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**ROBESON COUNTY ZONING ORDINANCE
PREAMBLE**

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR LAND WITHIN ROBESON COUNTY, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEROF AND CREATING A BOARD OF ZONING ADJUSTMENT IN ACCORDANCE WITH THE STATUTES OF NORTH CAROLINA GOVERNING COUNTY ZONING. THIS ORDINANCE DOES NOT APPLY IN ANY MUNICIPALITY UNLESS ADOPTED BY THE GOVERNING BODY OF THAT MUNICIPALITY.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ROBESON COUNTY, STATE OF NORTH CAROLINA, AS FOLLOWS:

ARTICLE I. GENERAL REGULATIONS AND PROVISIONS

SECTION 1. PURPOSE

This Ordinance is designed to guide the growth of the various land uses of the County and to encourage the future development of the County in accordance with a plan of land use and population density so that the County may realize its best potentialities as a place to live and work.

SECTION 2. AUTHORITY

The provisions of this Ordinance are adopted under authority granted by Article 18 of Chapter 153A of the General Statutes of North Carolina.

SECTION 3. ZONING DISTRICTS ESTABLISHED

For the purposes of this Ordinance, all land of the unincorporated territory of Robeson County, excluding the territory under the extraterritorial jurisdiction of municipalities as set forth on the accompanying official zoning maps, is hereby divided into sever districts as follows:

RA	Residential Agricultural
R1	Residential Single Family
R2	Residential District
C1	Neighborhood Commercial District
H1	Highway District
I2	Heavy Industrial District
OS	Open Space District

The boundaries and location of said districts are hereby established as designated on the Official Zoning Map or maps accompanying this Ordinance and made a apart hereof, entitled "**Official Robeson County Zoning May, 1988**". Said map or maps, together with all notations and designations thereon and amendments thereto, are hereby made fully a part of this Ordinance just as if the same were fully described herein.

SECTION 4. INTERPRETATION OF DISTRICT BOUNDARIES

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

- 4.1 District boundary lines are intended to be along or parallel to property lines or lot lines and to the center line of streets, highways, railroads, easements, other right-of-way, and creeks, streams, or other water channels.

- 4.2 In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the zoning map.
- 4.3 When the street or property layout existing on the ground is at variance with that That shown on the zoning map, the **Board of Adjustment** shall interpret the district boundaries of this Ordinance.

SECTION 5. INTERPRETATION OF DISTRICT REGULATIONS

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

5.1 USES VS. RIGHT AND CONDITIONAL USES

All uses listed as permitted uses are permitted by right according to the terms of this Ordinance. Conditional use are permitted subject to compliance with standard for, conditional uses and with any additional conditions specified. If similar, but unlisted, uses are proposed as uses by right or as conditional uses, the **Zoning Administrator** shall decide if they are similar enough to be within the spirit of the Ordinance for the district under consideration.

5.2 MINIMUM REGULATIONS

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, **the more** restrictive or higher **standard** shall govern.

5.3 RESTRICTIVE COVENANTS

Unless restrictions established by covenants running with the land are prohibited by the provisions of this Ordinance, nothing contained herein shall be construed to render such covenants inoperative.

5.4 BONA FIDE FARMS

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm within the jurisdiction of this Ordinance, except that any use of such property for non-farm purposes shall be subject to these regulations.

SECTION 6. SEVERABILITY OF ORDINANCE

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

SECTION 7. DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word 'lot' includes the word 'plot' or 'parcel', the term 'shall' is always mandatory; the, words 'used' or 'occupied', as applied to any land or building shall be construed to include the words 'intended, arranged, or designed to be used or occupied.' Terms, which are defined in this section, are underlined throughout the Ordinance.

- 7.1 BUILDING - Any **structure** enclosed and isolated by exterior wall constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing billboards, and sign and similar structures whether stationary or movable.
- 7.2 BUILDING ACCESORY- A subordinate building, the use of which is customarily incidental to that of a principal building on the same plot.
- 7.3 BUILDING HEIGHT OF - The vertical distance measured from the grade to the highest point of the copying of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge of a gable, hip, or gabled roof.
- 7.4 BUIDLING PRINCIPAL - A building in which is conducted the principal use of the plot on which it is situated.
- 7.5 DWELLING UNIT - Any **building**, or portion thereof, which is designed for living and/or sleeping purposes.
- 7.6 GROSS FLOOR AREA - Floor area calculated irrespective of interior walls or closets.
- 7.7 GROUP HOME -“Family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons.”

(ADDED April 18, 2005)

- (A) ”Handicapped person means a person with a temporary or permanent physical, emotional, or mental disability including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122-C3(11)b.
- (B) The proposed family care home is not located within a one-half mile radius of an existing family care home as required by N.C.G.S. 168-22.
- (C) “A six (6) foot chain link fence is to be erected around the perimeter of the property to protect the residents from exposure to hazards.

- 7.8 HOME OCCUPATION- Any occupation customarily conducted for profit within a **Dwelling Unit** and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes.
- 7.9 LOT - A parcel of land occupied or to be occupied by a main **building** or group of main buildings and **accessory building (s)**, together with such yards, open spaces, **lot width** and lot area as are required by this Ordinance and having not less than the minimum required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

- 7.10 LOT, DEPTH OF -The average horizontal distance between front and rear lot lines.
- 7.11 LOT OF RECORD - A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Robeson County, or a lot described by metes and bounds, the description of which has been recorded. The recording of the lot by either means shall have preceded the adoption of zoning district regulations.
- 7.12 LOT, WIDTH OF - The average horizontal between side lot lines measured at the front line of the building or proposed building.
- 7.13 MOBILE HOME
(AMENDED JUNE 2003)

REQUIREMENT FOR MANUFACTURED HOMES:

Inspection and Inspection Fees

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

1. **MANUFACTURED DATE:** That the manufactured home must have been built after 1976 and must have proof that its original construction was in compliance with HUD standards;
2. **COMPLIANCE WITH MINIMUM HOUSING CODE:** That the manufactured home meets or exceeds the “Minimum Housing Code for Robeson County” (hereinafter referred to as the “M.H.C.”), specifically that the manufactured home is not a “dilapidated home” as defined in the M.H.C.
3. **AFFIDAVIT REQUIREMENT FOR PERMIT:** A manufactured home that is determined to have been manufactured after 1976 may be permitted upon the applicant’s affidavit that the home meets the M.H.C.

REMOVAL OF TRANSPORTING DEVICES AND SKIRTING REQUIREMENTS

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

1. **REMOVAL OF TRANSPORTING DEVICES:** The Manufactured Home must have the tongue, axles, removable towing apparatus and transporting lights removed after placement on permitted parcel and before occupancy may be allowed;
2. **SKIRTING REQUIRED:** The Manufactured Home must have installed under its structure a continuous, non-flammable/non-combustible curtain wall, skirting, permanent masonry or other approved product curtain wall or foundation, which has not been pierced except for ventilation and access.
3. **EXCEPTION:** A Manufactured Home which is otherwise permitted on land not owned by the owner of the manufactured home **AND** otherwise meets the requirements of this ordinance shall be exempt from the requirements of paragraph (1) REMOVAL OF TRANSPORTING DEVICES

**THE AMENDMENT OF 7.13 SHALL BE EFFECTIVE UPON ADOPTION.
ADOPTED JUNE 1, 2003.**

- 7.14 MOBILE HOME PARK - Mobile Home Park is a parcel or tract of land developed with facilities for locating six (6) or more **mobile homes**, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied mobile homes are parked for the purpose of inspection or sale.
- 7.15 NON CONFORMING BUILDING - A building which is situated on a lot in such a manner that it does not meet the yard requirements of the Zoning District.
- 7.16 NON CONFORMING LAND- A lot which does not meet the minimum area requirements of the Zoning District in which it is located.
- 7.17 NON CONFORMING USE - A legal use of a **Building** and/or land that antedates the adopting of these regulations and does not conform to the regulations for the zone in which it is located.
- 7.18 PARKING SPACE - The storage space for an automobile not less than 8 feet by 20 feet and the necessary access space of 15% of the total parking area.
- 7.19 SIGN- A **STRUCTURE** or display used as an advertisement or notice with an area of less than 300 square feet.
(Amendment I – October 17, 1988)
(Amendment II – April 20, 1992)
- 7.20 DOUBLE-FACED OUTDOOR ADVERTISING SIGN - Any outdoor advertising sign structures laced back to back with a distance between the backs of the signs of not greater than three (3) feet.
- 7.21 HEIGHT OF SIGN - The vertical distance measured from the edge of pavement of the adjacent highway to the highest point of the sign structure.
- 7.22 OFF-PREMISE SIGN - A sign which directs attention to a business, profession, commodity, attraction, service, or other message not exclusively related to the premises where such sign is located or to which it is affixed; sometimes called non-point -of-sale sign.
- 7.23 ON-PREMISE SIGN - Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, profession, commodity, attraction, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed.
- 7.24 OUTDOOR ADVERTISING SIGN (BILLBOARD) - Any permanent off-premises sign which may or may not be designed for periodic change of copy; and which is visible from any public right-of-way.
- 7.25 V-SHAPED OUTDOOR ADVERTISING SIGN - Any outdoor advertising sign constructed with surfaces upon which copy is placed facing two (2) directions forming a “V” with an angle no greater than forty-five (45) degrees and such surfaces separated by a distance no greater than five (5) feet.

- 7.26 STREET - A public thoroughfare, which affords principal means of access to abutting property.
- 7.27 STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including advertising signs.
- 7.28 USE - Any continuous or continual occupation or activity taking place upon a parcel of land including, but not limited to, the location of tents or trailers or the storage of cars, machinery, or other materials, provided the use is not determined to be a nuisance.
(AMENDED THIS the 1st day of November, 2010)
- (ADDED November 1, 2010)**
- (A)** Nuisance is defined as being any thing, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of life.
- (B)** Any person committing a nuisance may be subjected to the penalties set out in Section 12 of this Ordinance.
- 7.29 YARD, FRONT - An open space on the same lot with a **building** located between the front line of the building (exclusive of steps) and the front property line or street right-of-way line and extending across the full width of the lot.
- 7.30 YARD, REAR - An open space between the rear line of the **principal building** (exclusive of steps) and the rear line of the lot extending the full width of the lot and which may be used for **accessory buildings**
- 7.31 YARD, SIDE - An open, unoccupied space on the same lot with a **building** between the side line of the building (exclusive of steps) and the side line of the lot and extending from the **front yard line** to the **rear yard line**.
- 7.32 ZONING ADMINSTRATOR - **The Official Charged with the Enforcement of the Zoning Ordinance.**

SECTION 8. OFF STREET PARKING AND LOADING REGULATIONS

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

8.1 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

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

8.2 MINIMUM SIZE OF OFF-STREET PARKING SPACE

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

8.3 NUMBER OF OFF -STREET PARKING SPACES REQUIRED

The following off-street parking spaces shall be required:

- A. AMUSEMENT PLACES: One parking space for each two hundred square feet of amusement area plus one parking space per employee.
- B. AUDITORIUMS: One parking space for each four seats in the largest assembly room.
- C. BANKS: One parking space for each two hundred square feet of **gross floor** area plus one for each two employees.
- D. CAR SALES LOTS: One parking space for each one hundred square feet of display area.
- E. CHURCHES: One space for each 8 seats in the main auditorium.
- F. ELEMENTARY SCHOOLS AND JUNIOR HIGH SCHOOLS: One parking space for each classroom and administrative office
- G. FILLING STATION: Five parking spaces for each grease rack and five spaces for each wash rack.
- H. FUNERAL HOME: One parking space for each one hundred square feet of **gross floor area**
- I. HOSPITALS: One parking space for two (2) beds intended for patient use, exclusive of Bassinets, plus one parking space for each employee on the largest shift.
- J. INDUSTRIAL USE: One parking space for each two employees on the largest shift.
- K. MEDICAL CLINICS: Four parking spaces for each doctor plus one space for each employee.
- L. MOBILE HOME PARK: One and one-half (1½) parking spaces for each **mobile home** Space.
- M. MOTELS AND HOTELS: One parking space for each room to be rented plus one additional parking space for each three employees.
- N. MOVIE THEATERS: One parking space for every five seats in the auditorium.
- O. NURSING HOME: One parking space for each five beds for patient use pl
- P. OFFICES, GENERAL: One parking space for each one hundred square feet of **gross floor area**
- Q. OFFICES, PROFESSIONAL (OTHER THAN MEDICAL AND DENTAL): One parking space for each employee plus three spaces per professional on staff.
- R. PRIVATE CLUB OR LODGE: One space for each 200 square feet of **gross floor area**.
- S. PUBLIC BUILDINGS: One parking space per employee.

- T. RESIDENTIAL UNITS: One and one-half (1½) parking spaces on the same lot for each residential unit.
- U. RETAIL USES NOT OTHERWISE INDICATED: One parking space for each one hundred square feet of **gross floor area**.
- V. SENIOR HIGH SCHOOLS: One parking space for each fifteen students for which the, **building** was designed plus one parking space for each classroom and administrative office.
- W. STADIUMS: One parking space for each five spectator seats.
- X. TECHNICAL INSTITUTE: One parking space for each five students for which the **building** was designed plus one parking space for each classroom and administrative office.
- Y. WHOLESALE USES: One parking space for each two employees on the largest shift.

8.4 OFF-STREET LOADING FOR INDUSTRIAL USES

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

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

SECTION 9. THE REGULATION OF SIGNS
(AMENDED THIS the 7th day of February, 1994 to reflect the following)

9.1 MEASUREMENT OF SIGN AREA

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

9.2

(A) UNSAFE & UNLAWFUL SIGNS

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

(B) SIGNS NOT TO CONSTITUTE TRAFFIC HAZARDS

No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision, or at any location where, by reason of the position, illumination, shape, or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal or device; or which makes use of the words “stop”, “look”, “drive-in”, “danger”, or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. In any case, signs shall be prohibited within twenty (20) feet of a street intersection measured to the intersection of the two nearest street lines.

(C) SIGNS ERECTED ON PUBLIC STREETS

No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

(D) OBSTRUCTION OF INGRESS OR EGRESS OF BUILDING

No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

(E) OBSCENE MATTER PROHIBITED

No sign shall be erected or maintained which bear (s) or contain (s) statements, words or pictures of an obscene character.

(F) **“Unless otherwise permitted in this Ordinance, this section shall apply.”**

9.3 SIGNS ON PRIVATE PROPERTY – CONSENT REQUIRED

No sign may be erected by any person on private property of another person without first obtaining the verbal or written consent of such owner.

9.4 SIGNS IN RA DISTRICTS

The following signs are permitted in RA Districts:

(A) One (1) professional sign or announcement per lot for customary **Home Occupations, Kindergartens, or Rest Homes.** Such signs shall not exceed six (6) square feet in area (2’ x 3’), No such sign shall be illuminated.

(B) One **(1)** sign per lot pertaining to the lease, rent, or sale of the property upon which displayed. Such sign shall not exceed six **(6)** square feet in area **(2' x 3')**. No such sign shall be illuminated.

(C) Signs /Marquees for churches and schools may be allowed provided they do not exceed thirty-two **(32)** square feet **(4'x 8')** in area, eight **(8)** feet in height and shall be a minimum of fifty **(50)** feet from the center of the highway. Such signs may be limited to one **(1)** per lot and may be of the type which is lighted from behind to silhouette letters and figures.

(AMENDED THIS the 7th day of September, 2010)

9.5 SIGNS IN R-1 DISTRICTS

Community uses such as designated in Section 18.2B may erect only one non-flashing **sign** harmonizing with the character of the neighborhood and not exceeding twelve (12) square feet in area. All other permitted uses may erect only one (1) non-illuminated sign not to exceed six (6) square feet in area to advertise a home **occupation** or the premises for sale or lease

9.6 SIGNS IN THE C1 DISTRICT

No establishment in this district shall have more than **three (3) signs**. In no case shall any of these signs be larger than twenty-five **(25)** square feet in area. In the case of highway fruit stands or gift shops, which are conditional uses in the C1 district, only three **(3)** signs are allowed, none of which shall exceed fifty **(50)** square feet in area. Freestanding business signs shall not exceed twenty **(20)** feet in height.

9.7 SIGNS IN THE I-2 DISTRICT

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

Off-premise outdoor advertising signs (billboards) which meet the requirements of **9.9** below are allowed.

9.8 SIGNS IN THE H-1 AND OS DISTRICTS

On-premises business signs shall meet the same requirements as in the I-2 Districts described in **9.5** above, except that freestanding signs shall not exceed forty **(40)** square feet of sign area per side or twenty-five **(25)** feet in height.

Off-premises outdoor advertising signs (billboards) which meet the requirements of **9.9** below are allowed, except that billboards shall not exceed two hundred forty **(240)** square feet in sign area or twenty-five **(25)** feet in height.

9.9 ILLUMINATION OF SIGNS

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

9.10 PLACEMENT OF ON-PREMISES BUSINESS SIGNS

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

9.11 DIMENSIONAL REQUIREMENTS FOR OFF-PREMISES OUTDOOR ADVERTISING SIGNS BILLBOARDS

Off-premises outdoor advertising signs (billboards) shall not be located with five hundred (500) feet of any residential or agricultural district, shall not be less than one thousand (1,000) feet from the nearest other billboard along either side of the highway; shall not be closer than one hundred (100) feet from any property line not a highway right-of-way; shall be no closer than thirty (30) feet to any highway right-of way; and shall be no closer than five hundred (500) feet from any highway intersection. Billboards shall not exceed thirty (30) feet in height or three hundred (300) square feet in sign area.

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

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

9.12 DEFINITIONS

(A) CAMPAIGN SIGNS: Shall be a sign with writing, pictures or other form of communication on one or both side whereupon an individual candidate or group of candidates seeking election to public office is advertised or whereupon support for or against an issue or group of issues is advertised

(B) REAL ESTATE SALE SIGNS: Shall be a sign for a specific lot, building or premises for sale, lease or rent.

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

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

SECTION 10. TEMPORARY MOBILE HOME PERMIT

(A) Mobile Homes may be allowed on a temporary basis in zoning districts where they are not permitted by right or condition in the following circumstances:

- i. Construction mobile home office;
- ii Business office mobile home to be utilized only when a permanent structure for the execution of that business is being constructed on the same lot;

- iii Residential mobile home to be used in the situation where a permanent residential structure is damaged to the point that it is unfit for human habitation.

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

- (B) In any RA or R1 District, not more than one (1) **mobile home** may be permitted in a rear yard as an accessory use on a temporary basis, provided that the Planning and Zoning Board of Robeson County shall make a finding that a personal hardship situation justifying a special exception exists. Temporary use permits may be issued in such cases for twelve (12) months, but may be renewed for successive twelve-month (12) periods for so long as the hardship exists.

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

10.1 CAMPER TRAILERS

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

- (B) Camper Trailers may only be set up in designated camp grounds and may not be set up on private property as residential quarters;

Except when the property owner has obtained a building permit to construct a single family dwelling and a Certificate of Occupancy for said dwelling is issued six (6) months from the issuance of the building permits.

(AMENDED THIS the 3rd day of May, 2010)

SECTION 11. BUFFERS

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

11.1 CHAIN LINK FENCE/ VEGITATIVE BUFFER

(AMENDED THIS the 19th day of August, 1996)

For purposes of this Ordinance, when a fence is required by Ordinance or as part of a Conditional Use Permit, the governing Board may require a vegetative buffer as defined in Section 11 of this Ordinance or a fence as defined herein. The fence shall be either a continuous translucent, perforated barrier extending from the surface of the ground to a uniform height of not less than four feet (4') and not more than six feet (6') from the ground at all points, constructed of 11.5 gauge wire, with two inch (2") mesh and a one and five-eighths (1 5/8") top rail, two inch (2") line posts set at a minimum of ten feet (10') apart with two and

one-half inch (2 1/2") corner posts with caps on all corners, end and line posts. All line and corner posts are to be set thirty inches (30") deep in the ground in a hole eight inches (8") in diameter filled with cement. The fence shall have approximately twenty-four inches (24") apart.

(ADDED July 6, 2010)

(A) Solid vinyl fencing with a minimum height of six **(6)** feet exclusive of church and family cemeteries; or

(B) Wrought iron fencing with a minimum height of six **(6)** feet exclusive of church and family cemeteries.

SECTION 12 WIRELESS COMMUNICATION STRUCTURES

ADDED THIS the 19th day of October, 1998

12.1 DEFINITIONS

- a. **Wireless Telecommunication Tower** – A structure that is used to support wireless antenna that transmit and receive radio waves in conjunction with wireless telephone technology. Wireless telecommunications towers include, but are not limited to, monopoles, lattice towers, and guyed towers.
- b. **Wireless Antenna Array** – One or more rods, panels, discs or similar devices used for the transmission of reception or radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.
- c. **Wireless Communication Facility (attached)** – An existing building or structure in which an antenna array attaches onto including but not limited to existing buildings, reconstructed lighting poles, water towers, rooftops, signage (inside) or existing wireless telecommunication towers. The antenna array attachment may be located either inside or outside of the wireless communication facility.
- d. **Utility Pole** – A utility pole or reconstructed utility poles used to support electrical wire distribution lines (as distinguished from a private lighting pole used for illumination (i.e. Football fields and plant parking lots).
- e. **Co-location** – Use of a common wireless telecommunication tower or wireless communication facility by more than one wireless license holder for purpose of erecting a wireless antenna array.
- f. **Wireless Equipment Facility** – Any structure used to contain ancillary equipment for a wireless communication facility including but not limited to cabinets, shelters, or buildout of an existing structure or pedestal.

12.2 PERMITTING REQUIREMENTS

- (A)** The following are permitted: Wireless Antenna Array(s) shall be permitted on wireless communication facilities in all zoning districts provided the following development criteria are met;
 - i. Maximum height allowed without a condition use permit is not to exceed 199 feet in Residential Agricultural Districts, 225 feet in Highway Commercial Districts, and 250 feet in Heavy Industrial Districts.

EXCEPTION(S): Wireless telecommunication towers that have already been permitted through a conditional use permit or were in existence prior to the date of this ordinance may add wireless antenna arrays to their towers provided that in no instance shall an attachment to an existing and/or previously permitted wireless telecommunication tower increase the height of said tower by more than 15 feet.

- ii. Setbacks – All wireless equipment facilities shall observe the minimum setbacks and maximum height allowed within the underlying zoning district.
- iii. Color & Placement – The wireless antenna array(s) and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with the color of the wireless communication facility so as to make the wireless antenna array and the related equipment as visually unobtrusive as possible.
- iv. Fencing – All wireless equipment facilities shall be screened with opaque fencing at least 6 feet in height. Fencing around compounds within or adjacent to a residentially zoned or residentially occupied property shall match the façade of the principle building. If there is no principal building shadow box fencing shall be used.
- v. Abandonment & Obsolescence – Any wireless antenna array that is not utilized for at least 12 months shall be reported by the service provider to the Zoning Administrator. Upon request by the Zoning Administrator, the wireless antenna array shall be completely removed within 90 days and the site shall be restored to its pre-existing condition.

(B) The following are permitted: Wireless antenna array(s) shall be permitted to attach to utility poles or reconstructed utility poles in all zoning districts provided the following development criteria are met:

- i. Height – Flush mounted wireless antenna array(s) are preferred. In no instance shall the wireless antenna array(s) exceed more than 15 feet above the existing utility pole.
- ii. Setback – All wireless equipment facilities shall observe the minimum setbacks and maximum height allowed within the underlying zoning districts.
- iii. Color and Placement - The wireless antenna array(s) and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with the color of the wireless communication facility so as to make the wireless antenna array and the related equipment as visually unobtrusive as possible.
- iv. Fencing – All wireless equipment facilities shall be screened with opaque fencing at least 6 feet in height. Fencing around compounds within or adjacent to a residentially zoned or residentially occupied property shall match the façade of the principle building. If there is no principal building shadow box fencing shall be used.
- v. Abandonment & Obsolescence – Any wireless antenna array that is not utilized for at least 12 months shall be reported by the service provider to the Zoning Administrator. Upon request by the Zoning Administrator, the wireless antenna array shall be completely removed within 90 days and the site shall be restored to its pre-existing condition.

(C) A Conditional Use Permit will be required in all districts to erect a new wireless telecommunication tower provided the following development criteria are met:

- i. Co-location – No new wireless telecommunication towers will be permitted unless and until the applicant provides the Robeson County Board of Commissioners evidence that reasonable efforts have been made to co-locate on an existing wireless telecommunications facility.
- ii. Setbacks of Other Towers – Wireless telecommunication towers shall be located a minimum of 200 feet from any abutting property line and highway, and shall be located such that all supporting cables and anchors are contained within the property.

- iii. Orientation – Access to the wireless telecommunication tower and the wireless telecommunications equipment facility shall be from the interior of the site and not from a separate driveway connection to a public or private street. The gated drive to the proposed wireless telecommunications facility shall be located in such a way as to minimize the effect on the adjoining residential property. The actual access gate shall not face any residentially zoned lot property.
- iv. Aesthetics – Wireless antenna arrays and wireless telecommunication towers shall be camouflaged to the maximum extent possible in an effort to conceal them from the public view. Examples include but are not limited to painting the wireless antenna array(s) and the telecommunication tower a color that will blend into the environment in which it is proposed; concealing the wireless antenna array(s) in flagpoles, lighting fixtures, church steeples, clocks, bell towers; and disguising the wireless telecommunication towers to look like a tree, public art or other camouflaged structures available to the industry. All proposed wireless telecommunication towers must bear a reasonable relationship to the proportions and scale of existing buildings, structures and natural vegetation.
- v. Fencing – All wireless equipment facilities shall be screened with opaque fencing at least 6 feet in height. Fencing around compounds within or adjacent to a residentially zoned or residentially occupied property shall match the façade of the principal building. If there is no principal building shadow box fencing shall be used. The height of the fence shall match the height of the equipment building or be a minimum of 6 feet in height, whichever is greater.
- vi. Landscaping – A row of evergreen shrubs and trees shall be provided around the perimeter of the compound excluding the gated drive area. Said plant material shall be placed 5 feet on center. Said landscaping shall be planted 5 feet from the fence.
- vii. Application Information – The applicant shall complete plans including site plans, survey and photographs of a similar facility and use photo imagery to superimpose the facility onto the existing site for review by the Robeson County Board of Commissioners. Once the site plan and photograph(s) or photo renderings of the facility are approved by the Robeson County Board of Commissioners, the facility must be constructed in compliance with this approval. If not so constructed, the Condition Use Permit may be revoked and the tower removed. If the applicant fails to achieve compliance within 60 days, the Zoning Administrator shall issue a Notice of Violation directing that the facility be removed within 60 days of the date of said notice.
- viii. All conditional use permits issued under this section shall require that co-location sites or new tower be reasonably marketed to the extent space is available and at a price that is of fair market value.
- ix. Review and Revocation of Permit – If the Zoning Administrator or other interested party determines that a violation of a conditional use permit (including but not limited to unreasonable denial of co-location requests or unfair pricing of co-locations sites) may have occurred, the Robeson County Board of Commissioners may revoke or modify said permit.
- x. Abandonment & Obsolescence - Any wireless antenna array that is not utilized for at least 12 months shall be reported by the service provider to the Zoning Administrator. Upon request by the Zoning Administrator, the wireless antenna array shall be completely removed within 90 days and the site shall be restored to its pre-existing condition. ;If the tower owner is unreachable or bankrupt, the removal of the tower shall be the responsibility of the landowner.

In addition to the development standards of (C) i-x, the carrier will meet the following guidelines except when the wireless provider can demonstrate industry demands otherwise;

- xi. Type of Wireless Telecommunication Tower – Residential Agricultural Districts shall permit monopoles only; Highway Commercial Districts shall permit monopoles or lattice towers; Heavy Industrial Districts shall permit monopoles, lattice or guyed towers.
- xii. Height of Wireless Telecommunication Towers – Wireless telecommunication towers shall not exceed 199 feet in Residential Agricultural Districts, 225 feet in Highway Commercial Districts and 250 feet in Heavy Industrial Districts.

SECTION 13. PENALTIES FOR VIOLATION

Any person violating any provision of any Article of this Ordinance, or who shall violate or fail to comply with any other made thereunder or who shall falsify plans or statements filed thereunder, or who shall continue to work upon any structure after having received written notice from the Zoning Administrator to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed Fifty dollars (\$50.00). Each day such shall constitute a separate offense. Notice sufficient if directed to such owner, the agent contractor, and left at his last know place of business.

SECTION 14. EFFECTIVE DATE

THIS ORDINANCE SHALL BE IN FORCE AND EFFECTIVE JULY 1, 1988.

PASSED AND ADOPTED THIS THE 20TH DAY OF JUNE 1988.

ATTEST:

COUNTY CLERK

CHAIRMAN, BOARD OF COUNTY
COMMISSIONERS

ARTICLE ii. APPLICATION AND ENFORCEMENT

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

15.1 NONCONFORMING LAND

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

15.2 NONCONFORMING USE

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

(A) A **nonconforming** use shall not be expanded to any lot or lots adjacent to the lot upon which it was located at the time of enactment of this Ordinance, even though such additional lots may be at that time or thereafter in the same ownership as the lot containing the nonconforming use.

(B) **A nonconforming use shall not be changed to any other use, unless such use is listed as a permitted use for the district, in which the nonconforming use is located.**

(C) If the **nonconforming** use is housed within a **structure**, the structure shall not be enlarged or expanded while such use is continued. If a nonconforming use is discontinued for any period for the purpose of enlarging or expanding a structure, every future use of the premises shall be a conforming use. Normal maintenance and repair and any alterations necessary to meet the specifications of this or other ordinances of the County shall be permitted.

(D) If a **building** housing a **nonconforming** use is damaged or destroyed by any means to the extent that the value of the remaining **structure** is less than forty percent (40%) of the cost of replacing the original structure at the time of such damage or destruction, the structure shall not be repaired or replaced, unless the nonconforming use is discontinued and all future uses of the premises shall be permitted uses.

(E) If a building housing a **nonconforming** use is removed, it shall not be replaced, unless the use of the replacement building is a permitted use in the district in which the building is located.

(F) If a **nonconforming** use is discontinued for any reason for a continuous period of 180 days, every future use of the premises shall be a conforming use

15.3 NONCONFORMING BUILDINGS

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

(A) If a **nonconforming building** is removed, it shall be replaced only with a **building, which** conforms in every way with the provisions of this Ordinance.

(B) If a **nonconforming building** is damaged or destroyed

15.4 EXCEPTIONS PERMITTED FOR OWNER-OCCUPIED RESIDENCES

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

(A) They meet the minimum dimensional requirements for the district in which they are located

(B) In the event of repairing damage, such rebuilding or repairs shall be made within 180 days of the date of such damage;

(C) The building contains only one residential unit; and

(D) All repairs and construction shall be in conformance with any other applicable ordinances or regulations.

15.5 SPECIAL EXCEPTIONS

On existing small lot sites, if the use is conforming and the existing structures, including mobile homes, are moved or destroyed by fire or act of God, the owner may rebuild or replace on that site provided minimum health standards are met.

15.6 NONCONFORMING LOTS OF RECORD

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

(A) The lot is properly zoned for the proposed use

(B) The lot meets the minimum health standards applicable

(C) The lot meets all setback requirements; front and side yard requirements, and has a total square footage of 11,250 square feet or more.

(D) The lot is shown and described in metes and bounds on a plat, which was recorded in the Office of the Register of Deeds of Robeson County prior to the effective date of this Ordinance.

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

SECTION 16. ENFORCEMENT

This Ordinance shall be administered and enforced by a **Zoning Administrator** or Administrators who shall be designated by the Board of County Commissioners.

16.1 ZONING APPLICATION

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

(A) Two copies of a “detailed” site plan drawn to scale not to exceed 1 inch = 50 feet including all of the following information;

- i Dimensional Drawing of the entire parcel showing distances of all lot lines;
- ii Highway right of ways, private streets and any deeded and /or recorded easements to and any adjoining parcels;
- iii Existing and proposed driveways;
- iv All new and existing buildings or structures and identify the use for each building or structure; including the dimensions for each and the distance from all property lines for each and other adjacent buildings;
- v Existing or proposed sewage disposal system along with the future designated repair areas as approved by the Robeson County Department of Environmental Health (RCDEH); **Note: When RCDEH approves a new sewage disposal system, the approval shall be provided with the site plan.**
- vi All existing and proposed water service piping routes and meter locations along with any existing and/or proposed private wells;
- vii All required Flood Plain information or the statement that the entire parcel is not located in any FEMA Flood Hazard Area;
- viii E-911 address as provided by the Robeson County Tax Mapping Department; and
- ix Owners name and telephone number.

(B) **Exceptions to site plan requirements:**

- i Lots containing 2.5 acres or more with no more than one (1) dwelling;
- ii Lots which are being divided among heirs to the property.
- iii All adjoining lots, to the proposed structure, are owned by the applicant; or
- iv Applicant has had a survey of the property within the last 12 months; or
- v Applicant is replacing an existing home and there is an existing sewage system; or
- vi Applicant is constructing a sewage system

(AMENDED THIS the 10th day of May, 2010)

(AMENDED THIS the 11th day of October, 2010)

16.2 ZONING PERMITS

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

16.3 HEALTH DEPARTMENT APPROVAL FOR ZONING PERMITS

A zoning permit issued by the Zoning Administrator shall be a prerequisite to obtaining any necessary approval from the Robeson County Department of Health.
(AMENDED THIS the 15th of July, 1991)

16.4 ZONING PERMIT FEE

(AMENDED THIS the 22nd day of June, 1998)
(FEE INCREASE JULY 2006)

Each application for a Zoning Permit shall be accompanied by a fee of fifty dollars (\$50.00) payable to the County Treasurer for deposit in the General Fund.

ARTICLE III. ESTABLISHMENT OF DISTRICT REGULATIONS

District regulations limiting the use of buildings and/or land and regulating the size and arrangement of the building on its lot are set forth in this section.

SECTION 17. (RA) RESIDENTIAL - AGRICULTURAL DISTRICT

17.1 INTENT

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

17.2 PERMITTED USES

(A) Single-Family dwelling unit or mobile home on individual lots, so long as there is at least 20,000 square feet available for each unit, with a **maximum of three (3) mobile homes, provided the third mobile home has a permanent foundation on 5.0 acres or more**, provided the property has at least a 45 foot easement if not adjoining a state maintained highway.
(AMENDED THIS the 2nd day of January, 2007)

(B) Any form of agriculture or horticulture, including the sale of products at a retail stand on the property where produced.

(C) Customary home occupations, including dressmaking, cooking, baking, hairdressing, music instructions, the renting of not more than one (1) room and the practice of such profession as law, insurance, real estate, accounting, medicine, dentistry, and chiropractic shall be permitted as accessory uses in a residence.

- (D) Backyard workshops for building tradesmen and small appliance repair shops, **but excluding open storage.**
- (E) Kindergartens and day nurseries, provided that not less than **one-hundred (100) square feet** of play area is provided for each child and provided further said aggregate play space is surrounded by a sturdy fence at least **four (4) feet** in height.
- (F) Commercial and Non-commercial greenhouses and truck gardens and commercial and non-commercial raising of pets on a scale that would not be objectionable because of noise or odor. **Provided further that no greenhouse, heating plant, or private stable shall be located within sixty (60) feet of any front property line nor within thirty (30) feet of any other property line.**
- (G) Family Care homes and hope houses not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.
- (H) Churches and their customary related **uses**, including a **4' x 8' sign not to exceed 32 square feet in area and expansion of existing cemeteries**, provided that all **buildings and graves shall be set back at least twenty (20) feet from any property line.**
(AMENDED THIS the 2nd day of January, 2007)
- (I) Public elementary and secondary schools **and their customary related uses including a 4' x 8' sign not to exceed 32 square feet in area**, colleges and universities, and private schools having curricula approximately the same as ordinarily given in public schools.
(AMENDED THIS the 2nd day of January, 2007)
- (J) Public or private parks, playgrounds, golf courses, swimming pools, fishing lakes, family campgrounds, and similar recreational **uses**.
(AMENDED THIS the 4th day of August, 2008)
- (K) Public safety facilities, such as fire and police stations and rescue squad headquarters, provided that all vehicles and equipment shall be stored indoors; provided that all buildings shall be set back at least twenty (20) feet from all property lines and shall be designated and landscaped in such a way as to blend in with the surrounding area.
- (L) Customary accessory uses and **structures**, including private garages, swimming pools, and other accessory **structures** in the rear **yard** where they shall not cover more than thirty percent (30%) of said rear yard.
- (M) Neighborhood retail convenience and grocery store. "Provided that gasoline, diesel fuel or other fossil fuels not be sold from the convenient store."
- (N) The land application of residential/poultry/agriculture residuals such as septic tank and sludge from sewage treatment facilities so long as the application complies with all state and federal regulations and is not applied within 500 feet of any residence.
(AMENDED THIS the 15th day of February, 1993)

(ADDED MARCH 21, 1994)

- (O) The installation of telephone subscriber stations and telephone exchange equipment with the following criteria:
- The lot, where the telephone equipment is to be installed, is to be a maximum size of 20,000 square feet;
 - The concrete pad does not exceed a maximum size of 24' x 24'; and
 - The wattage used for the telephone services does not exceed 48 volts.

(P) “Family Care Home as defined in Section 7.7, provided the location of the proposed family care home is not located within a one-half mile radius of an existing family care home as required by N.C.G.S. 168-22; a six (6) foot chain link fence is to be erected around the perimeter of the property to protect the residents from exposure to hazards.
(AMENDED THIS the 18th day of April, 2005)

(Q) Mining of sand when the end result is to be a pond or lake that is less than 2.1 acres, more or less, in surface area, provided the pond or lake is set back more than 300 feet from any property line and more than 600 feet from any residence not located on the pond property.

17.3 CONDITIONAL USES

The following uses are permitted subject to any additional conditions imposed:

(A) Temporary sawmills provided they shall not be in operation for more than one (1) year; provided further that all sawmill structures shall be leveled and the premises cleaned up within six (6) months after discontinuance.

(B) **Mobile Homes in mobile home park developments:**
Provided that all parks shall be fenced in (see Section 11.1) on all sides not adjacent to a highway.
(AMENDED THIS the 7th day of February, 1994)

The following (AMENDED THIS the 31st day of August, 1995) **Applications/Exception to fencing requirements:**

1. For all newly created mobile home parks with one (1) to five (5) mobile home lots, this section shall not apply;
2. For all newly created mobile home parks with six (6) or more mobile home lots, this section shall apply and fencing shall be required as set forth above when the sixth mobile home lot is permitted
3. “For all mobile home parks in existence prior to August 31, 1995, if the existing mobile home park has six mobile Home lots or more, prior to the requested expansion, then the entire mobile home park must be fenced in as set forth above”
4. For all mobile home parks permitted after August 31, 1995 this section shall apply as set forth above when the sixth mobile home lot is permitted and the entire mobile home park shall be fenced in at that time.

The following subsections 5, 6, 7 (AMENDED THIS the 19th day of August 1996)

5. However, when a mobile home park is buffered from adjacent property by the residence of the mobile home park owner, a fence shall not be required on the property line buffered by said residence.
6. The minimum height fence requirement and the maximum height fence requirement (see section 11.1 as amended 8/19/96), for mobile home parks shall be 4 feet and 6 feet respectively, as determined by the governing board.
7. If the proposed mobile home park consists entirely of state maintained roads, it will be exempt from the fence requirement as set out in Section 17.3(b) of the Robeson County Zoning Ordinance.

(C) Public works and public utility facilities, such as transformer stations, water towers, and telephone exchanges, provided: 1) such facilities are essential to the needs of the community and no vehicles or materials shall be stored on the premises; 2) all buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.

(AMENDED THIS the 31st day of August, 1995)

(D) Accessory Buildings may be used for any Home Occupation permitted in this district. Accessory buildings may be used for living quarters for the immediate family, for domestic servants, or for rental purposes, when authorized by the Planning Board after public hearing and on finding that all regulations for healthful housing in terms of light, air, sanitary facilities, and minimum space are being met.

(E) That Section 17.3(E) is deleted from the Robeson County Zoning Ordinance.
(AMENDED THIS the 19th day of February, 1996)

(F) Veterinaries, kennels and animal hospitals provided all buildings and apparatus shall be set back at least sixty (60) feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.

(G) Highway fruit stands provided they have a minimum frontage of 150 feet and a minimum of 5 off-street parking spaces.

(H) Small scale manufacturing of products for use in the production of local agricultural crops, provided all buildings and apparatus shall be set back at least twenty (20) feet away from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.

(I) Grain bins and other agricultural storage areas and facilities provided they do not exceed Thirty-five (35) feet in height and all buildings and apparatus shall be, set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend with the surrounding area.

(J) Mining of sand when the end result is to be a pond or lake that is greater than 2.1 acres, More or less, surface area or not otherwise permitted under Section 17.2(q).

(K) Golf courses provided they all be designed and landscaped in such a way as to blend with the surrounding area.
(AMENDED THIS the 5th day of October, 1992)

(THE FOLLOWING AMENDMENTS ADDED FEBRUARY 7, 1994)

(L) Automobile Body Shops and Used Car Dealerships:

Automobile body shops and used car dealerships shall be allowed as a conditional use in Residential/Agricultural Districts provided the property owner meets the following criteria:

- The property has a highway road frontage of 100 feet minimum;

- Minimum lot size shall be 20,000 square feet;

-All automobile repair and parts storage shall be performed inside the structure;

-The number of cars (for sale or to be sold and not otherwise used for personal transportation) allowed on the property at any given time is not to exceed six (6), however, for every additional 20,000 square feet of land covered by the permit, the permit may authorize an additional six (6) cars provided further that when a residence (s) is (are) located on the premises covered by the

permit, an area of 20,000 square feet per residence shall be reserved (and not used for calculation for the six (6) cars per 20,000 square feet formula herein for residential use;

-The body shop shall not be constructed within seventy (70) feet from the center of the highway;

-Side yard requirement shall be a minimum of fifteen (15) feet and rear yard requirements shall be thirty (30) feet;

-Any fence (chain line as defined in 11.1 above) shall be entirely behind the building or have a vegetative buffer on the portion facing highway or neighboring houses. The permit shall state the maximum area allowed to be fenced in;

- No more than one business sign that is freestanding may be allowed and that sign may not be larger than thirty-two (32) square feet in area;

-No more than one business sign may be placed on the building and that sign may not be larger than six (6) square feet in area;

-Any freestanding sign permitted shall be a minimum of seventy (70) feet from center of a State maintained road and fifteen (15) feet from any side yard line.

(M) "Graveyards not contiguous to primary church property".

(N) Community centers, clubs, lodges, and activity centers.
(AMENDED THIS the 4th day of August, 2008)

(O) **AUTOMOBILE GRAVEYARDS**

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

1. The automobile junkyard is setback a minimum of 100 feet from the center of any state maintained highway;
2. A 6' chain link fence is to be erected around the perimeter of the junkyard;
3. A vegetative buffer is to be planted along the front of the junkyard that abuts any state maintained highway; and
4. A freestanding business sign not to exceed 32 square feet (4' x 8') in area is to be erected a minimum of 70 feet from the center of any state maintained highway.

(P) **VIDEO GAMING MACHINES**
(AMENDED THIS the 3rd day of May, 2010)

Current businesses that are operating any of the following have 180 days to comply with the ordinance in obtaining a **Conditional Use Permit** and a \$5 fee will be assessed to each machine.

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

(i) **Video lottery terminal gambling /Internet Sweepstakes**

"A video gaming machine means a slot machine as defined in G.S. 14-306(a) and other forms of electrical, mechanical, or computer games such as, by way of illustration

- (1) A video poker game or any other kind of video playing card game
- (2) A video bingo game

- (3) A video craps game
- (4) A video keno game
- (5) A video lotto game
- (6) Eight liner
- (7) Pot of Gold
- (8) A video game based on or involving the random or chance matching of different pictures, works, numbers, symbols not dependent on the skill or dexterity of the player. video gaming machine is a video machine which requires deposit of any coin or token or use of any credit card, debit card, or any other method that requires payment to activate play of any of the games listed in this subsection. "NCGS 14-3061 A"

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

Conditional Use Permits requirements:

- A. Hours of operation;
- B. Hours are to be posted on the premises;
- C. One parking space for each two hundred square feet of amusement are plus one parking space per employee; (Section 8.3 (a))
- D. The maximum number of machines/terminals/computers for any electronic gaming business is 20;
- E. Set back requirements shall be in accordance with Section 21.4 (1) of the Robeson County Zoning Ordinance;
- F. Business must comply with section 303 A - Assembly Occupancy – (A-3) of the NC Building Code;
- G. Business must be a minimum of 1,000 feet from any school, church, or other business engaged in an electronic gaming operation business; and
- H. Signage.

17.4 AREA AND BULK REGULATIONS

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

- (A) Twenty –thousand (20,000) square feet minimum required lot area per **dwelling unit**.
- (B) One-hundred (100) feet minimum required **lot width** per **dwelling unit**.
- (C) Seventy (70) feet minimum required **front yard**
- (D) Minimum **required side yards** for the **principal building** shall be fifteen **(15) feet**.
- (E) Minimum required rear **yard** shall be twenty percent (20%) of the mean lot **depth**, provided that Such rear yard need not exceed thirty (30) feet.
- (F) Maximum permissible lot coverage by the **principal building** and **all accessory buildings** shall not exceed twenty percent (20%) of the total lot area.
- (G) Height of **buildings** shall not exceed thirty-five (35) feet, unless the depth of the front and total width of the **side yards' required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet**.
- (H) **Accessory buildings** shall not be erected in any required **front** or side **yard** or within (20) Feet of any **street** line. An accessory building or use shall be located not less than ten (10) feet from any property line.

- (I) Off-street **Parking spaces** shall be provided as required in Section 8 of this Ordinance.

17.5 INTENT

The Agricultural District is designed to accommodate agricultural activities and uses dedicated for that purpose, realizing that a majority of land is dedicated for this purpose and also realizing that agriculture is an important part of the economy of this County. Farm and agricultural related activities, noise, use of chemicals, farm equipment, traffic and seasonal operation of property associated with farming and raising livestock.

SECTION 18. R-1 RESIDENTIAL SINGLE FAMILY

18.1 INTENT

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

18.2 PERMITTED USES:

The following uses shall be permitted by right:

- (A) Single Family Residences
- (B) Parks, playgrounds, community centers, schools, churches, cemeteries, country clubs, golf courses.
- (C) Uses customarily accessory to the above permitted uses.

18.3 CONDITIONAL USES:

The following uses are permitted subject to any additional conditions imposed:

- (A) **Mobile Homes** in park developments, subject to the provisions of the **Robeson County Mobile Home Park Development Ordinance**.
- (B) Public utility substations or pumping stations may be permitted if such installations will be housed in buildings that harmonize with the character of the neighborhood and will have adequate **side yards**, fences, and other safety devices to protect the public safety and welfare.
- (C) Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established, unless it is found that the appearance and property values of the district will be protected and public safety will not be impaired.
- (D) **Accessory Buildings** may be used for any **home occupations** permitted in this district. Accessory buildings may be used for living quarters for the immediate family, for domestic servants, or for rental purposes if all regulations for healthful housing in terms of light, air, sanitary facilities, and minimum space are to be met.
- (E) Dressmaking, hairdressing, laundering, and medical and professional offices may be Permitted as **home occupations** in a residence or an **accessory building** thereof provided That such occupations shall be engaged in only by residents on the premises, that not more than the equivalent of the area of one floor of the residence shall be used for such occupations, that

no display of products shall be visible from the street, and that no objectionable effects shall be produced or created.

- (F) **Mobile homes** may be permitted when used as a **caretaker residence in conjunction With a rest home or convalescent home**; provided that said rest or convalescent home existed prior to the time of the adoption of this Zoning Ordinance, and provided that said rest or convalescent home is required by state law to have a caretaker residence adjacent to the said home. The mobile home should be placed in the **rear yard** unless specific circumstances indicate otherwise in the judgment of the Planning Board.

18.4 AREA AND BULK REGULATIONS:

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

- (A) No **structure** shall be erected, reconstructed, or altered on any lot not meeting the requirements set forth below:

(AMENDED THIS the 19th day of September,1994)

1. All lots served with public or community **water and** /or sewer in this district shall have a minimum width at the building line of 85 feet, a minimum **lot depth** of 150 feet, and a minimum lot are of 15,000 square feet.
 2. All lots not served by public sewer and water shall be at least 20,000 Square feet in area, not less than 80 feet wide at the building line, nor less than 150 feet deep.
 3. All **lots** served by public water, but not public sewer, shall be at least 15,000 square feet in area, not less than 75 feet wide at the building line, nor less than 120 feet deep.
- (B) A **front yard** of 30 feet measured from the right-of-way of the **street** shall be required And two side yards of 10 feet each shall be required.
- (C) On corner **lots**, the **side yard**, on that side of the lot abutting the side street shall not be Less than 20 feet. **Accessory Buildings** on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for **front** yards of lots fronting on such side street.
- (D) Minimum required rear yard shall be 20 percent of the mean lot depth, provided that such Rear yard need not exceed 30 feet.
- (E) On any corner lot, there shall be no planting, fence, structure, or other obstructions to Visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.

SECTION 19. R-2 RESIDENTIAL DISTRICT

19.1 INTENT

The regulations of this district are designed to promote a pleasant rural residential neighborhood in area adjacent to municipalities, consisting primarily of single family **dwelling**s, those customary **home occupations** related to farm living, and those community **uses** providing the social and cultural needs of the area.

19.2 PERMITTED USES

The following **uses** shall be permitted by right.

- (A) Single and Two-family residences, rooming houses, and boarding houses.
- (B) Parks, playgrounds, swimming pools, private lodges, community centers, schools, libraries, hospitals, (which may include a home for nurses), churches, and cemeteries.
- (C) Multi-family residences.

19.3 CONDITIONAL USES

The following uses are permitted subject to any additional conditions imposed:

- (A) Public utility substations or pumping stations may be permitted if such installations will be housed in buildings that harmonize with the character of the neighborhood and will have adequate **side yards**, fences, and other devices to protect the public safety and welfare.
- (B) Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established, unless it is found that the appearance and property values of the district will be protected and public safety will not be impaired.
- (C) **Accessory buildings** may be used for any **home occupations** permitted in this district. Accessory buildings may be used for living quarters for the immediate family, for domestic servants, or for rental purposes if all regulations for healthful housing in terms of light, air, sanitary facilities, and minimum space are to be met.
- (D) Dressmaking, hairdressing, laundering, medical and professional offices may be permitted as home occupations in a residence or an accessory building thereof provided that such occupation shall be engaged in only by residents on the premises, that not more than the equivalent of the area of one floor of the residence shall be used for such occupations, that no display of products shall be visible from the street, and that no objectionable effects shall be produced or created.
- (E) **MOBILE HOME PARK**

19.4 AREA AND BULK REGULATIONS

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

- (A) No **structures** shall be erected, reconstructed, or altered on any lot not meeting the requirements set forth below:
- All **lots** served with public or community water and sewer in this district shall have a minimum **width** at the building line of 60 feet, a minimum lot **depth** of 100 feet, and a minimum lot area of 7,000 square feet.
- All **lots** not served by public sewer and water shall be at least 20,000 square feet in area, not less than 88 feet wide at the building line, nor less than 150 feet deep.
- All **lots** served by public water, but not public sewer, shall be at least 15,000 square feet in area, not less than 75 feet wide at the building line, or less than 120 feet deep.
- (B) A **front yard** of 30 feet, measured from the right-of-way of the **street**, shall be required and two **side yards** of 10 feet each shall be required.
- (C) On corner **lots**, the **side yard** on that side of the lot abutting the side **street** shall Not be less than 20 feet. **Accessory buildings** on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front **yards** of lots fronting on such side street.
- (D) Minimum required **rear yard** shall be 20 percent of the mean **lot depth**. Provided that such rear yard not exceed 30 feet.
- (E) On any corner lot, there shall be no planting, fence, structure, or other obstruction to visibility within the range of 3 to 7 feet above the curb level within 25 feet of the intersection of any two street lines.

SECTION 20. (C-1) NEIGHBORHOOD COMMERCIAL DISTRICT

20.1 INTENT

The (C-1) Neighborhood Commercial District is established as a district in which the principal **use** of land is for the provision of retail goods and services to the surrounding residential neighborhoods. It is the intent of this section to permit existing residences to continue until removed. No new residences shall be permitted.

20.2 PERMITTED USE

The following **uses** shall be permitted by right:

- (A) Banks and other Financial Institutions
- (B) Barber and beauty shops
- (C) Grocery Stores, drug stores, and dry good stores
- (D) Hardware stores
- (E) Laundries, Laundromats, and dry cleaning pick-up stations
- (F) Eating and drinking establishments, excluding drive-ins
- (G) Real Estate Offices
- (H) Tax Offices
- (I) Bookstores
- (J) Florists
- (K) Neighboring retail convenient stores and grocery stores, provided that gasoline, diesel fuel or other fossil fuels not be sold.
- (L) Public elementary and secondary schools, colleges, universities and private schools having curricula approximately the same as ordinarily given public schools.

- (M) Hospitals, Doctors Offices, Medical Clinics and other facilities associated with the medical treatment of patients

20.3 CONDITIONAL USES

The following uses shall be permitted subject to any additional conditions imposed:

- (A) Live bait stores
- (B) Marinas and minor boat repair facilities
- (C) Service stations, inclusive to those that sell gasoline, diesel fuel or other fossil fuels, which shall have a minimum lot area of 20,000 square feet with a frontage of not less than 100 feet. No portion of a service station building or equipment shall be nearer than 70 feet from the center of the highway. All automobile repair and parts storage shall be performed inside a structure.
- (D) Highway fruit stands and gift shops may be permitted, provided they have a Minimum frontage of 150 feet and a minimum of 5 off-street parking spaces.

20.4 AREA AND BULK REGULATIONS

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

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

SECTION 21 (H-1) HIGHWAY COMMERCIAL DISTRICT

21.1 INTENT

The (H-1) Highway Commercial District is established as a district in which the principal **uses** of land are either: **a)** to provide goods and services to passing motorists, or **b)** use as light industrial and warehousing which normally seek large tracts of land where operations involved do not detract from potential development of nearby undeveloped properties.

21.2 PERMITTED USES

- (A) All uses permitted in the Neighborhood Commercial District, subject to all regulations set forth for that district.
- (B) Drive-in Restaurants
- (C) Motels
- (D) New and Used Car Sales
- (E) Automobile Repairs
- (F) Amusement places, including open-air drive-in theater
- (G) Mobile Home and Trailer Sales
- (H) Heavy and Farm Equipment Sales and Service
- (I) Automobile Parts and Accessories
- (J) Veterinaries and Kennels
- (K) Building Materials Sales
- (L) Boat and Marine Sales
- (M) Nursery and Garden Stores
- (N) Air Conditioning and Heating Equipment Manufacturing
- (O) Amusement, Recreational, and Sporting Goods Manufacturing
- (P) Animal Hospitals
- (Q) Apparel and clothing manufacturing, including hosiery
- (R) Assembly halls, armories, coliseums, ballrooms, and similar **structures**
- (S) Auction Sales, except livestock
- (T) Automobile parking **lots** and **structures**
- (U) Automobile parts and accessories manufacturing
- (V) Bakeries and other establishments manufacturing prepared food products for wholesale distribution
- (W) Building materials storage and sales yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- (X) Business machines manufacturing
- (Y) Cabinet, Casket, Woodworking and Upholstery Shops
- (Z) Coffee, Tea, and spices processing
- (AA) Contractors' Offices and storage yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- (BB) Dairy products processing and distributing facilities
- (CC) Drugs, Medicines, and Cosmetics Manufacturing
- (DD) Dry cleaning and Laundry Plants
- (EE) Electrical appliances and electronic equipment manufacturing
- (FF) Electrical Supply Houses and Repair Shops
- (GG) Exterminators
- (HH) Felt and Sandpaper Manufacturing
- (II) Flour and Feed Mills
- (JJ) Freezer Lockers and Ice Plants
- (KK) Furniture Manufacturing
- (LL) Greenhouses and Horticultural Nurseries
- (MM) Hardware and House wares Manufacturing
- (NN) Heating and Refrigeration Shops

- (OO) Industrial Supplies and Equipment, sales and service, provided all open storage is fenced by a solid fence not less than six (6) feet in height
- (PP) **Industrial trade schools and research laboratories**
- (QQ) Laboratories for researching and testing of products, the manufacturing or processing of which is permitted in this district.
- (RR) Leather products, including luggage and shoes
- (SS) Light machine tool manufacturing
- (TT) Machine and welding shops
- (UU) **Mobile Home** manufacturing and on-site display and sales
- (VV) Monument works and sales
- (WW) Motorcycle, lawnmowers, and power saw sales and service
- (XX) Musical Instrument Manufacturing
- (YY) Offices pertaining to any permitted **use**
- (ZZ) Oilcloth and Linoleum manufacturing
- (AAA) Pickle Processing
- (BBB) Plumbing and Heating Supply houses, provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- (CCC) Pottery, Porcelain, or Vitreous China Manufacturing
- (DDD) Precision Instruments and Jewelry Manufacturing
- (EEE) Printing, Engraving, and Publishing Establishments
- (FFF) Public Safety Facilities, such as fire and police stations and rescue squad headquarters
- (GGG) Public Works and Public Utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height.
- (HHH) Radio and Television Stations, Studios, and Towers
- (III) Restaurants, including drive-ins.
- (JJJ) Rodenticide, Insecticide, and Pesticide Manufacturing
- (KKK) Service Stations, including major repair work, provided that all gasoline pumps shall be located at least twelve (12) feet behind the property line
- (LLL) Sign painting and fabricating shops
- (MMM) Tire recapping shops
- (NNN) Trailer Manufacturing
- (OOO) Trucking terminals
- (PPP) Vinegar and Yeast Manufacturing
- (QQQ) **Wholesale and Warehousing establishments**, except for the storage of dangerous or offensive items, such as uncured hides and explosives
- (RRR) Wholesale storage of gasoline and oil products, including bottled gas and oxygen
- (SSS) Window and door Manufacturing
- (TTT) Customary accessory uses and structures, including open storage, provided the area, devoted to open storage is enclosed by a fence at least six (6) feet in height.
- (UUU) Belting and brake lining manufacturing
- (VVV) Boat and Trailer works and sales
- (WWW) Bookbinding
- (XXX) Bottling works
- (YYY) Bowling Alleys and Skating Rinks
- (ZZZ) Funeral Homes
- (AAAA) Body shops, Auto Repair shops, automobile graveyards and Automobile Salvage yards.
- (BBBB) Public elementary and secondary schools, colleges, universities and private schools having curricula approximately the same as ordinarily given in public schools.
- (CCCC) Hospitals, Doctors Offices, Medical Clinics and other facilities associated with the medical treatment of patients

21.3 CONDITIONAL USES

The following uses shall be permitted subject to any additional conditions imposed:

- (A) **Mobile Home Parks**, subject to the Robeson County Mobile Home Park Development Ordinance.

- (B) Uses not otherwise named herein which come within the spirit and intent of this zoning district.

21.4 AREA AND BULK REGULATIONS

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

(A) NON MANUFACTURING/ WAREHOUSING USES:

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

SECTION 22 (I-2) HEAVY INDUSTRIAL DISTRICT

22.1 INTENT

The (I-2) Heavy Industrial District is designed to accommodate all but the most obnoxious industries; however, it is expected that industries permitted here by right, as well as those permitted conditionally, will minimize their emission of smoke, dust, fumes, glare, noise and vibration.

22.2 PERMITTED USES

The following **uses** shall be permitted by right:

(AMENDED THIS the 5th day of October, 1992)

- (A) All uses permitted in the H-1 Highway District
- (B) Aircraft and missile manufacturing
- (C) Airports
- (D) Alcohol and alcoholic beverage manufacturing
- (E) Brick, tile, and pottery yard
- (F) Building material and specialties manufacturing
- (G) Cafeterias and snack bars in industrial plants

- (H) Candy and confectionery manufacturing
- (I) Carbon and battery products manufacturing
- (J) Chemical manufacturing, either household or industrial products
- (K) Coal and wood yards and pole treating plants
- (L) Concrete and asphalt products plants
- (M) Contractors offices and storage yards
- (N) Farm machinery assembly, sales and repairs
- (O) Fertilizer manufacturing and sales
- (P) Foundries producing iron, steel, copper, brass and aluminum products
- (Q) Glass, ceramic and tile manufacturing
- (R) Ink manufacturing
- (S) Insulation materials and wallboard manufacturing
- (T) Livestock sale barns
- (U) Machine tool manufacturing
- (V) Meat packing and poultry processing plants
- (W) Metal fabricating plants, including boiler and tanks works
- (X) Paper products manufacturing
- (Y) Plating works
- (Z) Plastic products manufacturing
- (AA) Public works and public facilities, including service and storage yards
- (BB) Rubber products manufacturing
- (CC) Sawmills, planing mills, and pallet and basket factories
- (DD) Sheet metal, roofing and plumbing
- (EE) Customary accessory **uses** and **structures**, including open storage
- (FF) Body shops, Auto repair shops, Automobile graveyards, junkyards, and Automobile salvage yard
- (GG) Public elementary and secondary schools, colleges, universities and private schools having curricula approximately the same as ordinarily given public schools.
- (HH) Hospitals, Doctors Offices, Medical Clinics and other facilities associated with the medical treatment of patients

22.3 CONDITIONAL USES

The following **uses** shall be permitted subject to any additional conditions imposed:
(AMENDED THIS the 5th day of October, 1992)

(A) Any slaughter houses, or meat processing plants, areas for the disposal or reduction of waste materials, commercial or industrial incinerators, or establishments emitting offensive smoke, dust, noise, or odor may be approved on finding that the public health is not impaired and that surrounding land **use** will not be adversely affected. Additional space for **front, rear, and side yards**, or additional lot area may be required to protect the public interest.

(B) Mining or quarrying operations, provided buffer strips are established which shall be at least 10 feet in width and consist of a compact, evergreen hedge or other types of evergreen foliage screening or shall be a screen-in fence or wall so constructed as to provide at least equivalent screening from adjoining properties. Any buffer strip must be a approved by the **Zoning Administrator**.

(C) MANUFACTURING/WAREHOUSING USES

- i. Minimum lot area shall be one (1) acre.
- ii. Minimum **lot width** shall be 200 feet.
- iii. Minimum **front yard** shall be 50 feet.
- iv. Minimum **side yard** on each side of every **principal building** shall be 15 feet.

- v Minimum required **rear yard** shall be 20 feet.
- vi The total ground area covered by the **principal building** and all **accessory buildings** shall not exceed forty percent (40%) of the total lot area.
- vii No **building** shall exceed fifty (50) feet in **height** unless the depth of the **front** and total width of the side yard herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet.
- viii **Buildings** constructed or converted to **uses** permitted in this district shall provide off-street loading and unloading space as required in Section 8 of this Ordinance.

22.4 AREA AND BULK REGULATIONS

The following regulations limiting the development and arrangement of buildings and/or land **uses** are required for all permitted and conditional uses:

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

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

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

SECTION 23 O-S OPEN SPACE DISTRICT

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

1. To encourage the preservation and continued **use** of the land for conservation purposes
2. To prohibit residential, commercial, industrial, or any other **use** which would substantially interfere with the preservation of this district.
3. To encourage the discontinuance of **uses** not permitted in this district.
4. "Public elementary and secondary schools, colleges, universities and private schools having curricula approximately the same as ordinarily given in public schools."
(AMENDED THIS the 5th day of July, 2005)

23.1 PERMITTED USES

The following **uses** shall be permitted by right:

- (A) Buffers
- (B) Commons
- (C) Crop Fields
- (D) Golf Courses
- (E) Horse paths

- (F) Highways
- (G) Nature Preserves
- (H) Open Space Lands
- (I) Parking
- (J) Parks
- (K) Pastures
- (L) Public Buildings
- (M) Railroad Tracks
- (N) Roads
- (O) Streets
- (P) Trails
- (Q) Tree Farms
- (R) Water Sheds

23.2 DIMENSIONAL REQUIREMENTS

There shall be no minimum lot areas, widths, or yards required due to the exceptional physical characteristics of this district.

23.3 OFF-STREET PARKING REQUIREMENTS

Off-Street **parking space** shall be provided, as required in Section 8 of this Ordinance.

ARTICLE IV. CHANGES AND AMENDMENTS

The Board of County Commissioners may amend, supplement, or change the regulations of this Ordinance and Zoning District lines according to the following procedures:

SECTION 24. ACTION BY THE APPLICANT

The following actions shall be taken by the applicant:

24.1 INITIATION OF AMENDMENTS

Proposed changes or amendments may be initiated by the County Commissioners, Planning and Zoning Board, Board of Zoning Adjustments, or by one or more owners or lessees of property within the area proposed to be changed or affected.

24.2 APPLICATION

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied and the names and addresses of the owner or owners of the property. Such application shall be filed no later than two (2) weeks prior to the meeting at which the application is to be considered

24.3 FEE

A fee of **\$75.00** (seventy-five dollars) shall be paid to the Treasurer or Robeson County, North Carolina, for each application for an amendment **plus** the costs of advertising and other administrative expenses involved.

SECTION 25. ACTION BY THE PLANNING AND ZONING BOARD

The following actions shall be taken by the Planning and Zoning Board:
(AMENDED THIS the 15th day of February, 1993)

25.1 FORMATION OF THE PLANNING AND ZONING BOARD

1. The Planning and Zoning Board shall consist of at least eight (8) members, but no more than nine (9), and there shall be a representative from each of the eight Robeson County Commissioner electoral districts. The ninth (9th) member, should one serve, shall serve at the pleasure of the Boards but for a period of no longer than the term of any of the other eight (8) members. For purposes of this section, the representatives from District 6, 7, 3, and 4 shall serve from appointment until January 1, 1995, and the representatives from District 1,2,5, and 8 shall serve from appointment until January 1, 1997. All appointments thereafter shall be for a term of three (3) years.

2. For purposes of organization, the organizational meeting of the Planning and Zoning Board shall be on an annual basis shall be held at the third regular meeting in January of each year.

A. Planning Board Members may be removed by the Robeson County Board Commissioners at any time for failure to attend three (3) consecutive meetings or failure to attend thirty percent (30%) or more of the meetings within any twelve month period **or for any good cause related to performance of duties;**

B. If any member moves outside the County, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Board of Commissioners.

(AMENDED THIS the 7th day of February, 2006)

3. The Planning and Zoning Board shall consider and make recommendations to the County Commissioners concerning each proposed zoning amendment (subdivision matter). The Planning and Zoning Board may sit concurrently with the public hearing held by the County Commissioners.

4. This shall be in effect and force upon its passage and all ordinances and/or resolutions of the governing body of Robeson County and parts thereof in conflict with, are hereby repealed.

25.2 PLANNING AND ZONING BOARD CONSIDERATION

The Planning and Zoning Board shall consider and make recommendations to the County Commissioners concerning each proposed zoning amendment. The Planning and Zoning Board may sit concurrently with the public hearing held by the County Commissioners.

SECTION 26. ACTION BY THE BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Robeson County, North Carolina may from time to time, as they see fit, amend any provision of this Ordinance according to the following procedures:

26.1 NOTICE AND PUBLIC HEARING

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

published in Robeson County. Notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days before the date fixed for the hearing.

The following A & B (Amended April 3, 2006)

(A) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(B) The notice, consisting of white placard, 18 ½" x 24", with red letters is to be posted on the affected property ten (10) days prior to the public notice hearing to consider the zoning map amendment.

26.2 COUNTY COMMISSIONERS' ACTION

Before taking such lawful action as it may seem advisable, the County Commissioners shall consider the Planning and Zoning Board's recommendations on each proposed zoning amendment. If no recommendation is received from the Planning and Zoning Board within 30 days after public hearing by the County Commissioners, the proposed amendment shall be deemed to have been approved by the Planning and Zoning Board.

ARTICLE V. CONDITIONAL USES

SECTION 27. PURPOSE

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

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

SECTION 28. APPLICATION FOR CONDITIONAL USE

28.1 INITIATION OF CONDITIONAL USE

Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or an exclusive possessory interest which is specifically enforceable may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

28.2 APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Planning and Zoning Board and shall include a statement in writing by the applicant and adequate evidence that the proposed conditional use will conform to the standards set forth in Section 31.

such application shall be forwarded from the Zoning Administrator to the Planning and Zoning Board with a request for review of said application and accompanying data and submission of a written recommendation thereon to the County Commissioners.

SECTION 29. PUBLIC HEARING

29.1 HEARING ON APPLICATION

Upon receipt in proper form of the written recommendations referred to in Section 29.2, the County Commissioners shall hold at least one public hearing on the proposed conditional **use**.

29.2 AUTHORIZATION

For each application for a conditional **use**, the Planning and Zoning Board shall report to the County Commissioners its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Planning and Zoning Board's findings and recommendations concerning conditional use permits shall be submitted in writing to the Board of County Commissioners within 90 days of the date upon which such application is received by the County Commissioners, it shall be deemed to have been denied.

29.3

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

SECTION 30. STANDARDS

No conditional **use** permit shall be recommended by the Planning and Zoning Board unless such Board shall find:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- B. That the conditional use will no be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
- C. That the establishment or the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the **structures** already constructed or in the course of construction in the immediate neighborhood or with the character of the application district as to cause a substantial depreciation in the property values with the neighborhood;
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public **streets**;
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commissioners pursuant to the recommendations of the Planning and Zoning Board.

SECTION 31. CONDITIONS AND GUARANTEES

Prior to the granting of any conditional **use** permit, the Planning and Zoning Board may recommend and the County Commissioners may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 31. In all cases in which conditional use permits are granted, the County Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

ARTICLE VI. BOARD OF ZONING ADJUSTMENTS

SECTION 32. CREATING THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment is hereby created. The Board shall consist of at least five (5) members; each area zoned shall be represented on the Board. Not more than three (3) alternate members may be appointed to serve in the absence of regular members. All members and alternates shall be overlapping terms of three (3) years.

SECTION 33. PROCEDURES OF THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall adopt the necessary rules to conduct its affairs and establish regular meeting dates. All meetings of the Board of Adjustments shall be open to the public and a public record of all findings and decisions shall be maintained. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any decisions of the **Zoning Administrator** or his representatives or to decide in favor of the applicant on any matter, which it is required to consider under this Ordinance.

SECTION 34. FILING AND NOTICE FOR AN APPEAL

Appeals of the enforcement and interpretation of this Ordinance and requests for exceptions or variances shall be filed with the Zoning Administrator specifying the grounds thereof. The Zoning Administrator shall transmit to the Board of Zoning Adjustment all applications and records pertaining to such appeals, variances, or exceptions.

The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, published at least once a week for two successive weeks prior to the hearing in a newspaper published in Robeson County.

An appeal stops all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Zoning Adjustment that, by reason of facts stated in the record, a halt would, in his/her opinion, cause imminent peril to life and property, in which instance, proceedings shall be stopped except by an order from the Robeson County Superior Court.

SECTION 35. FEES FOR VARIANCES OR APPEALS

A fee of **\$150.00** (One hundred fifty dollars) shall be paid to the Treasurer of Robeson County, North Carolina, for each application for a variance, exception, or appeal plus any extra administrative costs and advertising.

SECTION 36. POWERS AND DUTIES

The Board of Zoning Adjustment shall have the following powers and duties:

36.1 ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the **Zoning Administrator** in the enforcement of this Ordinance.

36.2 VARIANCES

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall be granted by the Board of Zoning Adjustment unless and until it shall make the following findings:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance’
- C. That the special conditions and circumstances do not result from the actions of the applicant;
- D. That granting the variance requested will not confer on the applicant and special privilege that is denied by this Ordinance to other land, structures, or buildings in the same district.

SECTION 37. APPEAL FROM THE BOARD OF ZONING ADJUSTMENT

Appeal from the decisions of the Board of Zoning Adjustment shall be to the Robeson County Superior Court.