home cannot locate within one-half (1/2) mile of another day care home.
  
13. Mini-Warehouse/Storage Facility
  - a. Storage buildings in the Mini-Warehouse/Storage Facility may not cover more than 50% of the lot.
    1. Maximum height of units is twenty (20) feet.
  
14. Animal Shelters, Kennels and Veterinary Clinics
  - a. Minimum setback from any street right-of-way to buildings or other such structures associated with the operation, including outdoor pens and runs, not including accessory storage buildings shall be the same as the setbacks for the principle structures within said district.
  - b. No buildings or other such structures associated with the operation, including outdoor pens and run, but not including accessory storage buildings shall be located less than fifty (50) feet from any property used or zoned for residential purposes.
  - c. Minimum setback from any other property line shall be the same as the setbacks for the principal structures within said district
  
15. Manufactured Home Parks [RA District] – see Sampson County Manufactured Home Park Ordinance

**B. Requirements for the C and I Districts**

**C - Commercial District Permitted Uses With Conditions**

- Dwellings, Duplexes
- Dwellings, Multi-Family including structures with three or more units (Apartments, condominiums)
- Dwellings, Single Family (including modular homes)
- Fuels Bulk Storage
- Home Occupations
- Off-Premises Advertising Signs (Billboards)
- Outdoor Display
- Outdoor Storage
- Public Utility Substations

**I - Industrial District Permitted Uses With Conditions**

- Dwellings, Single Family (including modular homes)
- Fuels Bulk Storage
- Home Occupations
- Outdoor Display
- Outdoor Storage
- Public Utility Substations
- Renewable Energy Facility (*ZA-6-08-5*)

**The requirements below apply to the uses permitted with conditions for C and I Districts**

1. Dimensional Requirements
  - Same as zoning district requirements
  
2. Residential Use (Dwellings) permitted if
  - a. Shall be a secondary use to the commercial or industrial use
  - b. Shall provide housing for those employed at the business
  - c. May be part of a mixed-use development with commercial use on 1<sup>st</sup> floor and residential on 2<sup>nd</sup> floor.
  
3. Lighting
  - Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only (Section 4.19).
  
4. Outdoor Display and Storage
  - Outdoor storage display must meet the requirements of Sections 4.16 and 4.17.

5. Access

Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street.

6. Dwellings, Duplexes and Multi-family

- a. Side and rear yard minimum setbacks shall be increased to one and a half (1.5) times the minimum for the applicable zoning district.
- b. One or more parking lots shall be constructed to accommodate all required parking. Individual parking spaces shall not have direct access to the street. Automobile parking space and drives shall not be located closer than twenty (20) feet to the front or twenty (20) feet to the rear of any dwelling, or ten (10) feet to any side.
- c. Any playground equipment must be located in the rear yard at least twenty (20) feet from any property line.
- d. The following space requirements between building walls having window or door opening shall be maintained within a multi-family housing development.
  - (i) A building wall having both window and door openings shall not be located any closer than 50 feet to another building.
  - (ii) A building wall having only window or door openings shall not be located any closer than 25 feet to another building.
  - (iii) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open and for access by emergency vehicles

7. Parking and Loading

All rules and regulations listed in Section 8 shall apply.

8. Signage

See section 9. Signs for requirements.

9. In an I – Industrial District, stacks for the discharge of smoke, steam, fumes or other gases which are subject to air quality regulation requiring permitting by any local government or state or federal agency, shall not be restricted to height but shall be constructed to comply with all applicable code regulations and consistently with best engineering practices; provided that, such stacks shall be set back from the property line a distance of one foot for every foot of height. This setback requirement may be satisfied with a setback easement, over any adjoining property which is also zoned I – Industrial District.

Such stacks shall be permitted subject to the special condition that they are to be disassembled or demolished and removed within one year of the permanent cessation of operations of the principle use for which they are permitted, with this requirement to become the obligation of the owner of the land upon which they are located. This requirement shall be enforceable by the County, removing the structure at its cost and imposing a lien on the real property in the nature of a line authorized by Chapter 44A of the General Statutes of North Carolina.

10. Inter-connectivity of industrial parcels by rail, conveyor systems, or other means is allowed provided it is used only as a means to facilitate the moving of raw materials between sites. *(ZA-6-08-6)*

**SECTION 7. SPECIAL USE PERMITS**

**7.1 OBJECTIVES AND PURPOSE**

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

**7.2 PROCEDURES**

Special Use Permits shall be granted by the Sampson County Planning Board as permitted by G.S. 153A-345 for all special uses enumerated in the Table of Uses. Special uses may only be established by Planning Board approval.

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

Applications shall include a Site Plan as outlined in Article VI (General Provisions), and be accompanied by a fee set according to the Planning Department Fee Schedule.

The Planning Board shall review all requests for Special Use Permits within 90 days from submission to the Planning Department. However, this requirement is not intended to prevent the Planning Board from delaying action after review.

### **7.3 PLANNING BOARD ACTION (ZA-1-06-1)**

The Planning Director shall set and advertise a date and time for a public hearing before the Planning Board. Notice shall be mailed to the person whose application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owner of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. Notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. The person mailing such notice shall certify that such notices have been mailed. Within the same time period, notice shall also be made by posting the property concerned, with a poster indicating the proposed change, the date, the location, and the time of the public hearing

At the public hearing all interested persons shall be permitted to testify in sworn testimony. The applicant shall provide to the Planning Department a list of the names and addresses of all adjacent property owners. (ZA-4-05-3, ZA-9-15-3)

The Planning Board shall consider the application and comments at the public hearing and may grant or deny the Special Use Permit. In conducting the public hearing and considering the application, the Planning Board shall follow quasi-judicial procedures. A simple majority vote of the Planning Board is required to grant or deny a Special Use Permit. Vacant position on the Board and members who are disqualified from voting on the matter shall not be considered "members of the Board" for calculation of the requisite majority.

No Planning Board member shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts 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 and that member does not recuse himself/herself, the remaining members shall be majority vote rule on the objection.

If the Special Use Permit is granted, the Planning Board shall use as a guide, the specific conditions outlined in this Article for each use proposed. In addition, the Planning Board shall find:

- A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- B. That the use meets all required conditions and specifications;
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and;
- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Sampson County Land Use Plan.

In granting the Special Use Permit the Planning Board may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. All 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.

#### **7.4 DENIALS AND APPEAL**

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.

No appeal may be taken from the action of the Planning Board in granting or denying a Special Use Permit except through the Sampson County Superior Court within thirty (30) days or forever be barred.

#### **7.5 COMPLIANCE WITH DISTRICT REGULATIONS**

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

#### **7.6 FAILURE TO COMPLY WITH PLANS/NOTIFICATION OF ADJACENT PROPERTY OWNERS**

In the event of failure to comply with the plans approved by the Planning Board, 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.

#### **7.7 EXPIRATION (Rev 3/19)**

In any case where a Special Use Permit has not been exercised within the time limit set by the ~~Board of Commissioners~~ Planning Board, 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 pre-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. *TA 3-19-1*

#### **7.8 MODIFICATION OF PLANS**

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

#### **7.9 SUPPLEMENTAL REQUIREMENTS FOR SPECIAL USES**

Specific Requirements by Use: A site plan must always be submitted with the application showing at least the following:

1. The shape and dimensions of the lot on which the proposed building(s) is to be erected;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
4. The nature of the proposed use of the building or land, including the extent and location of the use;
5. The location and dimensions of off-street parking and loading space and means of ingress and egress;
6. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
7. The location and type of all required buffers;
8. Required Driveway Permits from the Department of Transportation;
9. A landscape plan that meets requirements of the Highway Corridor Overlay District, if applicable;

10. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources; and,
11. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

***Also, the special use site plan shall indicate*** the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways. Prior to approval of the site plan, the Planning Staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance. ***Individual Special Uses may require more information***, as given in this Section or elsewhere in this Ordinance. ***In addition, the Planning Board may require*** other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

***The Planning Board may impose reasonable conditions*** (i.e. hours of operation) in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Section.

## **7.10 SPECIAL USE MINIMUM DEVELOPMENT REQUIREMENTS**

In addition to the conditions listed above for special uses, some uses, which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than one (1) such use within one thousand (1,000) feet of each other which would create such adverse effects). The requirements for each use that follows are additional requirements to the requirements listed in Section 6.3 and Sections 3 and 4.

### **Adult Entertainment Establishment [C District]**

Dimensional Requirements:

- No adult entertainment establishments may be located within one-thousand (1,000) feet of another adult entertainment establishment. No adult entertainment establishment may be located within one-thousand (1,000) feet of any residential use or an existing church, school or other such facility. Measurements shall be taken from the exterior walls of the building(s) containing such regulated use and the adjacent building uses.

Screening and Buffering:

- See sections 4.17 and 4.18

### **Airfield or Airstrip (General Aviation [I District] or Private [RA, C, and I Districts])**

Dimensional Requirements:

- Airport size and layout shall conform to current FAA design standards.
- There shall be a minimum of three hundred (300) feet between any runway or taxiway and to the nearest property used or zoned for residential purposes, except that a residence may be located on the property of a small private airfield.
- All standards for the AO (Airport Overlay) also apply.

Screening and Buffering:

- See sections 4.17 and 4.18

Additional Site Plan Requirements:

- Scaled drawings of location and size of landing strips and the location of landing lights.
- Map of all property within 500 feet of proposed airfield or airstrip property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings.
- A map depicting the location, type, and height of any structure, including towers, over

two hundred (200) feet in height and within a five (5) mile radius.

- A copy of the current FAA design, approach, and airspace obstruction standards. Documentation showing FAA permits and design approval.

**Automobile and Other Junk, Salvage, or Wrecking Yards and Auto Service That Will Include Junk Vehicle Storage [RA and C Districts]**

**See Sampson County Junk Yard Ordinance**

**Automobile Sales**

- a) Must be a distance of 500 feet from any residence.
- b) Must be screened and buffered in accordance with Section 4.18 C.
- c) All automobiles must be operable.
- d) Must obtain a valid NC Motor Vehicle Dealer License from NCDMV.

**Camp or Care Centers and Campground, Public and Private (including Recreational Vehicle Park) [RA, C, and CON Districts]**

Dimensional Requirements:

- In areas with developed campsites, separate sanitary facilities for both sexes (including showers) shall be available within four hundred (400) feet of each campsite and drinking water shall be available within one hundred (100) feet of each campsite.
- In areas with developed campsites, a camp store may be provided, for the use of campground users only, which may sell camping supplies, e.g. food, ice, personal supplies, etc.
- In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet.
- No permanent camping shall be permitted. It is not intended that any structure, mobile or permanent, be used as a permanent residence except for the owner or operator.
- In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles.
- Adequate lighting shall be provided for all common areas, including interior lighting in any building open at night. All sanitary facilities and dumping areas, water faucets, parking areas (other than at each campsite), recreation areas, and other service buildings and general use sites shall be lit at night, either with a light mounted on the building or as a pole light. In developed camping areas, lights will be installed along walkways to water and sanitary facilities and at roadway or driveway intersections.
- All outdoor lighting shall have a total cutoff at ninety (90) degrees.

Screening and Buffering:

- See sections 4.17 and 4.18

Additional Plan Requirements:

- Topography of the site, at contour interval no greater than five (5) feet.
- Natural features such as streams, lakes or ponds, rocky outcrops, wooded areas, marshes, meadow land, or any other site in interest.
- Historic sites and cemeteries.
- Location and approximate size of all buildings and structures within 500 feet.
- Proposed layout of the campground, both primitive and developed camping areas, including individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, comfort stations and other service buildings.

Additional Operational Requirements:

- In developed camping areas, an attendant will be on the site twenty-four (24) hours a day while the campground is open for business.
- A public phone in working order shall be available.
- A fire extinguisher shall be available at each service building and at the office.
- Individual campsites and general use areas shall be kept clean and free from garbage, refuse, litter, and other conditions, which can lead to the transmission of disease, breeding of rodents

and insects, and which may present a fire hazard or contribute to the spread of fire.

- All sanitary, laundry, and drinking water facilities shall be maintained in a clean, sanitary condition and kept in good repair at all times.
- A camp store may be permitted, but no alcoholic beverages may be sold on the site.

### **Electronic Gaming (ZA-8-12-2)**

Electronic Gaming Operation Requirements:

- A. Hours of operation are limited to 8:00 am to 12:00 midnight Monday through Friday.
- B. The maximum number of gaming machines/terminals, computers is 30.
- C. Parking must be provided at minimum rate of one (1) parking space for every two (2) gaming machines/terminals/computers or one for every 100 square feet of gross floor area, whichever is greater.
- D. If food or beverage is served, the establishment must comply with the requirements of the Sampson County Health Department.
- E. If the establishment is located within 30' to 100 ' feet of the adjoining property line of an existing residence, he/she must provide screening and buffering in accordance with Section 4.18 C.
- F. The establishment shall be a minimum of 1,000 feet from any other gaming establishment or any sexually oriented business.
- G. The establishment shall be a minimum of 1,000 feet from any religious institution, school, daycare center/home, library, public park, recreation area or movie theater.
- H. For the purpose of this section, all measurements shall be in a straight line from the closest point of the parcel at which the electronic gaming operation is located.
- I. No alcoholic beverages shall be served or consumed on the premises of electronic gaming operations.

### **Farm Equipment Sales (ZA-3-09-2)**

- a) Must be screened and buffered in accordance with Section 4.18 C.
- b) All farm equipment must be operable.

### **Firing Range (applies to indoor and outdoor) [RA and C District]**

Dimensional Requirements:

- Minimum setback from any street right-of-way to any outdoor shooting area shall be at least two hundred (200) feet.
- Minimum setback from any other property line shall be at least one hundred (100) feet.
- Any outdoor firing shall be located five hundred (500) feet from any property used or zoned for residential purposes.
- An indoor firing range that has walls that will muffle gun fire may adhere to the normal RA and C district requirements.

Screening and Buffering:

- See sections 4.17 and 4.18
- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

### **Go Cart or Motor Cross Tracks [RA District]**

Distance Requirements:

- The "track" or any structure must be a minimum of 1,000 feet from any residential structure on surrounding properties. An owner occupied residence on the property of the track is allowed.
- All buildings, including accessory garages or storage buildings, shall be set back a minimum of 100 feet from all property lines and street rights-of-way.

Screening and Buffering:

- See sections 4.17 and 4.18
- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

Parking:

- Parking is allowed on site only (Also see section 8).

Lighting:

- Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way (See section 4.19).

**Horse Racing [RA District] (ZA-4-11-2)**

- Must be a minimum of 1,000 feet from any property used for residential purposes.
- Use must be located on a property which is a minimum of 10 acres.
- For all structures and race tracks, the minimum setback from any other property line shall be a minimum of one hundred (100) feet.
- Must be screened and buffered in accordance with Section 4.18 C.
- Lighting must be in accordance with Section 4.19.
- Hours of operation shall be between the hours of 8:00 a.m. – 10:00 p.m. Monday thru Saturday and on Sunday 1:00 p.m. until 8:00 p.m.
- Parking must be in accordance with Section 8.8.

**Landfill, Demolition [RA and I Districts]**

Distance Requirements:

- The landfill or any structure must be a minimum of 1,000 feet from any residential structure on surrounding properties. An owner occupied residence on the property of the track is allowed.
- All buildings, including accessory garages or storage buildings, shall be set back a minimum of 100 feet from all property lines and street rights-of-way.

Screening and Fencing:

See section 4.18

- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

**Landfill, Sanitary [RA and I Districts]**

Distance Requirements:

- The landfill or any structure must be a minimum of 1,000 feet from any residential structure on surrounding properties. An owner occupied residence on the property of the track is allowed.
- All buildings, including accessory garages or storage buildings, shall be set back a minimum of 100 feet from all property lines and street rights-of-way.

Screening and Fencing:

- Screening is required which completely screens from view the stored items. Such screening shall be a durable wall or fence at least six (6) feet high *in addition* to a minimum fifteen (15) foot wide vegetated strip around the entire perimeter of any outdoor storage area. This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

**Manufactured Home Storage and or repair yard [RA and C District]**

Dimensional Requirements:

- Minimum setback from any street right-of-way to any outdoor storage area shall be at least one hundred (100) feet.
- Minimum setback from any other property line shall be at least fifty (50) feet.
- No Manufactured Home Storage and or repair yard shall be located less than five hundred (500) feet from any property used or zoned for residential purposes.

Screening and Buffering:

- See sections 4.17 and 4.18
- Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business.

**Mining and Quarrying or other Extraction Operations [I and RA District] (ZA-9-09-2)**

Additional Site Plan Requirements

1. The names and addresses of property owner(s) or developers(s) and the designer or Registered Surveyor or Professional Engineer, if the plans are drawn other than by the property owner, operator or developer.
2. Date, scale and approximate North arrow.
3. Boundaries of the tract, parcel, plot or lot shown with bearing and distances.
4. Boundaries of the area requesting to be permitted, if different from 3. above.
5. Buffers, ingress and egress, surrounding land usage and any other specific information pertinent to the parcel, plot or lot.
6. A vicinity map showing the location of the parcel, plot or lot.
7. The names for each adjoining property owner, shown on the parcel, plot or lot they own.
8. Land contours with vertical intervals of not less than ten (10) feet. U.S.G.S. 7.5 Minute Topographical Quadrangle Maps are acceptable.
9. When an expansion is being requested, the size and location of any existing area that is being operated as a mine or mining operation.
10. A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine.

In place of 1-9 above, the applicant may submit a completed application as required by the State of North Carolina for a Mining Permit.

Access:

Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet. Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width.

Screening and Buffering:

An area of land, which shall not be less than fifty (50) feet in width (unless a lesser width is approved by the Planning Board) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs or plants that create a visual screen. Trees and plants must be native to the area and trees shall not be less than six (6) feet in height within six (6) years. If an earthen berm or berms are to be used within the buffer for visual screening they shall be planted with vegetation and shall not be less than six (6) feet in height at the crown and with slopes sufficient to minimize erosion.

Additional Considerations :

In the case of denial because all the requirements of this section were not met, the Application may be resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within one hundred eighty (180) days of the notice of rejection or denial.

Following approval by the Sampson County Planning Board, the Zoning Administrator is authorized to issue a Special Use Permit. No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina.

If the proper permit has not been or is not obtained from all appropriate Departments of the State of North Carolina and/or compliance with all terms of approval by the Sampson County Planning Board have not been completed within one year (365 days) from the date of approval of the application by the Sampson County Planning Board, the approval of the application and Special Use Permit shall be null and void and a new application must be submitted.

**Public Facilities & Buildings including schools, colleges, hospitals, parks, community centers, ambulance services, fire stations, hospitals and other similar uses [RA, R, C, I, CON Districts]**

Dimensional Requirements:

- The district dimensional requirements shall apply

Screening and Buffering:

- Outdoor storage must meet the requirements of Section 4.17.
- If the development is located within 30' to 100' of the adjacent property line of an existing residential occupied property, screening and buffering must be provided in accordance with Section 4.18.

Lighting:

- Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.

Access:

- Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street (Also see section 7).

**Radio and Television Studios [RA District] - See Sampson County Communications Tower Ordinance**

Dimensional Requirements:

- The district dimensional requirements shall apply
- Transmission towers shall be setback a minimum distance that equals half the towers height.

Screening and Buffering:

- Outdoor storage must meet the requirements of Section 4.17.
- If the development is located within 30' to 100' of the adjacent property line of an existing residential occupied property, he/she must provide a screening and buffering in accordance with Section 4.18 C.

Lighting:

- Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.

Access:

- Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street (Also see section 7).

**Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs and community rodeos) [R District]**

Dimensional Requirements:

- The district dimensional requirements shall apply

Screening and Buffering:

- See sections 4.17 and 4.18

Lighting:

- Lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the applicant's site only.

Access:

- Adequate space must be provided on the site that allows vehicles to exit onto the street without backing into the road, highway, or street.

Hours of Operation:

- Hours of operation are limited to 7:00 am - 10:00 pm with the exception of any use that may require overnight stay, such as a bed and breakfast or campground.

Parking and Loading:

- All rules and regulations listed in Section 8 shall apply.

Signage:

See section 9. Signs for any additional requirements

**Wireless Communications Towers [RA, C, I, CON Districts] See Sampson County Communication Tower Ordinance**

**SECTION 8. OFF STREET PARKING AND LOADING**

**8.1 OFF-STREET PARKING REQUIRED**

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, 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 guarded open space.

**8.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS**

Each application for a Zoning Permit (except for dwellings) shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Officer to determine whether the requirements of this Article are met.

**8.3 COMBINATION OF REQUIRED PARKING SPACE**

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, with one exception. One-half (1/2) of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays or in shopping centers where uses may have different peak hours.

**8.4 REMOTE PARKING SPACE**

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use and in the same zoning district. Said land shall be used for no other purposes so long as no other adequate provisions of parking space meeting the requirements of this Ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit or a Certificate of Occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application. In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and no other off-street parking space meeting the terms of this Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning Permit for such principal use shall become void.

**8.5 REQUIREMENTS FOR PARKING LOTS**

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with in addition to the requirements below:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.
- D. Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with screening as described in Section 4.18.

E. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.

## **8.6 MOBILE HOME AND TRAILER PARKING AND STORING**

It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zoning district except as follows:

- A. At a safe, lawful, and non-obstructive location on a street, alley highway, or other public place, providing that the trailer or mobile home shall not be parked overnight;
- B. Within a mobile home park, provided, however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto; and,
- C. On any other lot or plot provided that trailers, as defined in Section 11, shall be stored in a garage or carport or in the rear or side yard.
- D. Junk or Dilapidated Mobile Home/Manufactured Home Storage or repair yards must obtain a special use permit.

## **8.7 VEHICLE STORAGE**

### **A. Residential District**

Only vehicles intended for personal use shall be parked or stored on any property zoned R - Residential. No storage of commercial inventory whatsoever shall be permitted and no inoperative or unlicensed vehicles shall be permitted to be parked or stored longer than (14) fourteen days. Commercial trucks or vans driven home by employees or owners must be parked in the side or rear yard.

### **B. Residential Agricultural District**

Storage of Junk, inoperable or unlicensed vehicles must comply with the following:

- 1. One junk, inoperable, or unlicensed vehicle will be allowed on any owner occupied lot if located in the side or rear yard.
- 2. Any owner occupied lot may store up to three junk, inoperable, or unlicensed vehicles if they are completely concealed from public view by:
  - a. a tarp(s) and placed in the rear yard of the subject property,
  - b. a canvas car cover and placed in the rear yard of the subject property, or
  - c. located in the rear yard surrounded by vegetative growth and screened from public view.
- 3. A property owner with more than three (four or more) junk, inoperable, or unlicensed vehicles must obtain a special use permit for a junkyard to continue to store the vehicles on their property.

### **C. Public and Conservation, Commercial and Industrial Districts**

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any public and conservation, commercial, or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard. (six or more junk, inoperable, or unlicensed vehicles constitute a junk yard)

## **8.8 MINIMUM PARKING REQUIREMENTS**

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 4 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are

greater than the minimum specified by this Ordinance. For purposes of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

<b><u>Land Uses</u></b>	<b><u>Required Parking</u></b>
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle in the operation.
Airports, railroad passenger stations and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room.
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking space for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor space for affiliated uses such as restaurants, bars and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.
Civic Clubs, Fraternal Lodges, or Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every (5) students.
Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Multifamily	Two (2) parking spaces per dwelling unit.
Dwellings, Single Family	Two (2) parking spaces per dwelling.
Fire Stations	One and one-half (1 1/2) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.

Greenhouse and Nursery Operations (without retail sales on premises)	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus (1) parking space for each two (2) beds.
Hotels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Mobile Homes	Two (2) parking spaces per mobile home plus one (1) for the office in a mobile home park.
Motels, Tourist Homes and Guest Houses	One (1) parking space for each room to be rented plus one (1) space for each employee.
Nursing, Retirement And Convalescent Homes Offices	One (1) parking space for each five (5) beds intended for patient use. One (1) parking space for each two hundred (200) square feet of gross floor space.
Private Clubs and Lodges	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.

Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus (1) parking space for each employee and one (1) large space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large space for each bus.
Schools, Colleges, Technical and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	Six (6) parking spaces for each 1,000 square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Stores, Retail Food	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for every four (4) game machines plus one (1) space for each employee.
Wholesale Uses	One (1) parking space for each employee on the longest shift.

**8.9 DESIGN STANDARDS FOR OFF-STREET PARKING**

All off-street areas required by this Article shall conform with the following Design Standards:

- A. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

- B. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.
- C. Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.

- D. Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Officer finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- E. Where two (2) or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater; however, this provision shall not apply to any commercial or industrial planned development. Driveway locations in such developments shall be approved by the North Carolina Department of Transportation.
- F. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.
- G. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
- H. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.
- I. All applicable ADA (American Disabilities Act) standards shall apply.

**8.10 OFF-STREET LOADING PURPOSE AND GENERAL REQUIREMENTS**

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the County, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

Each application for a Zoning Permit or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provisions for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.

The Zoning Permit or Certificate of Occupancy for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Zoning Officer until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

**8.11 DESIGN STANDARDS FOR OFF-STREET LOADING SPACE**

The off-street loading space required by this Article shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.
- C. All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.
- D. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- E. Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.
- F. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the

off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.

- G. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
- H. Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.
- I. Any off-street loading areas and access ways adjacent, along the side or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Section 4.17 (Screening and Buffering).

**8.12 MINIMUM OFF-STREET LOADING REQUIREMENTS**

Off-street loading shall be provided and maintained as specified in the following :

- A. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Square Feet)</u>	<u>Minimum Number of Space Required</u>
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 125,000	4
125,001 - 170,000	5
170,001 - 215,000	6
215,001 - 260,000	7
For each additional 45,000	1 – Additional

- B. Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Square Feet)</u>	<u>Minimum Number of Space Required</u>
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1- Additional

**SECTION 9. SIGNS**

**9.1 OBJECTIVE AND PURPOSE**

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 these regulations.

**9.2 GENERAL PROVISIONS**

- A. Permit Required. With the exception of those signs specifically authorized in 9.3 below, no sign may be erected without a permit from the Administrative Officer.
- B. Permit Application. Application for permits shall be submitted on forms obtainable at the Office of the Zoning Officer. Each application shall be accompanied by plan, which shall:

1. Indicate the proposed site by identifying the property by ownership, location and use;
2. Show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines, and existing signs; and
3. Show size, character, complete structural specifications and methods of anchoring and support.

If conditions warrant, the Zoning Officer may require such additional information as will enable him to determine if such sign is to be erected in conformance with this Ordinance.

- C. Structural Requirements. Structural Requirements for signs shall be those requirements found in the North Carolina State Building Code.
- D. Sign Area Computation. Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.
- E. Fees.
1. No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Officer and the fees posted in the Planning office are paid accordingly.
  2. Exempt from this fee requirement shall be those signs specified in 9.3 below.
- F. Maintenance. All signs, together with all their supports and braces, shall be kept in a state of good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification thereof by the Zoning Officer. If such order is not complied with in thirty (30) days the Zoning Officer shall remove such at the expense of the owner or lessee thereof.
- G. Location Restrictions.
1. No sign shall be permitted on any public right-to-way except as specifically authorized herein.
  2. No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object except as specifically authorized herein.
  3. Sign shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, structure, or lot.
- H. Setback and Height Requirements.
1. Except as otherwise provided herein, signs are required to observe the same yard setback and height regulations as the principal structures or buildings.
  2. If the lot on which a ground sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned for residential use, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district. Provided further, that all out-door advertising signs shall conform to Section 9.6.
- J. Non-Conforming Signs. No non-conforming sign erected before the adoption of this Ordinance shall be moved or replaced, without complying with the provisions of this Ordinance. All signs existing on the effective date of this article which do not conform to the requirements set forth herein shall be removed or brought into compliance within thirty-six months (36) from the effective date of this Ordinance. However, an existing non-conforming business or industry shall, after the three year period, be allowed one sign not exceeding 12 square feet on a side or a total of twenty square feet, which sign shall be affixed to the building and have only non-flashing illumination.

### 9.3 SIGNS NOT REQUIRING A PERMIT FROM THE ZONING OFFICER

The signs listed below shall not require a permit from the Zoning Officer. However, all signs using electrical wiring and connection shall have an electrical permit.

- A. Directional and information signs, erected and maintained by public agencies and governmental bodies.
- B. Quasi-public signs, not to exceed four (6) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:
  - 1. The name of location of the city, hospital, community center, public or private school, church, synagogue, or other place of worship;
  - 2. The name of a place of meeting or an official or civic body such as the Chamber of Commerce, service club, or fraternal organization.
  - 3. An event of public interest such as public hearing, rezoning, announcement, general election, church or public meeting; local or county fair; and other similar community activities and campaigns;
  - 4. Soil conservation, 4-H and similar projects; and zoning and subdivision jurisdiction boundaries.
- C. Professional and Home Occupations Signs:
  - 1. One sign per lot not to exceed two (2) square feet attached to the principal structure.
  - 2. One sign per lot not to exceed two (2) square feet located at least ten (10) feet from the street line and side property lines. Where side yards are required, no such sign shall be permitted in the required side yards.
  - 3. No such signs shall be illuminated in the residential district.
- D. Temporary Subdivision Sign. Subdivision development signs, not over sixty-four (64) square feet in area which direct attention to the opening of a new subdivision may be erected on the site of such new subdivision. Only indirect illumination with white light will be permitted, such sign shall be removed when seventy-five (75) percent of the Subdivision is sold.
- E. Bulletin Board. One bulletin board for each school or other public building and for each church, synagogue or place of worship, provided that it shall not exceed fifty (50) square feet, such bulletin board may be free standing or attached. In residential districts, illumination of bulletin boards shall be white, non-flashing lights. *(TA-8-13-1)*
- F. Temporary Signs.
  - 1. Real Estate

One (1) temporary real estate sign not exceeding four (4) square feet in area may be placed on a property that is for sale, lease, rent, or barter; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. **Such signs shall not be illuminated.**
  - 2. Other Temporary Advertising Signs

Temporary advertising signs shall be permitted providing that such signs shall not exceed six (6) square feet in area in residential districts and shall be spaced no closer than 100 feet apart.
  - 3. One (1) temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and /or developer, the name of the structure and its use or occupants to be, contractor, subcontractor, architect, and engineer; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be

allowed on each street frontage. Such signs shall be removed when the building has been approved for occupancy by the Zoning Officer. Maximum size of construction signs in the residential zone shall be twenty-four (24) square feet; in all other zones, seventy-two (72) square feet.

- G. Memorial Plaques. Such as cornerstones, historical tablets, grave markers and other remembrances which are placed upon the property which they identify. These signs shall be limited to a maximum of 64 square feet in sign surface area, 12 feet in height and shall not be used for advertising or commercial purposes. (ZA-3-13-2)

#### Setback Requirements for signs Not Requiring a Building Permit

Signs which do not require a permit from the Zoning Officer shall be set back at least ten (10) feet any public right-of-way line or property line and shall be setback at least twenty-five (25) feet from any road intersection. (***No illumination!!!!***)

### **9.4 PERMANENT SIGNS FOR SUBDIVISION**

One permanent subdivision sign per major entrance is permitted. Exception: if a subdivision name sign is incorporated into gateposts, brick walls, or similar structures making the entrance, the name may appear on both sides of the entrance as a substitute for other subdivision identification signs.

- A. Total area per entrance is sixty-four (64) square feet.
- B. Signs shall be placed on private property no closer than ten (10) feet to any property line.
- C. Illumination is restricted to white indirect lighting.
- D. Content of sign is limited to the name of the subdivision.

### **9.5 BUSINESS AND INDUSTRIAL SIGNS**

Business and industrial signs shall be permitted on the premises in districts in which the principal use is permitted subject to the following limitations:

- A. They shall not project more than 1 foot from any building wall or canopy.
- B. If suspended from a canopy, the sign must be at least eight (8) feet above the sidewalk level.
- C. Non-illuminated signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for all signs be greater than 100 square feet.
- D. Illuminated signs shall have a total sign surface area in square feet per establishment, no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for signs be greater than 50 square feet. Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effect may be utilized.
- E. Freestanding signs shall be located not less than 15 feet from the street right of way. No freestanding sign shall be located in a required side yard or within 10 feet of the side property line. (ZA-11-05-3)
- F. One freestanding shopping center identification sign is permitted per shopping center. The maximum area per sign is 200 square feet for centers having up to 15 businesses and 300 square feet for centers having more than 15 businesses.
- G. One manufactured home park sign is permitted per major entrance to a manufactured home park. Area of each sign shall not be more than one-half square foot per manufactured home space, but not to exceed fifty (50) square feet. setback shall be at least 10 feet from the front property line; illumination is restricted to indirect white lighting.

### **9.6 OUTDOOR ADVERTISING SIGNS (Off-Premises -- Billboards)**

- A. Allowed in all districts except the R-residential district and MRD-residential districts.

- B. Allowed along designated state routes (highways) only.
- C. Shall be located a minimum of 300 feet away from any residential structure
- D. No two outdoor advertising signs shall be spaced less than 800 feet apart.
- E. Maximum area of any outdoor advertising sign is 600 square feet.
- F. An NCDOT Outdoor Advertising Permit shall be required.
- G. The leading edge of the sign must remain 20 feet from NCDOT Right of Way.

## **SECTION 10. BOARD OF ADJUSTMENT**

### **10.1 Establishment**

- A. There shall be and hereby is created a Board of Adjustment (hereafter called the Board) consisting of Seven (7) members. The Planning Board is designated as the Board of Adjustment.
- B. The Board of County Commissioners shall appoint members of the Board of Adjustment (Board).
- C. Members of the Board serving upon the effective date of this Ordinance shall serve the balance of the term to which he or she was appointed.
- D. The members of the Board of Adjustment shall be residents of the County.

### **10.2 Proceedings of the Board of Adjustment (ZA-2-15-1)**

#### **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 Zoning 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 Adjustment only on an appeal from the decision of the Zoning 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 one of its members as Chairman, another as Vice-Chairman, and shall appoint a Secretary and such other subordinates as may be authorized by the Board of County Commissioners or as the Board of Adjustment deems necessary.

#### **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 determine.
2. All meetings of the Board shall be open to the public.

**D. Administering Oaths and Compelling Attendance of Witnesses**

The Chairman or, in his absence, the acting Chairman or Clerk, may administer oaths and compel the attendance of witnesses. The Chair, or acting Chair, may subpoena witnesses and compel the production of evidence. The Chair also rules on requests for and objection to subpoenas, with appeals of the Chair's ruling to the full Board. If a person fails to obey a subpoena, the Board may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all parties. No testimony of any witness before the Board pursuant to a subpoena may be used against the witness in any trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor. In addition to subpoenaed witnesses, the zoning official which made the determination being appealed must appear at the hearing as a witness.

- E. The appellant shall not be limited at the hearing to matters stated in the 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.

**F. Minutes of the Meetings**

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.

**G. Voting**

The concurring vote of four-fifths of the members of the Board shall be necessary for the approval of variance requests. A simple majority is required to rule on appeals and **special** use requests. Vacant positions on the Board and members who are disqualified from voting on the matter shall not be considered "members of the Board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

No Planning Board member shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts 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 in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall be majority vote rule on the objection.

**H. Appeal to the Board of 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 Zoning 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.

**I. Fees**

A fee shall be paid by the appellant according to the county fee schedule to cover administrative and advertising costs and postage.

**J. Duty of the Zoning Administrator Upon Notice of Appeal**

The Zoning 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.

**K. Effect of an Appeal**

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the Ordinance, in which case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made. Appellant may apply for an expedited hearing if stay of enforcement is denied. Hearing would take place no more than 15 days from the filing. Appellant may also request a stay on all final decisions regarding permits pending resolution of appeal.

**L. Setting a Hearing Date**

The Board shall fix a date for hearing of the appeal or variance request, to be held within forty-five (45) days of the date a complete application was submitted, giving notice to the applicant by certified mail.

**M. Public Notice of Hearing**

Notice of a variance public 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. In addition, all persons or entities affected by hearing must be notified by mail of the hearing. These persons include the appellant, property owner, all landowners whose land abuts property 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 not more than 25 days, prior to the date of the hearing.

**N. Notice of Decision**

The Board shall provide a written document for all quasi-judicial proceedings which shall reflect the determination of contested facts and the application of standards in this Ordinance to the applicant, landowners and any other party which as submitted written request for notification of decision. This document shall also be signed by the Chair and filed with the Clerk.

**O. Personal Expenses Reimbursed**

Members of the Board shall serve without pay but may be reimbursed by the county for any expenses incurred while representing the Board.

**10.3 Powers and Duties of the Board of Adjustment (ZA-2-15-2)**

**A. Administrative Review**

The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, or his authorized agent, in the enforcement of this ordinance. When the Board hears an appeal of the decision of another Board, it shall only review the record of the previous Boards' findings and should not accept new evidence.

**B. Zoning Variances**

Upon appeal in specific cases, the Board may authorize variance(s) from the terms of this Ordinance as will not be contrary to the public interest. In cases where, due to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, a variance may be appropriate in order that the spirit of this Ordinance shall be observed and substantial justice done.

- a. The Board shall vary any of the provisions of this ordinance upon a showing of all of the following :

- i. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property
  - ii. 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.
  - iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as self-created hardship.
  - iv. The requested variance is consistent with the spirit, purpose and intent of this ordinance, such that public safety is secured and substantial justice is achieved.
1. At the public hearing, which shall be held, any party may appear in person or by agent or by attorney.
  2. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum condition that will make possible the reasonable use of the land, building, or structure.
  3. Before making any finding in a specified case, the Board shall first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property and will not materially increase the public danger of fire and safety. Nor will it impair the public health, safety, morals, and general welfare.
  4. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
  5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Conditions shall be reasonable related to the condition or circumstance that gives rise to the need for the variance. Violation of such conditions and safeguard, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article III (Enforcement and Penalties) and the variance may be revoked.

**C. Decisions of the Board of Adjustment**

The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have powers of the Zoning Administrator from whom appeal is taken.

**D. Technical Review Boards**

The Board may, with its discretion, create and designate specialized boards to hear technical appeals on matters outside of its expertise.

**SECTION 11. CHANGES, AMENDMENTS, AND DEVELOPMENT MORITORIA**

**11.1 Initiation of Amendments**

The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of County Commissioners through, and reviewed by, the Planning Board, which shall consider its merit and make a written recommendation to the Board of County Commissioners. In no case shall final action by the Board of

County Commissioners be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until the Board of County Commissioners has held a public hearing.

## **11.2 Action By the Applicant**

### **A. Initiation of Amendments**

Proposed changes or amendments to the Sampson County Zoning Map may be initiated by the Board of County Commissioners, Planning Board, County Administration, Board of Adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed. Any interested party may initiate proposed amendments to the text of the Ordinance.

### **B. Application (ZA-9-13-2)**

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such application shall be filed not later than three weeks prior to the meeting at which the application is to be considered. There must be a separate application prepared for each parcel of land that has different ownership.

Applications for conditional zoning district map amendments shall also be accompanied by a site specific plan and a written list and/or statement of any proposed restrictions or conditions on the use or development of the property.

### **C. Fees**

A nonrefundable fee, according to the schedule posted in the Planning Department, shall be paid to Sampson County for each application for an amendment, to cover costs of advertising and other administrative expenses involved.

### **D. Public Hearing Notices for Changes**

## **Public Hearing Notices for Changes**

### **1. Notification procedure for text amendments or changes**

A public hearing shall be set and notice of the public hearing shall be published once a week for two successive weeks, the first not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the public hearing by the Board of Commissioners in a newspaper of general circulation in Sampson County. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. (ZA-9-15-4)

### **2. Notification procedure for Rezoning and Map Amendments**

In addition to the required newspaper notification of zoning changes and amendments above in D. 1, rezonings and map amendments require that adjacent property owners be notified by first class mail. Therefore, the applicant shall provide to the Planning and Zoning Officer a list of the names and addresses of all adjacent property owners as listed on the current county tax listings. The list shall be submitted at least three weeks prior to the public meeting of the proposed zoning map amendment (rezoning or boundary changes). Notice to all adjacent property owners and newspaper advertisement shall take place no less than 10 days nor more than 25 days prior to the date fixed for the public hearing.

The first class mail notice required by this Subsection shall not be required if the rezoning directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, and the County elects to use the expanded published notice in a newspaper of general circulation within the area where the rezoning is proposed. The expanded published notice shall consist of an advertisement of the public hearing that is no less than one-half (1/2) of the newspaper page in size. The Zoning Officer shall publish the notice once a week for two (2) successive weeks. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing this period,

the date of publication shall not be counted, but the date of the hearing shall be. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mailed notice.

The County shall also cause a notice of the public hearing to be prominently posted 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 persons. The notice shall be posted no later than ten working (10) days prior to the date of the public hearing.

**E. Reapplication for Amendment**

With the exception of requests originating with the Planning Board, Board of Adjustment, or County Administration, an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period. The Board of County Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

**11.3 Action By the Planning Board**

Every proposed amendment, supplement, change, modification or repeal of this Ordinance shall be referred to the Planning Board for its written comments, recommendation and report. The Planning Board shall consider and make written comments and recommendations to the Board of Commissioners concerning each proposed zoning amendment. The Planning Board shall follow policy guidelines for all zoning amendments. A proposed zoning amendment will not receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord and consistent with the Land Use Plan, any other officially adopted plan that is applicable, and sound planning principles. The Planning Board shall render its decision on any properly filed petition within thirty (30) days after the introduction of such petition and shall transmit its written comments, recommendation and report, including the reasons for its determinations, to the Board of County Commissioners. A comment by the Planning Board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

No Planning Board member shall vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the matter.

**11.4 Action By the Board of County Commissioners**

Before taking such lawful action, as it may deem advisable to approve or deny an applicants request, the Board of County Commissioners shall consider the Planning Board's comments and recommendations on each proposed

zoning amendment. If no written recommendation and report is received from the Planning Board within thirty (30) days after the Planning Board receives the application, the Board of County Commissioners may proceed in its consideration of the amendment without the Planning Board report.

Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and explaining why the Board considers the action take to be reasonable and in the public interest. This statement is not subject to judicial review.

A member of the Board of County Commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have direct, substantial, and readily identifiable financial impact on the member.

### **11.5 Withdrawal of the Application**

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time, but fees are nonrefundable.

### **11.6 Notice to North Carolina Department of Transportation (NCDOT) of Establishment or Revision of Industrial Zones Along Interstate or Primary Highway Rights-of-Way.**

Pursuant to NCGS 136-153, all zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any industrial zone within six hundred and sixty (660) feet of interstate or primary highways. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within fifteen (15) days after the effective date of the zoning change or establishment.

### **11.7 Statue of Limitations on Challenges to Changes and Amendments**

Pursuant to NCGS 1-54.1, an action contesting the validity of any amendment to a county zoning ordinance shall be taken within two (2) months of the adoption of the amendment.

### **11.8 Development Moratoria**

The County may adopt temporary moratoria on any County development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or remove such conditions.

#### **A. Notice of Public Hearing**

Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of sixty (60) days or any shorter period, the Board of County Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven (7) days before the date set for the hearing.

A development moratorium with a duration os sixty-one (61) days or longer, and any extension of a moratorium so that the total duration is sixty-one (61) days or longer, is subject to the published newspaper notice and hearing requiremntns of Section 11.2, Subsection D.

#### **B. Application of Moratorium on Existing/Pending Permits and Approvals**

Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Section shall not apply to any project for which a valid zoning and/or building permit issued is outstanding, to any project for which a special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to a granted vested right, or to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, that have been accepted for review by the County prior to the call for public hearing to adopt the moratorium.

### C. Contents of Ordinance Adopting Moratorium

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

1. A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the County and why those alternative courses of action were not deemed adequate.
2. A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
3. An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
4. A clear statement of the actions, and the schedule for those actions, proposed to be taken by the County during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

### D. Extension of Moratorium

No moratorium may be subsequently renewed or extended for any additional period unless the County shall have take all reasonable and feasible steps proposed to be taken by the County in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in Subsection C, including what new facts or conditions warrant the extension.

### E. Judicial Review

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this Section.

## **SECTION 12. DEFINITIONS AND WORD INTERPRETATIONS**

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

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word “lot” shall include the words “piece”, “parcel”, “tract”, and “plot”.
- F. The word “building” includes all structures of every kind, except fences and walls, regardless of similarity to buildings.
- G. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

**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 enter, and egress, 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 serves 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.

**Adult Entertainment Establishment:** Includes clubs and eating and drinking establishments with nude or seminude entertainment or dancing; physical culture establishments, such as but not limited to, masseurs, massage parlors, etc.; and establishments that include adult bookstores, adult motion picture theaters, adult motels and hotels, and other similar establishments which depict or emphasize sexual activities and/or nudity.

**Affected land (relating to mining):** The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and selling ponds.

**Agriculture:** The practice of cultivating the soil, producing crops, and raising livestock; such as but not limited to dairying, pasturage, viticulture, horticulture, hydroponics, floriculture, aquaculture, truck farming, orchards, forestry, and animal and poultry husbandry. However, the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

**Airfield, Small Private:** The use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes. This small private airfield is not regulated by this Ordinance.

**Airport:** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

**Airport:** All publicly used airports in Sampson County.

**Airport Elevation:** The highest point of an airport's usable landing area measured in feet from mean sea level.

**Airport Hazard:** Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

**Approach Surface:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section (E). In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

**Alley:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

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

**Alternative Structure (regarding Wireless Telecommunication Facilities):** A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards, and electric transmission towers.

**Antenna:** Any exterior transmitting or receiving device that radiates or captures electromagnetic waves (excluding radar signals).

**Antenna, Dual-Band / Multi-Band:** An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized mobile radio).

**Antenna Array:** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

**Attached Wireless Communication Facility.** An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

**Apartment:** A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

**Apartment House:** A building containing three (3) or more dwelling units, except where permitted as an accessory use.

**Apartment Hotel:** A hotel in which at least ninety (90) percent of the hotel accommodations are occupied by permanent guests.

**Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

**Assembly:** A joining together of completely fabricated parts creating a finished product.

**Automobile Service Station (Gas Station):** Any building or land used for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within fifteen (15) feet of any property line or street right-of-way and incidental activities shall not include tire re-treading, major bodywork, major mechanical work, or upholstery work.

**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** means, for floodplain management purposes, any area of the building having its floor sub grade (below ground level) on all sides.

**Bed and Breakfast:** A form of temporary housing for travelers with breakfast included, but no other meals available. There is no restaurant, but a dining room may be used by overnight guests only, which is open only during breakfast hours. The owner must be a resident.

**Berm:** Any elongated earthen mound designed or constructed to separate, screen, or buffer adjacent land uses.

**Billboard:** See “Off-Premises Sign”, under “Signs”.

**Block:** A tract of land or a lot or a group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the County or its towns or any combination of the above.

**Block Frontage:** That portion of a block that abuts a single street.

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

**Board of County Commissioners:** The governing body of Sampson County.

**Boarding House:** A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

**Bona Fide Farm:** Any tract of land which meets the acreage required to be registered in the Land Use Program with the Sampson County Tax Office in accordance with NC General State G.S. 105-277.3 and where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, agricultural products having a domestic or foreign market. In addition, this Ordinance does not impose nor exercise any controls over croplands, timber lands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings including tenant or other houses for persons 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 use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance. (ZA-10-06-1)

**Buffer:** A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

**Buildable Area (Building Envelope):** The space remaining on a zoning lot after the minimum open-space requirements (yards, setbacks) have been met.

**Building:** Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

**Building, Accessory:** See Accessory Building or Use.

**Building Footprint:** The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

**Building Height:** 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. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

**Building Lot Coverage:** The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

**Building, Principal (Main):** A building in which is conducted the principal use of the plot on which it is situated.

**Building Setbacks:** The minimum distance from the property line to closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

**Building Setback Line (Front Yard Setback):** The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the areas upon which a structure may be built or maintained. At the time of application, all yard setbacks are determined from the most recent Sampson County Official Tax Map.

*Front yard setback* - shall be measured from the roadway right-of-way as shown on tax maps.

*Side and Rear yard setbacks* - shall be measured from the property lines as shown on tax maps.

*Corner lot setbacks* - shall be measured from the roadway right-of-ways it is adjacent to as

***On a flag lot*** the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part), which is closest to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width!)

**Built-Upon Area:** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooded slatted decks, golf courses, and the water area of a swimming pool are not considered built-upon area.)

**Camp or Care Center:** A facility licensed by the State of North Carolina, which consists of one or more buildings, located on at least twenty (20) acres of land, which provides accommodations for more than nine (9) individuals and where the activities of those individuals predominantly occur in supervised groups.

**Campground:** Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

**Candlepower:** The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

**Canopy, Marquee, or Awning:** A roof-like cover extending over a sidewalk, walkway, driveway, or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature.

**Car Wash:** A building, or portion thereof, containing facilities for washing automobiles or other vehicles, using production line methods with a chain conveyor, blower, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

**Certificate of Occupancy:** Official certification that a premise conforms to provisions of the Zoning Ordinance (and State Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

**Club or Lodge (Private, Nonprofit, Civic, or Fraternal):** A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

**Collocation/Site Sharing.** Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

**Common Open Space:** A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

**Condominium:** A dwelling unit in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual, and such ownership is not inclusive of any land.

**Conical Surface:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**Contractor:** One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this Ordinance, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

**Controlled-Access Highway:** A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossing at grade, including any interstate, State, or U.S. Route.

**Convalescent Home (Nursing Home):** An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

**Convenience Store:** A commercial building where a variety of items are sold, which may include food, magazines, automobile accessories and maintenance supplies, and other such items. In addition to the commercial building, other services on the premises may include gasoline sales, and a coin operated (automated) car wash.

**Conversion:** Changing the original purpose of the building to the different use.

**Covenant:** A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

**Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutoff-Type Luminary:** A luminary with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is ninety (90) degrees or less.

**Day Care Facility (Adults and Children):**

A place other than an occupied dwelling, which provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All State registration requirements and inspections shall be met.

**If children are the primary clients of the day care home the following shall apply:** Any child care arrangement where three (3) or more children under thirteen (13) years of age receive care away from their own home by persons other than relatives, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include seasonal recreational programs operated for less than four (4) consecutive months. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible.

**Day Care Home (Adults and Children):**

A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and are not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations. All State registration requirements and inspections shall be met.

**If children are the primary clients of the day care home the following shall apply:**

Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), which provides day care on a regular basis at least once a week for more than four (4) hours, but less than twenty-four (24) hours, per day for more than five (5) children under the age of thirteen (13) years, not including the operator's own school-aged children. It does not matter where it is located, whether the same or different children attend, and whether or not operated for profit. The following are not included: public schools; nonpublic schools, as described in G.S. 110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and Bible schools normally conducted during vacation periods.

**Dedication:** The transfer of property from private to public ownership with no compensation involved.

**Density:** The average number of families, persons, 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.

**Density, Net:** The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, *not taking into account* the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special floor hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers.

**Development** means, for floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Drip Line:** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**Driveway:** A private roadway located on a parcel or lot used for vehicle access.

**Dwelling:** A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

**Dwelling, Attached:** A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

**Dwelling, Detached:** A dwelling that is entirely surrounded by open space on the same lot.

**Dwelling, Duplex:** A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

**Dwelling, Multifamily:** A building containing three (3) or more dwelling units, except where permitted as an accessory use.

**Dwelling, Single Family:** A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household.

**Dwelling Unit:** One or more rooms, which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

**Easement:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

**Elevated building** means, for floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

**Existing construction** means for the purposes of determining rates, structures for which the start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

**Existing manufactured home park or manufactured home subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 19, 1988.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

**Erect:** Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

**Equipment Facility:** An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility, which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**Federal Aviation Administration:** FAA

**Federal Communications Commission:** FCC

**Federal Telecommunications Act of 1996:** FTA.

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

**Family:** One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit. For the purpose of this Ordinance, such persons may include gratuitous guests, also persons living together voluntarily as a family in a dwelling as a single housekeeping group.

**Family Care Home:** A facility that provides health, counseling, or related services, including room, board, and care, to six (6) or fewer handicapped persons in a family-type environment. These handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

**Fence, Security:** A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation. Security fences are often equipped with a self-closing and positive self-latching mechanism.

**Floor Area (for determining off-street parking and loading requirements):** The gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

However, “floor area”, for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

**Flood or flooding:** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** is the engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood Boundary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBMs), and/or Flood Insurance Rate Map (FIRMs).

**Floodway:** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor:** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Functionally dependent facility:** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Floor Area, Gross:** The total floor area enclosed within a building.

**Foot-candle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**Frontage:** All of the real property abutting a street line measured along the street right-of-way.

**Garage, Commercial:** Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

**Garage, Parking:** Any building or premises, other than a private or commercial garage, used exclusively for the parking or storage of motor vehicles.

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

**Glare:** The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

**Groundcover:** Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

**Group Care Facility:** A facility operated by a non-profit, profit or church related organization, with support and supervisory personnel that provide room and board, personal care, or habilitation services in a group environment. This definition includes halfway homes, homeless shelters, and substance abuse programs which are developed to provide services which meet the specific needs of each group. This definition does not include individuals who are current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, all of which are not considered disabled under the Fair Housing Act. (*Amended 2/2006*)

**Hazard To Air Navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Height (Towers):** When referring to a Wireless Communication Facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the Wireless Communication Facility, including the antenna array and other attachments.

**Height:** For the purpose of determining the height limits in all zones set forth in this Section, the datum shall be mean sea level elevation unless otherwise specified.

**Highest Adjacent Grade:** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic Structure:** means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

**Home Care Unit:** A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, and is located on a lot of at least one (1) acre in size.

**Home for the Aged, or Rest Home:** A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated.

A major factor that distinguishes those homes is that the residents may be given congregate services as distinguished from the individualization of medical care required in “patient” care. A person may be accepted for sheltered or custodial care because of a disability, which does not require continuing, planned medical care, but which does make him unable to maintain himself in individual living arrangements. For the purposes of this Ordinance, a “home for the aged” shall also be considered a “rest home”.

**Home Occupation:** Any occupation or profession carried on entirely within a dwelling or accessory building on the same lot by one or more occupants thereof, providing the following:

- A. That such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
- B. That no more than twenty-five percent (25%) of the total floor area of the dwelling is used for such purposes;
- C. That there is no outside or window display;
- D. That no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment; and,
- E. That not more than one person not a resident of the dwelling is employed in connection with the home occupation.

**Home Occupation of an Industrial or Commercial Nature:** A home occupation in a rural area that may be of a heavier commercial or industrial nature than a typical home occupation. The business owner resides on the premises, but the amount of floor area used and the type of equipment used may be different than the standard home occupation and more than one person not a resident of the dwelling may be employed. Such home occupations may include commercial or industrial uses listed in the Table of Uses.

**Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan, coincides with the perimeter of the horizontal zone.

**Horse Farm:** A bona fide farm that, as a primary activity, conducts business by engaging in any one or more of the activities of breeding, training, buying, selling, showing, racing, and boarding of horses, including associated accessory activities.

**Hotel:** A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

**Impervious Surface Area:** That portion of the land area that allows little or no infiltration of precipitation into the soil. Impervious areas include, but are not limited to, that portion of a development project that is covered by buildings, areas paved with concrete, asphalt, or brick, gravel roads, patios, driveways, streets, and recreation facilities such as tennis courts. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

**Incompatible Use:** A use or service that is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

**Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

**Industrial Uses:** Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods and materials.

**Inn:** An establishment meeting the definition of “hotel” except that it is designed for a more leisurely paced lifestyle with no more than one (1) active recreational facility provided, such as tennis courts or a swimming pool, with no more than twenty-five (25) guestrooms, and with a maximum of ten (10) percent of the total floor area (excluding guestrooms and hallways) in use as accessory commercial uses, such as gift shops or newsstands.

**Inoperative Vehicle:** Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle that is registered with the North Carolina Division of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

**Junk Yard:** Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A “junk yard” includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A “junk yard” for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.

**Kennel:** An establishment where dogs are bred, trained or boarded.

**Landfill, Demolition:** A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

**Landfill, Sanitary:** A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

**Landscape Architect:** A professional landscape architect registered by the State of North Carolina.

**Landscaped Area:** A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

**Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven or jet powered aircraft of greater than 12,500 pounds maximum gross weight.

**Life Care Center:** A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

**Light, Cutoff:** An artificial outdoor lighting fixture, or luminaire, designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

**Light, Non-Cutoff:** An artificial outdoor lighting fixture, or luminaire that is designed to allow light to be directly emitted above a horizontal line parallel to the ground.

**Loading Area or Space, Off-Street:** An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

**Lot:** A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds. For the purpose of this Ordinance, the word “lot” shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

**Lot, Corner:** A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a

case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

**Lot, Depth:** The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

**Lot, Interior:** A lot other than a corner lot.

**Lot Lines:** The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

**Lot, Through:** An interior lot having frontage on two streets.

**Lot, Width:** The straight line distance between the points where the building setback line intersects the two side lot lines.

**Lot of Record:** A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Sampson County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds by the owner or predecessor in title thereto.

**Lowest Floor** means, for floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Manufactured Home.** A dwelling unit that is not constructed in accordance with the standards of the North Carolina State Building Code, and is composed of one or more components, each of which are substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and exceeds forty feet in length and eight feet in width (commonly called a mobile home).

**Manufactured Home, Class A.** A manufactured home constructed after July 1, 1976 that meet or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- (b) The manufactured home has a minimum of 1200 feet of enclosed and heated living area.
- (c) The pitch of the roof of the manufactured home has minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet by 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction.
- (d) The roof eaves and gable overhangs shall be 12-inch minimum (rain gutters may be included in the minimum dimensions).
- (e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- (f) The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Administration requirements relative to tie downs.
- (g) The electrical meters servicing the manufactured home shall be mounted (attached) directly to the manufactured home.
- (h) A multi-sectional manufactured home is required. A singular sectional manufactured home is prohibited.
- (i) All manufactured homes shall otherwise meet all applicable zoning regulations for the zoning district in which the home is located.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on site conventionally built, single family dwelling to include landscaping in harmony with surrounding dwellings.

**Manufactured Home, Class B.** (Commonly referred to a single section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

1. Exterior siding must be either painted or stained wood such as board and batten or board-on-board, Masonite, simulated stucco, residential grade metal, or vinyl lap siding. All siding shall be in good condition, complete, not damaged or loose. Exterior paint shall also be in good condition.
2. All repairs made to the exterior of manufactured homes shall be made consistent with the “original intent or integrity” of the manufactured home. (For example: If repairs are made to the siding, material or close to or consistent with the original siding shall be used.)
3. Each manufactured home shall either have a brick curtain wall, ABS plastic color skirting with interlocking edges (key locked) or PVC painted metal approved skirting installed around the perimeter of the manufactured home before a certificate of occupancy is issued by the Sampson County Building Inspections Department. Skirting shall be attractive and in good condition, not pierced and shall be laid-up in an attractive, workmanlike manner. Failure to comply with this requirement will result in penalties found in Section 2.2 of this ordinance.
4. All windows and doors shall be intact and in working condition.
5. Permanent steps meeting the North Carolina Building Code shall be installed and maintained

**Manufactured Home, Class C.** (Commonly referred to as a house trailer or a mobile home.) Any manufactured home that does not meet the definitional criteria of a Class A or a Class B manufactured home. Class C Manufactured homes are only allowed within Sampson County if they are located within Sampson County by the adoption of this ordinance. Once a Class C manufactured home is disconnected from utilities at its current location it cannot be moved and reconnected to a new location within Sampson County. The disconnected manufactured home cannot be used for dwelling or storage and must be disposed of.

**Manufactured Home Park:** Any site or tract of land, of contiguous ownership upon which mobile home spaces are provided for mobile home occupancy, whether or not a charge is made for such service. This does not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

**Manufactured Home Space:** A plot of land within a manufactured home park designed for the accommodation of one mobile home.

**Manufactured Home Stand:** That portion of the manufactured home space intended for occupancy by the mobile home proper, consisting of a rectangular plat of ground of least 12 by 60 feet.

**Mean Sea Level** means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.

**Mining:**

1. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
2. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
3. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

**Mining does not include:**

1. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
2. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
3. Mining operations where the affected land does not exceed one (1) acre in area.

4. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
5. Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

**Mini-Warehouse / Storage Facilities:** A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

**Mobile Office:** A structure identical to a manufactured home except that it has been converted to, or originally designed and constructed for, commercial or office use.

**Modular Structure:** A manufactured structure designed for year-round residential or commercial use, with major components or modules preassembled and transported to a site for final assembly and utility connection, but which is not designed to be transported on its own chassis. Such structures must meet all requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

**Motel:** A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

**"New construction"** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

**"New manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 19, 1988.

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

**Nonconforming Use:** The use of a building, mobile home, or land which does not conform to the use regulation of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated.

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

**Non-Precision Instrument Runway:** A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

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

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

**Ordinance:** This, the Zoning Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to, the reference includes the effective date of any amendment to it.

**Outdoor Display:** The placement of merchandise normally associated with the commercial or industrial use outside for public display.

**Outdoor Storage:** The placement or storage of goods, equipment, or material, such as junk vehicles, junk appliances and other such items, trash, and other debris outside of an enclosed building for a period of more than forty-eight (48) consecutive hours shall be considered outdoor storage. Outdoor storage does not refer to licensed vehicles in use by the person occupying the property, or other minor and incidental storage, such as items specifically designed for outdoor use including; lawn furniture, outdoor grill, swing set, lawn care equipment, which would not have a negative impact on the health, safety and general welfare of adjacent property owners and land uses.

**Overlay District:** A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.

**Parking Lot or Area:** An area or plot of land used for, or designated for, the parking or storage of vehicles, either as a principal use or as an accessory use.

**Parking Space:** A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.

**Parking Space, Off-Street:** A parking space located outside of a dedicated street right-of-way.

**Person:** An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**Planned Unit Development (PUD):** A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

**Planning Board:** The public agency in a community usually empowered to prepare a comprehensive land plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

**Planning and Zoning Administrator (Zoning Administrator):** The official person charged with the enforcement of the Zoning Ordinance.

**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 and other ordinances.

**Precision Instrument Runway:** A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR) providing horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Premises:** A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

**Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 1,000 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Private Road or Street:** Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

**Recreation, Indoor** – A commercial, public or private recreational land use conducted entirely within a building including but not limited to arena, art gallery, recording studio, assembly hall, athletic and health club, club or lounge, community center, gymnasium, museum. (ZA-5-08-1)

**Recreational vehicle:** means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. *(Amended 1/2001)*

**Recycling Center:** A building, facility, or property excluding junkyards or any other property which is used to re-process motor vehicles, motor vehicle parts, tires, batteries, petroleum products, or any other product deemed as a hazardous material. This building, facility, or property may be used to collect and/or bale recyclable products in preparation for shipment to others. These recyclable products may include, but are not limited to newspapers, magazines, books or other paper products; plastics; glass; metal cans and other similar products. *(ZA-2-11-1)*

**Renewable Energy Facility:** A facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

- A. Generates electric power by the use of a renewable energy resource.
- B. Generates useful, measurable combined heat and power derived from a renewable energy resource.
- C. Is a solar thermal energy facility. *(ZA-6-08-1)*

**Renewable Energy Resource:** A solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; a biomass resource, including agricultural waste, animal waste, wood waste, spent pulping liquors, combustible residues, combustible liquids, combustible gases, energy crops, or landfill methane; waste heat derived from a renewable energy resource and used to produce electricity or useful, measurable thermal energy at a retail electric customer's facility; or hydrogen derived from a renewable energy resource. 'Renewable energy resource' does not include peat, a fossil fuel, or nuclear energy resource. *(ZA-6-08-1)*

**Residential District or Land Zoned Residential:** Indicates any District in which residential uses are permitted. Residential uses include manufactured homes.

**Right-of-Way:** An area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

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

**Satellite Dish Antenna (Earth Station):** A dish antenna, or earth station, is defined as an accessory structure and shall mean a combination of:

- A. Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- B. A low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
- C. A coaxial cable whose purpose is to carry the signals into the interior of the building.

**Sawmill (Temporary):** The temporary operation of a sawmill and/or chipper to process the timber cut from a parcel or contiguous parcels for the purpose of selling such forestry products.

**Self-Service Gasoline Pump:** A gasoline or diesel fuel dispensing pump, which is, operated by the customer who pays the charge to an attendant or cashier.

**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).

**Setback (Towers):** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

**Support Structure:** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device), which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

**Shopping Center:** A commercial area with one or more buildings or lots and designed as a unit to house two (2) or more businesses offering products and/or services to the public.

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

**Sign, Awning:** Any sign, constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building.

**Sign, Banner:** Any sign, except an awning sign, made of flexible fabric-like material.

**Sign, Canopy:** Any sign, which is part of, or mounted to, the side of a canopy.

**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 regulations. 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, Identification (Directory):** A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers. A directory sign is an identification sign with multiple names.

**Sign, Informational:** Any on-premises sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction, and prices.

**Sign, Flashing:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”. Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

**Sign, Freestanding:** Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five (5) feet from the side of the building to which it is attached.

**Sign, Gross Area:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display.

**Sign, Monument:** A freestanding sign, generally, but not necessarily, of a low profile in which there is usually no exposed frame, mast, or pole and which is built of brick, stone, concrete, wood, or other substantial material resembling a monument, fence or wall segment, or a berm.

**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 Plan:** See “Unified Sign Plan”.

**Sign, Pole:** A type of freestanding sign supported by one or two poles or masts.

**Sign, Portable:** Any sign which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place. Such sign may or may not have changeable copy, may or may not be wired for lighting, and may or may not have wheels. “Sandwich boards” are included as portable signs.

**Sign, Projecting:** A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

**Sign, Public Information:** A sign, usually erected on public property or right-of-way and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.

**Sign, Roof:** A sign which is displayed above the eaves of a building. These signs are not allowed by this Ordinance.

**Sign, Surface Area:** The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that area encompassing the individual letters themselves, including the background behind the letters and any trim or border.

**Sign, Wall:** A sign attached to or painted on a wall, not projecting away from the wall more than twelve (12) inches, with the exposed display surface in a plane parallel to the plane of the wall, and including signs attached to or otherwise displayed on or through a façade window. The following are not wall signs: wall identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

**Site Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes such things as lot lines, streets, building sites, reserved open space, buildings, major landscape features – both natural and manmade and depending on requirements, the locations of proposed utility lines.

**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.

**Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

**Street:** A thoroughfare, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

**Street Line:** The line between the street right-of-way and abutting property (i.e. right-of-way line).

**Structure:** Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

\*For the section 3.3.6 APO **Structure** is defined more specifically as follows: An object, including but not limited to, a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

**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 modifications. The current official definition is found in the Sampson County Subdivision Regulations.

**Start of construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Structure:** means, for floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

**Substantial damage:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

**Substantial improvement:** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Substantially improved existing manufactured home park or subdivision:** means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced. (Amended 1/2001)

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

**Tourist Home:** Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served, other than a bed and breakfast.

**Trailer:** Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:

- A. ***House Trailer:*** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or a body length thirty-two (32) feet or less when equipped for road travel.
- B. ***Recreation Vehicle:*** A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.
- C. ***Camping Trailer:*** A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
- D. ***Trailer:*** A vehicle hauled by another vehicle and designed to transport vehicles, boats, or freight.

**Transitional Surfaces:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**Transmission Line, High Voltage Electric Power:** A line transmitting, or designed to transmit, electricity of 66,000 or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

**Temporary Wireless Communication Facility.** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

**Tree:** Any object of natural growth.

**Unattended Gasoline Pump:** A gasoline or diesel fuel dispensing pump, which dispenses fuel automatically according to the amount of money inserted into the pump. Such pumps are usually located without an attendant or other personnel on hand.

**Under story:** The small trees, shrubs, and other vegetation growing beneath the canopy of forest trees.

**Unified Sign Plan:** An overall plan for the placement and design of multiple signs for a building, group of buildings, or use on a single lot.

**Use:** Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.

**Variance:** A variance is a relaxation of the terms of the Zoning 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. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

**Wetlands:** Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time. Generally wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wireless Communications:** Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

**Wireless Communication Facility:** A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

**Wireless Telecommunication Tower:** Any tower or structure erected for the purpose of supporting, including, but not limited to, one or more antennas designed to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. Alternative structures, as defined by this Ordinance, are considered towers by this definition. The following shall not be included in this definition:

- A. Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- B. Residential antennas for receiving television or AM/FM radio broadcasts;
- C. Residential satellite dishes; or,
- D. Commercial or industrial satellite dishes that are less than 20 feet in height.

**Woodlands:** Land that is undeveloped except for roads and utilities and contains stands of native trees.

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

**Yard, Front (Highway Yard):** A yard across the full width of the lot extending from the front line of the building.

**Yard, Side:** An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot.

**Yard, Rear:** A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

**Zero Lot Line:** A concept commonly used in Planned Unit Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

**Zoning:** A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts – a text and a map.

**Zoning District:** An area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

### **SECTION 13. AMENDMENTS**

**ZA-10-04-1** – A zoning amendment request by the Clinton-Sampson Planning Department to amend Sections 3.3.1 E, 3.3.2 E, 3.3.3 E, 3.3.4 E, and 3.3.6 E.

**ZA 2-05-1** – A zoning amendment request by the Clinton-Sampson Planning Department to amend the definition of a Class B – Manufactured Home.

**ZA 4-05-1** – A zoning amendment request by the Sampson County Planning Board to amend Section 4.13 to include the following sentence:

In no case shall a manufactured home be used as an accessory building for storage or any other use other than a dwelling unit.

**ZA 4-05-2** – A zoning amendment request by the Sampson County Planning Board to amend Section 11.2 D.2 of the Sampson County Zoning Ordinance to remove the following sentence:

The Zoning Officer shall cause a RETURN RECEIPTS REQUESTED to be attached to each prepared letter/envelope to insure property owner notification.

**ZA 4-05-3** – A zoning amendment request by the Clinton-Sampson Planning Department to amend Section 7.3 to remove the following sentence:

A notice of the public hearing shall be mailed, Return Receipt Requested, to each person on this list prior to public hearing.

and replace with:

Each person on this list shall be mailed by 1<sup>st</sup> class mail, notice of the public hearing prior to the public hearing.

**ZA-5-05-1** – A zoning amendment request to amend Section 2.2 of the Sampson County Zoning Ordinance to include the following:

#### *J. VIOLATIONS MUST BE RESOLVED PRIOR TO PERMIT ISSUANCE*

**ZA 7-05-1** – A zoning amendment request to amend Section 6.4 A. 12. of the Sampson County Zoning Ordinance by removing the terms Day Care and Day Care Facility and replace with Family Care Home.

**ZA-11-05-1** – A zoning amendment request to amend Section 3.3.1 D. of the Sampson County Zoning Ordinance by adding Bulk Fuel Storage Facility as a special use in an RA Residential Agriculture district.

**ZA-11-05-2** – A zoning amendment request to amend Section 3.3.1 B. of the Sampson County Zoning Ordinance by adding Airplane Hangar (as an accessory use to an airport) as a permitted use in an RA Residential Agriculture district.

**ZA-11-05-3** – A zoning amendment request to amend Section 9.5.E of the Sampson County Zoning Ordinance by changing the setback requirements.

**ZA-12-05-1** – A zoning amendment request to amend Section 12 of the Sampson County Zoning Ordinance to include the following definition:

Group Care Facility

**ZA-12-05-2** – A zoning amendment request to amend Section 3.3.1 D of the Sampson County Zoning Ordinance to by adding Group Care Facility to the list of Special Uses in an RA-Residential Agriculture district.

**ZA-1-06-1** – A request to amend Sections 1.1, 7.3, 10.2, 10.3 and 11 of the Sampson County Zoning Ordinance to reflect recent mandated changes in the North Carolina General Statutes and other suggested changes as they relate to Planning and Land Use Management.

**ZA-2-06-1** – A request to amend Section 3.3.1 C of the Sampson County Zoning Ordinance to include Restaurant as a permitted use with conditions in the RA-Residential Agriculture District

**ZA-6-06-1** – A request to amend Section 3.3.2 E. of the Sampson County Zoning Ordinance to change the front setback in R-Residential District from 50 ft. to 40 ft.

**ZA-8-06-1** – A request to amend Section 3.3.1.D of the Sampson County Zoning Ordinance to include an Open Air Market as a special use in RA-Residential Agriculture districts.

**ZA-9-06-1** – A request to amend Section 12 of the Sampson County Zoning Ordinance to include a definition of Industrial Uses.

**ZA-10-06-1** – A request to amend Section 12 of the Sampson County Zoning Ordinance to change the definition of Bona Fide Farm.

**ZA-8-07-1** – A request to amend Section 3.3.1.E of the Sampson County Zoning Ordinance to change the Minimum lot depth from 200 ft. to 150 ft.

**ZA-8-07-2** – A request to amend Section 4.14 (paragraph 3) of the Sampson County Zoning Ordinance detail pool accessory uses.

**ZA-11-07-1** – A request to amend Section 3.3.1 D of the Sampson County Zoning Ordinance to include Automobile Sales as a Special Use in an RA District.

**ZA-11-07-2** – A request to amend Section 7.10 of the Sampson County Zoning Ordinance to include Automobile Sales requirements.

**ZA-11-07-3** – A request to amend Section 4.6 of the Sampson County Zoning Ordinance to change Lot of Record requirements.

**ZA-4-08-1** – A request to amend Sections 3.3.1 C, 3.3.2 C and 3.3.3 C of the Sampson County Zoning Ordinance to remove wording (new family cemeteries not allowed).

**ZA-4-08-2** – A request to amend Section 3.3.4 B of the Sampson County Zoning Ordinance to remove wording (new family cemeteries not allowed).

**ZA-4-08-3** – A request to amend Section 6.4 A of the Sampson County Zoning Ordinance to remove wording (new family cemeteries not allowed).

**ZA-4-08-4** – A request to amend Section 6.4 A of the Sampson County Zoning Ordinance to add Permitted uses with conditions list from Section 3.3.3 C (MRD Residential District).

**ZA-5-08-1** – A request by Ann Tyndall to amend Section 12 of the Sampson County Zoning Ordinance to include a definition for Indoor Recreation.

**ZA-5-08-2** – A request by Ann Tyndall to amend Section 3.3.1.D of the Sampson County Zoning Ordinance by including “Recreation, Indoor” as a Special Use in an RA-Residential Agriculture district.

**ZA-6-08-1** – A request to amend Section 12 of the Sampson County Zoning Ordinance by including definitions for ‘Renewable Energy Facility’ and ‘Renewable Energy Resource’.

**ZA-6-08-2** – A request to amend Section 3.3.5 C of the Sampson County Zoning Ordinance by removing old ‘Maximum Building Height’ requirements in the I – Industrial District.

**ZA-6-08-3** – A request to amend Section 3.3.5 C of the Sampson County Zoning Ordinance by adding new ‘Maximum Building Height’ requirements in the I – Industrial District.

**ZA-6-08-4** – A request to amend Section 3.3.5 E of the Sampson County Zoning Ordinance by adding ‘Maximum Building Height’ requirements.

**ZA-6-08-5** – A request to amend Section 6.4 B of the Sampson County Zoning Ordinance by including ‘Renewable Energy Facility’ in the list of I – Industrial District Permitted Uses with conditions.

**ZA-6-08-6** – A request to amend Section 6.4 B by including #9 and #10 regarding the requirements applying to the uses permitted with conditions for C and I Districts.

**ZA-6-08-7** – A request by New Life Baptist Church to amend Section 3.3.1 D of the Sampson County Zoning Ordinance by including Private School as a Special Use in an RA-Residential Agriculture district.

**ZA-3-09-1** – A request by Benny King to amend Section 3.3.1 D of the Sampson County Zoning Ordinance by including Farm Equipment Sales as a Special Use in an RA-Residential Agriculture District.

**ZA-3-09-2** – A request by Benny King to amend Section 7.10 Special Use Minimum Development Requirements of the Sampson County Zoning Ordinance.

**ZA-9-09-1** – A request by Marshall Thornton to amend Section 3.3.1.D of the Sampson County Zoning Ordinance to include “Mining (Quarrying and other Extraction Operations)” as a Special Use in an RA Residential Agriculture district.

**ZA-9-09-2** – A request by Marshall Thornton to amend Section 7.10 Special Uses Minimum Development Requirements by including Mining and Quarrying or other Extraction Operations (I and RA district).

**ZA-12-09-1** – A request by Carla Ollis to amend Section 12 of the Sampson County Zoning Ordinance by including the definition of a winery.

**ZA-3-10-1** – A request to amend the Sampson County Zoning Ordinance by adding Section 3.3.10 – Light Industrial District

**ZA-2-11-1** – A request to amend the Sampson County Zoning Ordinance by adding a definition for “Recycle Center” to Section 12: Definitions.

**ZA-4-11-1** – A request by Hampton Bradshaw to amend Section 3.3.1 of the Sampson County Zoning Ordinance to include horse racing as a special use in an RA-Residential Agriculture district.

**ZA-4-11-2** – A request by Planning Staff to amend Section 7.10 – Special Use Minimum Development Requirements of the Sampson County Zoning Ordinance to include special requirements for horse racing.

**ZA-4-12-1** – A request by Planning Staff to amend Section 3.3.4 of the Sampson County Zoning Ordinance to include churches and their customary uses including childcare on premises, fellowship halls and playgrounds as a permitted use in a C-Commercial District.

**ZA-5-12-2** – A request by Planning Staff to amend Section 12 of the Sampson County Zoning Ordinance to include a definition for Sawmill (Temporary).

**ZA-8-12-1** – A text amendment request by Robert Cooper to amend Section 3.3.4 of the Sampson County Zoning Ordinance to include Electronic Gaming as a use permitted with conditions in a C-Commercial District.

**ZA-8-12-2** - A text amendment request by Planning Staff to amend Section 7.10 of the Sampson County Zoning Ordinance to include minimum development requirements for Electronic Gaming.

**ZA-8-12-3** - A text amendment request by Planning Staff to amend Section 12. Definitions of the Sampson County Zoning Ordinance to include a definition for a “Solar Farm”.

**ZA-8-12-4** - A text amend request by Kent Trowbridge of Solbridge Energy to amend Sections 3.3.1 and 3.3.4 of the Sampson County Zoning Ordinance to include “Solar Farm” as a special use in the RA-Residential Agriculture and C-Commercial districts.

**ZA-12-12-1** - A text amendment request by Rochelle Parker to amend Section 3.3.1 of the Sampson County Zoning Ordinance to include Automobile, Wholesale as a special use in an RA-Residential Agriculture District.

**ZA-3-13-1** - A text amendment by Planning Staff to amend Section 4.6 of the Sampson County Zoning Ordinance with regard to a Substandard Lot of Record.

**ZA-3-13-3** - A zoning amendment request by Planning Staff to amend Section 4.4 of the Sampson County Zoning Ordinance with regard to the Relationship of Buildings to a Lot.

**ZA-3-13-4** - A zoning amendment request by Planning Staff to amend Section 4.13 – Accessory Structures/Buildings of the Sampson County Zoning Ordinance.

**ZA-3-13-2** - A text amendment request by Planning Staff to amend Section 9.3 of the Sampson County Ordinance to include Memorial Plaques as a Sign Not Requiring a Permit From The Zoning Officer.

**ZA-8-13-1** - A text amendment by planning staff to amend section 9.3 of the Sampson County Zoning Ordinance in regard to Signs Not Requiring A Permit.

**ZA-9-13-1** - A text amendment by planning staff to amend Section 3. Official Zoning Map and Zoning Districts of the Sampson County Zoning Ordinance by including Section 3.4 which will address Conditional Zoning Districts

**ZA-9-13-2** - A text amendment request by planning staff to amend Section 11.2 B. of the Sampson County Zoning Ordinance by including language which addresses applications for conditional zoning district map amendments.

**TA-1-14-1** - A zoning amendment request by George Hi Plantation to amend the Sampson County Zoning Ordinance by including Section 9.7 Business and Industrial Directional Signs (off premises).

**TA-4-14-1** - A text amendment request by Sampson County to amend Section 12. Definitions and Word Interpretations of the Sampson County Zoning Ordinance.

**ZA-9-14-1** - A zoning amendment request by Planning Staff to amend the Section 10.2, Proceedings of the Board of Adjustment, of the Sampson County Zoning Ordinance to reflect current procedures and responsibilities as mandated by the North Carolina General Assembly.

**ZA-9-14-2** - A zoning amendment request by Planning Staff to amend the Section 10.3, Powers and Duties of the Board of Adjustment, of the Sampson County Zoning Ordinance to reflect current procedures and responsibilities as mandated by the North Carolina General Assembly.

**ZA-10-14-1** - An amendment request by Planning Staff to amend the Article 4, Section B, (3) of the Sampson County Flood Prevention Ordinance.

**ZA-2-15-1** - A zoning amendment request by Planning Staff to amend Section 10.2, Proceedings of the Board of Adjustment, of the Sampson County Zoning Ordinance to reflect current procedures and responsibilities as mandated by the North Carolina General Assembly.

**ZA-2-15-2** - A zoning amendment request by Planning Staff to amend Section 10.3, Powers and Duties of the Board of Adjustment, of the Sampson County Zoning Ordinance to reflect current procedures and responsibilities as mandated by the North Carolina General Assembly.

**ZA-4-15-1** - A text amendment by planning staff to amend Section 4.18 C, Screening and Buffering, of the Sampson County Zoning Ordinance.

**TA-9-15-1** - A request by Planning Staff to amend Section 3.3.5 E (I-Industrial District) use table of the Sampson County Zoning Ordinance.

**TA-9-15-2** - A request by Planning Staff to amend Section 3.3.10 C (I-1 Light Industrial District) of the Sampson County Zoning Ordinance.

**TA-9-15-3** - A request by Planning Staff to amend Section 7 (Special Use Permits) of the Sampson County Zoning Ordinance.

**TA-9-15-4** - A request by Planning Staff to amend Section 11.2 D (Public Hearing Notices for Changes) use table of the Sampson County Zoning Ordinance.

**TA-2-16-1** – A request by Planning Staff to amend Section 3.3.1.E., Dimensional Requirements in the RA-Residential Agriculture District of the Sampson County Zoning Ordinance.

**TA-2-16-2** – A request by Planning Staff to amend Section 3.3.2.E., Dimensional Requirements in the R-Residential District, of the Sampson County Zoning Ordinance.

**TA-2-16-3** – A request by Planning Staff to amend Section 3.3.3.E., Dimensional Requirements in the MRD-Mixed Residential District of the Sampson County Zoning Ordinance.

**TA-11-16-1** – A request by Chris Jarman to amend Section 9.6 – Outdoor Advertisement Signs, of the Sampson County Zoning Ordinance.

**TA-3-19-1**- A request by the Sampson County Planning staff to amend Section 7.7, Expiration (Special Use Permits) of the Sampson County Zoning Ordinance.